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Date: 3rd June 2015

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 10th June, 2015** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

	Pages
1 To receive apologies for absence.	
2 Declarations of interest. Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.	
To approve and sign the following minutes: -	
3 Planning Committee held on the 6th May 2015 (minute nos. 1-18).	1 - 8

A greener place Man gwyrdach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



4	To receive any requests for a site visit.	
5	Site Visit - Code No. P/99/0769 - Land at Penallta Colliery, Ystrad Mynach, Hengoed - Discharge of Condition 5 - In Respect of the Proposed Locally Equipped Area of Play (LEAP).	9 - 24
6	Site Visit - Code No. 14/0604/OUT - Car Park, Aiwa Technology Park, Newbridge Newport. NP11 6EY.	25 - 54
7	Site Visit - Code No. 15/0087/COU - Former Rowecord Engineering, Commercial Street, Newport Road, Pontymister, Risca.	55 - 68

To receive and consider the following reports: -

Planning Applications Under The Town And Country Planning Act - North Area: -

8	Preface Item - Consultation by Torfaen Council – Application reference 03/09336: Proposed reclamation of former opencast workings, recovery of secondary aggregates and construction of new access road affecting public rights of way at Tir Pentwys Hafodyrynys.	69 - 72
9	Code No. 13/0732/MIN - Nant Llesg Surface Mine.	73 - 166
10	Code No. 15/0097/FULL - Wind Turbine - Land at Cefn Bach Farm, Deri.	167 - 178
11	Code No. 15/0207/FULL - Garage - 2 Mount View, Plas Road, Fleur-de-Lis.	179 - 184
12	Code No. 15/0181/FULL - Extension - Mandalay, 10 Gellihaf Road, Fleur-de-lis.	185 - 192

Planning Applications Under The Town And Country Planning Act - South Area: -

13	Code No. 15/0158/FULL - Extension - Chez Nous, 26 Sunny Bank Terrace, Machen.	193 - 204
14	Code No. 14/0847/FULL - Land to the Rear of Brynmynach Avenue, Ystrad Mynach.	205 - 224
15	Code No. 14/0387/FULL - Craig Bach, Penrhiw Lane, Machen.	225 - 234
16	Code No. 14/0841/OUT - Land South of Glendale, Van Road, Caerphilly.	235 - 254

To receive and note the following information items: -

17	Applications determined by delegated powers.	255 - 266
18	Applications which are out of time/not dealt with within 8 weeks of date of registration.	267 - 274

19	Applications awaiting completion of a Section 106 Agreement.	275 - 278
20	Appeals outstanding and decided.	279 - 280

Circulation:

Councillors M.A. Adams, Mrs E.M. Aldworth, J. Bevan, D. Bolter, D.G. Carter (Chair), Mrs P. Cook, W. David (Vice Chair), J.E. Fussell, Ms J. Gale, L. Gardiner, R.W. Gough, A.G. Higgs, A. Lewis, K. Lloyd, Mrs G.D. Oliver, D. Rees, Mrs E. Stenner, Mrs J. Summers and J. Taylor

And Appropriate Officers

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH (CHAMBER) ON WEDNESDAY, 6TH MAY 2015 AT 5:00PM

PRESENT:

Councillor D.G. Carter - Chair
Councillor W. David - Vice-Chair

Councillors:

M. Adams, Mrs E. M. Aldworth, J. Bevan, D. Bolter, H.R. Davies, J.E. Fussell, Mrs J. Gale, L. Gardiner, N. George, R.W. Gough, A.G. Higgs, A. Lewis, Mrs G.D. Oliver, D. Rees, Mrs J. Summers and J. Taylor.

Together with:

P. Elliott (Head of Regeneration and Planning), T. Stephens (Development Control Manager), J. Rogers (Principal Solicitor), C. Powell (Senior Planner), M. Davies (Principal Planner), C. Boardman (Senior Planner), E. Rowley (Senior Planner), M. Noakes (Senior Engineer, Highway Planning), C. Davies (Senior Environmental Health Officer), E. Sullivan (Democratic Services Officer).

APOLOGIES

Apologies for absence had been received from Councillors Mrs E. Stenner and K. Lloyd.

1. DECLARATIONS OF INTEREST

A declaration of interest was received from Councillor L. Gardiner in relation to 14/0761/FULL details are minuted with the respective item.

2. MINUTES

RESOLVED that the minutes of the Planning Committee held on 8th April 2015 (minute nos. 1-9) be approved and signed as a correct record.

3. TO RECEIVE ANY REQUESTS FOR A SITE VISIT

Requests for a site visit were received and accepted by Members of the Planning Committee, as follows: -

1. 14/0604/OUT – Erect Residential Development, Car Park, Aiwa Technology Park, Newbridge, Newport.
2. 15/0087/COU – Change the Use to Industrial Coating/Painting of Steel with Associated Assembly and Storage (Use Class B2), Former Rowecord Engineering, Commercial Street, Newport Road, Pontymister, Risca, Newport, NP11 6EY.
3. PP/99/0768 – Land at Penallta Colliery, Ystrad Mynach, Hengoed, Mid Glamorgan.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - NORTH AREA

4. CODE NO. 14/0604/OUT – ERECT RESIDENTIAL DEVELOPMENT, CAR PARK, AIWA TECHNOLOGY PARK, NEWBRIDGE, NEWPORT

Having regard to the impact of the development on the local landscape it was moved and seconded that the application be deferred for a site visit and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit by the Planning Committee (all Members).

5. CODE NO. 14/0674/OUT – ERECT RESIDENTIAL DEVELOPMENT, GLJ RECYCLING LTD, NEWTOWN INDUSTRIAL ESTATE, CROSSKEYS, NEWPORT, NP11 7PZ

Following consideration of the application it was moved and seconded that the recommendations contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

Councillor D. Bolter wished it noted that as he had not been present for the whole of the debate he had not taken part in the vote.

RESOLVED that: -

- (i) the application be deferred to allow the applicant to enter into a Section 106 Agreement as set out in the Officer's report;
- (ii) on completion of the agreement and subject to the conditions contained in the Officer's report this application be granted;
- (iii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions attached to this consent: CW2, CW3 and CW4;
- (iv) the applicant be advised of the comments of Dwr Cymru/Welsh Water and Wales and West Utilities.

6. CODE NO. 14/0761/FULL – CRUGLWYN, OFF MANMOEL ROAD, MYNYDD MANMOEL BLACKWOOD

Councillor L. Gardiner declared an interest in that the applicant's grandfather is a personal friend and left the Chamber when the application was discussed.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands (and in noting that there were 4 against) this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and the following amended condition this application be granted;

Amended Condition (11)

Notwithstanding the submitted details there shall be no movements of Abnormal Indivisible Loads to or from the site until after a revised Traffic Management Plan (TMP) has been submitted to and agreed in writing by the Local Planning Authority. The TMP shall indicate full consultation and approval with neighbouring Authorities which the loads pass through and consultation and approval with Welsh Government. The TMP shall provide evidence that the Officer who co-ordinates the safe passage of abnormal vehicles and shall also include full details of the hauliers indemnity insurance for approval. Details of any high improvements required to the highway network with Caerphilly County Borough Council shall also be completed prior to the delivery of the loads. The development shall proceed in accordance with the TMP following approval in writing by the Local Planning Authority.

Reason

In the interest of highway safety.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2, CW3 and CW4.

7. CODE NO. 15/0073/NCC – MCDONALDS RESTAURANTS LTD, UNIT 2, NEWBRIDGE GATEWAY, BRIDGE STREET, NEWBRIDGE, NEWPORT, NP11 6GH

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands (and in noting that there were 1 against) this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission: CW2.

8. CODE NO. 15/0087/COU – FORMER ROWECORD ENGINEERING, COMMERCIAL STREET, NEWPORT ROAD, PONTYMISTER, RISCA, NEWPORT, NP11 6EY

Having regard to the impact of the proposed development on residential amenity it was moved and seconded that the application be deferred for a site visit and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit by the Planning Committee (all Members).

9. CODE NO. 15/0112/FULL – 13 GWESTY CLOSE, CROESPENMAEN, NEWPORT, NP11 3AD

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission: CW2;
- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water.

10. CODE NO. 15/0120/FULL – FORMER CEFN FFOREST FIRE STATION, PWLLGLAS ROAD, CEFN FFOREST, BLACKWOOD

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the application be deferred to allow the applicant to enter into a Section 106 Agreement as set out in the Officer's report;
- (ii) on completion of that Agreement and subject to the conditions contained in the Officers report this application be granted;
- (iii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3;
- (iv) the applicant be advised of the comments of Heddlu Gwent Police, Transportation Engineering Manager, Dwr Cymru/Welsh Water, Senior Engineering (Land Drainage), Wales and West Utilities and Natural Resources Wales.

11. CODE NO. 15/0126/FULL – LAND ADJOINING 19A CWM BRAENAR, PONTLLANFRAITH, BLACKWOOD, NP12 2DS

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands (and in nothing there was 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and the following additional condition this application be granted;

Condition (14)

Prior to the commencement of work on site, details of the means of protection of the trees within the site during the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason

To ensure adequate protection for the trees that are the subject of a Tree Preservation Order.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2012 are relevant to the conditions of this permission: CW2, CW3 and CW4;
- (iii) the applicant be advised of the comments of the Senior Engineer (Land Drainage) and Dwr Cymru/Welsh Water.

12. CODE NO. 15/0194/FULL – ERECT TWO-STOREY EXTENSION TO SIDE OF PROPERTY, 9 LLWYN COED, BLACKWOOD, NP12 1FT

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - SOUTH AREA

13. PREFACE ITEM CODE NO. P/99/0768 – LAND AT PENALLTA COLLIERY, YSTRAD MYNACH, HENGOED, MID GLAM

Having regard to the effect on residential amenity it was moved and seconded that the application be deferred for a site visit and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit by the Planning Committee (all Members).

14. CODE NO. 15/0020/FULL – PROVIDE HYDROTHERAPY POOL ENCLOSURE AND SHED IN REAR GARDEN, WESTWAYS, ST MARTIN'S CRESCENT, CAERPHILLY, CF83 1ER

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission.
- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water.

15. CODE NO. 15/0069/FULL – 73 CARDIFF ROAD, CAERPHILLY, CF83 1FP

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands (and in noting there was 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and the following additional conditions this application be granted;

Condition (07)

Prior to any development commencing on site, a waste management strategy shall be submitted for the written approval of the Local Planning Authority.

Reason

In the interest of residential amenity.

Condition (08)

Prior to any development commencing on site, a waste management strategy shall be submitted for the written approval of the local planning authority.

Reason

In the interests of residential amenity.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW4.

16. CODE NO. 15/0072/FULL – GOODRICH HOTEL, VAN ROAD, CAERPHILLY, CF83 1LD

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: SP15, CW2, CW3 and CW4.

17. CODE NO. 15/0109/FULL – 1 TREDOMEN TERRACE, TREDOMEN, HENGOED, CF82

7BW

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that subject to the conditions contained in the Officer's report this application be granted.

18. ITEMS FOR INFORMATION

The following items were received and noted: -

- (1) Applications determined by delegated powers;
- (2) Applications which are out of time/not dealt with within 8 weeks of date of registration;
- (3) Applications awaiting completion of a Section 106 Agreement;
- (4) Appeals outstanding and decided.

The meeting closed at 18.10 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 10th June 2015, they were signed by the Chairman.

CHAIRMAN

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PLANNING COMMITTEE – 10TH JUNE 2015

SUBJECT: SITE VISIT - CODE NO. P/99/0768 – LAND AT PENALLTA COLLIERY, YSTRAD MYNACH, HENGOED – DISCHARGE OF CONDITION 5 – IN RESPECT OF THE PROPOSED LOCALLY EQUIPPED AREA OF PLAY (LEAP)

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair
Councillor W.H. David - Vice Chair

Councillors A. Angel, M. James and A. Lewis

1. Apologies for absence were received from Councillors Mrs E.M. Aldworth, J. Bevan, L. Gardiner, D. Rees and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 6th May 2015 for a site visit. Members and Officers met on site on Wednesday, 20th May 2015.
3. Details of the application to discharge condition 5 attached to P/99/0768 in respect of the proposed locally equipped area of play (LEAP), Cwm Calon, Ystrad Mynach were noted.
4. Those present viewed the proposed site from Merlin Avenue and examined the plans, position and dimensions of the proposed equipment in order to fully appreciate the proposals.
5. Members were asked to note that the proposed park would incorporate 6 pieces of equipment, suitable for use by toddlers and would be the smallest of the play areas designated for the development as set out in its 'master plan'. The different levels of formal open spaces on the development were noted to include a Neighbourhood Equipped Area of Play (NEAP) and a Multi Use Games Area (MUGA) and with the inclusion of the proposed LEAP, would provide high quality facilities for children living within the development.
6. The Local Ward Member on behalf of residents expressed concern that although the playground had been clearly identified on the developments 'master plan', it had not been included on the subsequent 'phase plans'. He asked Members to note that the position of the houses that would now be directly affected by the LEAP had not formed part of that original 'master plan' and as such their location in relation to the play area had not been properly considered in this context. He also raised concern in relation to loss of privacy, primarily due to the height of the proposed climbing frame, which would allow living room, bedroom and bathroom windows of adjacent properties to be viewed by its users. Reference was also made to the privacy distances between the houses and the park which was as little as 10m from certain habitable rooms. The level of noise generated by a play area would also have a detrimental impact on residential amenity. Concerns were also expressed that the proposed

position of the park had the potential to attract older children to the area later in the evening and that this would give rise to incidents of anti-social behavior. The Local Ward Member requested that consideration be given to reducing the footprint of the proposed park removing the climbing frame element and that the park be clearly identified as age restricted.

Officers confirmed that the imprint of the play area had been reduced from that originally submitted and the equipment following consultation meetings with residents had also been descaled and reconfigured whilst maintaining the appropriate provision.

7. Members were asked to note that the proposed playground had not changed its position since the 'master plan' and that the principle of providing formal open spaces remains the same and are in line with Council policies for an active and healthy lifestyle. The network of play, leisure and recreational facilities on the development had been carefully planned to ensure adequate and sufficient provision to accommodate the number of houses built. In terms of privacy distances, Officers confirmed that in high density developments, buffer zones may have to be reduced in order to provide play facilities for children, which is in line with guidance. The existing landscaping design would be continued to ensure that the finish of the proposed play area would blend in with the rest of the development.
8. Officers confirmed that following consultation with 118 neighbouring properties, 16 letters of objection had been received. Details of the objections are within the Officer's report.
9. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
10. A copy of the report submitted to the Planning Committee on 6th May 2015 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	M. Davies	Principal Planner
	J. Rogers	Principal Solicitor
	M. Noakes	Senior Engineer (Highway Development Control)
	C. Davies	Senior Environmental Health Officer
	R. Lloyd	Special Projects Officer

Appendices:
Appendix 1 Report submitted to Planning Committee on 6th May 2015

PREFACE ITEM

APPLICATION NO. P/99/0768

APPLICANT(S) NAME: Whitchurch Holdings Ltd

PROPOSAL: Redevelop former colliery for housing, employment (B1, B2 & B8 USES), shop and pub including land reclamation and conversion of pit head buildings

LOCATION: Land At Penallta Colliery Ystrad Mynach Hengoed Mid Glam

DISCHARGE OF CONDITION 5 ATTACHED TO:

P/99/0768 Redevelop former colliery for housing, employment (B1, B2 & B8 uses), shop and pub including land reclamation and conversion of pithead buildings: Land at Penallta Colliery, Ystrad Mynach, Hengoed

IN RESPECT OF THE PROPOSED LOCALLY EQUIPPED AREA OF PLAY (LEAP) CWM CALON, YSTRAD MYNACH.

On 23rd August 2002 the planning permission decision notice was issued for the above development. When resolving to grant permission the Planning Committee also resolved that the discharge of conditions should be referred back to the committee for determination.

Condition 4 of the planning permission states:-

Prior to the commencement of any work, other than reclamation works, associated with the development of any proposed after uses and works associated with the conversion of existing buildings, A Design Brief shall be prepared for the whole application site and shall be submitted to and approved by the Local Planning Authority. The brief shall include provision for the following:-

1. The development shall be laid out to accommodate facilities for public transport, cycling and walking, together with access for motor vehicles including delivery and service vehicles. The development to be laid out to accommodate the principles of achieving low vehicular speeds as a 20mph zone. Details of the school shall have regard for Council policy regarding safe routes to school.

Cont....

Application No. P/99/0768 Continued

2. Of the phasing of the development should have regard to providing levels of access to accommodate all classes of highway users and particularly public transport as the development is occupied.
3. The area of land to the north west of north of Dyffryn Street and Penallta Villas shall be designed with housing between the existing housing and the proposed neighbourhood centre. A landscaping buffer shall also be provided between the existing housing and proposed new housing.
4. The design of the housing shall have regard to the guidance set out in the Council's design guide No.6 'Housing Layout'.
5. Open play space provision and outdoor sports provision in accordance with Policy L9 (as amended).
6. Defined barriers should be provided between the proposed housing and the proposed and existing industrial uses. The design, location and extent of the barriers shall be included in the submitted Brief.
7. The provision of a new primary school and associated playing fields to the Council's design specifications.
8. The structural landscaping of the whole site, incorporating as much of the existing trees, hedgerows and vegetation as possible.

In meeting the requirements of this condition Redrow Homes previously submitted a Masterplan and Design Brief, dated 23rd November 2004 for the whole application site, now known as Cwm Calon. Both the Masterplan and the Brief emerged following meetings with officers and two presentations to the Design Commission for Wales and have incorporated points raised during those exercises.

The Masterplan is the plan that sets out the strategy for the land uses, including play areas, and general layout for the whole development. This shows a LEAP - Local Equipped Area of Play - in the area of land in what is now generally opposite the northern end of Phoenix Way and the eastern end of Merlin Avenue and is subject of this application to discharge condition 5 attached to P/99/0768 relevant to this element of the development. This Masterplan was approved in December 2004.

The Brief, amongst other things provides for the appropriate level of formal open spaces, comprising a full size playing field to the north of the Power Hall, one Local Equipped Area for Play (LEAP), one Neighbourhood Equipped Area for Play (NEAP) and one Multi Use Games Area (MUGA). It is considered that the design concept is one that, if delivered, will result in a high quality development consistent with this Council's aspirations for the site.

Cont....

Application No. P/99/0768 Continued

Whilst the Masterplan shows the strategy for the development, the details of each phase of the development as they have progressed have been submitted for the approval of the Local Planning Authority in accordance with the conditions of the planning permission. The northern end of Phoenix Way is located on Phase 2F of the development and the detailed layout/plans for this phase were approved in June 2010 and May 2012. These plans did not include the play area (LEAP) on the land opposite. The eastern end of Merlin Avenue is located on Phase 3C of the development and the detailed layout/plans were approved in July 2012. These plans also did not include the play area (LEAP) on the land opposite. Consequently, it follows that details of the LEAP would need to be submitted for consideration and approval in writing by the Local Planning Authority. In this respect the LPA has carried out a consultation exercise in respect of 118 neighbouring residential properties and a posted site notice in respect of the recent details submitted. Sixteen residents have raised objection to the development over the period of the submissions.

For information, it is worth noting that no resident consultation would have taken place in respect of the Masterplan because the site was vacant at the time. Similarly no resident consultation was undertaken in respect of the layouts/plans for the phases because the sites were vacant at that time. However, since the layouts did not include the LEAP Redrow have been advised that a scheme for that land needs to be submitted for the Council's consideration. Since there are now occupied properties immediately adjoining the land that would be the subject of a submitted scheme for a LEAP, in accordance with the Council's standard procedures occupiers of those properties have been consulted on the submitted scheme following the submission of a formal proposal by Redrow (a requirement of the approved Masterplan), to be determined by the Local Planning Authority.

The location and dimensions of the proposed LEAP details submitted, is as indicated on the previously approved Masterplan. It is accepted that changes in terms of the site layout in relation to Phase 3C, result in houses being closer to the LEAP than originally indicated. In this respect and following the receipt of concerns regarding the proximity of the LEAP to neighbouring dwellings consideration has been given to the type of equipment to be erected. It is the details of the layout of the LEAP together with the proposed equipment, which is now subject of this application.

Cont....

Application No. P/99/0768 Continued

A LEAP measuring 18m x 25m is proposed with six pieces of equipment, each erected on a black surface with surrounding turfed areas. The pieces of equipment include:-

- Steel slide, the framework of which measures 4.7m x 2.96m and a maximum of 2.5metres high.
- A roundabout.
- Flat seat swing, the frame of which has a maximum height of 2.4m.
- Cradle seat swing, the frame of which has a maximum height of 1.8m.
- Lion springer.
- Elephant springer.
- Litter bin.
- 2 seats.
- 1.2m high bow top fencing (dark green) with two 1.2m high self-closing gates and one 3m wide combination access gate.

The details submitted have been considered in accordance with local plan policies and national planning guidance referred to below: -

Strategic Policy

SP1 – Development Strategy in the Northern Connections Corridor, SP5 – settlement Boundaries, SP6 – Place making, SP22 – Community, Leisure and Education Facilities.

Countywide Policies

CW2 – Amenity, CW10 – Leisure and Open Space provision, CW15 – General locational constraints

The following Welsh Government policies have also been considered.

TAN 12 - Design

TAN16 – Sport, Recreation and Open Space

Government's aim amongst other things is:-

“Young people's recreational needs are a priority, improving levels of physical activity and access to facilities in and outside schools. The Assembly Government recognises the critical importance of play for the development of children's physical, social, mental, emotional and creative skills. Its **'Play Policy'** (October 2002) together with the **'Play Policy Implementation Plan'** (February 2006), aims to help create an environment which fosters children's play and underpins a national strategy to provide for their play needs.

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The Assembly Government is committed to ensuring that all children have access to rich, stimulating environments in which to play freely. It recognises that play is integral to the health and well-being of children and young people, founded on the United Nations Convention on the Rights of the Child. It also recognises that providing opportunities for physical activity can help address wider health and well-being issues, particularly obesity, and that the closer a play area is to home, the more likely it is to be used by children.”

“Noise

4.4 Local planning authorities should assess the compatibility of noise generating recreational and sporting activities with other uses. The siting, location and intensity of use of such activities should be given special regard in order to minimise their impact on the amenity of local residents and on the surrounding area. Local planning authorities need to balance the positive contributions of leisure pursuits to the area and user enjoyment, against local environmental quality and possible nuisance to other people.”

Planning Policy Wales, 7th Edition July 2014 states as follows:-

“11.1.3 **Sport and recreation** contribute to our quality of life. The Welsh Government supports the development of sport and recreation, and the wide range of leisure pursuits, which encourage physical activity. These activities are important for the well-being of children and adults and for the social and economic life of Wales. ‘Climbing Higher’ sets out the Welsh Government’s long term strategy for an active, healthy and inclusive Wales where sport and physical activity are used to enhance the quality of life nationally and in local communities. The Welsh Government’s main planning objectives are to promote:

- a more sustainable pattern of development, creating and maintaining networks of facilities and open spaces in places well served by sustainable means of travel, in particular within urban areas;
- social inclusion, improved health and well-being by ensuring that everyone, including children and young people, the elderly and those with disabilities, has easy access to the natural environment and to good quality, well-designed facilities and open space; and
- the provision of innovative, user-friendly, accessible facilities to make our urban areas, particularly town centres, more attractive places, where people will choose to live, to work and to visit.”

Cont....

Application No. P/99/0768 Continued

“11.2.6 The development plan should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use and reduce the need to provide additional facilities. It should ensure that open spaces and built facilities are, where possible, sited, designed and maintained as integral parts of existing and new developments so as to encourage their use and minimise crime and vandalism.”

“11.3.3 Authorities need to consider the effects of sport and recreation on neighbouring uses in terms of noise, light emissions, traffic generation and, in the case of larger developments, ease of access and the safety of residents, users and the public (sections 13.13 to 13.15).”

The Council’s Leisure Services Officers have confirmed that Caerphilly has the second highest level of obesity in Wales. It follows that our policies on creating healthy active lifestyles ties in with our commitment to providing proximal, accessible and safe areas for play and recreation. Moreover, the new Welsh Government Duty on play sufficiency requires the authority to provide such infrastructure.

The main issue to be considered in the determination of this application is in terms of the compatibility of the use with neighbouring land uses and in terms of amenity.

Objections have been raised regarding the proximity and size of the LEAP (in terms of footprint) to residential properties, the equipment to be placed on it, compatibility of the proposed use within a residential area, and potential for attracting anti-social behaviour.

The compatibility of the use of this land as a LEAP has previously been considered and granted planning approval, in principle as stated above. The location of the LEAP fully accords with the strategy of the approved Masterplan.

In terms of the objections raised these have been addressed as follows: -

1. Concern that the proposed park will be beyond that of a “toddler” park.

The Local Planning Authority can confirm that the site is identified for a LEAP. Any reference to a ‘toddlers park’ has not been generated by the LPA but it is understood has arisen as a result of sales dialogue between residents and Redrow.

2. The size of the park is greater than that presented during the sales pitch by Redrow regarding the sale of property.

Cont....

Application No. P/99/0768 Continued

The LPA cannot comment on the sales advice given by Redrow but can only confirm the LEAP formed part of the design concept for the development of Cwm Calon and conforms to the dimensions illustrated on the Masterplan.

3. Concern that the development has moved away from the site layout indicated on the Masterplan resulting in the playground being closer to properties than shown on the original plans and resulting in privacy issues.

Phase 3C in respect of the residential development of the site was submitted and did not include the LEAP, and as such did not form part of that phase at that time. The site layout in respect of Phase 3C, was a detailed application and did not strictly adhere to the original Masterplan, resulting in certain houses along Phoenix Way being closer to the site of the proposed LEAP than originally indicated.

In terms of the LEAP layout the Council's Leisure Services and the Local Planning Authority have taken into consideration feedback from local residents and the scheme has been reconfigured whilst maintaining the appropriate provision.

4. Plans submitted have no bearing on what was sold to residents. The Managing Director in a letter dated 11th August 2014 stated that if a play area is provided in the Northern end of Phoenix Way 'it will be designed for small children, which was confirmed in another letter dated 22nd August 2014. The ladies in the Marketing suite confirmed a toddlers play area also.

The Local Planning Authority cannot comment on the sales advice given by Redrow but can only confirm the LEAP formed part of the design concept for the development of Cwm Calon. The provision of two play areas and MUGA were a prerequisite of planning approval. Condition 5, attached to the original consent requires the developer to provide these areas and meet the Welsh government play sufficiency duties.

5. There is already a playground on the site and a MUGA is also proposed.

The network of play, leisure and recreational facilities have been carefully planned to ensure adequate and sufficient provision and accommodates the number of houses, which would be built at Cwm Calon.

6. Playing field to be used by both local school and community contained within the Masterplan will be more than adequate.

Cont....

Application No. P/99/0768 Continued

The location of the LEAP complies with Welsh Government's Play Sufficiency Duty.

7. Parc Penallta is within easy walking distance.

Parc Penallta serves the need of a wider community, whereas the LEAP directly serves the residential estate and the facilities provided meets Welsh Government's Play Sufficiency Duty.

8. Existing playground is not maintained to a good level.

Leisure Services are satisfied that the existing playground is inspected regularly and maintained in accordance with national play safety requirements.

9. Phase 3C site layout excludes the park leading residents to believe the park was not going ahead.

This statement is correct; Phase 3C site does exclude the land subject of the LEAP but the LEAP is shown on the approved Masterplan. The Leisure Services Officer has confirmed that at a meeting held with local residents, residents were aware that the site was earmarked for a LEAP.

10. Highway safety considerations given close proximity to road.

Cwm Calon has a 20 mph speed restriction. All routes are designed around specified criteria that promote a 20 mph home zone concept incorporating natural traffic calming measures. In addition the playground will be secured by fencing and self-lockable gates. The site has low traffic flows and moreover the vision splays are very clear and effective.

11. An alternative would be a financial contribution to regenerate former playground at Duffryn Street.

The planning report presented to the Planning Committee on the 8th December 2004, reported 'The site of the former children's playground is not considered to be a good location as part of the play provision for the new development as a whole, and the location of the facilities as set out in the Masterplan are supported.'

12. Conflict with paragraph 4.4 of TAN 16 – noise a possible nuisance.

Cont....

Application No. P/99/0768 Continued

It is considered that noise from children playing at a LEAP is part and parcel of urban living and is considered no different from that experienced by e.g. children normally playing in the street. A NEAP already exists within the Cwm Calon development together with areas of open and public space adjacent to residential dwellings. Any nuisance caused resulting in anti-social behaviour would be a matter more appropriately dealt with by the Police. Council Community Safety Wardens also police such sites.

13. Will exacerbate incidents of anti-social behaviour and theft in the vicinity.

There is an assumption that this will be the case. However any incidents of anti-social behaviour would be a Police matter

14. The size of the park at 18m x 25m is too big.

The size of the LEAP has previously been approved and at 450 sq m meets the minimum activity zone of 400 sq m recommended by Fields in Trust formerly known as the National Playing Fields Association.

15. The height of the proposed Steel Slide is 2.5m high and adult swings at 2.4m high is too high and will result in loss of privacy.

The recommendations as set out by FIT suggest a buffer zone of 10m minimum depth normally separates the activity zone and the boundary of the nearest property containing a dwelling. A minimum of 20 metres should normally be provided between the activity zone and the habitable room facade of the nearest dwelling. Notwithstanding that the LEAP meets the 10m buffer zone criteria, it does not meet the 20m normally recommended between the activity zone and the habitable room façade of 18 Phoenix Way and 30 Merlin Avenue opposite the LEAP. However, FIT recommend that "For high density developments – particularly on brownfield sites- the buffer zone may have to be reduced in order to provide play facilities for the children." It is accepted the Cwm Calon site represents high-density development on a Brownfield site and the principle of the LEAP has previously been accepted and approved. Nevertheless, the concerns of residents have been taken into consideration and the equipment to be installed is aimed at younger children and as such is relatively low level. The frames of the one set of swings reaches 2.4 metres and the frame of the Steel slide reaches 2.5 metres but this is considered acceptable in planning terms.

16. The deck associated with the slide includes binoculars – another privacy issue.

Cont....

Application No. P/99/0768 Continued

The binoculars on the piece of equipment include Perspex and are not magnified and as such will not cause a loss of privacy issue.

17. Bright garish colours are not visually acceptable.

By the nature of play equipment colours tend to be bright to provide a stimulating and challenging play experience for children. Notwithstanding this the feasibility of using other colours may be explored.

18. A public bench directly facing residential property results in loss of privacy.

It is the recommendation of FIT that seating for accompanying adults and siblings should be provided. The LPA consider they are an integral element of the play facility. The bench in the southern part of the site overlooking the roundabout is orientated such that it does not directly overlook a property and the nearest dwelling is some 25 metres away. Consequently, it is not considered that the siting of either of the proposed benches will result in overlooking or loss of privacy significant enough to adversely affect the residential amenity of neighbouring occupiers.

19. No landscaping details provide.

The landscaping of the external areas of the site are subject to the requirements of condition 8, referred to planning approval reference P/99/0768 referred to above.

20. Inadequate parking at Merlin Avenue to accommodate play area.

A LEAP is an area of open space specifically designated and laid out with features including equipment for children who are going out to play close to where they live, usually within 5 minutes walking distance.

21. Loss of view.

There is no right to a view in planning terms.

22. Does not accept that location of playground surrounded by houses is self-policing from a planning point of view.

The site is well placed because it is surrounded by houses, which provide 'eyes on the street.'

Cont....

Application No. P/99/0768 Continued

23. Concern about future maintenance of park.

This matter will fall within the Council's maintenance programme in respect of such sites.

24. Proposed spin-me round roundabout and swings are not suitable for toddlers.

The site is a LEAP and the equipment incorporates the basic provision of equipment that provides for all ability usage.

25. Alterations have been made to the original masterplan in other aspects.

The writer has not identified specifically their concerns.

26 The Fields in Trust 'Planning and Design for Outdoor Sport and Play' (formerly the Six Acre Standard) states that LEAP areas have a buffer zone not less than 10 metres between the edge of the park and the boundary of the nearest dwelling and a minimum of 20 metres between the edge of the park and the habitable room façade of the dwelling. This is so as not to cause a significant detrimental impact on the privacy of local residents. Planning Policy Wales Section 11.1 and 11.2 supported by TAN 16 clearly recognises this guidance but houses are nearer than this particularly 18 Phoenix Way.

FIT emphasises that it does not call for slavish adherence to its own standards but would wish them to be considered, as one of a number of useful tools, in the process of determining local standards.

Accessibility Benchmark Standards are the distance thresholds used to set the catchment area for each type of space. Provision for children and young people should be located where they will be accessible on foot or by bicycle. In terms of a LEAP this is indicated to be 400m walking distance.

The definition of a LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live, usually within 5 minutes walking time. Play features including at least 6 pieces of equipment are an integral part of the LEAP. It should be positioned beside a well-used pedestrian route, with a recommended minimum activity zone of 400 sq m.

In this County Borough a number of sites by the nature of the urbanised setting do not fit within these recommended guidelines and issues like reasonability, sufficiency and practicality are pertinent at this site.

Cont....

Application No. P/99/0768 Continued

27. Devaluation of properties.

The devaluation of property is not a planning matter.

28. Concern that one access to the cycle path is proposed opposite residential property and next to the LEAP.

Details of the proposed amended cycle path links are subject of a separate report to be presented to the Planning Committee.

Finally, in terms of the equipment to be erected on the LEAP, the original scheme submitted has been revised following discussions between Leisure Services, residents and Redrow, which aim to address concerns raised. The sixth revision is now subject of this application. It is considered the proposed details submitted are in accordance with local plan policies and national planning guidance referred to above and as such are acceptable in planning terms.

RECOMMENDATION It is recommended that the details submitted in respect of the layout and equipment to be installed on the LEAP are approved.



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PLANNING COMMITTEE – 10TH JUNE 2015

SUBJECT: SITE VISIT - CODE NO. 14/0604/OUT – CAR PARK, AIWA TECHNOLOGY PARK, NEWBRIDGE, NEWPORT, NP11 6EY

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair
Councillor W.H. David - Vice Chair

Councillors A. Lewis

1. Apologies for absence were received from Councillors Ms L. Ackerman, Mrs E.M. Aldworth, Mrs K. Baker, J. Bevan, L. Gardiner, G. Johnston and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 6th May 2015 for a site visit. Members and Officers met on site on Wednesday, 20th May 2015.
3. Details of the application to erect a residential development, Car Park, Aiwa Technology Park, Newbridge, Newport were noted.
4. Those present viewed the site from the A467, walked the different walking/cycle routes, rights of way paths in and around the site in order to get a better understanding of its sustainability and examined the plans submitted with the application and the additional information provided by the Principal Planning Officer on site to fully appreciate the proposals.
5. Members were asked to note that this is a brownfield site currently used as a car park within a Technology Park industrial estate adjacent to the A467. The proposed development would share access with the B1 industrial estate and Officers confirmed that this use class was one which should be restricted by condition and should therefore sit comfortably with residential use.
6. The Senior Environmental Health Officer expressed concern with regard to 2 potential sources of noise nuisance and advised that although the applicant had provided a TAN 11 assessment he had not responded to the request made for BS4142 assessment without which Officers could not make a recommendation on the application. The Officer confirmed that the BS4142 assessment was a theoretical assessment that would extrapolate the current level of noise experienced in order to give an indicator of the potential noise levels generated should the industrial estate come back into full use. This would allow Officers to gauge the likely impact on houses nearest to the industrial units and mitigate according.

It was noted that there were existing residential properties bordering the site at similar distances to that of the proposed development. However the Senior Environmental Health Officer felt that the positioning of the proposed housing would make them more likely to experience noise nuisance at an unacceptable level should all 8 units become operational. Clarification was sought as to any previous noise complaints received and the Officer

confirmed that she would look at the complaint history of the site and report back to committee.

The Applicant confirmed that they would be willing to discuss further the provision of a 1412 assessment with Officers and Members requested that the outcome of those discussions and the assessment be reported back to Committee.

7. Members noted the land ownership issues and were advised that the access road to the development was not adopted - however this was a civil matter and it was not unusual to have access from a private road. The Principal Planner confirmed that the site did have an unrestricted right of way and given its former use as a car park for 250 vehicles, access would be more than adequate to support residential use. The location of the site with regard to its sustainability and links to walking/cycle paths was explained. The Rights of Way Officer provided an update on the different ownership issues that were currently inhibiting the completion of the cycle path. During the course of debate the Applicant at the request of Members, confirmed that several small pieces of land surrounding the site were also in his ownership, although he was unsure of their location, he agreed to provide further details to Officers in order to establish if they could be used to further the progress of the cycle path.
8. The Senior Engineer Highways expressed concerns regarding the poor pedestrian links from the site to the Town Centre with its associated services and facilities. The southern pedestrian route would involve residents having to walk alongside the busy A467 which forms part of the strategic highway network carrying in excess of 18000 vehicles per day, with traffic speeds of 60mph adjacent to the site. It is considered that the route would not be used by residents due to perceived risk which would result in increase car journeys. The Authority's 'School Travel Plan Coordinator' has assessed the routes as a medium risk due to the speed and high volume of traffic using the A467 and this would mean that the Council would have to provide public transport links from the site to the school. The second route to the north of the site leading to North Road, the Town Centre and Crumlin, if achieved would be excellent. However the present route is very overgrown in places and also required the use of an unlit subway in poor condition which would deter people from its use. Residents would therefore need to rely on cars for even the shortest of journeys, making the site unsustainable. The Senior Environmental Health Officer also expressed concern that this increased reliance on cars would have a detrimental impact on air quality. Having taken into consideration the present links and ongoing difficulties in securing the cycle/path right of way, the Senior Engineering Highway considered the application before Members to be premature and as such has raised an objection to it.
9. Members having noted the concerns raised and the additional information requested, recommended that the Planning Committee deferred the application to the next appropriate meeting that would allow Officers to consider the responses received and provide an update.
10. Officers confirmed that following advertisement to 31 neighbouring properties, advertisement in the press and a site notice being posted, 2 letters of objection had been received. Details of the objections are within the Officer's original report.
11. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
12. A copy of the report submitted to the Planning Committee on 6th May 2015 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	P. Den Brinker	Principal Planner
	J. Rogers	Principal Solicitor
	M. Noakes	Senior Engineer (Highway Development Control)
	C. Davies	Senior Environmental Health Officer
	J. Piper	Rights of Way Officer

Appendices:
Appendix 1 Report submitted to Planning Committee on 6th May 2015

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0604/OUT 08.09.2014	SRJ And JG Partnership C/o RPS Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect residential development Car Park Aiwa Technology Park Newbridge Newport

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is an existing car park within the "Technology Park" industrial estate east of Newbridge adjacent to the A467.

Site description: A flat level surfaced car park with tree screening around most of the boundary and traffic light controlled access onto the A467. The site is 1.2 hectares in size and currently provides 250 parking spaces. To the north is undeveloped land and to the south are industrial buildings that the car park has served in the past. To the west are the river Ebbw, the railway and Newbridge. To the east is the A469 with the Panside housing estate at a higher level beyond that.

Development:

This is an application made in outline with all matters reserved accept access.

An indicative layout has been submitted that shows 45 dwellings at the site. The access point is directly onto the shared access road from the industrial estate onto the A467 via a traffic light controlled junction. A possible variation of the position of the access onto existing access road has been submitted and is discussed in the analysis.

Dimensions:

The upper and lower limits for height, width and length of each building is as follows:

Maximum 9m width, 12m length, 3 storey height.
Minimum 6m width, 9m length, 2 storey height.

Materials: To be agreed at reserved matters stage.

Cont....

Application No. 14/0604/OUT Continued

Ancillary development, e.g. parking: This would be agreed at reserved matters stage.

PLANNING HISTORY

2/08563 - Engineering works for the purpose of land reclamation - clearance of disused buildings, reshaping and levelling of landform, possible river diversion and provision of new access from A.467 road - Granted 15/05/89.

2/08564 - Development of land as an industrial estate forming new access onto A.467 roads, sewers and other infrastructure works, also erection of factory units - Granted 15/05/89.

2/10217 - Land Reclamation to include, general site clearance, earth-works, river diversion, pit shaft capping, access construction and planting to create a 15 acre site for development - Granted 04/10/91.

2/11683 - 305,658 ft. Bespoke Electronics production factory under Planning Use Class B1 - Granted 28/06/94.

P/02/1255 - Vary/amend condition 19 of Planning Consent 2/11683 to permit use of warehouse for storage of non-electronic products - Granted 27/02/03.

07/0008/ADV - Erect illuminated freestanding company directional sign at entrance to site of Technology Park - Granted 17/04/07.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is identified for secondary employment - EM2.14 North Celyn Newbridge.

Policies:

SP5 (Settlement Boundaries), SP6 (Place Making), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations - Highways), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing), CW13 (Use Classes Restrictions Business and Industry) and EM2 (Employment Sites Protection).

Cont....

Application No. 14/0604/OUT Continued

NATIONAL POLICY

Planning Policy Wales (2014) encourages development in locations that increase accessibility by modes other than private car, within existing urban areas, and at higher densities (para. 4.7.4). It also states a preference for the use of brownfield land (para. 4.9.1).

TAN 1 Joint Housing Land Availability.

TAN 11 Noise.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - Yes. The comments of The Coal Authority are reported below.

CONSULTATION

Economic Development Officer - It is considered that the employment allocation should be retained and the proposed residential use refused.

The Coal Authority - The site is within a high risk area. The Authority concurs with the findings of the submitted Coal Mining Report. No objection is raised subject to the imposition of a condition requiring an intrusive site investigation and it is further recommended that such an investigation be utilized to inform the site layout with particular regard to two mine entry points (shafts) that consequently may become no build zones.

Natural Resources Wales - No objection subject to a buffer zone being maintained adjacent to the river and conditions to require site remediation.

Countryside And Landscape Services - The Council's Landscape Architect notes that the site is situated within the settlement boundary, though it is isolated from the town centre and the residential area.

Cont....

Application No. 14/0604/OUT Continued

The Design and Access Statement discusses a footpath link to the north over an existing footbridge over the river and through a railway underpass to the town centre and local bus stops. The Council's Footpath Officer has also pointed out that whilst it would be a useful link, the route is not recorded as a public right of way, it may not be in the ownership of the applicant and may need to be substantially upgraded.

The sketch layout retains the existing vegetation on the river, road and northern boundaries of the site. This will help retain the wooded feel of this part of the valley floor and A467 corridor, whilst buffering the riverside SINC and providing a noise and visual screen to the proposed development.

The illustrative layout lacks an area of public open space within the site. The reliance on the adjacent site for informal public open space is not acceptable; scrub woodland would be unsuitable for small children and the less able bodied. The illustrative layout is dominated by car parking spaces fronting the properties, particularly along the main access/spine road.

It would appear that this proposal has the potential to be the first phase of a larger development covering this and the area to the north. As such a design style and palette of materials should be put in place now that can be carried forward. Thereby allowing a considered development rather than a piecemeal approach.

Head Of Public Protection - It is noted that the dwellings that would be closest to the A467 may experience unacceptable noise and that the factory to the south also needs to be accounted for in terms of noise. The applicant was requested to provide further information. The Pollution Control Section advise that whilst the site has been demonstrated to be acceptable in terms of a TAN 11 noise assessment a BS4142 assessment has been requested but has not been provided. Accordingly refusal is recommended.

CCBC Housing Enabling Officer - 10% affordable housing is sought in line with policy CW11 of the LDP.

Senior Engineer (Land Drainage) - No objection subject to a condition to require the agreement of surface and land drainage. Drainage advice is provided.

Head Of Public Services - Advice is provided by the waste management section regarding refuse and recycling collection.

Cont....

Application No. 14/0604/OUT Continued

Outdoor Leisure Development Officer - It is pointed out that a site of the size proposed requires integrated open space to comply with policy CW10. Within that area a Local Area of Play (LEAP) should be provided.

Transportation Engineering Manager - An analysis has been requested regarding the amount parking that has been retained to serve the employment site. The applicant who does not have access to the site or details of the use/s within the building has not provided those details.

Police Architectural Liaison Officer - No objection and advice is provided regarding Secure by Design.

Network Rail - No objection is raised and general advice is provided.

Strategic & Development Plans - No objection. It is explained that whilst the site is allocated for employment the declining demand for employment land indicates that the County Borough has a rising surplus, whilst on the other hand there is a decreasing supply of housing land. In particular it is pointed out in the recent Employment Sites Supply and Market Appraisal the site was rated D/E (which is one up from the lowest category in a scale of 8 grades). The scale grades the site as a very poor quality area with widespread vacancy, where alternative uses should be promoted.

Parks And Open Spaces (Derek Price) - It is pointed out that the site does not currently have easy access to public open space or nearby play facilities. It is also noted that the submitted layout does not provide a well designed and useable area of open space with play facilities. It is therefore necessary that the reserved matters require this provision within the application site.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 31 neighbouring properties have been consulted.

Response: Two letters have been received.

Cont....

Summary of observations:

The first letter received is from the owners of the industrial land to the south. It raises the following concerns and in subsequent communications additional concerns have been added:

- It is explained that the access road is owned by the industrial owners to the south and its "main and only intended purpose is for industrial use." In subsequent correspondence the owners have described the applicant's right of way over the land as being only "transient" and explained that the applicant does not have an appropriate mechanism for contributing towards the upkeep of the access road.
- The industrial owner is concerned that pedestrians and traffic from the proposed site would come into conflict with heavy goods vehicles.
- It is suggested that pedestrians and the public could "create issues for the security of the Technology Park" leading to loss of employment.
- The development site is on land identified for employment.
- Although the car park is not currently in use it could be rented to future industrial occupiers as demand for parking rises.
- The site should be accessed directly from the A467.
- Questions are raised regarding the accuracy of the supporting information that details the attempts to find a suitable commercial occupier or purchaser for the application site. One of the questions points out that the industrial owner's company has not been approached to purchase the land.
- A quote from this Council in 2009 is cited. The quote states that housing needs will be met through land allocations and windfall sites coming forward.
- There are a number of references to parts of the submitted Design and Access Statement and Transport Statement questioning the suitability of the private road to fulfil the requirements of the proposed development. The veracity of the statements is challenged and the Company request that it be provided with various written "assessments or objective evidence." The Company has also requested that it be provided with the Highway analysis regarding car parking at its site.
- The industrial owner questions the statement that its company has "has not chosen to renew its existing lease" for the application site and goes on to explain that it considers the suggestion that the applicant has sought to find an alternative use for the site based on the cessation of the lease as a "falsehood."

Cont....

Application No. 14/0604/OUT Continued

- It is suggested that if the development is approved the industrial owners will be obliged to erect "chain link or steel fencing with razor barbed wire at a minimum height of 8ft accompanied by surveillance cameras."
- There are a number of requests that the Council provide the industrial owner with evidence to support the submissions of the applicant so that the Company may use the information "to further substantiate our communication with the appointed Planning Inspectorate."

The second letter received is from a department of the Welsh Government (Digital Wales Department for Economy, Science and Transport). That Government Department has been contacted by the author of the first letter. Whilst the department is not suggesting any support or objection to the proposed development the writer requests that the concerns raised by the writer of the first letter be considered with particular regard to the "potential long term impact upon employment uses in this area."

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?

It is not considered that the proposed development will have a material effect on crime and disorder.

Is this development Community Infrastructure Levy liable? The application is made in outline and CIL would be calculated at reserved matters.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No.

ANALYSIS

Policies:

The application in question concerns the re-development of a currently unused employment car park. The proposed use is residential. Although the proposal is an outline application an indicative layout has been submitted for a scheme of 45 units.

Cont....

Application No. 14/0604/OUT Continued

The application site is identified for secondary employment (EM2.14 North Celynen Newbridge). Policy EM2 (Employment Sites Protection) explains that this protection policy is intended operate in tandem with Policy CW13 that explains in more detail how the different categories of employment (Business Park, Primary and Secondary Sites) will accommodate different employment or ancillary uses.

This application is for residential use and therefore contrary to both policies. The applicant has explained that the site was leased as a car park to the industrial unit to the south but the lease has been terminated. It is further explained that it has been marketed for employment uses consistent with the development plan for 4 years but there has been no interest. It is pointed out that Planning Policy Wales and TAN1 Joint Housing Land Availability Studies advise local authorities that development plans should identify a 5 year supply of housing land and that within this borough the 2013 Joint Housing Land Availability Study has revealed that supply is down to 2.9 years. In addition it is explained that the 2013 Annual Monitoring Report has indicated that the take up of employment land is low with only 3.7 of 101 hectares being developed. It is therefore considered that in view of the low uptake of employment land and lack of housing land supply, the proposal would comply with policy SP5 in terms of making "full and effective use of urban land and thus concentrate development within settlements."

The need to retain this site as employment land therefore needs to be balanced against the need to release it for housing, in an effort to boost the County Borough's housing land supply. The Employment Sites Supply and Market Appraisal undertaken this year to underpin the evidence base regarding employment matters for the LDP review, assessed each existing employment site in terms of its suitability for employment use. EM2.14, of which this site forms part, was given a score of "D/E" with the recommendation that the part of the site north of the car park be considered for release for alternative uses. However, it also made the comment that the car park itself is poorly used. Indeed, it would appear to be the case that the firm located immediately to the south does not make use of the car park since it is fenced off. There is no evidence to suggest that company intends to make use of the car park, for this purpose or for the purposes of expanding its operation, and therefore it is considered that this site could be put to better use as housing land than being retained for employment purposes.

With regard to the employment allocation, it is considered that in principle, this proposal is acceptable, as the need to retain this particular employment site is overridden by the lack of a five-year housing land supply.

Cont....

Application No. 14/0604/OUT Continued

The employment site to the south of the development is in B1 use and is separated from the car park by the access road into the estate. The provisions of Policy CW2 (Amenity) need to be borne in mind with respect to any potential impact upon residential amenity, particularly in terms of aspects such as noise, as well as the ability of the existing industrial use to continue operating as it does currently. The issue of noise is considered in more detail below in the section regarding the considerations of the Head of Public Protection.

The proposal will need to have regard for the provisions of Policies CW1 (Sustainable Transport, Accessibility and Social Inclusion) and CW3 (Design Considerations - Highways). Although the Design and Access Statement has commented on this issue, the site is separated from the centre of Newbridge, as well as any associated services and facilities, by the River Ebbw and it is therefore necessary to ensure that those measures proposed to maximise non-car modes of accessibility are adequate.

The application site is within the settlement boundary in accordance with Policy SP5 (Settlement Boundaries). Notwithstanding its location within the settlement it lies to the east of the river Ebbw and the railway such that it is somewhat isolated from the residential and shopping areas of Newbridge. Policy SP6 (Place Making) explains that development proposals should contribute to creating sustainable places, therefore housing sites that rely on car trips would not comply with that policy. Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) amongst other things encourages walking trips. Policy CW3 also "promotes the interest of pedestrians, cyclists and public transport before that of the private car." The supporting information suggests that there is a pedestrian link to the town from the top/north of the site along the river over a footbridge over the river and through an underpass under the railway. That link would be approximately 250 metres long, but the point where it arrives in north Road whilst it is near bus stops, it is still a considerable distance from local facilities such as shops and schools. Crumlin shops are circa 600 metres north and Newbridge shops are 900 metres south.

It is possible to walk to Newbridge by footpath along the side of the A467; this route is approximately 900 metres long to Newbridge Comprehensive School and a little over one kilometre to the start of the retail area and railway station. The Transport Statement supporting the application explains that whilst a maximum recommended walking distance to a town (800 metres) is exceeded the route is relatively flat and other distances such as the maximum distances to a school (2000 metres) is easily met. The distance to the Newbridge facilities cannot be described as short but they are not unacceptable, for example the walking distance to the town is very similar to that from other parts of Newbridge.

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Application No. 14/0604/OUT Continued

The additional link offered to the north whilst not offering a shorter distance to the town it does provide a route to other facilities such as a park. In addition it links with a proposed cycleway link (TR1.10) that runs along the eastern bank of the river Ebbw (currently the route is a well walked informal track along the side of the river and it is a claimed right of way). The proposed link will run through a Site of Interest for Nature Conservation (SINC) but there are already informal paths running through that site that link up with the eastern side of the river.

The footpath offered for part of its length will therefore connect with existing informal links and a cycleway identified in the Local Plan both of which have not yet been formally approved or laid out. However, it is considered that it is reasonable that the part of link that is offered in this application be required to enhance pedestrian movements with the paths that are already well walked and to contribute to future connectivity in accordance with policy. It is to be noted that the footbridge was built as part of the 1991 Welsh Development Agency's land reclamation scheme. That scheme included footpath links over the river that do not appear to have been properly completed. The proposed application would make a significant step towards restoring that incomplete part of the scheme by providing a formalized path.

The site is brownfield having been previously used as a car park. Planning Policy Wales paragraph 4.9.1 explains that such sites should "wherever possible be used in preference to greenfield site" (subject to other planning considerations).

CW1 (Sustainable Transport, Accessibility and Social Inclusion) - This policy amongst other things also encourages walking trips. As previously explained the application site has direct pedestrian access onto the A467 and facilities at Newbridge are approximately a 20 minute walk away. Precise times include (from the traffic lights) 12 min to Newbridge School, 15 min to the railway station and 17 min to the town. From the lights walking north along the tracks to the bus stop on North Road takes only 7 min. As previously discussed the applicant has included a footpath link to the north of the site that would further shorten the time for the northern walk. Whilst the site has been described in other parts of this report as isolated the walking distances quoted show that this is not necessarily the case.

CW2 (Amenity)- The application site is adjacent to a busy road and there is the existing industrial estate to the south. The impact of noise upon the amenity of the future residents is therefore a material planning consideration. This is considered in more detail below where the comments of the Head of Public Protection are discussed.

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CW3 (Design Considerations Highways) - The existing access was designed and previously approved by the then County Engineer. It served 250 car parking spaces at the application site and should be more than adequate to serve the much lower number of residential movements. It is noted that a short length of footpath (45 metres) is missing at the southern boundary of the site. It was not needed when the car park served only the employment site. As a residential site that length of footpath would be needed to enable pedestrian access from the A467 and should be required by condition.

CW10 (Leisure and Open Space Provision) - This policy requires the provision of well designed useable open space with appropriate children's play facilities on all new sites capable of accommodating 10 or more dwellings. The Council's Landscape Architect notes that the Design and Access Statement suggests that land to the north of the site may be used as public open space; however, it is not within the application site nor is it approved for such use. The Outdoor Leisure Development Officer has also explained that policy CW10 requires the leisure provision to be within the site and has emphasised the need to require it by condition to ensure it is provided at reserved matters.

CW11 (Affordable Housing)- The applicant has offered 10% affordable housing in line with policy.

NATIONAL POLICY

Planning Policy Wales (2014) at paragraph 4.7.4 explains that Local Development Plan Policies should reflect the need to reduce trips by car. This is reflected in the requirements of LDP policies CW1 and CW3 above. At paragraph 4.9.1 it explains that brownfield land "should wherever possible be used in preference to greenfield sites." The application site is previously used land that complies with this requirement.

TAN 1 Joint Housing Land Availability - This guidance note sets out the framework for local authorities to examine their five year supply of housing land. That process is already underway, and as explained a shortfall in the supply of housing land has been identified by that Department.

TAN 11 Noise - The guidance note explains that planning decisions for noise sensitive development should not normally be approved where there are unacceptably high levels of noise that cannot be adequately mitigated. The TAN separates noise exposure into 4 categories (A, B, C & D). Category D sites are not considered suitable for noise sensitive development (residential) and category A sites are considered acceptable.

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Application No. 13/0604/OUT Continued

The part of the application site adjacent to the A467 is a category C, therefore a condition may be imposed to ensure that the reserved matters take into account such areas. TAN 11 also points out the need to consider other noise (British Standard) assessments with regard to sources such as the adjacent industrial use. The implications of this are explained in more detail in the Head of Public Protection consultee section below.

Comments from Consultees:

Strategic & Development Plans - This section is responsible for ensuring the Adopted Local Development Plan (LDP) meets projected targets in terms of land supply. The observations above provide that section's detailed policy and land supply analysis. As previously explained it is concluded that the site could be put to better use as housing land rather than being retained for employment purposes.

Economic Development Officer - It is explained that the site forms part of the Newbridge Town Centre Action Plan adopted in 2006. It is suggested that there is a shortage of "good quality employment sites suitable for electronics and technology" with the preponderance of the available sites being at Ty Du and Oakdale. It is stated that the site is identified as part of a "Technology Park" which has good connections to the A467. It is therefore considered that the retention of the site for employment is consistent with the LDP in keeping the "balance of housing sites and employment sites." It is also suggested that "the economic future is uncertain" therefore the retention of the employment allocation would ensure a future supply of land should circumstances change. In considering the observations of the Economic Development Officer it is important to note that the recommendations of the Council's Strategic & Development Plans Department do not support the employment retention because there have been significant changes since the adoption of the Local Development Plan in 2010 that must be taken account of. The cited 2006 Newbridge Town Centre Action Plan is Supplementary Planning Guidance that is now out of date and tied to the former Unitary Development Plan that has been replaced by the Adopted Local Plan. The Adopted Local Plan is itself in the process of revision and it is now evident that currently there is not a "balance of housing sites and employment sites." Whilst the site has been described as being part of a "Technology Park" and the Economic Development Officer as such argues its protection, it is to be pointed out that although the existing employment site to the south is identified as a primary site (EM2.11), the application site itself is identified in the Adopted Local Plan as secondary site (EM2.14). The application site is not therefore a business park (i.e. an EM1 site) nor a primary site that should be protected for "modern manufacturing/new technology employment" as has been suggested.

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TAN 23 (Economic Development) identifies the following, points which justify the release of this site for housing. It explains, "Existing employment sites should only be released for other uses if one or more of the following apply:-

- They have poor prospects of being re-occupied for their previous use;
- The particular market that the site is part of is oversupplied;
- The existing employment use has unacceptable adverse impacts upon amenity or the environment;
- The proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;
- Other priorities, such as housing need, override more narrowly focused economic considerations; and/or
- Land of equal or better quality is made available elsewhere, even if this is not within the Local Planning Authority boundary."

In terms of the first of the above points, there is no obvious demand for the EM2.14 employment use, or for any alternative non-class B uses that are permitted on secondary sites by Policy CW13. The prospect of the site being occupied in a way, which complies with local policy as it currently stands, is therefore poor. In relation to the fourth point, there is no physical relationship between EM2.14 and the existing employment site (EM2.11), in terms of operational capability. The two sites are divorced from each other by the access road and the car park is unused. Regarding the fifth point concerning other priorities, the lack of a five-year housing land supply is a material consideration and therefore a considerable degree of weight must be attached to it. That is not to say that it overrides the site's status as employment land as a matter of course, but it must be considered within the context of the attractiveness of the site for employment purposes, the lack of demand for it for that use and the availability of other, more suitable sites elsewhere in the County Borough, both in nearby settlements in the Northern Connections Corridor and to the south in the Lower Islwyn part of the Southern Connections Corridor. In these terms, it is considered that a proposal for housing on this site cannot be objected to on policy grounds.

This leads on to the point raised by the Economic Development Officer, the perceived shortage of "good quality employment sites" elsewhere. Bearing in mind that this site was one of the two worst scoring EM2 sites in the recently undertaken Sites Supply and Market Appraisal, it must be concluded that better quality, currently operating employment sites exist, in addition to the portfolio of allocated land of which there is a surplus. Additionally, it would not be appropriate to formulate a counter argument based on the perceived lack of proximity of some of these sites to North Celynen, as this point has an explicit regional perspective.

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Application No. 14/0604/OUT Continued

Four of the six points outlined in TAN 23 apply in this instance. Therefore, an in-principle objection to this proposal would not only overplay the importance of a poorly performing employment site in the context of the housing land supply and would be contrary to the approach taken by national policy.

The Economic Development Officer has drawn attention to some of the benefits as an employment site such as its close proximity to the railway station; these attributes do though also lend themselves to supporting the proposed residential use. It has been suggestion that as a cautious approach the employment allocation should be retained because the future is uncertain and "this uncertainty increases the further ahead we look". This approach does not properly address the need to take account of the more certain present situation, which is that there is not currently a shortage of employment land but there is a shortage of housing land. There is therefore a pressing need to consider the redevelopment of brownfield sites within the settlement.

The Coal Authority points out that the site is within a high-risk area. No objection is raised subject to the imposition of a condition requiring an intrusive site investigation and it is further recommended that such an investigation be utilized to inform the site layout with particular regard to two mine entry points (shafts) that consequently may become no build zones. A ground investigation condition should therefore be imposed to require this information at reserved matters.

Natural Resources Wales raises no objection subject to a buffer zone being maintained adjacent to the river and conditions to require site remediation.

The comments of the Council's Countryside and Landscape Services can be accommodated by condition and by securing appropriate facilities at the design stage.

The Council's Head of Public Protection has advised that the dwellings that would be closest to the A467 may experience unacceptable noise and that the factory to the south also needs to be accounted for in terms of noise. The applicant was requested to provide further information. Additional information has been provided. Public Protection explains that both a TAN11 and BS4142 noise assessment have been requested. A TAN11 road traffic noise assessment has been submitted and demonstrates that most of the site is suitable for residential housing, with appropriate mitigation. A BS4142 assessment has not been received. Whilst the TAN11 report assessed the site as a 'mixed source' site, this type of assessment does not take into account 'sudden impulses, irregular noise or noise which contains a distinguishable continuous tone...' It is these sudden impulses and irregular types of industrial/commercial noise that are of concern.

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Application No. 14/0604/OUT Continued

The northern side of the existing industrial building contains 8 loading bays with a large roller shutter door that face the proposed development. The 8 loading bays lead into a warehousing/storage space with associated offices with 24 hour use. If this warehouse/storage area were to come back into operation, it is considered that the residents are highly likely to be exposed to unacceptable levels of noise during both day and night from vehicle movements, reversing alarms and the loading/unloading activities for example. The applicant has pointed out that the doors are some distance from the proposed dwellings (over circa 120 metres). The applicant does not accept the need for a BS4142 assessment given that the industrial site is unlikely to be more noisy than the A467 and points out that mitigation measures such as acoustic glazing and mechanical ventilation can be imposed by condition.

Planning Officers are mindful that the requirement for a BS4142 assessment is a legitimate consideration under the provisions of TAN 11. There are however mitigating considerations. The first is that the original planning consent (ref 2/11683) was for a B1 electronic production use only (a temporary one year warehouse use was approved but that has now expired). B1 uses are defined as "being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes smoke, soot ash, dust or grit" Town and Country Planning (Use Classes) Order 1987. It is also to be noted that the vehicle movements that are of concern to Public Protection already have planning approval in a not dissimilar distance from residential properties, i.e. circa 130 metres from dwellings on North Road. Condition 20 of the planning permission for the premises also excludes any external storage other than in properly screened areas, which should further reduce the likelihood of external activity disturbance. The applicant has pointed out that strict adherence to BS4142 and worst case scenario analysis must be balanced against the sustainable need to provide housing within the settlement where typically employment sites are also likely to be present. The applicant also points to examples of general industrial estates within the County Borough where many residential properties are under half the distance closer to industrial units. Whilst there are loading doors facing the application site the B1 use with no external storage and the separation distance must be taken into consideration. It is considered that at reserved matters a more bespoke layout and mitigation measures can be taken into consideration.

Public Protection have also raised a concern that an air quality assessment should be provided because the development may lead to increased traffic movement through the Hafodyrynys Air Quality Management Area (AQMA). The applicant has explained that the proposal at circa 45 dwellings would likely generate 25 and 27 two-way movements in the AM and PM peak hours respectively.

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Application No. 14/0604/OUT Continued

Assuming a two way split with most of the traffic (70:30) from the site heading to the south (towards schools, local shops, Cardiff, the M4, etc) this would reduce to only 8 two way movements through the AQMA. Traffic figures held by this Authority suggest that the peak hour rates are 2007 am and 1709 pm. Using these basic figures the percentage increase is circa 0.4% am and 0.46% pm, i.e. less than half a percent in either case. Whilst it may be possible argue the trip rates up or even down this is still a very low level of change and the applicant argues that it is not statistically significant. The applicant has also invited the Local Planning Authority to limit the number of dwellings if it considers there is need. The Head of Public Protection indicates that only a thorough Air Quality Analysis can confirm the level of impact and if necessary the number of dwellings to be restricted. From the Planning Perspective a requirement for additional information must be proportionate and there must be a reasonable expectation of an impact of significance, but the level of significance in this case is considered too low.

The Head of Public Protection has suggested 11 conditions should planning approval be recommended. The conditions include a number that seek to mitigate the potential noise impacts upon residents. The recommended conditions relate specifically to the illustrative layout that has been submitted. That layout is only illustrative as this is an outline application and could be revised at reserved matters. It is also to be noted that Outdoor Leisure Development Officer and the Landscape Architect have both indicated that the illustrative layout must be amended for various reasons. The conditions that have been attached to the recommendation in this report have been amended to enable a more bespoke layout and measures to be presented at reserved matters.

The Housing Enabling Officer considers that 10% affordable housing is sought in line with policy CW11. The applicant has offered a draft legal agreement. The application may be deferred to enable the completion of the necessary legal agreement.

Senior Engineer (Land Drainage) has raised no objection subject to a condition to require the agreement of surface and land drainage. Drainage advice is provided and should be handed on to the applicant.

Head Of Public Services has provided advice regarding refuse and recycling collection. A condition should be imposed to ensure provision kerbside collection.

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Application No. 14/0604/OUT Continued

Transportation Engineering Manager has requested further details regarding the parking that has been retained to serve the employment site. The applicant who does not have access to the site or details of the use/s within the building has not provided those details. The Planning Officer's report concerning the planning application for building (reference 2/11683) indicated that the car park on the western side of the river was to have 361 spaces. As previously stated, the permission referred to a B1 industrial use, and the aforementioned report indicated that the floorspace of the building was to be 28,400 square metres. On the basis of the adopted parking guidelines the premises would require the provision of 203 spaces for the approved use. Additionally it has to be noted that the employment site owners sold off the application car park and has now operated without it for some years. The employment owners have suggested that it could be of use in the future as additional parking space but this contrasts with the current situation which does suggest that it is surplus to requirement.

Police Architectural Liaison Officer has no objection and advice is provided regarding Secure by Design.

Network Rail has no objection and general advice is provided. This advice should be handed on to the applicant.

Comments from public:

A series of objections have been received from one objector, the industrial owner to the south:-

A question has been raised regarding the status access road to the site from the traffic lights. It has been established that the industrial owners to the south are possibly the owners of the access road. The owners have explained that its "main and only intended purpose is for industrial use." Questions of the legality of the applicant's rights of access and the maintenance of the route have also been raised. From the planning perspective a revised plan of the application site has now been received and it resolves the technical issue that the original site did not take account of the fact that parts of the access road are not part of the adopted highway. The result is that the application site now gains access to the adopted highway over a short length of private road. This is not an uncommon planning situation. If the road owner has a lawful control over the use of that part of the access this will be a private matter between the parties involved.

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Application No. 14/0604/OUT Continued

The industrial owner is concerned that pedestrians and traffic from the proposed site would come into conflict with heavy goods vehicles. This concern regarding vehicle movements has to be balanced against the fact that the existing car park is designed to accommodate 250 vehicles. Given that the illustrative layout shows a layout of 45 dwellings it is clear that the proposal suggests a significant decrease in vehicular movements is likely. With regard to pedestrian movements the site is currently designed to direct the car park occupants (250 vehicles) into the industrial site, this would need to be varied to enable better pedestrian connections as discussed in other sections of this report.

It is suggested that pedestrians and the public could "create issues for the security of the Technology Park" leading to loss of employment. This suggestion implies that the residents of dwellings pose an unacceptable risk to an employment site's security. It is to be noted throughout the County Borough there are dwellings in similar relationships with employment sites. Given the separation from the employment site (it is on the opposite side of the access road) and in the absence of any evidential basis that there is a significant problem, this concern is not considered sustainable. It should be noted that the applicant has apparently engaged with the adjoining landowner and was given to understand that relocating the proposal site entrance closer to the traffic lights would have allayed the security concern. The offer of relocating the entrance has been made but apparently no acceptance has been received. In the view of officers this solution is unnecessary from a planning point of view as the existing approved entrance is acceptable and does not require relocation. In addition the security concern does not address the possible future continued industrial use of the land, for example if there had been any employment interest as a result of the marketing the owners could have proposed a number of starter employment units. Such units would bring also with them visitors of a greater variety that could pose a security use exceeding that alleged.

The development site is on land identified for employment. This observation is correct and is addressed in the policy section of this analysis.

Although the car park is not currently in use it could be rented to future industrial occupiers as demand for parking rises. On the basis of the adopted car parking guidelines the retained parking provision within the industrial unit/s is broadly acceptable. It must also be borne in mind that the site has been sold off by the objector (or the predecessor) and has been unused for a number of years. It has been marketed for almost 4 years without any interest. The site is now by the passage of time and ownership considered to be in a separate planning unit. It would not be reasonable to require it to be retained for the parking benefit of a unit that is currently not using it, has not done so for approximately 2 years and has relinquished control of it to a new owner.

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Application No. 14/0604/OUT Continued

The site should be accessed directly from the A467. The Transportation Engineering Manager has not considered this proposal, as the applicant has not offered it in any case but it would be contrary to the Council's restriction on allowing new accesses onto the strategic highway network.

Questions are raised regarding the accuracy of the supporting information, which details the attempts to find a suitable commercial occupier or purchaser for the application site. One of the questions points out that the industrial owner's Company has not been approached to purchase the land. The applicant has pointed out that the Company in question was not approached because it was they that sold off the land and withdrew from leasing it. It is understood that the Company have now been offered the purchase of the land but this is a private matter. Whilst doubt has been cast on the accuracy of the information submitted it is to be noted that it is from a reputable company there is no reason to doubt its veracity, and the unoccupied condition of the site is testimony in itself. The fact that one company was not offered the land may be something of a distraction as the body of evidence provided by the applicant's commercial agent is broadly backed up by the Local Planning Authority's position that reflects the same falling employment need.

The quote from the Local Planning Authority in 2009 states that housing needs will be met through land allocations and windfall sites coming forward. The Local Development Plan position is now significantly different to 2009 as has been explained above.

There are a number of references to parts of the submitted Design and Access Statement and Transport Statement questioning the suitability of the private road to fulfil the requirements of the proposed development. The veracity of the statements is challenged and the Company request that it be provided with various written "assessments or objective evidence." The industrial owner has also requested that it be provided with the Highway analysis regarding car parking at its site. As explained above the redevelopment of the application site will not significantly affect the use of the existing access road. There is adequate parking provision within the industrial site based on the footprint of the building and the existing parking provision.

The industrial owner questions the statement that its company has "has not chosen to renew its existing lease" for the application site and goes on to explain that it considers the suggestion that the applicant has sought to find an alternative use for the site based on the cessation of the lease as a "falsehood." These points whether correct or not do not affect the very clear current position, namely that the application site is vacant and there is a need to consider its reuse as a brownfield site.

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Application No. 14/0604/OUT Continued

It is suggested that if the development is approved the industrial owners will be obliged to erect "chain link or steel fencing with razor barbed wire at a minimum height of 8ft accompanied by surveillance cameras." This objection suggests that residential development in itself is a high risk to the security of employment land. That is not accepted from a planning point of view. It also does not explain why any other use of the application site would not result in the same drastic measures.

There are a number of requests that the Council provide the industrial owner with evidence to support the submissions of the applicant so that the Company in question may use the information "to further substantiate our communication with the appointed Planning Inspectorate." This request appears to be based on a misunderstanding of the planning system. Third parties do not have a right of appeal and the Council is not required to provide supporting information.

In one letter it is requested that the Authority consider the impact of changes the landowner may make to the private access road that would have an impact upon the proposed development (i.e. altering or introducing barriers, traffic humps and changing the position of the security entrance). Some of the changes may require planning permission. The premise for the changes is to improve safety as the result of minor accidents due to inclement weather. It is unclear as to what the accidents were or how the changes improve or relate to those accidents or precisely what the physical alterations would look like. Whilst on the one hand the changes are said to improve highway safety, the implication of the question appears to suggest the works would have the opposite effect to the application site. There appear to be two main implications of the suggested changes: -

1. The introduction of obstructions that would prevent the applicant's access to their site.
2. Re-arrangements that could result in adverse impact upon the traffic within the adopted highway safety.

With regard to the first item, private roads are not uncommon and if a road owner prevents access to an occupier by any re-arrangement that is a civil matter between the parties involved. With regard to the second item if the changes require planning permission or variation of condition clearly the Planning Authority still retains control. If the changes do not require planning permission and would result in a danger to the users of the adopted highway (i.e. the traffic light junction not functioning properly with vehicles backing up onto the junction) this may amount to obstruction which could be an offence under Section 137 of the Highways Act 1980. There would also be the possibility of an actionable highway nuisance.

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Application No. 14/0604/OUT Continued

The other response is a letter from the Welsh Government (The Department for Economy, Science and Transport). The writer explains that the purpose of the letter is that the objector has raised his concerns with that Department who regard his company as "important" in the economy and request that the Planning Authority "ensure that the concerns regarding the potential long term impact upon employment uses in this area are considered by the Planning Committee." Those concerns are addressed above.

Other material planning considerations: A Section 106 Agreement is required to secure the affordable housing at the site. That has to pass the following tests: it must be necessary to make the proposed development acceptable in planning terms; it must be directly related to the proposed development; and it must be fairly and reasonably related in scale and in kind to the proposed development.

In relation to the first test the affordable housing is required to comply with policy CW11. It is clearly related to the proposed development in that it will be housing on a housing site thereby fulfilling the second test. Finally the scale at 10% is fair and reasonable reflecting the viability of development on this area.

RECOMMENDATION: (A) This application be deferred to enable the completion of a Section 106 Agreement that will require the provision of 10% affordable housing and upon the completion of that Agreement (B) the planning permission shall be issued subject to the following recommended conditions:

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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Application No. 14/0604/OUT Continued

- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Prior to the commencement of works on site a scheme of land, surface and any non-mains drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy himself as to the stability of the site and the measures, which should be taken to mitigate against the risk of subsidence. Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.
REASON: To safeguard the buildings against the risk of damage from surface subsidence due to underground mining.
- 07) The development hereby approved shall include a buffer zone of a minimum of 7 metres depth from the River Ebbw along the eastern bank that shall be maintained free from development at all times.
REASON: To preserve the wildlife corridor, the River Ebbw Site of Importance for Nature Conservation and to ensure access to the channel/banks for future maintenance.

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- 08) Notwithstanding the submitted illustrative layout, the layout of the site at reserved matters shall include an area of open space with formal children's play facilities proportionate to the number of dwellings proposed at reserved matters. The approved area of open space and equipment shall be provided before 50% of the approved dwellings are occupied.
REASON: To ensure adequate leisure provision to serve the needs of the residential properties.
- 09) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.
- 10) All dwellings to be approved at reserved matters shall be fitted with double glazed windows with acoustic trickle vents.
REASON: In the interest of residential amenity.
- 11) The Site Location Plan hereby approved relates to Drawing Number JPW0343-001 revision C dated February 2015 that was received by the Local Planning Authority on 19 February 2015.
REASON: To identify the revised site location plan for the avoidance of doubt.
- 12) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.

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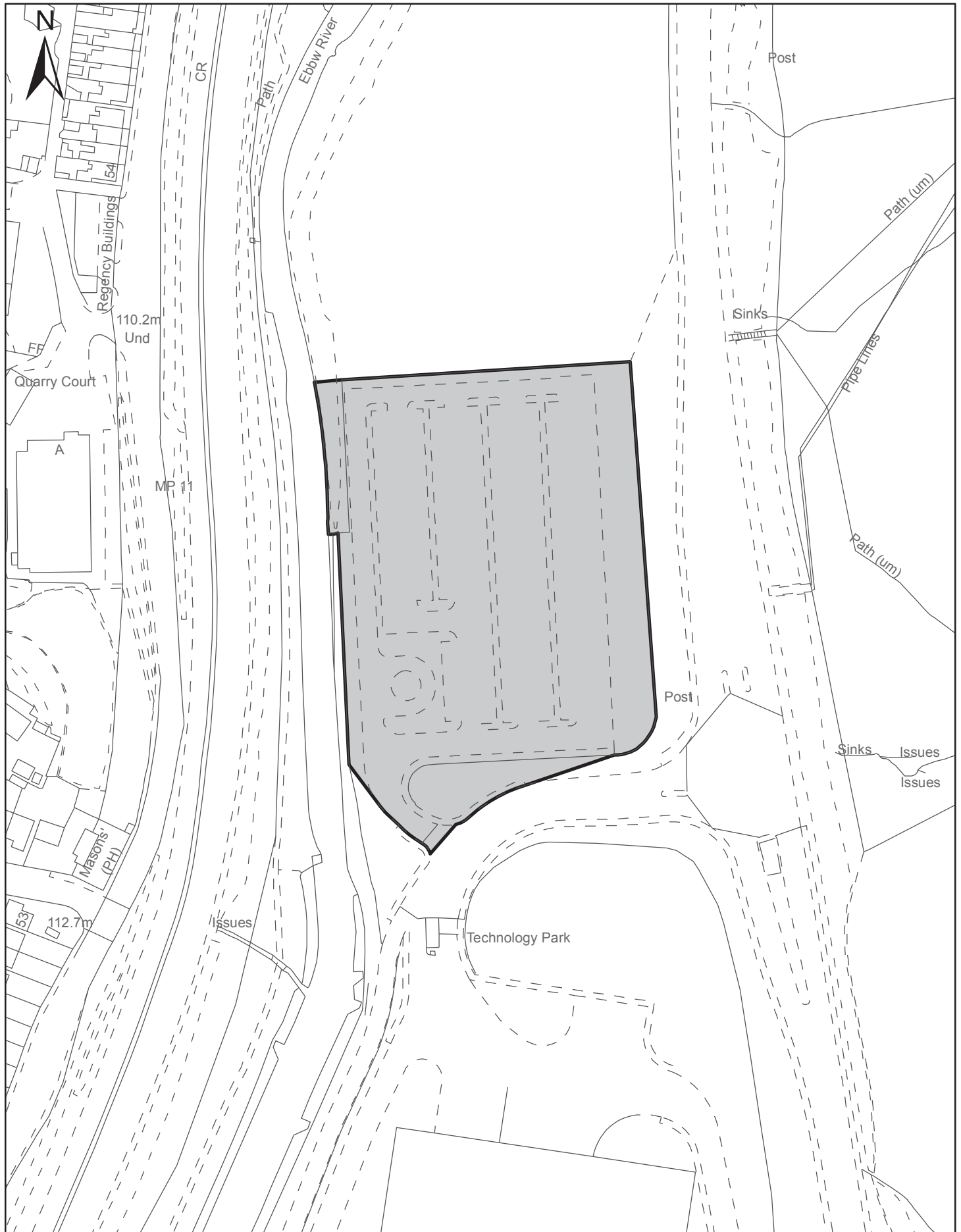
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- 13) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 14) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 15) The layout and design to be provided at reserved matters shall include measures that ensure adequate noise mitigation so that the occupants of the dwellings may enjoy acceptable residential amenity in accordance with Technical Advice Note (Wales) 11. The development shall be completed and maintained thereafter in accordance with the approved noise mitigation measures.
REASON: In the interests of the amenity of the occupants.

Advisory Note(s)

Please find attached the comments of Head of Public Services, The Coal Authority, Senior Engineer (Land Drainage), Heddlu Gwent Police and Network Rail that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW4 and CW10.



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PLANNING COMMITTEE – 10TH JUNE 2015

SUBJECT: SITE VISIT - CODE NO. 15/0087/COU – FORMER ROWECORD ENGINEERING, COMMERCIAL STREET, NEWPORT ROAD, PONTYMISTER, RISCA, NEWPORT, NP11 6EY

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair
Councillor W.H. David - Vice Chair

Councillors N. George, A. Lewis and D. Rees.

1. Apologies for absence were received from Councillors Mrs E.M. Aldworth, J. Bevan, L. Gardiner, Mrs P. Griffiths and Mrs J. Summers
2. The Planning Committee deferred consideration of this application on 6th May 2015 for a site visit. Members and Officers met on site on Wednesday, 20th May 2015.
3. Details of the application to change the use to industrial coating/painting of steel with associated assembly and storage (use class B2), former Rowecord Engineering, Commercial Street, Newport Road, Pontymister, Risca, Newport, NP11 6EY were noted.
4. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that all unloading, loading, blasting, painting/coating and assembly would be undertaken within the existing building. The position of the blast booths and painting areas were confirmed and it was noted that the sites operations would be governed by condition and its hours of operation restricted in order to mitigate the impact on residential amenity. Schemes for lighting and dust mitigation would also need to be submitted by the applicant.
6. Members raised concerns in relation to the previous issues at the site including noise, dust and traffic movements in and out of the site, often at unsociable hours. The Local Ward Member having regard to the previous history of the site but without prejudice to the present application requested that consideration be given to attaching the following additional conditions to the granting of any permission.
 - (i) The replacement of the current chipping/gravel road surface to the rear of the site for a permanent road surface in order to mitigate dust generation.

- (ii) That the applicant agrees to maintain the trees and hedgerows on the boundary of the site to an acceptable level in order to prevent the overshadowing of adjacent residential dwellings.
 - (iii) The rear of the site is kept clean and tidy and free of any exterior storage in order to maintain the visual amenity of the local landscape.
 - (iv) That a delivery schedule be agreed with the Local Planning Authority prior to the commencement of any operations regulating the hours of delivery and the number of vehicles accessing the site, in the interest of residential amenity.
 - (v) That a traffic management plan be considered to re-orientate vehicle movements within and around the site to limit the impact on the neighbouring residential properties in the interest of residential amenity.
7. Officers confirmed that they would discuss the issues raised with the applicant and the outcome of these discussions would be reported at the next Planning Committee meeting. Further information on High Hedges Regulations and whether these could be applied in this instance would also be sought. Members were asked to note that increased acoustic protection within the building through noise attenuation insulation would also be the subject of an additional condition, the details of which would also be provided to the next Planning Committee.
 8. Officers confirmed that following advertisement to 33 neighbouring properties, advertisement in the press and a site notice being posted, 12 letters of objection had been received. Details of the objections are within the Officer's original report.
 9. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
 10. A copy of the report submitted to the Planning Committee on 6th May 2015 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	M. Davies	Principal Planner
	M. Noakes	Senior Engineer (Highway Development Control)
	C. Davies	Senior Environmental Health Officer
	J. Rogers	Principal Solicitor

Appendices:
Appendix 1 Report submitted to Planning Committee on 6th May 201

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0087/COU 23.02.2015	Rowecord Holdings Ltd Neptune Works Usk Way Newport NP20 2UY	Change the use to industrial coating/painting of steel with associated assembly and storage (Use Class B2) Former Rowecord Engineering Commercial Street Newport Road Pontymister Risca Newport NP11 6EY

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Former Rowecord Engineering, Commercial Street, Newport, Pontymister. The site is located within the settlement boundary.

Site description: The site comprises a substantial existing building with associated parking, storage and circulation areas off Commercial Street in Pontymister, Risca. The site is bounded by residential properties to the north and east with the River Ebbw to the south beyond which lies an Aldi foodstore with a vacant brownfield site (the former Birds Foundry) to the north beyond which lies Commercial Street at Pontymister.

The site benefits from an existing access direct off the B4591 along the site's northern boundary, which provides access to the A467.

Development: The building comprises a large steel framed structure with a mono-pitched roof and metal profile external finishes. To the front of the property are large parking and circulation areas with storage areas to the rear adjacent to the Ebbw River.

The application is supported by a Design and Access Statement, which states, "The property has a long established history for the storage and fabrication of steel products since the 1960's although this application is submitted on a "without prejudice" basis to accommodate a steel coating/painting use with associated assembly and storage.

Cont....

Application No. 15/0087/COU Continued

The proposed use is to provide a viable new use for the site (which is currently vacant) until such time as the Council's discussions with Natural Resources Wales are concluded in respect of the ongoing flood defence works in Risca in order to deliver the residential development of the site as set out within the Council's Action Plan for the area."

"The use of the site for industrial coating/painting of steel will create 30 - 40 new jobs until such time as the site can be redeveloped for housing. The proposed coating/painting operations involve:-

- unload steel within the building (as confirmed in Plan U406/1 Rev A);
- blast steel in dedicated booths;
- layout steel for painting/coating;
- paint steel to required specification (including 1,2 or 3 coats);
- when dry, load steel onto trailers;
- store trailers at the rear of building until required for delivery."

"All unloading, blasting, painting/coating and assembly/loading will be undertaken within the existing building before external storage. In some instances, it may be necessary to assemble certain products into components before loading onto trailers and external storage although the predominant operations within the building will be the painting/coating of steel."

"The blast booths and painting areas will utilise existing extraction units within the building. The painting/coating operations will take place between 6.00 a.m. to 10.00 p.m. Monday to Friday with potentially a skeleton shift applying paint outside of these hours in the event that it is required (depending on the number of coats required by the customer and the associated drying times and delivery date). Painting/coating operations will also be undertaken on Saturdays (if required) between 6.00 a.m. and 10.00 p.m. and Sundays 6.00 a.m. to 4.00 p.m. with no works on Bank Holidays."

"Deliveries will be limited to 6.00 a.m. to 10.00 p.m. whilst all roller shutter doors will remain closed other than for the receipt of deliveries and dispatch of trailers. Trailers will be stored outside to the rear of the property until required for exportation."

Cont....

Application No. 15/0087/COU Continued

The building was erected in the 1960's as a warehouse for the storage and dispatch of steel sections and sheets. Latterly the site appears to have been occupied by British Steel and subsequently Corus for the same purpose. In or around 2003 the building was occupied by a company called Baileys Commercials Ltd until 2005, when it was taken over by Goodwin's Properties (UK) Ltd and occupied by WF Manufacturing who used the premises to manufacture timber frame kits including wall and floor panels, roof trusses and engineered joists. In 2008 the site was purchased by Rowecord Engineering Ltd. who commenced the manufacture of large steel structures, in component form, which were assembled on site. An Enforcement Notice, was issued on the 12th December 2012 (reference EE/09/017) that required the cessation of the use of the land and buildings for the manufacture of steel products, falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987, including the ancillary making of and receiving of deliveries, between the following times:-

18:30hrs to 07:30hrs Mondays to Thursdays, 18:30hrs Fridays to 08:30hrs on Saturdays, 13:30hrs Saturday to 07:30hrs Mondays (inclusive of Sundays) and on any Bank Holidays.

The Enforcement Notice was complied with and the building has been vacant for some two years.

Dimensions: The site amounts to 3.39 hectares.

Materials: Not applicable.

Ancillary development, e.g. parking: Existing circulation and parking areas.

PLANNING HISTORY

App. No. 1333 - Site layout for new warehouse for storage and dispatch of steel sections and sheets including ancillary buildings and proposed future extensions, Newport Road, Pontymister - Approved 06.04.66.

App. No. 1333 - Erection of new warehouse for storage and dispatch of steel sections and sheets including ancillary buildings or previously approved site layout, Newport Road, Pontymister - Approved 07.07.66.

App. No. 1333A - Illuminated name sign on new warehouse premises, Newport Road, Pontymister - Approved 06.03.66.

Cont....

Application No. 15/0087/COU Continued

App. No. 133B - Extension of existing warehouse for storage and dispatch of steel sheets, Newport Road, Pontymister - Approved 06.03.66.

App. No. 1638 - Erection of vehicle workshop (2437 sq. ft.), John Cashmore Ltd., Pontymister, Risca - Approved 03.02.70.

App. No. 1949 - Erection of new office block, part of existing steel warehouse site, Commercial Street, Pontymister, Risca - Approved 12.06.73.

App. no. 2/5186 - Erect Jib Scotch Derrick to stock structural steel sections, open site at rear of warehouse, Commercial Street, Risca - Approved 11.03.83.

P/05/1046 - Construct offices for W F Manufacturing and speculative offices and workshops - Refused 17.04.08

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary with no other land use allocation, although the River Ebbw Site of Importance for Nature Conservation runs along the western edge of the site.

Policies:

Strategic Policies

SP3 - Development Strategy in the Southern Connections Corridor, SP6 - Place making and SP21 - Parking Standards.

Countywide Policies

CW2 - Amenity, CW3 - Design considerations - highways, CW15 - General locational constraints.

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014 and TAN 12 - Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

Cont....

Application No. 15/0087/COU Continued

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not relevant to the determination of this planning application.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - Request conditions should be attached to any consent to control activities within the site to limit any adverse effect upon adjacent residential properties and protect residential amenity.

Senior Engineer (Land Drainage) - No comment.

Principal Valuer - No comments.

Natural Resources Wales - The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Their Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw, a designated main river. Given that the proposals do not change the vulnerability classification of the site (less vulnerable) they have no objection to the application. A flood risk statement submitted by Waterman (15th Jan 2015) indicates that flood depths within the site may be up to 1.5m and 2m in the 1 in 100 year (including climate change allowance) and 1 in 1000 year flood scenarios respectively. With respect to the recommendations within the statement, they agree that the site operators should sign up to the NRW flood warning service and that an evacuation plan is created for the site to ensure occupants can vacate the site prior to the onset of flooding. They provide advice to be conveyed to the developer.

Countryside And Landscape Services - No ecological issues in respect of this application.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 33 neighbouring properties have been consulted.

Cont....

Application No. 15/0087/COU Continued

Response: Twelve letters have been received.

Summary of observations:

Concern that the proposed change of use has the potential to result in noise, smell and dust pollution together with unsociable working hours, as previously experienced during the period 2009 to 2013, when the site was occupied by the applicant in the manufacturing of steel products, to the detriment of the residential amenity of the occupiers of neighbouring properties.

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 planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No, it is not liable.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

The main issues relevant to the determination of this change of use planning application are in respect of amenity and highway considerations. In this respect Policies CW2 - Amenity, and CW3 - Design considerations – highways, of the LDP are relevant to the determination of this planning application.

Policy CW2 of the LDP considers amenity and in this respect complaints have been received raising concern that the proposed change of use has the potential to result in noise, smell and dust pollution together with unsociable working hours, as previously experienced during the period 2009 to 2013, when the site was occupied by the applicant in the manufacturing of steel products, to the detriment of the residential amenity of the occupiers of neighbouring properties.

Cont....

Application No. 15/0087/COU Continued

This application aims to address previous concerns regarding nuisance. In this respect, the application is not concerned primarily with manufacturing but industrial coating/painting operations, which involve:-

- unload steel within the building;
- blast steel in dedicated booths;
- layout steel for painting/coating;
- paint steel to required specification (including 1,2 or 3 coats);
- when dry, load steel onto trailers;
- store trailers at the rear of building until required for delivery.

All unloading, blasting, painting/coating and assembly/loading will be undertaken within the existing building before external storage.

The applicant has confirmed that the noise levels emitted directly from within the manual blaster are in excess of 100 decibels although the noise directly outside the blaster (which will be sited within the existing building as confirmed by the submitted plans) will be much lower than the daily exposure limit of 80 decibels due to the process being contained by a purpose built and acoustically protected 'booth'. The noise levels outside the building (the doors will be kept shut during painting operations) will be virtually non-detectable from the site boundary (i.e. less than 40 decibels).

Notwithstanding the above, the applicant will put in place the following methods to suitably control nuisance noise:-

- boundary monitoring;
- keeping doors shut during painting operations;
- trained operatives for the plant/machinery;
- automatic shut down if the doors to the blast booths are opened during blasting operations;
- acoustic barriers/enclosures provided within the building;
- limiting noisier tasks to daytime operation;
- maintenance of equipment;
- safe working procedures.

In terms of paint fumes, surveys have been undertaken in the past that have confirmed the use of personal protective equipment for employees although stack monitoring and fugitive emissions monitoring has confirmed that the emissions are below the limits set within the relevant Permit.

Cont....

Application No. 15/0087/COU Continued

The applicant will however put in place the following controls to suitably control paint fumes:-

- keeping doors shut during painting operations;
- keeping lids on tins;
- lidded waste skips;
- boundary olfactory monitoring;
- maintenance of equipment;
- fume extraction controls with abatement if monitoring identifies a requirement;
- bunded paint stores;
- safe working procedures.

However, the Head of Public Protection requests, notwithstanding the above assurances, that conditions should be attached to any consent to control activities within the site to limit any potential adverse impact upon the residential amenity of the occupiers of neighbouring residential properties. In this respect conditions are requested that confine operations within the building, restrict hours in terms of deliveries and dispatches, operation of machinery, no external storage, all windows and doors to remain closed at all times except for access and egress together with details to be submitted and agreed in writing with the LPA in respect of all external and roof mounted plant/machinery, odour/effluvia/fume control, a scheme of lighting and a scheme of dust mitigation.

Policy CW3 of the LDP considers highway implications and in this respect the Transportation Engineering Manager has raised no objection to the proposed change of use.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: Twelve letters have been received and their comments are summarised in more detail below.

- land registry documents indicate the property to be a warehouse and any change to a B2 activity is not compatible with neighbouring residential properties;
- Previously suffered nuisance as a result of noise (industrial and transport), fumes and dust during the previous occupation by the applicants when they were in full production, producing steelwork for the Olympic site, and fear the consequences of potential increases in the volume of noise, smells and dust,

Cont....

Application No. 15/0087/COU Continued

- historically the building was used by Cashmores as a steel storage and distribution depot for around 50 years but when it was occupied by the applicants in 2009 to June 2013, they commenced fabrication and construction of large steel items, working long hours resulting in noise nuisance and disturbing neighbouring residents sleep. Several visits were made to the premises by the Council's Environmental Health department in order to assess alleged nuisance complaints, which resulted in the occupiers being served with an Enforcement Notice requiring hours of operation being restricted;
- request restricted working hours if granted approval;
- feel the wishes of residents at the extreme end of the County Borough are being ignored citing the derelict 'Palace' being turned into a library rather than a preferred community centre or cinema;
- problem of dust blowing into neighbouring gardens exacerbating health problems, dirtying washing on clothes lines and having to keep windows and doors closed;
- trees located on the boundary of the application site are too high and block the light into neighbouring properties;
- led to believe that houses were going to be built on the site;
- if approval is granted the building needs to be insulated against noise, the surface of the road must be improved to prevent dust clouds from lorry movements, an extraction system must be introduced to prevent paint smells, the working hours must be restricted in line with the requirements of the Enforcement Notice;
- 50% of the houses in Fields Road are owned by CCBC and they are designated for pensioner use only and as such the Council, as a responsible social landlord cannot permit the change of use to proceed as it would certainly be to the detriment of tenants.

It is considered the objections raised have been considered above and addressed by attaching appropriate conditions to any consent, which aim to alleviate any potential adverse impact the development may have in terms of noise and dust nuisance. The issue raised in respect of the height of the trees on the boundary of the application site does not form part of this change of use application.

Other material considerations: None.

In conclusion, it is considered the proposed change of use planning application does not conflict with local plan policies or national planning guidance and subject to the imposition of appropriate conditions is acceptable in planning terms.

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Application No. 15/0087/COU Continued

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 premises shall be used for industrial coating/painting of steel and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, no extension shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 04) No goods, materials, plant or machinery shall be stored outside any of the buildings on the site without the prior written agreement of the Local Planning Authority.
REASON: In the interests of the amenity of the area.
- 05) Prior to the commencement of the use hereby approved a scheme for the control of dust arising from external traffic movement within the curtilage of the site shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.
REASON: To prevent pollution.
- 06) All windows and doors to the building subject of this planning application shall remain closed at all times except for access and egress.
REASON: In the interests of residential amenity.

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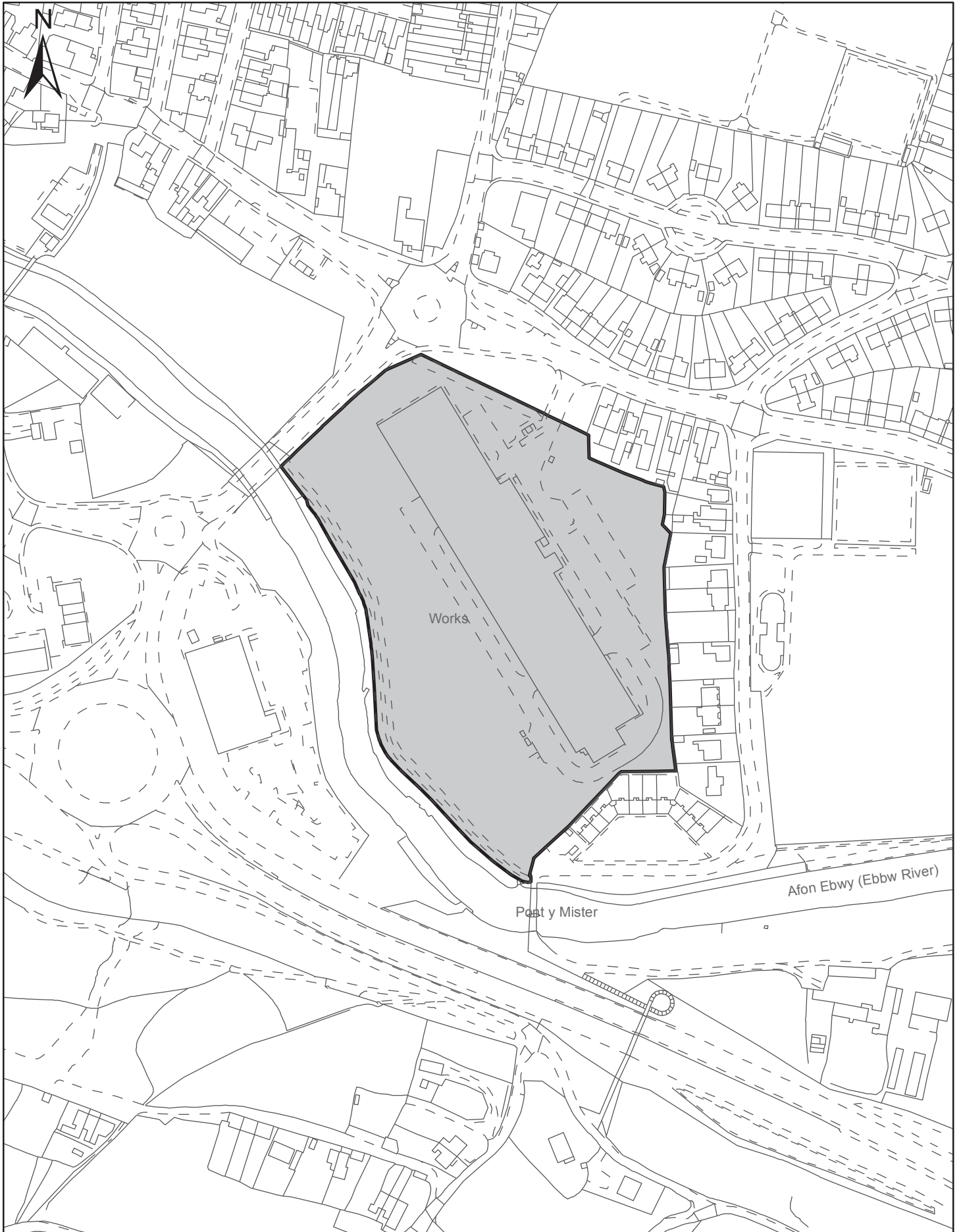
Application No. 15/0087/COU Continued

- 07) No deliveries shall be taken at or dispatched from the site outside the hours of 8.00 a.m. to 10.00 p.m. Monday to Friday 9.00 a.m. to 6.00 p.m. on Saturdays and not at all on Sundays or Bank Holidays.
REASON: In the interests of residential amenity.
- 08) Prior to the development commencing, a lighting scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, and a plan indicating expected illuminance levels both on and off site. The lighting shall thereafter be installed and maintained in accordance with the agreed scheme and no additional lighting shall be installed without the approval of the Local Planning Authority.
REASON: In the interests of nature conservation.
- 09) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.
- 10) No machinery shall be operated and no process shall be carried out, outside the hours of 8.00 a.m. to 10.00 p.m. Monday to Friday and 9.00 a.m. to 6.00 p.m. on Saturdays. No machinery shall be operated and no process shall be carried out on Sundays or Bank Holidays.
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The applicant is advised of the comments of the Senior Engineer (Land Drainage) and Natural Resources Wales.



PREFACE ITEM

Consultation by Torfaen Council – Application reference 03/09336: Proposed reclamation of former opencast workings, recovery of secondary aggregates and construction of new access road affecting public rights of way at Tir Pentwys Hafodyrynys.

An application was made to Torfaen County Borough Council (TCBC) in 2003 for the above development. This council has been consulted as an adjoining local authority as the site lies near the county boundary.

The site, which extends to circa 56 hectares, comprises a deep narrow ravine, a former unrestored opencast coal extraction void, bounded by linear tips of mineral waste from the opencast workings, which ceased several decades ago.

The site lies approximately 4 kilometres west of Pontypool, 2 kilometres south-east of Abertillery and 3 kilometres north-east of Swffryd. Whilst it is approximately 2 kilometres from the county borough boundary at the nearest point, it occupies a prominent position on an elevated plateau and can be seen from certain parts of the east of the county borough including Pen-Y-Fan Country Park and the Croespenmaen area.

The mineral waste tips have been identified as containing gritstone capable of producing aggregate. The overburden at the site is comprised mainly of a deposit of Pennant Sandstone and it is therefore inferred that the tips contain high specification material suitable for the wearing courses of road construction. Such material is valued for its skid resistance and strength and is an important national resource.

The application proposes to excavate the mineral waste tips in the eastern part of the site in order to recover the gritstone for road surfacing and other products for the construction industry. The residual material would be used to restore the former opencast coal site. No drilling or blasting operations would take place. The material would be processed on site. It is estimated that the overall yield of recoverable rock from the site would be approximately 4.75 million tonnes and the operations would take place over 11 years at a rate of 250,000 tonnes per annum.

Concern was expressed by local residents and by members of the Planning Committee that the application contained insufficient information about certain elements of the reclamation works, including the timing and sequence of tree planting, grass seeding and heath restoration, proposals for overcoming the lack of soils, the exposed location, risk of vandalism, grazing by stock from the adjacent common and management of the restored site. These comments were passed to Torfaen Council on 6 February 2004. However, the application was not determined and TCBC invited the applicant to consider a wider range of alternatives to those proposed.

In 2006, the applicant submitted supplementary information relating to air quality, highways and transportation, and noise, and exhibitions were held in the local area, including one at a venue in Hafodyrynys. Additional alternatives were put forward, leading to the applicant promoting a southbound route to the A472 at Cwm Y Glyn.

On 17 August 2006, following consideration by Planning Committee, this council advised TCBC that CCBC strongly objected to the development by virtue of the danger and detriment to residential amenity that will be caused by the generation of heavy vehicles through the Crumlin area and requested a meeting with TCBC.

In 2013, a second supplementary environmental statement was submitted for the proposed development, containing minor amendments to the 2006 documents and providing updated information in respect of certain issues, including ecology and landscape.

Additional information was requested by this council in respect of the impact of the proposed development on the Air Quality Management Area in Hafodyrynys. However, the applicants have now indicated that they do not intend to submit any further information and are pressing for the determination of the application. TCBC has therefore requested this council's final comments.

Consultation Response

Group Manager Transportation Planning (2 May 2013) – Traffic movements resulting from the development equates to 140 movements per day, with peak hour movements of 18 vehicles, 12 of which would be by HGVs. The assumed percentage distribution split of HGVs at the A472/Crumlin Road junction results in only 25% of vehicles west toward Newbridge. The proposed development will have a negligible impact on the highway network.

Countryside Services Manager – The success of the restoration, and therefore, the effect on distant views of the site from Caerphilly county borough, will depend on the proposals for the management of the restored landscape, including the transition from conifer woodland to wet grassland in the south of the site and the removal of the conifer woodland on the northern rim.

Head of Public Protection – Hafodyrynys Road, Crumlin was designated as an Air Quality Management Area in September 2013 due to a failure to meet the national air quality objectives. The area is affected with unacceptable levels of nitrogen dioxide, which is primarily associated with vehicle exhaust emissions and is a respiratory irritant. It has not been possible to fully assess the impact of the proposed development on the AQMA as additional information requested from the developer, via TCBC has not been received.

Cont'd.....

Recommendation:

1 That TCBC be requested to take into account the effect of the proposal on the Air Quality Management Area in Hafodyrynys in any decision and to ensure that the proposals for management of the restored landscape are appropriate.

2 That two letters of objection received in connection with the 2013 Second Supplementary Environmental Statement be forwarded to TCBC for consideration.

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13/0732/MIN

10.10.2013

Mine approximately 6 million tonnes of coal from the Nant Llesg Surface Mine using surface mining methods; to remediate land within and adjacent to the surface mine, to carry out road improvement works at the junction of Fochriw Road and Bogey Road and access points to Cwmbargoed Disposal Point; to form a new vehicular access to the mine off Fochriw Road; to carry out works on Rhaslas Pond; to provide all necessary buildings, plant and facilities ancillary to the surface mine; to erect a new building at Cwmbargoed Disposal Point and install within it a new coal washing plant; to provide a new water recycling facility at Cwmbargoed Disposal Point; to use facilities at Cwmbargoed Disposal Point to prepare, process and dispatch coal to market for the duration of mining operations at the Nant Llesg Surface Mine; to provide new water treatment facilities for the period 31st December 2024 until the cessation of mining operations at the Nant Llesg Surface Mine; to investigate, treat, remove and/or cap waste materials at an existing licensed inert landfill site within the scheme; and to progressively restore the land in accordance with the proposed restoration strategy followed by a minimum five-year period of aftercare of the land at Approximately 478.1 Ha Of Land West And South-West Of Rhymney, North And West Of Pontlottyn And Fochriw And Wholly Within The County Borough Of Caerphilly

APPLICATION TYPE: Minerals Application

1. Site and location

- 1.1 This application is for a surface mine and associated works on a site that covers some 478.1 ha to the west and south-west of Rhymney, with the village of Fochriw to the south. It is an area that has seen smaller surface mines and other workings in the past, but has now regenerated. The majority of the site is open upland, much of it used for grazing and urban common. The land falls to the north, down to the Cwm Carno valley, where hedgerow enclosed pasture is more evident. The western slopes of the Rhymney Valley run along the eastern side of the site, whilst to the south adjacent to Fochriw is an area of former tips. The existing Cwmbargoed Disposal point is also part of the application site.
- 1.2 The proposed surface mine would occupy that part of the site north of South Tunnel Road, within which all excavations for coal working, overburden storage, together with coal washing and stocking, would take place. Its area would be 222.80 ha, some 47% of the entire site.
- 1.3 North of South Tunnel Road, and to the west, and east of the operational area is additional land where the early remediation of shafts, adits and other old mining disturbance would take place, along with environmental controls such as water treatment areas, soil screening mounds, acoustic and visual screening, and the diversion of services. This has an area of some 153.6 ha.
- 1.4 Further remediation would take place on land south of South Tunnel Road to improve the surface drainage of colliery spoil tips north of Fochriw. Road improvement works would take place on land north and east of Cwmbargoed Disposal Point (CDP), including works to the northern access points to the disposal point and the southern approach to the junction of Bogey Road and Fochriw Road.

- 1.5 New coal washing plant is proposed at Cwmbargoed Disposal Point, which would include additional land for the development of a new water recycling facility, together with a new layout for the water treatment facilities.

2. **Proposed development**

This application was first submitted in October 2013 with supplementary information submitted in October 2014. The following description of the development refers to the scheme as amended.

2.1 The surface mine

2.1.1 It is proposed to recover approximately 6 million tonnes of coal by surface mining methods, which would include the provision of soil storage and overburden mounds, and ancillary buildings, plant, and other structures. Mining would last for a period of approximately 10 years.

2.1.2 The site operations can be broken down into the following stages, starting in 2016:

- Stage 1: the development of what is known as a box cut where a void is created prior to any backfilling in years 1 to 4
- Stage 2: the development of maximum void from years 4 to 6
- Stage 3: the development of the maximum void to the start of backfilling with material from the overburden during years 6 to 9.5
- Stage 4: the conclusion of coaling at year 11, and
- Stage 5: backfilling and restoration works to achieve the finished landform which will take place in years 11 to 14.

2.1.3 The first activity at the site would be the removal of protected species, and birds would be deterred from nesting. Protected wildlife species would be captured and removed to suitable receptor sites. Any features of archaeological interest such as the Dowlais Free Drainage System would be recorded, removed or preserved. An archaeological assessment has been carried out and there would be an archaeological watching brief during the early stages of the work. Any areas of archaeological interest that can't be protected and are to be removed would be recorded prior to removal. Fencing would be used to protect any features that are to remain within the site.

2.1.4 The southern embankment of Rhaslas Pond has been identified as being worthy of protecting as a scheduled ancient monument. Cadw are currently considering that matter. The northern embankment of the pond would be recorded prior to its removal, and the materials stored for reuse in the restoration of the site.

2.1.5 The operational site perimeter would be fenced for security with wooden post and wire stock proof fencing of 1.8m in height. Temporary fencing would be erected around the early land remediation areas only for the duration of those works, which would be completed within 24 months of the commencement of coaling. The water treatment areas would be fenced with chain link security fencing.

2.1.6 Any services belonging to National Grid, Wales & West Utilities, Welsh Water and other utilities would be diverted.

2.1.7 Water treatment areas would be constructed before any soil stripping or excavation works and once the site fencing is completed. Four areas would be constructed in locations around the mine and overburden storage. Each facility would consist of an attenuation lagoon, which would store the majority of the incoming water, feeding two

smaller polishing lagoons where water would be finally filtered before being discharged to a watercourse. 1.8m high chain-link fencing with a further 0.3m of barbed wire would be erected around each area. The facilities would be maintained for the duration of site operations and enhanced for ecological purposes as a part of the restoration of the site.

- 2.1.8 Site offices, staff accommodation, vehicle parking, workshops and on-site coal washing and preparation facilities would be located on the south-western side of the main operational area adjacent to Fochriw Road. Bunded fuel, oil and chemical storage facilities would be sited in this location as well. The drainage systems for those facilities would be trapped to remove silt, and designed to contain any accidental spillages of oil and other pollutants for appropriate removal and disposal. No trap, lagoon or sump would be located near an archaeological site.
- 2.1.9 The office and staff welfare block would be single-storey, finished in spar dash with concrete roof tiles, and would be 53m long, 16m deep and 5m high. It would be next to a parking area with 206 spaces, four spaces for disabled drivers, and a cycle stand. There would be three workshops, all of which would have an industrial appearance. The first would be 20m long, 10m deep and 10m high to the ridge; the second 20m long, 10m deep and 7.5m high to the ridge; and the third and largest would be 34m wide, 24m deep and 15m high to the ridge. The on-site coal washing plant would consist of a mixture of plant and conveyors, including a barrel wash, with a total length of approximately 72m, and height of approximately 9m.
- 2.1.10 A new access onto Fochriw Road through which all mine related traffic would pass would be created approximately 130m north of the existing Bogey Road junction. All vehicles would be cleaned at vehicle washing facilities before gaining access to the public highway. A small security gatehouse measuring 5m square, and 4m high, finished in spar dash and concrete tiles would be erected at the entrance.
- 2.1.11 All peat, topsoil and subsoil that would be stripped, would be stored for reuse. In general the soil storage mounds would be no more than 5m high, with slopes no steeper than 1 in 2. Organic and mineral soils and sub soils, and any soil of ecological or other environmental interest would be stripped and stored separately to a maximum height of 5m above ground level. Peat would be stored in separate excavated cells 3m deep, the above ground containment bunds of which would be a maximum height of 3m and seeded with grass. It exists at varying thicknesses across the site, generally ranging between 5cm and 30cm above the clay. Soil forming materials would be conserved to supplement the available topsoil and subsoil during restoration. Once formed, all soil storage mounds would be seeded to grass at the earliest opportunity.
- 2.1.12 The main area of the Nant Llesg Mine includes an existing inert landfill site known as the MIS Waste Facility. It is not operational at present, and occupies land that would be covered by the overburden mound. The materials within the waste landfill area are yet to be fully identified but any that are of concern will be disposed of appropriately.
- 2.1.13 Opening the initial void or box cut, will produce surplus material or overburden that would be placed into the visual and acoustic screening bund and thereafter into the overburden mound. The box cut would provide the working space to allow excavations to their full depth which would continue in an easterly direction with some of the excavated material being put into the overburden mound and some being used to

backfill the western side of the void. This process would continue until the void is at its maximum size. Thereafter, excavations and backfilling operations would take place within the void with all excavated material going to backfill the western side of the void, which would effectively move from west to east until all available coal had been removed.

- 2.1.14 The coal working excavation area would cover 96 ha, and would be 165m deep at its maximum. The acoustic screening bund would be L-shaped in plan, the legs measuring approximately 1200m and 700m respectively, and would wrap around the north-eastern corner of the site facing the northern end of Rhymney. On its eastern side it would be approximately 20m high, but as the land rises it would be 10m high on its western side facing the cut. It would take four months to construct in year 1 of the operations, and would be grass hydro-seeded. It would remain in place until year 14 and would be the last source of material for filling the void. The overburden would cover an area of approximately 86ha and would be approximately 55m high when viewed from Fochriw, although the land would be rising beneath the mound, and its actual height would be closer to 42m. A minimum distance of 515m would separate the mound from the nearest property in Fochriw. An additional small acoustic screening bund would be located at the north-west corner of the site, for the benefit of a property called Halfway House. That bund would be approximately 110m long, no more than 3m high, and would operate in association with a 2m high acoustic fence adjacent to that house. In total, 70 million m³ of overburden would be excavated, with some 29.65 million m³ stored in the overburden mound, some 2.85 million m³ in the visual and acoustic screening mound, and remainder placed in the worked out void. All haulage to and from the mounds would take place within the site.
- 2.1.15 To minimise the impact of dust and noise, the overburden mound would be built in four layers of 4 to 5m in height, with each layer built in two phases. The first phase would be the front face of the layer facing east and south, which would be built to its maximum height and would then act as a screen for the second phase which would be the filling in of the remainder of the layer behind. That mound would take some 122 weeks to complete up to the first phase of the fourth layer, with the filling in behind taking a further 26 weeks if the space for the material is not available within the pit itself. It would also be grass hydro-seeded in phases. The mound would remain in place until year 9.5, after which it would be removed in layers to backfill the void.
- 2.1.16 Lighting in the operational areas would consist of the following:
- On storage mounds, within the cut at each working face and each coaling area: mobile units approximately 9m high with four 1000w bulbs, faced away from residential areas; a maximum of three on the tip at any one time. In the winter these would be illuminated at 4.00 - 4.30 p.m. at the earliest, and turned off at 7.00 p.m. They would not be used in the summer.
 - Within the working void and to light major junctions on the haul roads: semi-permanent lighting sets, 13m high with eight 400w bulbs directed downwards. They would be operated during the same hours as set out above.
 - Around the workshop, truck park and barrel wash area: a maximum of three of the aforementioned 13m high units. These would be illuminated during the night for security purposes.
 - Apart from major junctions within the working void, the haul roads would not be lit, and vehicles would rely on headlights.

- 2.1.17 At the end of the coaling period, the material stored in the overburden mound would be returned to backfill the final void, followed by the material from the visual and acoustic screening bund. Overburden replacement and the spreading of soils or soil-forming materials to achieve the final restoration contours would take place within 3 years of the completion of coaling. Aftercare of each stage of the progressively restored land would continue for a minimum of 5 years after the completion of final restoration on that stage, and in the case of the more environmentally sensitive areas, up to 25 years.
- 2.1.18 Stone and clay found during the excavations would be used for haul road construction and lining ditches within the site. It is not expected that surplus stone would become available in commercial quantities, and the processing and off-site marketing of stone does not form part of the development proposal.
- 2.1.19 Up to 750,000 tonnes of coal a year would be mined at the site, taken to the CDP for processing and onward dispatch to market. Historically, the CDP has had a capacity to process up to 1.5m tonnes a year, but with the installation of new high capacity washing and screening plant, that would increase to approximately 1.75m. The plant would wash up to 400 tonnes of coal an hour, and would be contained within a building to allow the control of dust and noise. An ancillary water recycling facility would also be provided to ensure sufficient surface water is collected and stored to maintain operation of the plant during periods of dry weather.
- 2.1.20 Planning permission has already been granted for improvements at the CDP to accommodate the Ffos-y-Fran operation should permission be refused for the current proposals. Nant Llesg coaling operations would overlap with those at Ffos-y-Fran with a maximum of 50,000 tonnes of coal a year being dispatched from the CDP by road. All other coal would be dispatched by rail. It is estimated that there is a possibility that up to 1,750,000 tonnes of coal could be dispatched each year.
- 2.1.21 Hours of operation of the surface mine would be:

Weekdays	0700 - 1900 hours
Saturday	0700 - 1400 hours
Sunday	No working
Public & Bank Holidays	No working

The CDP would operate during the following hours:

Weekdays	0600 - 2200 hours
Saturday	0700 - 1800 hours
Sunday	No working
Public & Bank Holidays	No working
Train loading & dispatch	24 hours

Blasting would be limited to the following hours:

Weekdays	1000 - 1300 and 1400-1600 hours
Saturday	1000 - 1300 hours
Sunday & Bank or Public holidays	No blasting

2.1.22 It is proposed to set up a site liaison committee consisting of representatives of the Council, local residents and the applicants, which would be a forum to discuss site matters and any impact of site operations beyond the site boundary. It would provide an opportunity for queries to be brought forward and for information about activities on the site to be exchanged. An Environmental Liaison Officer would be provided by the applicants who would be responsible for dealing with complaints and reporting matters to the committee along with information about environmental monitoring and relevant other activities on site.

2.2 Remediation of Old Shafts, Adits and Mining Dereliction

2.2.1 There are many shafts and adits associated with former iron ore and coal mining along the western side of the Rhymney valley which it is intended to remediate within the first two years of the operations. That work would include improvements to the quality of mine water discharge into the River Rhymney. There are 138 known shafts and adits, but there may be other unrecorded abandoned mine entries. Once located and investigated, it would be established whether or not they pose an identifiable risk. Proposals for any necessary remedial works would be drawn up in liaison with The Coal Authority. This land, some 111ha in area, will be made available for public access once these remediation works are completed.

2.2.2 It is considered by the applicants that the removal of the existing network of underground workings within the proposed coal working area of the Nant Llesg mine would remove a significant part of the source of the polluting mine water that currently enters the River Rhymney. The direction of groundwater flow beneath the planning application site is understood from site investigations to be generally eastward, to the river via the Dowlais Free Drainage System, the Big Coal and Rhas Las Drains, and the Bute Watercourse. During the mining operations the existing drainage system will be interrupted and the water will be run through water treatment areas, to improve water quality.

2.3 Land Remediation to address silting of Darran Valley Country Park Lake

2.3.1 Drainage works are proposed on the site of a former colliery tip and tip washing scheme to help address the scouring of tip material into the adjoining watercourse and reduce the build-up of silt at the lake at Darran Valley Country Park.

2.4 Road Improvement Works

2.4.1 Visibility at the junction of Fochriw Road and Bogey Road would be improved by taking out a rise in Fochriw Road to the south of the junction. Better signage and additional road markings would be introduced at the junction. A temporary diversion route across adjacent land would be required to avoid closure of the road.

2.4.2 The main site access point would be on the eastern side of the Fochriw Road approximately 130m to the north of the junction between that road and South Tunnel Road. The access point would be equipped with signage and road markings to current highways standards. All vehicles entering the operational site, including plant delivery and removal, would enter and leave through this access point. Within the site, a metalled road would be constructed from Fochriw Road to the workshops.

- 2.4.3 The proposed exit from CDP would be re-designed to allow right turn exit movements only out of CDP. Transportation of the coal from mine to CPD would be with haulage vehicles of 20 tonne capacity, amounting to 781 loads a week, or 142 a day, with the corresponding number of return journeys, i.e. some 24 movements per hour based on a 12-hour working day.
- 2.5 Additional coal washing plant and ancillary water recycling facility
- 2.5.1 New coal washing and water recycling facilities would be located at the CDP along with the existing facilities for coal stocking, washing, preparation, processing and dispatch. These, together with the existing vehicle maintenance workshop, offices, staff welfare, vehicle parking, laboratory and other existing ancillary facilities would be retained and used for the duration of and in connection with coal mining activities at both the Ffos-y-Fran and Nant Llesg sites.
- 2.5.2 A separate permission for the erection and operation of an additional coal washing plant at the CDP was approved in August 2013 (this council's reference 13/0218). The current application includes that development which would be contained within a building approximately 43m wide, 48m long and 20m high, together with associated covered conveying systems. Some 1.1m tonnes of coal would be processed each year, which would be approximately 60% of the planned total output of the CDP. The remainder would be processed by the existing dry crushing and screening plant.
- 2.5.3 Coal from the mine would be stocked at the CDP according to individual seam quality and blended, i.e. mixed by front end loading shovels, depending on their after use. The coal would then be fed into a hopper housed within a building measuring 9m by 8m by 9.5m high, from which it would be fed into a number of crushers to reduce it to an appropriate size. Water sprays, the building and the enclosure of conveyor belts would assist to reduce dust. The roof cladding would be corrugated to match existing materials, and coloured green and brown. After crushing, the coal would be washed. The facility is designed as a closed circuit to recycle and recover the water and any materials used in the washing process.
- 2.5.4 An additional water recycling facility would be required to accommodate the coal produced by the Ffos y Fran and the proposed mines, which would provide the anticipated capacity of water needed during dry weather. Surface water run-off would be used and water recycled wherever possible. There are a number of lagoons and settlement ponds at the site already, and the new facility located to the south-west of the CPD would hold approximately 8,000 m³ of water. The mound around this new lagoon would be sufficiently high to accommodate periods of high rainfall.
- 2.6 Footpaths, bridleways and the urban common
- 2.6.1 Public rights of way currently crossing the site would be stopped up prior to the commencement of site operations. A formal, dedicated bridleway would be provided linking Fochriw Road to an existing bridleway that further links to the highways to the east of the site. Within the first 12 to 24 months of coaling, additional routes through the areas subject to early remediation would be made available as permissive paths until remediation works are complete and it is possible to create permanent rights of way. As mining operations develop, the land would be progressively restored and further permissive routes would be provided until the whole of the proposed replacement rights

of way network is in place, which would include an extension of the Rhymney Valley Ridgeway footpath.

2.6.2 In order to carry out works on the urban common, an application will be made under the Commons Act 2006 for consent to carry out the Nant Llesg scheme on the Gelligaer and Merthyr Common. To mitigate the impact on the common the application for consent will provide for additional off-site areas of land to be made available for temporary permissive public access or temporary 'common' grazing, and permissive public access for the duration of surface mining operations, restoration and aftercare. The requirement to permit access for the duration of the scheme will be included in a section 106 agreement.

2.7 Rhaslas Pond

2.7.1 The pond is a man-made reservoir that provided water to the Dowlais Iron Works on the north-eastern side of Merthyr Tydfil and is one of the larger reservoirs in the system. Its banks are formed of compacted earth, with a clay core and dressed dry-stone masonry armouring. The applicants currently maintain and use the pond as an operational reservoir. The southern dam is well preserved, but the northern dam has suffered greater disturbance and repair over the years. Cadw has indicated an intention to schedule the southern embankment under the Ancient Monuments and Archaeological Areas Act 1979 and would be preserved in its current position throughout surface mining operations, and current water levels retained.

2.7.2 Following archaeological investigation, the northern embankment would be removed and the materials stored on-site for use in the restoration design for this part of the site. A barrier would be constructed across the centre the pond in an east–west direction to separate its northern and southern areas. The northern part would then be drained and in-filled to form a plateau in preparation for the construction of the workshops, barrel washing plant and a coal stocking area. Suitable outfalls would be provided to a water treatment area.

2.7.3 Once the mining is complete the southern embankment would be part of the restoration scheme and the pond would reduce in depth towards the north where it would become a wetland area. The northern embankment would not be reinstated as a feature of the reservoir, but would be commemorated in the landscaped area to the north of the wetland with materials from the original stone armouring being used to depict its original outline. A low earth bank would be formed on the alignment of the northern embankment with a footpath across it. It would be faced or otherwise marked with the recovered stones from the stone armouring. The northern outfall would also be reinstated as a leat with a culvert through the restored bank, to be stone lined in similar style to other Dowlais Free Drainage System features. Leats entering the reservoir, and the best preserved leats to the west are to be retained.

2.8 Restoration and Aftercare of the Land

2.8.1 The restoration strategy has the following aims:

- To provide a range of landscape character reflecting the landscape patterns of the area and to reintegrate the site into its surroundings and upgrade its contribution to the setting of Rhymney;

- To improve accessibility to the public and connection with nearby communities, and increase the amenity value of the site to the community;
- To provide a range of habitats offsetting the habitat loss due to the operations and enhancing other habitats within the site; and
- To reflect the history and archaeology of the area in landscape features, and provide access to the public and information about the cultural heritage in the site.

2.8.2 The remediation of the southern area, and Rhaslas Pond, has been mentioned above. Mention has also been made of the remediation works proposed along the western side of the Rhymney Valley. That would be restored to fields of pasture. Woodland would be established adjacent to existing streams, and extended along part of the lower slopes near the industrial estate. A pattern of small fields divided by hedgerow would be established along the mid-slopes with larger fields divided by stone walls on the upper slopes. At the heads of these valleys, small basins of more gentle slopes would be formed, and peat laid over clay to encourage the development of wet heathland. Small ponds suitable for great crested newt would be established at intervals to extend the habitat for this species around the site. The Bent Iron would be reinstated along with the stone-faced terrace feature in which it would be placed.

2.8.3 It is proposed to restore the open urban common land with upland grassland over most of the area. Between Rhaslas Pond and South Tunnel Road, peat saved from the initial soil stripping would be laid over recovered clays to provide landform and drainage conditions suitable for the development of wet heathland. The western edges of the operational site would be largely undisturbed throughout the operations and the restoration landform and vegetation would be merged with the existing. Small ponds would be established along the western edge suitable for great crested newts, extending the habitat along the western boundary. The open upland landform would be gently undulating with surface water run-off collected and directed to watercourses that would reconnect with those outside the site. A water treatment area required for mining operations in the south-east would be restored to a marshy or wetland area.

2.8.4 The northern edge of the site would be restored to enclosed fields of pasture, similar to the layout of the present adjacent landscape, with improved hedgerow and woodland planting. On the lower slopes, the restored fields would be smaller and divided by hedgerows. New woodland belts would be established along the field boundaries on the mid-slopes. The upper fields would be larger and would extend up to the edge of the common. The water treatment area in the north-east would be removed and the land restored to pasture. In the Northwest of the area, a stream course would be reinstated, and an area of flatter land along its course formed to encourage the development of marshy grassland. More small ponds would be established along the mid-slopes, again at intervals suitable to extend the great crested newt habitat around the site. A farm access track would be provided, running along the mid-slopes. Public rights of way would be reinstated, although the alignments may be modified, and the Rhymney Valley Ridgeway Walk would be restored.

2.8.5 Ecological restoration would be based on the following:

- retention of existing features where possible and their protection during the operation of the site;
- restoration of features which would have been removed during the site

- operations; and
- creation of new wildlife habitats.

Existing features that would be retained and protected would include the area in the south of the site used by nesting lapwing; and the western edges of the site, which includes a number of marshy areas and ponds. Other ponds and reptile habitat would be created in the east of the site at the start of the scheme to provide habitat into which amphibians and reptiles would be transferred from the operational areas of the site before the start of the mining operation. Habitats that would be restored at the end of operations would include areas of wet heath and marshy grassland to the south of Rhaslas Pond. The topography, hydrology and soil conditions in those areas would be reinstated to encourage the development of the vegetation using appropriate seed mixes following which the land would be managed during an aftercare period. Areas of marsh would be reinstated on clay soils at the heads of watercourses which would be created to drain the site to form similar habitat to that which currently occurs in similar situations within the site. New habitats that would be created on completion of the scheme would be a network of hedgerows and small woodlands in the north of the site. Some of the water treatment areas would be reinstated to form wetland areas and a number of ponds would be created in suitable areas around the edges of the site.

3. The application

3.1 The application is accompanied by a number of documents, the main contents and conclusions of which are summarised in turn below.

3.2.1 THE ENVIRONMENTAL STATEMENT (ES)

An ES was submitted with the application which considered the following matters: site selection and alternatives, a social impact assessment, recreation and tourism, traffic and transport, ecology and nature conservation, agricultural land use and soils, and hydrogeology, hydrology and drainage, air quality and dust, noise, blasting and vibration, cultural heritage, landscape and visual impact, waste, health and welfare, and sustainability and climate change. A brief summary of each heading is set out below.

3.2.2 Site selection and alternatives The background of the development of the scheme as described above is given along with an assessment of four alternatives: recover larger or smaller tonnage of coal; work the Nant Llesg reserve after Ffos y Fran; to not remediate any land; and to do nothing. Mining 9 million tonnes of coal was initially considered, but the decision to have a buffer of 500m to the settlement boundary defined in the local development plan reduced the size of the mine and allowed space for an acoustic bund. It is considered that 6 million tonnes, the size of the current proposal is at the limit of commercial viability. In view of the current demand for coal, it is considered that an overlapping period between the working of the two mines is necessary. Dropping the land remediation would lose an opportunity to make a number of historic workings safe, and to improve drainage into the lake at Darran Valley Country Park. Finally, to do nothing would mean that a valuable resource of Welsh Dry Steam coal would not be mined, and the benefits associated with the remediation and restoration of the site would not take place.

3.2.3 Social impact assessment This section considers the current social and economic position of the locality and sets out the benefits that would arise from the proposal. The area under study is said to be amongst the most deprived in Wales, with employment deprivation a major problem, and education disadvantages a moderate problem. The scheme will create between 144 and 239 jobs, depending of the shift pattern, with a further 118 jobs generated indirectly, and 25 jobs through employee spending. The applicants would work with schools, colleges and partner agencies to raise the awareness of job opportunities. These are considered to be beneficial impacts.

3.2.4 Recreation and tourism The impact of the mine on local tourism and recreational facilities including the public footpaths is considered. Broadly speaking the conclusions are that the effects of the mine during its operation will be not be significant, and there would be some benefits following the completion of the restoration particularly to the provision of public footpaths common land.

3.2.5 Traffic and transport On the basis of the adoption of a site environmental management plan to manage the impacts of HGVs on the local network, and improvements to the Bogey Road/Fochriw Road junction, it is concluded that the traffic and transport impacts of the development will be no worse than minor adverse temporary (long term) with respect to highway operation, highway safety and non-motorised users. The impact on non-motorised transport is judged to be no worse than minor adverse

temporary (long term) because the number of pedestrians and cyclists is low. Minor benefits may be delivered through the creation of new pedestrian and cycle routes. That assessment takes into account existing traffic flows on the surrounding road network, accident statistics, pedestrian and cycle access, and public transport.

- 3.2.6 Ecology and nature conservation This section of the ES looks at the impact of the development on statutory and non-statutory nature conservation sites, vegetation and habitats, amphibians, reptiles and bats, breeding and wintering birds, otters and water voles, badgers, aquatic and terrestrial invertebrates, dragonflies, and fish. It concludes that as a result of the land take of the scheme the greatest impact would be on breeding birds, with a lesser impact on non-statutory designated sites such as Cefn Gelligaer SINC (although that would be restored on completion of the scheme), habitat loss (particularly wet heath, unimproved acid grassland and marshy grassland), wintering/passage birds (especially those associated with Rhaslas Pond), terrestrial invertebrates (including grayling and small heath butterflies and broom moth), and dragonflies and damselflies (including the rare blue-tailed damselfly). Suitable habitat for species which currently occur on the site would be reinstated on restoration.
- 3.2.7 During the operation of the development there would potentially be beneficial effects on amphibians and bats as a result of habitat creation (and for amphibians, through provision of road crossings), and to otter and fish as a result of improvements to downstream water quality. Comparing the restored site with the baseline, the majority of effects would be of negligible or minor significance. There would be potential moderate adverse effects on non-statutory sites and habitats, breeding and wintering/passage birds (taking account of the long timescales required for full recovery of the restored areas). There are likely to be beneficial effects on amphibians, reptiles, bats and otter as a result of habitat creation (and for amphibians, provision of road crossings), and on fish as a result of improvements to downstream water quality.
- 3.2.8 The restoration and aftercare proposals seek to re-establish topographical, soil and drainage conditions and management practices which would support these habitats and species, particularly those included in the Caerphilly Biodiversity Action Plan (BAP). New ponds would be created by modifying the water treatment areas used for the development, and elsewhere, and watercourses would be established as part of the drainage of the restored site. A network of hedgerows would be established within the farmland area in the north of site, with new woodland areas here and in the east of the site, providing habitat for species such as great crested newt and other amphibians, common lizard, bats, otter, lapwing and a range of other breeding and wintering birds.
- 3.2.9 The land at the north of the Nant Llesg site which would be restored to enclosed agricultural grazing land would, at the end of the aftercare period, return to the current landowner who would continue to farm the land.
- 3.2.10 In view of the nature of the proposed development it is not possible to fully mitigate the ecological within the application site. Ecological enhancements and management are therefore proposed on land at Bryn Caerau. No potential significant cumulative effects of the Nant Llesg scheme with other developments in the locality on ecology and nature conservation have been identified.
- 3.2.11 Following completion of the Nant Llesg project, the site itself would have been restored and the Bryn Caerau offsetting area would have had some 20 years of habitat

improvement and management. Taking into account the likelihood of the wet heath recovering, the existing and continued threats from overgrazing, and the habitat improvement and management of Bryn Caerau, then it is concluded that the overall balance of biodiversity of the area would be maintained.

- 3.2.12 Agricultural land use and soils Some 41% of the land to be affected by the current proposal has been previously disturbed by iron and coal working. The quality of the land is limited to grades 4 or 5 due to severe climatic limitation or severe soil wetness respectively. It is concluded that there will be a long-term temporary negligible effect on agricultural land quality. The impact on non-peaty soils and clayey soils with a peaty surface is considered and the impact is not considered to be majorly adverse. Two farm holdings outside the site would be affected by the development one of which would be unworkable for the duration of the operations, but any adverse impacts would be temporary.
- 3.2.13 Some 201ha of the development is part of Gelligaer and Merthyr Urban Common, which is approximately 6.5% of the total area of the common. Alternative areas of land at Bryn Caerau, Pentrebach and Penddeugae totalling 81ha would be provided for the commoners during the lifetime of the operations, although they would be some distance from the existing grazing areas. The implementation of the restoration scheme would allow the agricultural land to be reintegrated into the common, but it is recognised that there may be some loss of sensitive soils such as peat, and habitats such as the wet heath may take a long time to recover.
- 3.2.14 Hydrogeology Drainage at the site is generally eastwards towards the River Rhymney and is influenced by the Dowlais Free Drainage System which was developed in the 18th and early 19th centuries. The quality of groundwater in the area is poor with elevated levels of iron, manganese and zinc. The proposed mine would have to be dewatered, and the treatment of that water before its return to the river would be beneficial. There would however be a lowering of groundwater levels by between 7 and 30m over a radius of up to 3km, which would have the potential to reduce flows to the river. The development has the potential to improve the quality of the water in the longer term provided the filling of the void with overburden is done in an appropriate manner. Following the backfilling the groundwater levels would return to their approximate pre-excavation levels. A Water Framework Directive assessment has been carried out following advice from Natural Resources Wales, and concludes that the development would contribute to the improvement of the water environment.
- 3.2.15 Hydrology and drainage Drainage from the site represents a small proportion of the upper River Rhymney's catchment area. Water quality is generally good, but the mining and industrial heritage results in elevated levels of iron and other metals. There are also erosion problems on former colliery spoil resulting in fine material being transported downstream to ponds at Parc Cwm Darran. The treatment of water during the operational stage of the mine will have beneficial effects on its quality, and the stabilisation of colliery spoil will reduce the silting of the ponds. Part of Rhaslas Pond would be incorporated into the operational area.
- 3.2.16 Air quality and dust Air quality in the area is considered to be good, and it is predicted that air quality objectives would be achieved during all phases of the project. The most significant impact is predicted to be dust deposition, particularly during the removal of the Ffos-y-Fran overburden mound. The main method of dust suppression would be

water bowsers, and four cannons that would spray a fine mist of water over potential sources of dust. On the basis of the temporary nature of the operations the overall impact is stated to be of minor adverse significance. Decommissioning the CDP may also result in dust deposition. The modelling associated with those conclusions took account of properties in Cwm Nant, Bute Town, Llechryd, Rhymney, Pontlottyn, Fochriw, the Heads of the Valleys Industrial Estate, and neighbouring sites of importance for nature conservation defined in the LDP. Air quality would be monitored during the development.

- 3.2.17 Noise The main sources of noise will be vehicles, plant and machinery associated with the mine, the early land remediation works, associated road traffic, and the dispatch of coal by rail. The number of coal trains could increase by 70%, but only using the train paths already available. Therefore the maximum day- and night-time use would be no greater than the existing occasions when all of the available paths are used. Network Rail permits up to six train movements in 24 hours: three during the day (six one-way movements, i.e. there and back), and three at night (a further six one-way movements, although due to the practicalities of loading this is usually five). Due to the limitation in the amount of coal dispatched by road, and the remoteness of the site, the impact of traffic (including employee vehicles) would be small. Mitigation measures include the limited hours of operation, the 500m buffer to the settlement boundary, and the use of plant and machinery that would be appropriately designed but with added noise attenuation installed by the applicants.
- 3.2.18 Blasting and vibration Test blasting has been carried out and data from blasting at Ffos y Fran analysed. The magnitude of the vibration predictions generated for the nearest residential and industrial buildings to the site were very low, close to the human perception threshold of 0.50 millimetres per second but well below the maximum vibration limit guide of 6 millimetres per second. Air overpressure levels are also predicted to be very low. The locations that are the closest to the site are mainly industrial units, infrastructure, two unoccupied outbuildings and five individual isolated residential buildings. There is a gas pipeline within 74m of the blasting location and so the impact on that was considered as well. Measures would be introduced to minimise the risk of flying debris.
- 3.2.19 Cultural heritage Glamorgan Gwent Archaeological Trust has surveyed the site. This council, Cadw, and NRW have been consulted as part of this analysis. The 'Assessing the Significance of the Impact of Development on Historic Landscape Areas' (ASIDOHL) method of assessing the cultural heritage historic landscapes has been undertaken. A mitigation strategy has been developed that would offset the adverse effects the scheme would have on significant cultural heritage assets. That would consist of a programme of small-scale archaeological excavations and watching briefs. Positive effects would result from a range of cultural heritage activities related to the proposals for landscape restoration, including community based cultural heritage projects; education programmes for schools; archaeological scientific research; and preservation, restoration, reconstruction of archaeological features in the restored historic landscape. The southern half of Rhaslas Pond would be retained, protected and conserved following the completion of the scheme. The northern half of the reservoir would be investigated and documented prior to its removal. The form and character of the northern embankment and water body would be reflected in the restoration design for the historic landscape.

3.2.20 Landscape and visual This has been carried out in accordance with the *Guidelines for Landscape and Visual Impact Assessment* and the study area takes into account the context up to 5km of the site. The landscape within that area has been assessed, along with the visual impact of the scheme, and the cumulative impact in association with other developments. Darkness and lighting have also been considered. Zones of theoretical visibility (ZVTs) have been calculated and impact of the development from various resulting viewpoints assessed. The adverse impact of the scheme would be experienced during the operational period of the mine, but the subsequent remediation and restoration would aim to achieve benefits to the landscape character and amenity for the local communities through the early treatment of the eastern slopes of the site, and re-establishing the open upland and its habitats on completion of the mining.

3.2.21 Waste This will arise in a number of ways:

- the removal of the MIS landfill,
- the removal of former agricultural and mining apparatus as the site is opened up and remediated,
- from plant maintenance,
- from process water treatment effluent (such as at the barrel wash) which will be managed in accordance with a surface water management plan,
- the removal of offices, workshops and hard surfaces on conclusion of the operations, and
- the removal of the CDP.

The bulk of exported waste will go to Trecatti, with any hazardous waste from the existing landfill (which includes asbestos) going to a specialised site in Swindon. The NRW will be consulted about the removal of the existing landfill. Account has been taken of the impact of waste on workers at the site, controlled waters, residents and businesses along haulage routes, and the landfill and treatment sites. The volumes of waste associated with the development are relatively small compared to the proposed volumes of coal. For instance, there may be some 560 tonnes of hazardous waste and 3,920 tonnes of non-hazardous waste arising from the MIS landfill. It is considered that the potential of nuisance being caused to local residents is negligible in comparison to the overall scale of the scheme.

3.2.22 Health and wellbeing The applicants commissioned a Health Impact Assessment (HIA) which revealed that the community profile for the wards of Twyn Carno, Darran Valley, Pontllytyn, and Moriah indicates an ageing population, with slow growth and a net outward migration of the 20-24 year old age bracket. Health is improving in the area but there are pockets of health deprivation that strongly correlate with high levels of socio-economic deprivation and low educational attainment. The HIA considered the impact of dust, traffic safety, annoyance as a result of noise and vibration, access and accessibility; the benefits of increased training, education and employment; the removal of hazards; the benefits of the environmental improvements along with the increased access, enhanced areas of open space, and links to the Brecon Beacons. It concluded that the environmental; concentration of pollutants such as PM10, PM2.5, and NO2 would remain within air quality standards, and there would be no adverse health outcomes. There is a potential for annoyance as a result of dust, but an operational management plan is proposed to mitigate the matter. Works such as making existing shafts safe, remediating coal tips, and reducing minewater pollution would benefit the area. Education, training, employment and procurement schemes are

proposed alongside community support initiatives and a community benefit fund.

- 3.2.23 Sustainability and climate change A sustainability framework was produced taking account of the following themes: economy and skills, social wellbeing, climate change, natural and cultural heritage, pollution, and resources and waste. The scheme was then considered against those themes, and the following conclusions reached. Positive outcomes would arise from the provision of employment and training opportunities. Strong environmental management procedures would be imposed to minimise the impact on the health and wellbeing of the local community. The recreational opportunities arising from the scheme would also be of benefit. The scheme has been designed and will be operated in a manner that minimises carbon emissions and take account of climate change. Measures have been introduced to minimise the impact on natural and cultural heritage. Pollution risks would be controlled through the adoption of a similar environmental management scheme as currently operated at Ffos-y-Fran. The use of resources would be minimised.
- 3.2.24 It is proposed to carry out 30 hectares of tree planting over the life of the site for neutralising methane emissions from the extraction process. The proposed restoration strategy includes 16.1 hectares of tree planting within the site, and an additional 14 hectares of tree planting as part of the ecological enhancement at Bryn Caerau.

3.3 THE PLANNING STATEMENT

The Planning Statement describes the site, its geology, the proposed development, the restoration and aftercare, the remediation works including those to address the silting of the Darran Valley Country Park Lake, road works, works affecting Rhaslas Pond, coal washing and use of the Cwmbargoed Disposal Point, public rights of way, common land, the Bryn Caerau biodiversity compensation area, the need for coal, employment and economic benefits, planning policy, sustainability and climate change, public consultation, and health impacts. Many of those areas have already been considered in this report, and the following is a brief summary of the remaining matters.

- 3.3.1 Common land Some 338 ha (including the CDP) (71%) of the site area of 478.1 ha is part of the Gelligaer and Merthyr Urban Common. The full extent of the common is 3,090 ha and the application site is 10.9% of that. Approximately 315 ha would be affected by the surface mine, 114 ha of which only for a period of 12 to 24 months from the start of coaling while short term remediation works are being carried out. That land would be gradually released for grazing, public access, and ecological and cultural enhancements. The remainder, 201 ha would be occupied for the life of the mine and the aftercare period - a minimum of 19 years. Whereas the main site will be wholly fenced off, it is intended that in the peripheral remediation areas only those areas where works are taking place, or where utilities are being diverted will be fenced off, thereby allowing more public access.
- 3.3.2 Such works require consent from Welsh Ministers under section 38 of the Commons Act 2006. Although there is no statutory requirement to do so, the applicants intend to provide five compensatory areas, two of which would be suitable for public access, with the other three suitable for grazing as well. A further area (the location of the landfill) would be available for incorporation into the common on completion of the mining and aftercare. The total area of this compensatory land is 153 ha, 81 ha of which will be available for grazing.

3.3.3 Bryn Caerau biodiversity compensation area The applicants own farmland to the south-west of the application site where it is intended to implement ecological enhancements to compensate for the effects of the proposed mine. The work includes the following:

- Woodland: grazing control, tree thinning, retaining dead wood, and additional planting to increase connectivity between woodland and provide new areas of woodland.
- Grassland: enhance and extend areas of unimproved and semi-improved acid grassland or semi-improved neutral grassland which show greater species diversity, cease fertilizer application and other agricultural improvements, control grazing, and bracken clearance.
- Marshy grassland: one of the habitats of most value in the area: maintain a variety of sward heights for greater diversity of habitats for invertebrates, no new drainage operations or clearance of existing ditches, no applications of fertiliser or other agricultural improvements, control grazing, cutting of rushes and removal of scrub.
- Swamp: no new ditches or clearance of existing ditches to maintain high water levels, control grazing, removal of scrub and rotational cutting of reed beds.
- Ponds: enlarge and deepen an existing pond and re-excavate silted up ponds, creation of new ponds, removal of aquatic vegetation if ponds become choked, control grazing and access by animals, and removal of scrub.
- Hedgerows: gap up tree lines with new hedgerow planting, plant new hedgerows on field boundaries (fenced to protect from grazing livestock), maintain new hedgerows to ensure establishment.
- Dry stone walls: those in a poor state of repair would benefit from being rebuilt and maintained in a favourable condition.
- Derelict buildings: provide opportunities for use as bat roosts or installing bat boxes.

There are also four sites of regional cultural heritage within the area that would be managed.

3.3.4 The need for coal Site investigations have identified a reserve of some 6 million tonnes of low volatile Welsh Dry Steam Coal at Nant Llesg. Similar coal exists at Ffos y Fran (FLRS), and at current rates of extraction coaling from that mine will be complete in less than 9 years. The permission for FLRS requires coaling to be completed by 2022, but demand from customers is sustained and increasing. If permission were granted for the Nant Llesg mine (NLSM), the two would for a period be worked together to satisfy that demand. The maximum tonnage each year would be 1,750,000 with 750,000 tonnes from NLSM. All but 50,000 tonnes would be transported by rail.

3.3.5 FLRS was the subject of an inquiry in 2004 and was granted permission by the National Assembly for Wales in 2005. The applicants mention the inspector's comments where he draws attention to the need for the coal at Aberthaw Power Station, its importance as an energy generator, and the significant benefit the winning and working of coal would be to the general economy of South Wales. He was also of the view that renewable sources of energy would not replace the use of coal in the foreseeable future. At 2012, the commitment was that 70% of the coal mined at FLRS would go to Aberthaw, 5% to Tata steelworks in Port Talbot, 6% to Lafarge cement works in Aberthaw, 3% to other domestic and industrial processes in Wales, with the

remaining 16% for other operations such as Drax Power Station. The demand from Tata Steel is growing, particularly for washed coal.

3.3.6 The applicants provide the following statistics concerning the supply and demand for coal in the UK.

- coal imports have exceeded UK coal production since 2003, and in 2012 represented around 70% of supply – imports rose as a proportion of overall supply by 37% in 2012, and a further 12% higher in the third quarter of 2013 compared to the equivalent quarter in 2012.
- UK production has steadily declined and fell, for instance, by 9.9% between 2011 and 2012, despite a rising demand. Provisional figures indicate that it continued to fall in 2013 due to the closure of a number of mines.
- since 2005, nearly half of the UK's coal imports (mainly steam coal) have come particularly from Russia, with Australia, Colombia, the USA and the Republic of South Africa being the other main suppliers;
- demand for coal has remained steady at circa 50 to 60 million tonnes each year, rising to 64.2 million tonnes in 2012
- the electricity generation market remains reliant on coal. Since 1998, coal has been responsible for an average of 33% of electricity generated in the UK. This contribution shows no sign of declining and the proportion rose in 2012 to 39%;
- during the ten years 2001-2011, over 80% of demand for coal has been from major power producers for electricity generation with around a further 10% used in the steel making process, although the demand from steel producers has been growing.

Electricity generation accounted for 94% of the demand for steam coal in 2011, but the demand from the iron and steel industry is increasing. In the same year, imports supplied approximately 69% of UK demand, and some 81% of that was steam coal. The applicants estimate that as of March 2013 taking account of the remaining coal at operational mines, those mines with planning permission or subject to planning applications, the UK's reserves amount to some 80.2 million tonnes - some 16 months supply based on past consumption. Seven mines currently produce coal in Wales with an estimated consented reserve of 14.9 million tonnes. All existing coaling at those mines will be complete by September 2021.

3.3.7 RWE npower have written in support of the application for a number of reasons including the risk to their business and increased costs involved with importing coal. Their decision to carry out environmental improvements at Aberthaw depends on there being an adequate supply of locally available coal, and their research shows that the Nant Llesg site is the only one capable of becoming available and meeting its requirements. Tata Steel has also written in support of the proposal. It is estimated that these two employers support some 2,200 and 4,900 jobs respectively. There is also an increasing export market to steel producers in the EU, with an interest from one contractor for 250-300,000 tonnes per annum in the short term with the potential of that increasing to a minimum of 500,000 tonnes per annum.

3.3.8 The applicants summarise the economic benefits of the scheme in the following manner.

- Direct employment: Between 144 and 239 jobs (dependent upon shift pattern);
- Indirect employment: 118 jobs;
- Induced employment (through employee spending): 25 jobs;
- Average annual supplier expenditure on goods and services: £32.7m;
- Estimated total project expenditure on goods and services: £457.8m;
- Estimated total project expenditure on goods and services within 5 mile radius of Nant Llesg: £120.9m;
- Average weekly wages at Nant Llesg: £96,000;
- Average annual wages at Nant Llesg: c £5m;
- Total project wage bill: £70m;
- Estimated total employee spending per annum: £2.38M;
- Total project employee spend: £33.3;

In addition it is proposed to set up a community benefit fund of between £3m and £6m. A training and business strategy would be developed with local partners, targeting the unemployed, young people, the current workforce at FLRS and skilled workers already within the sector.

- 3.3.9 Public consultation statement A public consultation process was carried out by the applicants prior to the submission of the application, in two phases between August 2011 and February 2012. The first phase included sending out an information leaflet and a series of themed stakeholder workshops on community, health and environment. The second phase included another information leaflet and five public exhibitions. Of the 201 people who attended the public exhibitions over the five days, 33 returned comments about visual impact, health concerns from air quality, the positioning of the overburden dumps and environmental impacts on the local wildlife and ecology. The potential benefits of the scheme of most interest to respondents were jobs, training, a community benefits fund, and potential aid for local groups and schemes. Information leaflets were sent to more than 4,700 local residents living or working in proximity to the site; advertisements were placed in the local newspaper; and press releases were issued to the local and regional media. A dedicated consultation website was launched in August 2011. The Nant Llesg Community Forum was also set up, as a liaison committee. Over the course of the consultation programme, the applicants also held meetings with Caerphilly County Borough Council, Fochriw Community Council, Rhymney Residents Association, Richards & Appleby, Convatec, Sirius Skills, Darran Valley Community Council, Rhymney Community Council, and the local MP and AM.
- 3.3.10 Consultation has also taken place with various bodies in relation to the Common Land Application consisting of Commoners and the Commoners' Association, tenant farmers and land owners, officers of Caerphilly and Merthyr Tydfil County Borough Councils, Caerphilly Local Access Forum, Open Spaces Society, Countryside Council for Wales (now Natural Resources Wales), Glamorgan Gwent Archaeological Trust, Cadw, and Bedlinog, Rhymney and Darren Valley Community Councils.
- 3.3.11 In response to the consultation process the applicants moved the site boundary to 689m from the nearest residential receptor at Rhymney and redesigned the overburden mounds to be consolidated as one mound set a minimum of 500m from the settlement boundary. A visual and acoustic screening bund was introduced, which will be landscaped to hide the excavation area from a greater area of Upper Rhymney. Specialist fog cannons and other dust suppression equipment will be used to control

dust, but the site will be shut down at times when unacceptable dust conditions arise that cannot be mitigated. The applicants will take all possible measures to minimise noise and vibration impacts locally to conform to Welsh Government guidelines including the installation of the visual and acoustic screening bund, acoustic kits attached to machinery, and low noise mining methods. Road traffic will be subject to the same control measures as the site and this has been assessed as part of the proposal. Working hours have been restricted although the CDP will continue to operate its current hours.

3.3.12 Impact on the environment has been taken into account. Key areas identified as important for local wildlife such as the lapwing habitat area on land adjacent to the Bogey Road, have been taken into account and, where possible, accommodated to reduce impacts. The applicants moved roads, offices and buildings to preserve that area. The southern half of Rhaslas Pond will be preserved during site operations, whilst the northern part of the pond will be restored on completion of the project to form a wetland area. Some respondents to the consultation highlighted concerns about drainage from the land south of the mine causing problems with silting at Parc Cwm Darran Lake and so the remediation was introduced into the scheme. The applicants state that they will continue to engage with the local communities and commoners and take their views into consideration.

3.4 DESIGN AND ACCESS STATEMENT

The application also included a design and access statement as required by legislation. Much of its content has already been discussed above, and included:

- Site location and site description
- Project need and policy background
- Project information
- Character (project scale, scheme layout, landscaping, appearance, sustainability, community safety), and
- Access: movement to, from and within the development (vehicular site access, internal movements, personnel access).

3.4.1 The applicants advise that the following accessibility principles are taken into account in the detailed design of the project buildings and their surroundings:

- provide for safe access to and from the site using car and motorcycle and the use of more sustainable means of transport by cycle or on foot;
- have regard to the principles of inclusive design;
- doorways to and within the buildings would have no raised thresholds and would be a minimum of 1.10m wide to permit ease of access by wheelchair users.
- design layout of buildings to correspond with vehicular and pedestrian movement to and from the buildings whilst harnessing inclusive access design principles.
- disabled parking would be provided along with that for motorbikes and cycles
- create safe and secure environment for visitors and employees through the use of adequate lighting, security fencing and vandal proof materials;
- use good quality and durable hard surfacing materials that are fit for purpose

- and aesthetically pleasing;
- provide appropriate signage and external furniture to again facilitate inclusive access design principles.

3.5 TOWN AND COUNTRY PLANNING ACT: SECTION 106 AGREEMENT

During the determination of this application, a draft section 106 agreement other between the Council, the applicants and other landowners has been submitted that provides for the following matters:

- footpaths and bridleways
- early remediation works
- ecological mitigation works at Bryn Caerau
- ecological mitigation works at Pumlumon or at an alternative local scheme
- enhancements to ponds to encourage their use by birds particularly the Little Ringed Plover and the Ringed Plover
- the management of Great Crested Newt receptor sites for a period of 25 years
- the provision of temporary grazing land for commoners
- the granting of rights of common on restored land
- the aftercare of restored land, up to 25 years in the case of wet heath
- the reinstatement of public access to common land within a maximum of 5 years of restoration
- the reinstatement of grazing on common land
- commitment by applicants not to exercise their rights of common
- the provision of a restoration fund
- the provision of employment and training opportunities.

3.6 THE LOCAL GOVERNMENT ACT 2000: SECTION 2 AGREEMENT

A draft Section 2 agreement has also been submitted during the consideration of the application containing the applicant's commitment to providing a community fund the payments into which would be based on the price per tonne of coal, the minimum total payment being £3m, the maximum being £6m. A sum of £500,000 would be paid prior to the commencement of coaling, and the remainder would be paid once the tonnage that would have delivered that total has been exceeded.

4. **Policy**

4.1 Planning Policy Wales (July 2014)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government, and is supplemented the Technical Advice Notes (TANs). It states that:

"The planning system manages the development and use of land in the public interest, contributing to the achievement of sustainable development. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development. (para 1.2.1).The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs." (para 1.2.2).

4.2 It affirms that the planning system will play an important role in tackling climate change and reducing greenhouse gas emissions thereby making a contribution to national and international targets, and the obligations of the Climate Change Act 2008 to reduce net UK greenhouse gas emissions by 80 per cent by 2050, and CO2 emissions by at least 34 per cent by 2020. It also states that:

"The planning system is intended to help protect the amenity and environment of towns, cities and the countryside in the public interest while encouraging and promoting high quality, sustainable development." (para 3.1.1).

Applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise.

4.3 PPW defines sustainable development as "enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our generations in ways which:

- promote social justice and equality of opportunity, and
- enhance the natural and cultural environment and respect its limits – using only our fair share of the earth's resources and sustaining our cultural legacy." (para 4.1.4)

To that end it is considered that planning proposals and decisions should amongst other things:

- Locate developments so as to minimise the demand for travel, especially by private car.
- Support the need to tackle the causes of climate change by moving towards a low carbon economy.
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land.
- Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities (including energy supplies and distribution networks), while ensuring proper assessment of their sustainability impacts.

- Contribute to the protection and improvement of the environment.
- Help to ensure the conservation of the historic environment and cultural heritage.
- Where it is judged necessary to use non-renewable resources they should be used as efficiently as possible.
- Promote access to employment.
- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides.
- Promote a low carbon economy.
- Contribute to the protection and, where possible, the improvement of people's health and well-being.

4.4 Welsh Government's objectives for the conservation and improvement of the natural heritage are set out in Chapter 5 of PPW and include:

- promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats;
- ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;
- safeguard protected species, and
- promote the functions and benefits of soils, and in particular their function as a carbon store.

With regard to common land it emphasises that it is a finite resource and should not be developed unnecessarily. Access to it should not be prevented or impeded unnecessarily, and its proper management should be encouraged (para 5.2.11).

4.5 Chapter 6 of PPW considers the historic environment, advising that, "Local planning authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs." (para 6.1.2) That includes archaeological remains. With regard to economic development, Chapter 7 states that, "The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development." (para 7.1.3) Local planning authorities are encouraged to support the shift towards a low carbon economy (para 7.4.1). Key factors to be considered in the determination of planning applications include:

- the numbers and types of jobs expected to be created or retained on the site;
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

4.6 Chapter 8 considers transport. Chapter 11 addresses tourism, sport and recreation. Chapter 12 on infrastructure and services provides support for renewable and low carbon energy but also emphasises that Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our

economy and communities, whilst minimising potential environmental and social impacts (para 12.8.6). Finally, Chapter 13 on minimising and managing environmental risks and pollution requires LPAs to consider contamination and pollution when making planning decisions. That includes noise and light.

4.7 Technical advice notes

TANs provide more detailed advice on the considerations set out in PPW. The following are of relevance in determining this application. TAN5, Nature Conservation and Planning (2009) provides advice on:

- the key principles of positive planning for nature conservation
- nature conservation in development management procedures
- development affecting protected internationally and nationally designated sites and habitats.

The development management process is regarded as a critical stage in the delivery of the protection and enhancement of nature conservation by securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations (para 4.1.1).

4.8 TAN11: Noise (1997) provides advice on taking account of the noise impacts of developments. The following are also of some relevance: TAN12: Design (2014), TAN15: Development and Flood Risk (2004) (which includes advice on surface water run-off), TAN16: Sport, Recreation and Open Space (2009) (which amongst other things considers the importance of public rights of way), TAN18 Transport (2007), and TAN21 Waste (2014). Finally, TAN23 Economic Development (2014) draws attention to the broad PPW definition of economic development which includes any form of scheme that generates wealth, jobs, and income, and emphasises that, “The economic benefits associated with development may be geographically spread out far beyond the area where the development is located.” (para 1.2.1).

4.9 Minerals Planning Policy Wales (December 2000)

Minerals Planning Policy Wales (MPPW) sets out the land use planning policy of the Welsh Government in relation to minerals extraction, including coal. It opens by making the following points:

1. extraction can only take place where the mineral is found to occur;
2. it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time;
3. wherever possible any mineral working should avoid any adverse environmental or amenity impact; where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits; and
4. when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after use so as to avoid dereliction, and to bring discernible benefit to communities and/or wildlife. (para 5).

A proper balance must be struck between the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment. Effects on local

communities and the environment must be minimised, but where there is demonstrable harm that cannot be overcome by conditions, planning permission should not be granted (para 10).

4.10 MPPW sets out the following key principles:

- 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 paragraphs
- encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

It goes on to advise of the need to take account of the impact of mineral developments on areas of nature conservation value, habitats and species, surface and groundwater resources, historic landscape and other cultural interests, and environmental impacts such as noise and dust.

4.11 Paragraph 40 considers buffer zones:

“There is often conflict between mineral workings and other land uses as a result of the environmental impact of noise and dust from mineral extraction and processing, and vibration from blasting operations. Buffer zones have been used by mineral planning authorities for some time to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals, schools, should be resisted. Within the buffer zone, there should be no new mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be located within or on the far side of an existing built up area which already encroaches into the buffer zone. Other development, including industry, offices and some ancillary development related to the mineral working, which are less sensitive to impact from mineral operations, may be acceptable within the buffer zone. The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings; the topography of the surrounding area; existing and anticipated levels of noise and dust; current and predicted vibration from blasting operations and availability of mitigation measures. Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation, but must be clearly defined and indicated in Unitary Development Plans. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses, and that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. Further guidance on the factors that should be taken into account when defining buffer zones for particular minerals will be provided in Technical Advice Notes.”

4.12 Of particular relevance to the current application is the comment at para 42 that, “The Government wishes to see freight carried by rail or waterway rather than by road wherever this is economically feasible.” Environmental management is encouraged, and satisfactory and suitable restoration must be part of any proposal. Financial

guarantees are required, maybe through section 106 agreements, to ensure that restoration will be fully achieved.

4.13 Specific advice is given about coal:

“61. The objective of the Government’s central energy policy is to ensure a secure, diverse and sustainable supply of energy at competitive prices. This objective takes in the Government’s concern for the environment, health and safety and a fair deal for all consumers, as well as its commitment to all aspects of sustainable development. While UK coal is available and the generators continue to choose it, UK coal contributes to energy diversity and supply. Opencast coal is generally more flexible and cheaper to produce than deep-mined coal, but there are important environmental and amenity issues involved, and these require very careful consideration. ...

“62. Proposals for opencast or deep-mine development or colliery spoil disposal will be expected to meet the following requirements otherwise they should not be approved:

- The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage;
- If this cannot be achieved, it should provide local or community benefits which clearly outweigh the disbenefits of likely impacts to justify the grant of planning permission; ...
- Land will be restored to a high standard and to a beneficial and suitable after-use.”

In addition, paragraph 63 (as replaced by Ministerial Interim Minerals Planning Policy Statement 01/2009) requires a Health Impact Assessment to accompany any application for opencast coal working.

4.14 Minerals Technical Advice Note 2: Coal (2009)

This MTAN sets out how impacts should be assessed and what mitigation measures should be adopted, and seeks to identify the environmental and social costs of coal operations so that they are properly met by the operator. It points out that the potential benefits include job opportunities, the value to the economy, land stabilisation, and the scope for landscape and amenity improvements. Paragraph 10 states:

“The future use of coal in Wales will be governed by the requirement to reduce carbon emissions. Carbon dioxide is produced in the combustion of coal for energy generation and in coal transport, and methane is released by its excavation. Wales aims to achieve emission reductions of 3% per year by 2011 in areas of devolved competence, and in the longer term the UK is committed to a cut in greenhouse gas emissions of 80% below 1990 levels by 2050. Applications for coal working should demonstrate that actions to reduce carbon emissions from the extraction and transport of coal are included in the proposals.”

The UK Government believes that it 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 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 (paragraph 13).

- 4.15 Councils should set out their strategy for the sustainable management of the coal resource in their LDP, directing coal working away from sensitive locations and ensuring that any environmental or community impacts can be mitigated. The MTAN contains information about the availability of surface coal resources, but also advises that coal working will generally not be acceptable within 500m of settlements, within international and national designations of environmental and cultural importance, additional areas of constraint for the LDP such as air quality action zones; areas where demonstrable cumulative and in-combination effects mean that an area cannot absorb further environmental impacts; and where clear evidence can be provided that coal development would have an adverse effect on proposals to attract or retain investment in an area.
- 4.16 The MTAN emphasises that coal can only be worked where it is found, but whilst it should be safeguarded as a resource through the LDP, that would not indicate an acceptance of working, and may be overlapped by the areas where coal working will not be acceptable during the plan period. Examples of potential community benefits (see para 4.13 above) are given:
- The removal of hazards arising from previous underground working,
 - The restoration of land to public amenity and open space,
 - The creation of areas for nature conservation,
 - The remediation of damaged land,
 - Demonstrable employment or economic benefits, or
 - The preparation of land suitable for future built development.

However, where advice is given about the use of planning obligations and agreements it is stated that they should never be a means purely for securing for the local community a share in the profits of the development.

- 4.17 Further advice is given about financial guarantees including the following:

“In all cases, operators should ensure that sufficient finance is available to enable them to meet fully restoration and aftercare conditions. This is important to avoid future dereliction and the possibility that the costs of reclamation of mineral sites might have to be borne by other public or private sources. The MPA should satisfy itself that the estimates are not unreasonable, and are index-linked, and to that end may wish to make use of an external specialist valuer. Annualised restoration costs will take into account the life of the operation.”

- 4.18 The impacts of surface mining are potentially extensive, and so the LPA must consider how it would affect the settings of National Parks, and have regard to the purposes for which they were designated. In such cases a rigorous examination should be undertaken to determine whether the impacts on the purposes are acceptable or not and whether they can be avoided or adequately controlled through conditions. Other designations that should be considered are country parks, common land, or where working would degrade mature landscape, ancient woodlands, important hedgerows which are features of landscape of major importance for wild flora and fauna, or

important trees. The historic environment must also be considered, along with better quality agricultural land, and public rights of way.

- 4.19 Extensive advice is provided about reducing the impact of coal extraction, by the industry adopting the best available techniques, environmental management systems, and monitoring appropriately including by the LPA. Best practice guidance is provided on dust control, blasting, noise, visual impact, illumination, stability, transport, water, mine gas, colliery spoil and achieving a high standard of restoration, aftercare and afteruse.
- 4.20 Detailed advice in relation to dust is given in paragraphs 132 - 156, and noise in paragraphs 167 - 177. Paragraph 137 provides advice on health risks: "Particulate air pollution is emitted from many different sources and may damage human health and the environment. Emissions should be avoided, prevented or reduced. Epidemiology has consistently demonstrated an association between adverse health effects and particulate matter; there is no known safe level of exposure to particulate matter and exposure can lead to impacts ranging from minor effects on the respiratory system to premature mortality. There is a general consensus that some health effects are dominant in susceptible subgroups, for example elderly people, children, those with pre-existing lung or heart disease or diabetics. The balance of evidence suggests that it is combustion derived components of PM10, rather than particles from natural sources that are primarily responsible for harmful effects. (Department of Health 1999)".
- 4.21 Paragraph 138 says that the National Air Quality Strategy, "sets health-based objectives to maintain and improve the quality of ambient air" and that, "The Air Quality (Wales) Regulations 2000 set the objectives for particulate matter." Paragraph 139 goes on to say, "When assessing proposals for coal operations, the predicted emissions of particulate matter must not cause a breach in overall air quality standards". In addition, paragraph 142 says; "The potential health impacts of particulate matter from opencast sites are often raised as a health concern by local communities. Endorsed by the Committee of Medical Effects on Air Pollutants, the University of Newcastle-upon-Tyne's report "Do particulates from opencast mining impair children's respiratory health?" (DoH 1999) concluded that it is relevant to consider the contribution of opencast sites to PM10 levels in communities up to 1000m from a site. Health issues will be considered in the HIA, supported by specific dust and particulate matter assessment. Larger particles can give rise to dust nuisance, and paragraph 155 advises that a maximum of 80 mg/m²/day as a weekly average should be specified by condition.
- 4.22 The appendices to the MTAN consist of a number of best practice notes covering a variety of matters including dust, blasting, noise and reclamation.
- 4.23 Caerphilly County Borough Local Development Plan up to 2021 (adopted November 2010)

The LDP's vision statement is as follows:

"The Development Strategy for the Local Development Plan will capitalise on the strategic location of Caerphilly County Borough at the centre of the Capital Network Region. It will ensure that the needs of all the County Borough's residents and visitors

are met and the regeneration of our towns, villages and employment centres and the surrounding countryside is delivered in a well-balanced and sustainable manner that reflects the specific role and function of individual settlements.”

4.24 A number of aims are specified including the following:

- To protect the environment as a whole whilst balancing the need for development with the need to conserve valuable resources.
- To ensure that new development minimises emissions of greenhouse gases as far as is practically possible in order to mitigate the effects of climate change.
- To make Caerphilly County Borough a clean, green, safe and pleasant place to live and work with decent public services.
- To enhance the vibrancy and diversity of local communities, in order to ensure good health and social cohesion.
- To increase the economic prosperity of the people and communities of the County Borough through the provision of land for employment opportunities, supported by appropriate housing and ancillary facilities and services (including community and health facilities, recreation, leisure etc.).
- To contribute to improving public health, by promoting land use developments that contribute to healthy lifestyles and well-being.
- To use resources efficiently making the best use of our assets.
- To promote Caerphilly County Borough as an area in its own right.

4.25 Twenty-four key objectives are specified including the following:

1. Ensure that the County Borough is well served by accessible public open space and accessible natural green space.
2. Ensure the effective and efficient use of natural and built resources while preventing the unnecessary sterilisation of finite resources through inappropriate development.
3. Ensure that the environmental impact of all new development is minimised.
4. Improve energy, waste and water efficiency while promoting environmentally acceptable renewable energy to maintain a cleaner environment and help reduce our impact on climate change.
5. Encourage waste management based on a hierarchy of reduce, reuse, recovery (including material recycling, energy recovery and composting) and safe disposal.
6. Encourage the re-use and / or reclamation of appropriate brownfield and contaminated land and prevent the incidence of further contamination and dereliction.
7. Identify, protect and, where appropriate enhance, valuable landscapes and landscape features and protect them from unacceptable development.
8. Identify, protect and enhance sites of nature conservation and earth science interest and ensure the biodiversity of the County Borough is enhanced.
9. Create appropriate new landscape and ecological features and habitats as an integral part of new development wherever appropriate.
10. Manage, protect and enhance the quality and quantity of the water environment and reduce water consumption.
11. Capitalise on Caerphilly’s strategic position further developing its role as a commercial and employment centre in the heart of the Valleys City Region

with strong links to the Heads of the Valleys area and as the smart alternative for locating development to Cardiff and Newport.

12. Provide and protect a diverse portfolio of employment land for a variety of employment uses, focusing in particular on higher value employment opportunities and sites to meet local need, including waste management facilities.
13. Encourage the development of high quality, all season tourist attractions and tourist accommodation that complements the natural and built environment of the County Borough.
14. Protect and enhance the overall quality of the historic natural and built environment of the County Borough.

4.26 The development strategy set out in the LDP locates the application site within the Heads of the Valleys Regeneration Area (HOVRA) which is characterised by the highest levels of unemployment, social deprivation and population loss in the County Borough and has difficulty in attracting private sector employment. That said, The HOVRA's potential contribution to the Valleys Regional Park is immense and the Development Strategy will ensure the positive protection and development of the surrounding countryside. A large part of the area has been shown to be highly valued and sensitive environmentally and as a consequence 67% of the surrounding countryside is subject to environmental protection.

4.27 Eight component parts form the Development Strategy and underpin the policies in the LDP. They are to:

1. Target development to reflect the roles and functions of individual settlements
2. Allow for development opportunities in the Heads of the Valleys Regeneration Area
3. Promote a balanced approach to managing future growth
4. Exploit brownfield opportunities where appropriate
5. Promote resource efficient settlement patterns
6. Ensure development contributes towards necessary infrastructure improvements
7. Ensure development provides necessary community facilities
8. Reduce the impact of development upon the countryside.

The discussion about those components includes the following comments about coal:

“Coal underlies the majority of the County Borough. The seams outcrop in the north and south of the County Borough, whilst in the middle they are overlain by sandstone. Coal has been worked extensively in the past by both opencast methods and deep mines. Minerals Planning Policy Wales aims to provide positively for the working of mineral resources to meet society's needs. It therefore advocates that mineral resources should be safeguarded from permanent development that would prevent their future workings. The strategy balances the need for the safeguarding of nationally important mineral resources, (e.g. coal, sand, gravel) against the potential impact of such development on the landscape and on sites of ecological interest. The Plan seeks to fully take into account the impact of proposals for the extraction of minerals on the amenity of residents, and its implications for the safeguarding or enhancement of the natural environment to facilitate the future tourism development potential of the area.”

- 4.28 The following policies are of relevance to the determination of this planning application.
- SP1 Proposals in the Heads of the Valley Regeneration Area will be required to:
- A Promote the north of the County Borough as a tourist, employment and residential area at the heart of the valleys city region and
 - B Provide appropriate forms of growth in response to the role and function of settlements and
 - C Serve to address existing problems of deprivation in order to sustain and develop communities in a manner that is consistent with the underlying principles of sustainable development.
- SP5 The Plan defines settlement boundaries in order to:
- A Define the area within which development would normally be allowed, taking into account material planning considerations
 - B Promote the full and effective use of urban land and thus concentrate development within settlements
 - C Prevent the coalescence of settlements, ribbon development and fragmented development
 - D Prevent inappropriate development in the countryside.
- SP6 Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:
- A An appropriate mix of uses that reflect the role and function of settlements
 - B A high standard of design that reinforces attractive qualities of local distinctiveness
 - C Design in accordance with best practice in terms of designing out crime
 - D A location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all
 - E The incorporation of resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation, and where appropriate the use of sustainable drainage systems
 - F The efficient use of land, including higher densities where development is close to key transport nodes
 - G The incorporation and enhancement of existing natural heritage features
 - H The incorporation of mitigation measures that improve and maintain air quality.
- SP7 The Council will seek to secure Planning Obligations (S106 Agreements) where they are necessary to remove obstacles to planned development, meet local needs and make development more sustainable ...
- SP8 The Council will contribute to the regional demand for a continuous supply of minerals by:
- A Safeguarding known resources of coal, sand and gravel and hard rock

- B Maintaining a minimum 10-year land bank of permitted aggregate reserves in line with national guidance.
- SP10 The Council will protect, conserve, enhance and manage the natural heritage of the County Borough in the consideration of all development proposals within both the rural and built environment.
- SP11 Access to opportunities for enjoyment of the County Borough will be promoted and encouraged where the proposals are sustainable in terms of its impact on the natural heritage, the local community and the rural environment within which they are located.
- SP18 The Council will protect important networks of public open space, natural green space and recreational facilities from inappropriate development.
- CW1 Development proposals that are likely to generate a significant number of trips will only be permitted provided:
- A Walking and cycling are modes of travel which have been actively encouraged for short trips to and within the development and to nearby services and facilities, including public transport nodes, through the provision of appropriate infrastructure
 - B Provision has been made for ease of cycling, including secure bike storage and cyclist facilities
 - C It has been demonstrated that where a significant number of freight trips will be generated, the least environmentally damaging route will be utilised
 - D The use of Green Travel Plans has been encouraged, where appropriate.
- CW2 Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:
- A There is no unacceptable impact on the amenity of adjacent properties or land
 - B The proposal would not result in over-development of the site and / or its surroundings
 - C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use
 - D Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.
- CW3 Development proposals must satisfy the following highways requirements:
- A The proposal has regard for the safe, effective, and efficient use of the transportation network
 - B The proposal ensures that new access roads within development proposals are designed to a standard that:
 - 1 Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
 - 2 Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve

- C Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008
 - D Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity.
- CW4 Development proposals that affect locally designated natural heritage features, will only be permitted:
- A Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL).
 - B Within, or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors, or Local Priority Habitats and Species, where proposals either:
 - 1 Conserve and where appropriate enhance the ecological or geological importance of the designation, or
 2. Are such that the need for the development outweighs the ecological importance of the site, and where 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.
- CW5 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).
- CW6 Development proposals on sites containing trees, woodlands and hedgerows, or which are bordered by one of more such trees or hedgerows, will only be permitted provided that:
- A Where arboricultural surveys are required, they are submitted and approved, including any mitigation, compensation or management requirements, as part of the planning application.
 - B Root systems will be retained and adequately protected for the duration of all development activity on site.
 - C Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site.
 - D Where trees, woodlands or hedgerows are removed, suitable replacements are provided where appropriate.
- CW15 Development proposals will be considered against the following criteria, where they apply:
- A Development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use

- B Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located, and
 - C Outside settlement boundaries proposals will not be permitted unless the proposed development is either:
 - i Associated with either agriculture, forestry or the winning and working of minerals or
 - ii For the conversion, rehabilitation or replacement of rural buildings and dwellings, or
 - iii For recreation, leisure and tourism proposals that are suitable in a countryside location or
 - iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or
 - v Associated with the reclamation / treatment of derelict or contaminated land.
- CW22 Development proposals which may impact on minerals safeguarding areas will be considered against the following requirements, as applicable:
- A Proposals for permanent development uses within identified mineral safeguarding areas will not be approved unless:
 - i The applicant can demonstrate that the mineral is no longer of any value or potential value, or
 - ii The mineral can be extracted satisfactorily prior to the development taking place, or
 - iii There is an overriding need for the development, or
 - iv The development comprises infill development within a built up area or householder development or an extension to an existing building
 - B Proposals for development uses of a temporary nature within identified mineral safeguarding areas will not be approved unless they can be completed and the site restored to a condition that does not inhibit mineral extraction within the timescale that the mineral is likely to be needed.
- CW23 Development proposals for sensitive or minerals development will not be permitted within the mineral site buffer zones identified on the proposals map.
- SI1 Green Wedges are identified and will be protected at the following locations:
- SI1.2 Fochriw and Pontlottyn.
- NH1 Special Landscape Areas are identified and will be protected at the following locations:
- NH1.1 Upper Rhymney Valley
 - NH1.2 Gelligaer Common.
- NH2 Visually Important Local Landscapes are identified and will be protected at the following locations:

NH2.1 Northern Rhymney Valley.

NH3 Sites of Importance for Nature Conservation are identified and will be protected at the following locations:

NH3.1 River Rhymney
NH3.4 Nant Bargoed Rhymni, Darran Valley
NH3.5 Tair Carreg Moor, North West of Fochriw
NH3.17 Cefn Gelligaer, West of Deri.

MW1 A railhead site is identified as suitable for minerals handling and despatch and rail transport related waste management facilities, as follows:

MW1.1 Cwmbargoed Disposal Point, north west of Fochriw.

MN1 A 500m Buffer zone is identified in relation to the following site:

MN1.1 Ffos Y Fran Open Cast Coal Site.

MN2 Minerals safeguarding areas are identified at:

MN2.1 West of Rhymney – Coal.

EM1 The following site is allocated for development within Use Classes B1, B2 and B8:

EM1.1 Land at Heads of the Valleys - Primary site.

EM2 The following sites are protected for employment uses, in line with their status in the employment site hierarchy:

EM2.2 Heads of the Valleys, Rhymney Secondary site
EM2.3 Capital Valley, Rhymney Secondary site.

LE3 Country Parks that contribute to the Valleys Regional Park are protected at the following locations:

LE3.1 Parc Bryn Bach, Rhymney / Tredegar
LE3.2 Parc Cwm Darran, Deri.

TM1 Sites are allocated for tourism related activities at:

TM1.1 Parc Bryn Bach, Rhymney / Tredegar.

TR1 Land will be safeguarded to facilitate the following improvements to the cycle route network:

TR1.6 Link from Fochriw to NCN 46 via Rhaslas Pond.

4.29 UK Government's Overarching National Policy Statement for Energy (EN-1) (2011) comments 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.” (para. 2.2.5). Whilst the document makes it clear that there must be a transition to low carbon energy generation, it states that fossil fuel power stations will continue to play an important part in the country’s energy mix (para. 3.6.1), but it is necessary to reduce carbon emissions, particularly from coal-fired stations. Welsh Government Policy on energy generation can be found in *A Low Carbon Revolution The Welsh Assembly Government Energy Policy Statement* (March 2010), which states an intention to move towards a low carbon economy, with energy increasingly being produced from renewable sources.

- 4.30 The Caerphilly County Borough Biodiversity Action Plan reviews the current activities, priorities and targets in respect of the promotion of biodiversity in the borough. It also provides a framework for reviewing and monitoring progress. With regard to planning and development (section 3.2) it draws attention to the impact on biodiversity, the important pieces of legislation including the Wildlife and Countryside Act 1981 and amendments 1985, the Conservation Regulations 1994 (consolidated by the 2010 regulations), the Countryside and Rights of Way Act (CROW Act) 2000, and the advice in Planning Policy Wales that the planning system has an important part in countering the decline in biodiversity, and supporting sustainability. It also contains a number of habitat statements, and species action plans.

5. Consultation

5.1 Caerphilly Local Access Forum - Comments that the process for stopping up, creating permissive paths and creating new paths are both feasible and reasonable. It welcomes the provision access as a result of the early land remediation. However, clarification is sought about the location of fencing, and the costs of signing and so forth to be borne by the developer through a section 106.

5.2 Darran Valley Community Council - Raises objection to the planning application on the following grounds:

- Potential for detrimental health related impacts. Little is known about these impacts on local residents
- Potential for air pollution
- Potential for noise pollution and
- Potential for dust nuisance. The council is aware that coal dust dispersed on prevailing winds from the Ffos y Fran scheme continues to cause problems throughout the community council area. It considers the impact of this scheme on land nearer the community council area would only further aggravate these issues.
- Economic factors. Whilst the application references a number of jobs being created, the council does not believe the necessary skill sets are available locally and therefore without significant investment in candidate preparation and licence attainment, many of these jobs will be taken by people from outside of the local area and therefore will bring little jobs and/or economic benefits to the area.

5.3 Rhymney Valley Community Council - Raises objection to the planning application on the following grounds:

- Potential displacement of jobs. Whilst the council acknowledge the likely creation of jobs from the scheme, it is concerned the development will have a detrimental impact on local businesses neighbouring the proposal;
- Potential health related impacts. The council is concerned that not enough is known about the possible health related impacts of the scheme on local residents;
- Potential impact on local waterways; and
- Potential for nuisance dust and noise from the scheme. The council is aware that coal dust dispersed on prevailing winds from the Ffos y Fran scheme continues to cause problems throughout the Community Council area. They consider the impact of this scheme on land nearer to the Community Council area would only further aggravate these issues.
- The council is also concerned that recent changes to the economic value of coal, could lead to a shortfall / lack of commitment to any future 'making good' of mined land, an issue made more complicated when the landowner changes during the agreed period. The council discussed the current issues being experienced in the Neath-Port Talbot CBC area.

5.4 Nelson Community Council - Supports the local protest group in objecting to the scale of the development on the grounds of its environmental impact, its impact on the visual amenity and to also object on its potential impact on Nelson residents along the rail

link from the site to Ystrad Mynach, due to the increased frequency and larger capacity of trains to be used to transport materials from the site.

- 5.5 Gelligaer Community Council - No objection.
- 5.6 Llanbradach & Pwllpant Community Council - Council is unhappy at the increased amount of noise from the movement of coal by rail through Llanbradach that will affect residents and is concerned that the railway bridges might not be strong enough to take the anticipated amount of traffic.
- 5.7 Wales & West Utilities - Information has been provided about their gas pipes in the area together with list of general conditions for applicant's guidance.
- 5.8 Police Architectural Liaison Officer - No objections to this application and a request is made that the developers be encouraged to develop the site to the principles found within Secured By Design.
- 5.9 Cadw - Sarn Howell Pond and Watercourses scheduled ancient monument (SAM) are nearby and the historic landscape at Merthyr Tydfil is near the site boundary, but no designated historic assets are directly affected. As there are no significant impacts there are no comments. The South Dam at Rhaslas Pond meets the criteria to be designated as a SAM but there are no concerns about the impact of the development upon it. It is for the local planning authority to consider the impact of the scheme on listed buildings.
- 5.10 Chief Fire Officer - The developer should consider the need for:
- adequate water supplies on the site for firefighting purposes; and
 - access for emergency firefighting appliances.
- 5.11 Ministry Of Defence - The site is outside the MoD safeguarding area and so it has no objections.
- 5.12 Aneurin Bevan and Cwm Taf Health Boards - Comments are submitted following consultation with Public Health Wales. Based on the information provided by the applicants and the proposed mitigation, there is limited potential for risk to public health. Risks to health appear to be limited to potential for nuisance. Recommendations for conditions are provided concerning dust prevention, noise, an environmental management system, and the health impact assessment. There is a need for long term air quality monitoring. Consideration should also be given to the need for robust long term nuisance dust monitoring if consent is granted. A coherent and robust environmental management system is required and this is currently missing from the documentation. There is considerable anxiety in the community about the potential impact of the proposed development on health and wellbeing, environmental impact and a lack of confidence in the outcome of remediation. A local liaison group should be established to ensure continuing communication.
- 5.13 Comments were also passed to the LPA from the Wales Health Impact Assessment Support Unit about the HIA produced by the applicants, stating that the quality of the health and wellbeing elements is sound and that the HIA has been well executed. Further advice was provided where the HIA could be improved, but subsequent

comments from the Unit confirmed that those comments were the consultants and the developer to highlight how their practice may be further improved if required to undertake one again in Wales.

- 5.14 Blaenau Gwent County Borough Council - Consideration is given to air quality, noise, blasting and vibration, rights of way, landscaped and visual impact, and highways matters. The only concern is in respect of the potential adverse impacts on sensitive receptors in Blaenau Gwent such as Parc Bryn Bach and a Special Landscape Area, but it is recognised that the negative impacts are for a limited period, and may be addressed by condition. Account must be taken of the positive economic and environmental benefits that arise, but it vital that the site is restored satisfactorily.
- 5.15 Brecon Beacons National Park - The National Park Authority has considered the proposals in relation to the national park purposes, statutory duty and the provisions of the Brecon Beacons National Park Authority Local Development Plan and objects to the proposals due to the potential adverse effect of the proposed development in terms of its visual impact. The site is 2.7km from the national park boundary and is separated by the Heads of the Valleys Road. The national park is at a higher elevation than the site. The void and overburden mound will be visible from the Park throughout the scheme and the method of working maximises the visual impact from the Park with excavations working from north to south and the overburden mound being constructed from south to north. The photomontages do not show the full extent of the visual impact. The NPA wish to see further evidence that the visual effects from the Park would be only minor as the ES concludes, especially during the times of greatest disturbance. Any lighting should be designed so that there is no adverse effect on the Dark Sky Reserve within the national park.
- 5.16 Transportation Engineering Manager - Has no objections subject to conditions concerning the provision of satisfactory access and parking, road improvements, the control of material on the highway, and road damage.
- 5.17 Head Of Public Protection - Following discussions with the applicant and the submission of the addendum to the ES, the proposed dust and noise control measures, and the impact of the development on air quality have been considered and no objections are raised to the scheme subject to conditions concerning the provision of an environmental management plan, the control of dust, air quality monitoring, noise control, hours of operation, blasting, weather monitoring, contamination, reclamation, lighting, waste, the setting up of a liaison committee, and the employment of an environmental liaison officer.
- 5.18 Caerphilly County Borough Council Countryside And Landscape Services
- 5.18.1 Landscape: - It is accepted that the Landscape and Visual Impact Assessment has been undertaken in accordance with what is currently regarded as best practice at the time the Environmental Statement was prepared.

The effects of the proposed development upon the Landscape Character within 1km of the site is significant, and not significant beyond 2 km. The degree of effect of the proposed lighting upon landscape character and visual amenity has been assessed as not significant. Residents within 2km of the site, including those at Fochriw, Butetown, Princetown and parts of Rhymney, with direct open views of the proposed

development would experience 'major adverse' and therefore significant effects, especially when the overburden mounds were being constructed or removed. The size of the overburden mound, its distance from residential areas and the difficulty of growing and maintaining a visually effective grass sward on the mound, will mean that it will cause a significant long-term effect upon local residents from inception to removal.

Impacts on the nearest promoted cycle route - the Rhymney Valley Ridgeway Footpath - will be significant. Most promoted cycle routes near the site follow the valley floor, from which potential views of the site would be fleeting and the effect is not significant. For users of the public rights of way network in the vicinity of the site the potential effects arising from the development proposals during the period when the overburden mound is being erected or removed is assessed as 'major adverse' medium term, reducing to 'moderate adverse' once the mound has been established, which will be significant. The degree of effect is upon local amenity spaces and golf courses not significant.

Given that views of the mound are likely to be restricted at Rhymney Conservation Area and Rhymney Town Centre and that remediation works to the Northern-eastern Valleys and tips and the Northern slopes should occur early in the life of the scheme, the degree of effect is not significant. Users of the local highway network were considered to be likely to experience only glimpsed views of the site apart from on Fochriw Road which would include the build facility and coal processing plant located between the void and overburden mound. That would be significant.

The potential beneficial effect upon views from Rhymney Conservation Area are considered to be significant if the landscape strategy can be realised and sustained within this area.

The greatest potential for cumulative impact is as a result of the proximity of Nant Llesg, Ffos-y-Fran, Trecatti, and Cwm Bargoed sites. These are temporary but long-term developments the characteristics of which will change throughout the life of each project. The local effect and the effect upon some more distance visual receptors will be significant.

The following conclusions are drawn with regard to the restoration strategy as it relates to the various areas.

- Area 1 - Open Upland - the degree of beneficial effect arising from the proposed restoration of this area is not significant.
- Area 2 - Northern Slopes Bryn y Pyllog - the effect of the restoration strategy could be significant in this area.
- Area 3 - Northern Enclosed Fields - the degree of beneficial effect arising from the proposed restoration of this area is not significant.
- Area 4 - South Eastern Slopes - where small-scale remediation works and improvements to public access are proposed but such effects are not significant.
- Area 5 - North-eastern Valleys and Tips - the restoration strategy is achievable within this area and the effects would be significant.
- Area 6 - Southern Valley Side - where small-scale remediation and access improvements are proposed but the effects would not be significant.

- Area 7 - Southern Tips - where the stabilisation and grassing of the eroding tip surfaces and ecological enhancements are welcomed. The area is open common subject to fly-tipping and illegal grazing and vehicle access. The proposed after management period, is only 5 years and it is doubtful whether all of the proposed long-term benefits can be realised within that period, but the effect of the restoration strategy could be significant in this area.
- Area 8 - Cwm Bargoed Disposal Point - the effects are not significant.

To conclude, the proposed development would have significant adverse effects upon landscape character within one to two kilometres of the site and upon visual receptors over a slightly greater distance. It also demonstrates that the adverse effects of the development are not balanced or outweighed by the potential beneficial effects of the restoration proposals. While this may not be sufficient to warrant refusal it is significant and should be considered within the wider assessment of the application.

5.18.2 Ecology - Statutory Designated Sites

The Environmental Statement has identified 28 sites with 36 statutory nature conservation designations within 10km of the site.

Two sites of European Importance occur within 10km of the site including, Aberbargoed Grassland Special Area of Conservation (SAC) 7.9km from the site within CCBC, and Usk Bat Sites SAC in Monmouthshire and Powys 8km from the site, while Cwm Cadlan SAC, and Blaen Cynon SAC in Brecon Beacons National Park are 12.5km and 14km from the application site. In view of the size and nature of the development a Habitats Regulations Assessment (HRA) is required to assess the potential for any significant effect on European Sites, in accordance with the Conservation of Habitat and Species Regulations 2010. The key issue for consideration is the potential for impacts from changes in air quality during the operational phase of the scheme. The HRA also considered the effect of the development on the Severn Estuary Special Protection Area (SPA) and Ramsar Site 31km south of the site due to the potential link between birds from the Estuary and those at Rhaslas pond and adjacent wet heath within the application site. In combination effects with other developments were also considered. Nitrogen oxides (NOx) nitrogen and acid deposition were modelled for the four SACs and dust was also considered based on dust modelling within and adjacent to the site application site. With regards to the potential effect on the Severn Estuary SPA and Ramsar Site, the assessment considered the effect of displacement of birds from Rhaslas pond to other sites during the operational phase of the development when moving north from or returning south to the Severn estuary. The peak count of birds recorded at the application site equated to less than 1% of the SPA populations with the exception of whimbrel (4%) and lesser black-backed gull (10%). Whimbrel arriving at Rhaslas pond were thought to possibly derived from sites further afield than the Severn Estuary, while lesser black-backed gull who travel from the estuary to the area to feed at Trecatti Tip and use Rhaslas as one of several water bodies in the area for loafing and roosting and was therefore not considered to be critical habitat for these species. The assessment concluded that there would be no likely significant effect on the integrity of any of the 4 SACs as a result of air quality, or on the integrity of the Severn Estuary SPA and Ramsar Site, and Natural Resources for Wales has agreed with the findings of the assessment.

Nineteen Sites of National Importance (Sites of Scientific Interest (SSSI)) were located within 10 km of the site with the closest being Lower House Stream Section (1.2km) (a geological SSSI) and the closest biological SSSI being Cefn y Brithdir SSSI, 2.7km from the site. The only potential effect on these sites was considered to be air quality on biological SSSIs, but as all biological sites were over 2km from the site, no adverse impacts are considered likely.

Other Statutory Designated sites are of Local importance, and include Bryn Bach Country Park 0.5km (in Blaenau Gwent) and Cwmllydrew meadows Local Nature Reserve in CCBC, 1.2km south of the site.

5.18.3 Non-Statutory Sites

20 Sites of Importance for Nature Conservation (SINC) lie within 1km of the site, which are of local conservation value. They include Cefn Gelligaer SINC which lies within the application site, and several SINC's lying adjacent to the site, including Tair Carreg Moor SINC 10m to the west, Nant Bargod Rhymney SINC 10m to the south, Cwm Golau SINC (Merthyr) immediately adjacent to the Disposal Site and the River Rhymney SINC east of the site. Most of the Cefn Gelligaer SINC will be lost or disturbed as a result of the proposals primarily through over-tipping with overburden. Details of the habitats and species affected are dealt with below. The remaining parts of Cefn Gelligaer SINC and Tair Carreg Moor SINC that lies 10m west of the application site, have the potential to be affected by air quality from exhaust emissions from coal trucks, from land remediation and from the operation of the mine and Cwmbargoed Disposal point. Air quality and dust emissions modelling showed that NO_x, nitrogen deposition and dust critical loads were predicted to be exceeded at both ecological receptors at Tair Carreg Moor SINC particularly at the receptor closest to Cwmbargoed Disposal Point, where baseline dust was predicted to increase by 21%. Effects of dust is likely to result in reduced rates of photosynthesis and rates of gaseous exchange, but due to the high levels of rainfall and windy conditions experienced, the impact on the vegetation is unlikely to be significant. NO_x and nitrogen levels are also predicted to exceed the critical load and may result in changes in vegetation composition particularly on bryophytes and lichens, and allowing taller grass species to out compete low growing species. Vegetation monitoring on Tair Carreg in connection with Ffos-y-Fran Land Reclamation scheme has established a baseline on which to monitor further vegetation changes, and this will need to be continued for the duration of the coaling operation and early restoration phases in the event of planning approval being given.

5.18.4 Habitats

The environmental statement has provided details of surveys undertaken on habitats within the application site including a Phase 1 habitat mapping of the site and additional areas, a national vegetation classification (NVC) survey, an aquatic plants survey and a grassland fungi survey. An updated NVC survey was also undertaken in July 2014 together with a habitat condition survey.

The majority of the habitats present on site have been identified to be of County Borough importance, identified as UK Bap Priority habitats and of Principal Importance in Wales (Section 42 Natural Environment and Rural Communities Act (NERC) 2006). These include, acid dry dwarf shrub heath, wet dwarf shrub heath, wet

heath/acid grassland mosaic, acid flush, basic flush, ponds, lakes and reservoirs, unimproved acid grassland and marshy grassland. Wet Heath and mire communities in the central part of the site will be lost beneath the overburden, and have been identified as being the most sensitive and valuable habitats on site, and most difficult to recreate. Natural Resources Wales in their final response to the application has also confirmed that this habitat within the site is the largest area of wet heath within the county borough, and the development will result in between 35 and 47 ha being lost. The impact on habitats has been assessed as being of moderate significance due to its county value.

The applicant proposes to recreate a range of habitats on the site upon completion of coaling. There will however, be a loss of habitats for the duration of the coaling operation (14 years) and for some years after the commencement of restoration, while new habitats mature and develop their associated fauna and flora. This is a significant loss of habitats, and the applicant has acknowledged that it will not be possible to provide short/medium term, like-for-like mitigation for several of the habitats lost, including the valuable wet heath habitat within the application site or on sites nearby. The applicant has instead, offered to provide a habitat enhancement scheme at Bryn Caerau at the head of the Bedlinog valley in Merthyr Tydfil County Borough, on enclosed farm land in their ownership, as compensation for the loss of the unenclosed upland habitats on the application site, at the commencement of and during the operational phase of the scheme. This will provide positive benefits for a different range of habitats outside the Caerphilly County Borough area, resulting in a net loss of habitats from the county borough, but positive benefits to biodiversity in Merthyr Tydfil.

The major area of concern with this approach has been the inability of the scheme to address the loss of wet heath. As a result, the applicant has also offered to provide a financial contribution via a Section 106 agreement towards a peatland/wet heath restoration scheme in Powys at Pumlumon with an option for these funds to be used on a habitat restoration/enhancement scheme more locally within the Caerphilly County Borough. Habitat enhancements for sites in the local area would be preferable to schemes further afield, but discussions with the applicant to date, have failed to identify a suitable local project or site, so it is proposed to word the agreement to allow funding to be passed to a local project if the local planning authority can identify a suitable scheme. The current funding offered is based on the 14 year period of the coaling operation, but as newly created wet heath habitats will take many years to become established this funding needs to be increased to cover at least an additional 10 years of management. Similarly the habitat enhancements and subsequent management at Bryn Caerau will also need to continue for an additional 10 years beyond the 14-year coaling period.

The applicants have put forward a restoration strategy that reflects the existing habitats and uses of the site and includes the retention of peaty soils and non-peaty soils for the duration of the coaling operation. A peat handling methodology has been submitted which gives some confidence that the peat can be stored in a condition that will prevent drying out or deterioration over the 14 years of coaling. The subsequent landscaping and spreading of peat and soils across the site will provide the framework to create areas suitable for the development of acid dry dwarf heath, wet dwarf shrub heath, acid/neutral flush, lakes and reservoirs, swamp, unimproved acid grassland, semi-improved acid grassland, poor semi-improved grassland, improved

grassland, marshy grassland, semi-natural broad leaved woodland and conifer plantation, and linear features such as rivers and streams, hedgerows, inland rock outcrop, ditches and stone walls. Rhaslas Pond will be restored as a smaller body of water with a shallow wetland margin along the northern edge of the pond and wet heath habitat will be restored on the peaty soils.

Throughout the planning consultation process the council's ecologist and Natural Resources Wales, have been and remain concerned over the ability of the scheme to deliver a wet heath habitat to a quality that would equate at least to the current condition of the existing wet heath and are of a view that there is the potential for a permanent loss of wet heath habitat.

Whilst it is accepted that many of the new habitats proposed can be restored over time and with the right management regime, the initial proposal to release those new habitats to common use after 5 years, was considered by the local authority ecologist and Natural Resources Wales to be too short. A 10 year restoration period has subsequently been proposed, for the more complex wet heath habitat, accounting for 50-62ha but in the light of experience at other sites, such as at Plenmeller in Northumberland this is also considered to potentially to be too short, particularly as it is acknowledged in Appendix 3 of the submitted Biodiversity Offsetting report dated August 2014 that heathlands take between 50 to 100+ years to achieve full restoration. Whilst it would be unreasonable to require the land to stay in controlled management for 50+ years, an option is required, to allow management to continue over a longer period of time of up to 25 years with reviews at 5-year intervals. This would need to be supported with a financial guarantee from the applicant, to secure funds over the operational life of the site, so that in the event of the worst case scenario of failure to create the desired habitat, a fund equivalent to the cost of creating and managing a wet heath habitat is passed on to the local authority to undertake further biodiversity works on or off site. This would need to be controlled through a Section 106 agreement.

The habitat restoration strategy for the whole site has been revised with the submission of a final restoration plan. This final plan has omitted to include watercourses within the areas of the site occupied by newly created habitats, and will need to be resubmitted with the amended details. In addition although broad principals of restoration have been provided, scattered at various locations throughout the application documents, a single clear document on the restoration process would be helpful to clearly identify the restoration process timescales and mechanisms for creating managing and monitoring each new habitat. This should include the early remediation and restoration of the areas outside the main operational area. A Biodiversity Management plan for the habitats within the application area but outside the main operational areas will need to be provided at an early stage.

5.18.5 Species

The ecological assessment of the site included surveys for Amphibians (including Great Crested Newts), Reptiles, Bats, Breeding Birds, Wintering birds, Otter, Watervole, Badger, aquatic and terrestrial invertebrates, including dragonflies, and fish.

European Protected Species

The following European Protected Species were found to be present on site: Great Crested Newts, Bats (common and soprano pipistrelle bats, Myotis bats and noctule), and otters.

Great Crested Newt surveys undertaken in 2011 and 2014 found them to be breeding in two ponds with a maximum of 6 recorded in one pond, and two in another. Great Crested Newts have also been recorded around Fochriw Feeder pond in 2011 and more recently around Rhaslas pond in 2015. The population of Great Crested Newts appears to be a low dispersed population. The proposed scheme will result in the loss of 6 ponds that have the potential to support Great Crested Newts, although the ponds where the newts have been confirmed will be retained (Rhaslas Pond will be retained, but any newt population will need to be removed as it will be within the operational area of the site). A significant area of terrestrial habitat including marshy grassland and wet heath used by great crested newts for foraging and hibernating will however be lost. A derogation licence will be required and the local authority must therefore apply the three EU tests when considering the planning application.

1. it is in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. that there is no satisfactory alternative
3. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range

In order to satisfy test no. 1, the application will remediate historic mining and dereliction associated with the treatment of mining shafts and adits and improve safety of public using the site. In order to satisfy test no. 2, there is no satisfactory alternative within the application boundary, although the applicant hasn't considered the alternative of placing the overburden elsewhere. In addition retention of ponds within the site is impractical due to the requirement of land for overburden, and two ponds where great crested newts have been confirmed will be retained.

With regard to test no. 3, the proposals will result in the loss of terrestrial habitat for great crested newt together with 6 ponds considered suitable to support great crested newts during the 14 years of operation of the development. Those ponds with confirmed great crested newts will be retained. It is proposed to create three receptor site cells which will be fenced to prevent newt access to the operational area and will include the two existing ponds (but not Rhaslas pond) together with the creation of 14 new ponds and terrestrial features that would benefit great crested newts prior to commencement of operations. Any Great Crested Newts associated with Rhaslas pond would need to be relocated, details of which would need to be included in a second revised method statement, but is unlikely to affect the overall conclusions of the conservation status of the population. Terrestrial Habitat within the operational area would be lost and a capture programme from the operational area is proposed to relocate captured newts to the receptor site cells. Restoration of the site, upon completion of the coaling operation after 14 years, to include wet heath and marshy grassland and additional ponds will, if successful, replace the habitats that have been

lost, and provide additional breeding ponds for great crested newts over the longer term. In view of these proposals there will be a short-term impact on the conservation status of the great crested newt, but over the longer term, conservation status of the species is unlikely to be affected.

Bat surveys undertaken on the site concluded that there were no bat roosts within the application site including sites that could potentially be used for hibernation. However activity surveys identified that parts of the site particularly Rhaslas Pond and rough grassland in the centre of the application site were important foraging sites for common pipistrelle, soprano pipistrelle and myotis bats, with noctule bats being recorded once. Foraging sites are particularly important when they are close to breeding roost sites. However, as foraging sites are likely to be at a significant distance from breeding roosts, (potentially in Rhymney, Pontllytyn and Fochriw) the importance of foraging areas in relation to breeding roosts is unlikely to be significant. In view of this the impact of loss of foraging sites during the operational phase is of minor significance, and restoration will provide additional foraging habitats including woodland over the longer term. As a derogation licence for bats is unlikely to be required it is not necessary to apply the three European tests with respect to bats.

Otter surveys undertaken in connection with the application have confirmed that otters make occasional use of waterbodies and streams. There were no suitable sites for breeding, and otters are known to travel over large distances to feed. The loss of access to Rhaslas pond and other minor watercourses at the top of a water catchment is unlikely to have a significant effect on otters if measures are undertaken to minimise impact on otters during site clearance and operation of the site. A derogation licence for otters is unlikely to be required, so it is not necessary to apply the three European Tests with respect to otters.

5.18.6 Other Protected Species

Amphibians

20 ponds within the application site were found to support palmate newt, and the tadpoles of common frog and common toad. The reptile survey also recorded palmate newts, common frogs and common toads in terrestrial habitat. Smooth newt are also likely to be present. Together these species were considered to be of county importance with all species having partial protection under Section 5 of the Wildlife and Countryside Act, while common toad is listed as a species of principal importance in Wales under Section 42 of the Natural Environment and Rural Communities Act 2006. Impacts on these species will be similar to those of great crested newts, and measures for their capture, and removal to contained areas and subsequent protection during the operation of the site will be the same as for great crested newts. In addition, it is proposed to install amphibian tunnels as part of the road junction improvements to facilitate amphibian access to ponds and reduce amphibian road casualties.

Reptiles

The applicant undertook a limited reptile survey concentrating on those areas most

likely to yield reptiles, and confirmed a population of common lizard on site. Surveys were confined to relatively small areas within the site so although other parts of the site were considered to be less suitable, no surveys were undertaken in these areas to indicate the potential size of the population over the whole site. The common lizard population was assessed as being of community value, but this needs to be confirmed through further surveys to confirm the size of the population over the whole site, and inform the size and suitability of potential receptor sites. These surveys together with details of Receptor sites, and habitat enhancements will need to be provided as a condition of any planning approval.

Birds - Breeding

The applicants' ecologist undertook several bird surveys including breeding bird surveys in 2011 for the whole site, and breeding wader surveys in 2013 and 2014 which also included other birds of conservation concern. Little ringed plover and lapwing were present and bred in numbers of national significance, although little ringed plover failed to breed in 2014, but they were present (according to local bird observers) in the early part of the breeding season. The updated assessment in the addendum to the planning statement indicated that the ES had overvalued the importance of the site for little ringed plover based on the 2014 data, but as sites are normally valued over a number of years to take account of annual fluctuations the value should in my opinion remain until further years of data confirm the status of the site over a longer period of time.

Breeding birds of county importance included Ringed plover which bred in 2011 but not in 2013 or 2014, and snipe whose breeding numbers have remained relatively consistent. Other breeding birds of note included skylark, dunnoek, song thrush, starling, house sparrow, linnet, bullfinch, reed bunting and willow warbler.

The impact of the loss of breeding sites for little ringed plover is of high magnitude on a population of national importance. Not all of Rhaslas Pond where they have bred will be lost, but as it will be within the operational area of the site, it is anticipated that the level of disturbance will deter them from breeding around Rhaslas during the operational phase, and is of major significance. To mitigate the loss of breeding sites, the applicant has proposed to improve the suitability of other pond margins nearby to encourage breeding little ringed and ringed plover, which may partially mitigate loss during land take, and upon completion of coaling habitats will be restored at Rhaslas, but the smaller pond and less complex habitats may result in breeding taking a long time to be established, and is therefore considered to be of moderate adverse significance. Details of these habitat enhancements will need to be provided.

The impact of the land take on lapwings will result in one of the 10 breeding sites being lost, breeding adjacent to Rhaslas pond in 2011 with other breeding sites being unaffected, and has been identified as being of medium magnitude and of moderate significance.

The impact of loss of other breeding birds of conservation concern including snipe, where one of two breeding sites will be lost, considered to be of moderate significance, and loss of breeding sites for skylark, wheatear, linnet and reed bunting, considered to be of minor significance.

Restoration of the landscape after completion of coaling will provide habitats for these and other bird species in time; however there will be many years during coaling and while restored habitats are maturing, when the impact of loss of breeding sites will continue, and it has not been possible to mitigate for this loss. The applicant has offered compensation for loss of sites during coaling at Bryn Caerau, in Merthyr Tydfil County Borough, but this will not provide breeding sites for the key species lost from the application site.

Birds – Wintering

Winter bird surveys were undertaken in 2008-9, 2011-12 and a further data search of records up to the end of 2012 was undertaken to supplement the information gathered during the applicant's surveys. A total of 72 bird species were recorded during the surveys of which 42 were of conservation importance. The data search identified 88 species of conservation interest from within 2 km of the site, although most records related to Rhaslas Pond or to the land to the south of the pond. These included a wide range of waterfowl and waders associated with the pond and wet heath habitats, nationally important numbers of herring gull and lesser black-backed gull, raptors including red kite and hen harrier, that hunt over the site, and short-eared owl that regularly winters in the wet heath south of the pond. The importance of the site for wintering and passage birds has been identified as being of County importance and the assemblage of waterbirds using Rhaslas pond has also been assessed as being of county importance.

As with breeding birds the impact of the proposal on wintering and passage birds will be loss of wintering terrestrial habitat, partial loss of Rhaslas Pond, and potential disturbance during operations, requiring the birds to move on to other less suitable areas. No mitigation has been offered for this loss. Instead the applicant has offered compensation during coaling, at Bryn Caerau, in Merthyr Tydfil County Borough, but this will not provide equivalent wintering sites for the key species at the application site. The final restoration scheme will include a restored Rhaslas Pond but this will be a smaller waterbody that may be less attractive to passage and wintering birds.

5.18.7 Other Species

Surveys were undertaken for other species including terrestrial invertebrates, a separate dragonfly and damselfly survey, water vole, badger, aquatic invertebrates and fish. Of these species only dragonflies and damselflies were found to be of county importance with 14 species recorded. This narrowly misses (by 1 species) the qualification criteria for being a nationally important site. The loss of habitat has been identified as being of high magnitude and impact on the assemblage of dragonflies has been identified as a moderately adverse effect. The creation of additional ponds to accommodate great crested newts will however provide some alternative habitat during the operational phase and restoration will provide additional streams and water bodies suitable for dragonfly and damselflies, and as such the considered to be a minor adverse on these species. A scheme to facilitate the colonisation of new ponds from ponds lost to the development will need to be included.

5.18.8 Conclusions

The application will result in the loss of Cefn Gelligaer Site of Importance for Nature

Conservation that has been designated for its extensive area and range of upland habitats breeding lapwing and dragonfly and damselfly populations. Of particular concern is the loss of wet heath, loss of breeding sites for little ringed plover and displacement of the diversity of passage waders and waterfowl using the site. Restoration proposals may result in the return of habitats and species to the site over time, but there are reservations as to the ability of the wet heath habitats to be successfully restored, and the restored Rhaslas Pond will be smaller than the original water body and possibly less attractive to passage and breeding birds. The short and medium term loss of habitats during the coaling and early restoration works is acknowledged in the application, and to off-set this, compensation habitat enhancements have been offered in the neighbouring Merthyr Tydfil County Borough and further afield in Pumlumon, Powys. This however will still result in a significant loss of biodiversity from the northern part of Caerphilly County Borough. The key interests however are of county value, and this will need to be weighed against the national need for energy. In the event that the planning application is approved, short and medium term compensation measures at Bryn Caerau, Pumlumon or preferably more locally within CCBC will be necessary via a Section 106 agreement and a long term restoration and management programme secured by financial guarantee should the restoration of wet heath be unsuccessful. This will also need to be secured via a Section 106 agreement.

- 5.19 Caerphilly County Borough Council Senior Engineer (Land Drainage) - No objections are raised but a condition should be imposed seeking details of surface water and land drainage particularly in respect of coal washing, temporary or permanent haul roads, vehicle washing, and the welfare and office facilities.
- 5.20 Caerphilly County Borough Council Rights Of Way Officer - No objections are raised but further information is ought about the location of fencing, and the costs of signing and so forth to be borne by the applicant and secured through a section 106 agreement.
- 5.21 Caerphilly County Borough Council Economic Development - Planning Policy Wales takes into account economic land uses, including the energy sector to which Nant Llesg clearly relates. The development will lead to job creation both directly and indirectly, will assist in redressing some of the economic disadvantages in the upper Rhymney Valley and will contribute to the wider spatial aims of regeneration in the Heads of the Valley corridor. This advice is supported by a report produced by Hardisty Jones Associates, an economic development, regeneration and sustainability consultancy, entitled Independent Economic Impact Assessment of Proposed Open Cast Mining at Nant Llesg, Rhymney. In summary the broad conclusions of that report are:
- The likely potential job creation resulting from the proposal is between 201-221 jobs in the 10-mile impact zone. More than 80% of those jobs are expected to go to residents of the impact zone.
 - The limited capacity within the surface mining workforce means that it is likely that new operatives will be recruited and trained to fill positions at Nant Llesg. The applicants are already actively pursuing this strategy.
 - The jobs are well paid and come with substantial training. This will also provide accreditation for large plant operation that will be transferable to other mines and into the construction sector.

- The business at most serious risk of disinvestment is Richards & Appleby (R&A). There are a range of commercial factors at play in the decision making process of that company. The applicants have expressed a willingness to mitigate any negative consequences of its proposal and therefore any disinvestment decision by R&A would not be attributable to the mine but it is not certain whether they would seek to remain or relocate away from the Rhymney area.
- The Heads of the Valleys Industrial Estate is already in a relatively weak competitive position within the wider Heads of the Valleys sub-regional area. Economic forecasts also suggest continued employment decline in manufacturing in the area. Whilst there are no final assessments of dust, noise and visual impacts it is not possible to say whether there will be further detrimental effects. If negative impacts are found to arise this may further weaken the competitive position of the Rhymney area. However, if the position was to weaken, the scale of potential future investment which may be blighted is uncertain.
- Evidence in respect of Ffos-y-Fran and Shotton, Northumberland shows that in both cases there were substantial fears of blight as a result of proposed surface mines. However, in both cases those fears did not become reality and sensitive industrial occupiers have continued to operate and invest in close proximity to surface mining operations.

5.22 The Coal Authority - As the owner of the coal, The Authority encourages and supports this application which it considers will be worked in an environmentally and socially acceptable manner to meet market requirements. It considers that the proposal will contribute to the Government's policy framework for a diverse and secure energy supply and incorporates the principles of sustainable development. A licence under the Coal Industry Act 1994 will also be required.

The Authority provides background information on the privatised coal industry in the UK. It emphasises that surface mining is critical to the continued supply of good quality coal for the market in the UK, and provides the basis for up to half the electricity generated in the UK. Coal from the UK offers security against the volatility of international coal prices, freight rates, exchange rates, and port capacity. Importing coal from abroad has environmental footprint implications. It is essential that new environmentally acceptable sites are brought forward to replace those that are nearing completion. The benefits of remediation, reduced hazard from potential mine gases, and improved minewater are also mentioned.

5.23 Dwr Cymru - No objections are raised. A public sewer and water mains cross the site. The developer should consult Dwr Cymru before any works take place on site. There are no comments regarding hydrology. Its telecom assets are not affected by the development.

5.24 Friends Of The Earth Cymru - Object to the scheme on the grounds that:

- It is contrary to the development strategy set out in the Council's LDP
- It will result in unacceptably adverse impacts on natural heritage features, and
- It is likely to adversely impact on the health, amenity and safety of local residents.

Their representation contains a detailed analysis of national and local planning policies; nature conservation and biodiversity off-setting; health, well-being and amenity; landscape, visual amenity and the National Park; minerals safeguarding and buffer zones; and emissions and climate impacts.

Further comments were received following the submissions of the addendum to the ES. In particular the application contravenes energy policy which is focused on a low carbon future, provides insufficient compensation for loss of public accessible recreation land, fails to provide information on air pollution values, will cause major landscape and visual impacts for a duration of more than ten years, is contrary to Planning Policy Wales and uses incorrect interpretation of WHO noise guidelines.

- 5.25 Gelligaer And Merthyr Commoners Association - The Association initially wrote expressing concerns about the loss of grazing land, the significant interference with the rights of the common, the disturbance caused by infrastructure and traffic, danger to livestock, pollution, impact on water supply, the advertisement of the application, and the restoration scheme. It has now withdrawn those objections.
- 5.26 Glamorgan/Gwent Archaeological Trust - Archaeological mitigation will be required. There is a long history of human activity in the project area and its vicinity from the Mesolithic period. Subsequent periods are represented by numerous sites that include Bronze Age monuments, Roman military installations, Medieval settlements and post Medieval agricultural and industrial landscape features. There is a high potential for sites of archaeological interest to be present within the site in addition to the 298 assets already identified. Any consent granted should include a condition to ensure the full implementation of a programme of archaeological works such as that proposed by the applicant, which would provide sufficient mitigation for the negative impacts on the archaeological resource. The condition should follow the model in Welsh Office circular 60/96 and the work should be undertaken in accordance with the standard guidance of the Institute for Archaeologists, preferably by a registered organisation or IfA member.
- 5.27 Merthyr Tydfil County Borough Council - Having reviewed the additional information, this authority has no further comments to make.
- 5.28 Welsh Government Natural Environment & Agriculture Team - None of the land contained within the application site is best and most versatile agricultural quality. A significant portion of the site has no natural soil resources and requires a substantial amount of soil forming material to achieve restoration objectives. However, the developer has provided sufficient information to demonstrate that the land can be restored to agriculture to a satisfactory standard. A reasonable standard of agricultural use would be met where the restored land, after a period of aftercare, would be capable of providing low to moderate productivity livestock grazing within the common grazing area and moderately productive improved grassland in the northern farm holding part of the site. Agricultural restoration and aftercare conditions are proposed. Attention is drawn to the need to fence the proposed peat storage mounds for health and safety reasons because they will not be as solid as they appear, and unauthorised access should therefore be restricted.
- 5.29 National Air Traffic Services - The proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria.

Accordingly NATS has no safeguarding objection to the proposal.

- 5.30 National Grid - Has no objection to the proposal which is in close proximity to a high voltage transmission overhead line. The contractor should contact National Grid before any works are carried out.
- 5.31 Natural Resources Wales - Initially an objection was raised because the scheme would have adverse impacts on the species associated with large areas of semi-natural habitats, inadequate mitigation and compensation was proposed, and there was insufficient information on existing biodiversity, site restoration and aftercare. Furthermore the potential impacts of the proposal had not been adequately considered in the context of the Water Framework Directive.

Amendments were submitted and having reviewed all the information submitted by the applicant a number of their original concerns have been satisfactorily addressed or are capable of being addressed through conditions. Their remaining concern is the potential loss of wet heath habitat. The applicant has advised that it is not feasible to amend the overburden storage location. The prevention of long-term losses of biodiversity will be heavily reliant on achieving successful restoration of the habitats following coal extraction. Wet Heath is recognised as being important in a local, national and international context and the site approaches the limit of its biogeographical representation in Wales.

The restoration of the habitats of peaty soils is inherently high risk and their experience indicates that although it is possible to encourage the re-establishment of the species typical of heathland habitats, those species are often low in abundance leading to a partial replication of the typical form of the habitat. There have been few attempts to recreate wet heath and those that have had some success have been by turf translocation rather than the removal, long term storage and replacement that are proposed in this case. An aftercare period of 20+ years is advised due to the difficulty in restoring wet heath habitats. The applicants have proposed a fall back option which provides for further compensation, in the form of a financial guarantee, if the wet heath is not re-established satisfactorily.

In terms of the off-site mitigation and compensation proposals at Bryn Caerau, the creation of 26.6ha of unimproved acid grassland, 0.39ha ponds and 0.3ha of swamp, together with the enhancement of 28.9ha of marshy grassland is welcomed, but although overall there is a small net gain in biodiversity value, there will be losses of wet heath.

The proposals for works at Pumlumon are of value but are distant from the application site. If the allocated funds were used for projects near the site, there is concern that they may not be sufficient to achieve a level of benefit that outweighed the impact of the mine.

If the Council is minded to grant planning permission the following should be taken into account:

1. The applicants should enter into s106 agreement, in particular in respect of the restoration provisions, the additional financial guarantee, and the provisions for management of Great Crested Newt (GCN) habitat and enhancement works for

bird populations

2. Conditions are recommended in respect of restoration, aftercare, biodiversity (reptiles), invasive species, water resources, and contamination, and
3. Any loss of biodiversity receptors, even if only temporary, should be recorded by the relevant authority on the Biodiversity Action Reporting System.

5.32 OFCOM - No comments. Its policy is not to advise or get involved with planning applications.

5.33 Royal Society For The Protection Of Birds - RSPB objects to the scheme because of the adverse impacts on birds from land take, the loss of a valuable local amenity, and insufficient mitigation and compensation. The site supports nationally important numbers for Wales of lapwing, and it is also notable that five species of wader breed here which is exceptional for an inland site in Wales. Rhaslas Pond attracts migrating waders during the autumn and spring, and nationally important numbers of wintering herring gull and lesser black-backed gull. Attention is also drawn to the impacts on the SINC and the loss of the northern part of Rhaslas Pond. Whilst the proposed Bryn Caerau biodiversity compensation is welcomed, there is not a like for like wetland creation especially in terms of a large water body to replicate Rhaslas Pond.

It maintains its objections following the submission of amendments particularly in view of the displacement of dog walkers into area of breeding lapwing, the need for ongoing lapwing mitigation, lack of certainty in terms of the deliverability of the management plan, and mitigation measures for impacts upon other bird interests in the application is not forthcoming.

5.34 Welsh Government - Planning Division - The Welsh Government Planning Division are unable to comment on planning applications that are before local planning authorities as the applications may at some time come before the Welsh Ministers if they are called-in, or on appeal.

5.35 Welsh Government (Transport) - The operational transport implications of the proposal on the surrounding trunk road network would be insignificant against existing background traffic levels. Therefore, as highway authority for the motorway and trunk roads network there are no objection or further comments to make.

6 ADVERTISEMENT

6.1 Extent of advertisement: The application and subsequent additional information has been advertised by means of press notices and site notices in Rhymney, Deri, Abertysswg and Fochriw in accordance with the requirements of the Town and Country Planning Act 1990 and the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. In addition, exhibitions were held in Pontlottyn, Fochriw and Rhymney in November 2013. Copies of the documents and the amendments were also placed in the libraries in Rhymney, Deri, Nelson and Ystrad Mynach and also on the Council's website.

6.2 Response: More than 350 representations have been received from local residents and businesses in the Heads of the Valleys area, in the form of individual letters and photocopied ones. Two petitions objecting to the scheme have been received: the largest has 4976 signatures, the other which objects to the loss of Rhaslas Pond contain 24 signatures. The comments are summarised below.

6.3 Summary of observations:

6.3.1 In Support (approx 217 letters)

The letters of support comment on:

- Well paid local employment opportunities offered by the development
- Local economic benefits
- Skills and training opportunities
- Benefits to the supply chain
- Supports local employers Tata steel and Aberthaw Power Station
- Good standard of restoration
- Railhead allows sustainable transport of coal to customer
- Support for community benefits, including minibus scheme.

6.3.2 Objections

The grounds for objection can be summarised as follows:

6.3.3 Proforma letter A

- Visual impact
- Air pollution
- Light pollution
- Noise
- Increased road traffic
- Increased rail traffic
- Loss of jobs at existing businesses
- Loss of inward investment.

Proforma letter B

- Not sustainable, no viable long term customer for coal
- Not financially viable – price of coal is falling. Future of steel production uncertain.
- Unacceptable impact on local community in terms of noise, dust light pollution and this will affect quality of life and health
- Visual intrusion for 15 years
- Few jobs will be provided for local people and jobs will be lost at existing local businesses
- The mine will deter inward investment
- It will destroy natural resources and habitats, including damage to a bird migration sanctuary
- Damage to archaeological feature – Rhaslas reservoir
- Increased risk of accidents and congestion on roads due to additional HGVs
- Additional use of rail line will affect those living near it through night traffic.
- The need for the early remediation work is questionable.

Proforma letter C

- Devastating effect on jobs in the area
- Need for coal is reducing, fossil fuel is old technology
- Loss of moorland and common land in addition to Ffos Y Fran and Trecatti is unacceptable
- The site has been subject to previous working. Residents should not have to suffer the impacts again.

Proforma letter D and D (i)

- Economic, social, health and transport implications would be disastrous for the community
- The reclaimed and beautiful green landscape should not be dug up again. It has been a coal mine previously. Enough is enough.
- Keep the hillsides green.

Proforma letter E

- Pollution of drinking water and springs
- Dust pollution due to traffic
- Loss of jobs
- Loss of grazing rights
- Loss of Rhaslas pond – supports rare birds
- Loss of marsh and moorland habitat
- Loss of land for informal leisure – walking, horse riding, birdwatching
- Eyesore for local residents – there is a chance the site will not be restored
- Area should be promoted as a tourist attraction with footpaths, cyclepaths and bird watching hides.
- Health problems
- Money is the prime motivator for the development
- Habitat cannot be replaced.

Proforma letter F

- Noise and vibration from trains, especially disturbing at night
- Previous coal mining has caused subsidence.

6.3.4 Merlin Biosurveys have submitted 175 proforma, one with a petition of 94 signatures attached to it. Glamorgan Bird Club has also commented along similar lines: their objection is based on reduction in size of Rhas Las pond and the impact on breeding wader habitat. They draw attention to the birds recorded in the applicants' surveys:

- Breeding Little Ringed Plover, Lapwing, Ringed Plover, Common Snipe, Common Sandpiper, Mallard, Reed Bunting, Skylark, and 15 other species
- winter observed species such as Hen Harrier, Merlin, Widgeon, Pochard, Tufted Duck, Goldeneye, Teal, Goosander, Coot, Moorhen, Black-necked Grebe, Jack Snipe, Short-eared Owl, and at least 14 other species
- The pond supports large flocks of Swallows, Swift, House Martins, and Sand Martins searching for insects in the day, with bats doing so at night
- Wader flocks including Dunlin, Curlew, Sandpiper, Sanderling and some 13 other species, and wildfowl such as Pintail and Shelduck
- Gulls in internationally important numbers.

Similar concerns have been expressed by the Welsh Ornithological Society.

6.3.5 United Valleys Action Group (UVAG) have submitted a 69-page report raising objections on the following grounds:

- Environmental impact
 - noise pollution
 - dust and dirt pollution
 - diesel particulate pollution
 - water pollution
 - light pollution
 - adverse visual impact
 - detrimental health impacts (physical and psychological)
 - waste clearance and processing.
- Ecological impact
 - detrimental impact on biodiversity
 - loss of habitats
 - loss of amenity for wildlife.
- Socio-economic impact
 - loss of good quality jobs
 - new jobs – many won't go to locals
 - job opportunities are over-exaggerated
 - loss of initiatives, e.g. greening of the valleys
 - perception of the area
 - loss of inward investment
 - lower house prices
 - potential down-banding of housing stock
 - less Council Tax for Council

- community benefits/compensation – no community control
- loss of amenity.
- Attainability
 - climate change
 - sustainability of customers such as Aberthaw power station and Tata steel
 - falling price of coal
 - future of coal
 - falling price of steel
 - future of steel in South Wales and beyond.
- Planning process
 - pre-application public consultation failure/inadequacies
 - legality of tendering for the remediation works
 - lack of bilingual documentation
 - legality of the planning process
 - will the applicants be self-regulating, and who will police them?
 - will any section 106 agreements be tightly constrained, and who will police them?
 - the Newcastle Study which considered the impact of mine dust on nearby settlements is inappropriate and out of date.
- Transport
 - increased heavy road traffic – hold ups and road safety issues
 - increased rail traffic – noise and vibration nuisance
 - extended night time rails slot usage and resulting sleep disturbance
 - increased traffic to new customers
 - existing road traffic capacity constraints now worthless?
- Community Benefit
 - £6m over 15 years is not a lot of money
 - it's community compensation not community benefit
 - the operator can withhold the benefit to pay for legal expenses
 - it will be administered by the operator and the Council
 - the Council can use the money to pay for legal expenses
 - the remediation scheme solutions are over-specified for the task
 - the remediation scheme will cause water issues
 - the remediation scheme will become an extension of the coal mine.

6.3.6 UVAG make the following comments about the availability of Aberthaw Power Station and Tata steel as markets for the coal from the proposed mine, and concerns about climate change:

- Utility Week online newspaper indicates that RWE npower has opted out of the Industrial Emissions Directive for Aberthaw which means they can only run for 17500 hours from 1 January 2016 until the end of 2023 without upgrades to cut SO₂, NO_x and particulate emissions. That would give the power station a life of some 2 to 4 years.
- The steel market is volatile and profit margins slim. Tata has cut costs by shedding jobs, they are importing coking coal from Mozambique and Canada, and they are considering opening their own mine in Kenfig.

- Carbon Capture and Storage will not be available in the short to medium term, and so further limitations on the use of coal are likely to be imposed.

6.3.7 UVAG has drawn attention to the following nature conservation issues:

1. biodiversity at Rhaslas Pond has increased
2. biodepletion has occurred elsewhere at the site already due to previous opencast (these comments are supported by extensive analysis of some 157 species including, birds, reptiles, insects and fish)
3. loss of SINC land
4. loss of undisturbed semi-natural habitat
5. loss of wet heath
6. land is naturally brown – it has not been improved
7. loss of small ponds
8. loss of Rhaslas Pond
9. climate change.

6.3.8 Following the submission of the addendum to the ES UVAG submitted a further 31-page report stating that the concerns raised have not been addressed in the additional information. The main points of the objection are:

- Aberthaw power station is not a sustainable customer as its future is uncertain in the light of the need for investment to bring it in line with the European pollution control limits. It could close by the end of 2018.
- Coal from Nant Llesg is not required to “keep the lights on” as the applicant claims. Aberthaw is currently supplied with cheap, imported coal which is readily available from various sources. Wales is a net exporter of electricity and the national grid ensures that power is distributed around the UK from all power generating sources.
- Jobs provided at the site would be balanced against the loss of jobs elsewhere, for example at Richards and Appleby.
- The UK government’s and the Welsh Government’s energy policy is strongly based on securing a low carbon future. Carbon capture and storage is unlikely to be financially viable.
- The quantity of water from Rhaslas Pond will be inadequate to serve the development with possible implications for dust emissions. Low water levels threaten flora and fauna.
- Residents report significant dust deposition when wind blows from the east from Ffos-Y-Fran. This seems to indicate that the dust cannot be reduced by a factor of 95% as the company claims. Dust from overburden is equally unacceptable as coal dust. The addendum implies that there will be a major or moderate impact at several residential receptors.
- The proposed new site exit junction could become a road hazard. It would not be traffic light controlled and the area can often be foggy and inclement. UVAG still considers that bunching of coal lorries travelling to the CDP is inevitable.
- Partial remediation of old mine workings will not resolve the water discharge issues.
- The local community will suffer light pollution.
- The early remediation work will take place within 500 metres of residential areas

and will have similar effects to the coal excavation area, which is outside the 500m buffer.

- The noise suppression measures proposed are inadequate.
- The surface mine will have an unacceptable landscape and visual impact.
- There are alternative sources of Welsh steam coal.
- There is a risk that the site will not be restored if the operation becomes uneconomic. UVAG points to the experience at Margam mine, where the restoration fund is inadequate, in support of this view.

6.3.9 UVAG have also drawn attention to the Council's views regarding the Covanta energy from waste proposal at Brig y Cwm adjacent to the Cwmbargoed Disposal Point that was submitted to the Infrastructure Planning Commission (IPC) in 2010. The Council had to prepare a Local Impact Report (LIR) and appear at an inquiry arranged by the IPC, but the developers withdrew the application early on in the determination process. UVAG quote extensively from the LIR, which raises the following concerns:

- Potential adverse effect on the possible use of the railway line for passenger trains.
- Dust, odour, noise and vibration, and light nuisance in this isolated rural location.
- Deterioration in the existing baseline air quality as a result of increased road traffic.
- Increase in certain pollutant levels in the area surrounding the facility resulting in deterioration of the existing air quality base line.
- Perception of risk to health generated by the visible plume.
- Noise and vibration generated by the movement of freight trains resulting in a significant detrimental effect on residential amenity and people's sleep in properties close to the railway line. Failure to properly consider World Health Organisation guidelines.
- Direct loss of habitat within the site of the Facility.
- Changes in local habitat as a result of changes in hydrology.
- Adverse effect from acid and nitrogen deposition on the habitats and species within three Sites of Importance for Nature Conservation within the Borough.
- Visual impact of the mass of the building and height of the stack in this open upland setting.
- Visual impact of light pollution from the Facility and delivery lorries.
- Potential detrimental impact on the attractiveness of the area as the principal gateway to the northern part of the borough, and for further investment and tourism.

UVAG seek assurance those matters will be considered in respect of the current scheme.

6.3.10 Finally UVAG have made comments about the need for a remediation fund to address any failure by the applicants to restore the site in an appropriate manner. Attention is drawn to a site in Margam where the restoration fund is £5.5m but the actual restoration costs are being estimated at around £100m. The applicant at Nant Llesg, has a guaranteed sum of £15m negotiated for Ffos-y-Fran, the largest opencast mine in the country, but using the stated cost of restoration of Margam as a guideline, the actual cost would be in excess of £100m. Attention is also drawn to the issue of falling coal prices and rising production costs. During discussion with the public, the experience of unrestored surface mines in Scotland has also been drawn to the local planning authority's attention.

6.3.11 Green Valleys Alliance (an alliance of local businesses and residents) and Richards and Appleby have submitted grounds of objection that in summary are as follows and are supplemented by comments from consultants that are referred to below:

- dust and its impact on their products and business; it would cost £1m to introduce the necessary filtration on their premises; fugitive dust emissions are inevitable, and evidence provided by Environmental Management Pollution Ltd is provided of incidences of incidences of severe dust nuisance from Ffos-y-Fran at neighbouring housing; dust control will be inadequate
- noise arising from the construction of the screening bund which would be within the 500m buffer and take over 12 weeks whereas MTAN2 recommends that such activities should only take place for 8 weeks
- noise has not been adequately assessed and the mitigation is inadequate, with no account taken of reversing alarms
- noise from the railway has not been adequately assessed
- health: the diesel operated plant will generate PM10 and PM2.5 particles that are harmful to health, and temperature inversions in the valley will aggravate the effect; inadequate attention has been paid to the impact on the health of residents and workers in the area
- health: research by a doctor in Glynneath indicated that opencast mining aggravated peptic ulceration, diarrhoea and vomiting, arthritis, and acute and chronic bronchial complaints
- jobs: existing employment will be jeopardised, and further inward investment curtailed
- the number of jobs predicted by the applicants will be at the lower end of their estimates and will not compensate for the jobs lost
- water demand for dust suppression and coal preparation will exceed supply
- land remediation is outweighed by the threat to local businesses and the wellbeing of residents
- the removal of the landfill in the railway cutting is unnecessary: it could present a hazard to the environment if it contains hazardous material
- the need for the coal and the market is too volatile to guarantee a market for the life of the mine, and the potential market at Tata is exaggerated.
- loss of biodiversity
- inadequate assessment of the effects on underground and surface water and claims that the improvements to water quality will be effective
- the overburden mounds and remediation could aggravate the condition of the lakes at Darran Country Park
- the increase in traffic will be unacceptable

- detrimental impact on leisure and tourism
- loss of visual amenity
- loss of industrial heritage with the works to Rhaslas Pond.

6.3.12 Those comments are supplemented by a report produced by Cardiff University Welsh Economy Research Unit, the conclusions of which are

- the key need for the Heads of the Valleys economy is well-paid full-time employment
- there are persistent socio-economic problems in the area, which throws into relief the importance of the remaining inward investors in the area, and their loss would severely hamper the recovery in the economy locally
- some 400 posts are supported by the cosmetics and medical supplies businesses in the area
- The indication that 160 to 270 jobs could be created by the proposal could be contested
- Significant open cast mining could affect future inward investment in the area.

6.3.13 A report by TerraConsult on behalf of the Green Valleys Alliance advises that given the chemical composition of the landfill it is best kept in place and capped. If the material were removed it is likely to be classified as hazardous unless extensive on-site testing is carried out due to the presence of asbestos lead and zinc.

6.3.14 Groundwater Solutions has reviewed the hydrogeological aspects of the Environmental Statement on behalf of the Green Valleys Alliance, and advises that further consideration needs to be given to the levels of groundwater, the control of sediment, general surface water management; the alleged improvement to water quality needs substantiation; what would be the impact of mine collapse? Backfilling the mine is likely to cause a rise in acid mine drainage; drainable storage and permeability of the backfilling is likely to be less than the existing strata; the impacts of dewatering need to be considered including in relation to surface drainage; sulphate concentrations in the backfill requires further consideration; the impact of the temporary overburden storage on groundwater levels and surface water is not considered.

6.3.15 Detailed comments from Kevan Walton Associates have also been submitted by Richards and Appleby:

- Dust suppression measures will be inadequate because there will be insufficient capacity in the bowsers and the cannons, the range of the water cannons at 80m will be inadequate, windblow will be difficult to control on such a large site, water supplies from ponds and other sources will be inadequate.
- Noise: Ffos-y-Fran was operating whilst background noise levels were calculated; the effectiveness of additional noise attenuation added to plant, machinery and vehicles is questioned, particularly on older or hired items; on the basis of the applicants' figures elevated noise levels will be experienced at North Fochriw, Fochriw Road, and West Fochriw; without effective noise suppression 70% of noise sensitive properties will have noise levels over 5dB above background, with 18% over the MTAN2 recommendation of 10dB.
- Noise: the noise modelling is inadequate, particularly for plant operating at the edge of the overburden mounds; the impact of topography and other barriers is not supported, and the Fochriw area will experience significantly elevated noise

- levels for 10.5 to 11 years.
- Railway noise: higher measurements from noise meters not used and reported, and the applicants have failed to assess the night time impact of train movements on residents using recognised and their own procedures.
- Fuel consumption: details of fuel calculations are provided and are reckoned to be some 210,000 to 247,000 litres a week, at a cost of £145,000 to £170,000 a week.
- Mineshaft remediation: the dust generated by such work would outweigh the benefits of remediation; the cost of the work have not been properly calculated, could be millions of pounds, and the so the applicants cannot make a firm commitment in that respect.

6.3.16 Simply Ecology has submitted comments on behalf of Green Valleys Alliance that:

- draw attention to a public authority's duties under the Natural Environment and Rural Communities Act (2006) that is must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity; and conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- draw attention to the National Planning Policy Framework
- advise that 9 habitats listed in the UK Biodiversity Action Plan, and 14 listed in the Caerphilly Biodiversity Action Plan are present at the Nant Llesg site
- the ES submitted by the applicants does not contain a vegetation condition assessment on which an empirical measure of biodiversity can be accurately calculated.
- there is no restoration project plan or overarching biodiversity management plan
- concern is expressed about the restoration of the wet heath - where it has been successful it has been on the basis of whole turfs being stored rather than the storage and reseeded of peaty soil
- there is no qualitative assessment of habitats at Nant Llesg on which biodiversity offsetting can be based
- offsetting at Bryn Caerau is based on a set of loose proposals, and there is no measure of the current biodiversity value of that site on which the scale of any compensation can be based and evaluated
- compensation in kind is not proposed making the assessment of requirements and outcomes difficult, and highlights the necessity to apply a metric to calculate biodiversity offsetting
- the DEFRA Biodiversity Offsetting Mechanism should be applied
- for BAP priority habitats and species the definitive restoration aim should be reinstatement of existing quality, extent and population levels
- 5-year duration aftercare proposal is grossly inadequate - a minimum of 15 years is suggested to ensure that wet heath and mire recreation is successful.

6.3.17 Rhymney Area Residents Group

A – 26 October 2013

- Air pollution exacerbated by prevailing westerly winds
- Local companies rely on clean air – Convatech, Richards and Appleby
- Mine would exacerbate poor health of local residents
- Number of jobs is overestimated. Skilled workers will move from Ffos Y Fran. Jobs may be lost at existing cosmetics and medical supplies firms who employ a higher proportion of women.
- Water pollution
- Vibration
- Noise would be carried downwind across the valley
- Impact on mental health and wellbeing
- Loss of amenity and loss of opportunities for walking and cycling
- Rhaslas pond should be preserved in its entirety as an example of the Dowlais Free Drainage System.
- Wet heathland habitat should be protected. It took many years to establish.
- Reduction in value of houses
- Impact on tourism.

B - 26 November 2013

- dust
- the adverse impact on existing employers - a local cosmetics firm has stated that it may be forced to move resulting in the loss of 130 jobs, and the area may lose some 300 jobs in total
- health - the area has a poor health record, and it has an accumulation of pollution from Ffos y Fran, Trecatti and the Heads of the Valleys Road. Research has shown that people living downwind of surface mining operation and associated development facilities have an increased risk of developing kidney disease, chronic lung disease, hypertension, cardiopulmonary disease, and chronic obstructive pulmonary disease.
- air pollution arising from small particles and the use of diesel fuelled vehicles
- water pollution
- vibration causing structural damage, with the listed houses in Butetown particularly vulnerable
- noise
- mental health and well being
- loss of amenity
- loss of ponds and the historic drainage system
- drainage problems resulting in pollution in the River Rhymney, streams and Cwm Darren Park
- detrimental to wildlife, particularly birds
- adverse impact on housing value with a consequent impact on anxiety and stress
- adverse impact on tourism
- adverse impact on climate change.

6.3.18 Pentwyn and Fochriw Residents Association

- Development is contrary to Local Development Plan
- Loss of heritage asset – Rhaslas Pond, Dowlais Free Drainage System
- Leisure impacts - loss of land for leisure activities
- Health – effect of pollution caused by mine on health and perceived health risk. Increase in respiratory illness
- Traffic - coal lorries using common road from site to Cwmbargoed DP will cause traffic flow and safety issues
- Light pollution
- Noise – particularly intrusive in rural area
- Dust
- Wildlife, including red kites, buzzards and kestrels, great crested newts, fish, invertebrates, water vole, otter and bats.
- Adverse effect on jobs and future investment
- Visual impact of mine and 50m high overburden mound.
- Overburden mounds at Ffos-y-Fran are still being constructed and concern is expressed a similar situation could arise at Nant Llesg if the amount of overburden, including topsoil and other material, has been underestimated.

6.3.19 Bedlinog and Trelewis Environment Group (BTEG)

- Public access proposals for Penddeugae enclosures would drive away curlews
- Bryn Caerau enclosures and biodiversity offset land are inaccessible from Bedlinog
- Principal concerns of local residents include coal train disturbance, traffic congestion, wildlife and landscape destruction, dust and silting in Trelewis Millennium Park
- BTEG have also submitted 65 copies of a proforma letter, with a total of 129 signatures drawing attention to:
 - 15 years of dust, dirt, noise and road congestion
 - increased vibration and noise for rail-side residents
 - loss of jobs
 - depression, worry and poorer health
 - removal of ancient common and peat-land
 - destruction of Rhaslas Pond which is crucial for migrating birds.

6.3.20 Additional points raised in individual letters:

- Effect on global warming
- Contrary to aims of “Caerphilly Delivers- a single integrated plan”
- Stress and anxiety caused by Covanta proposal and now opencast proposal
- Independent health impact report needed
- Danger to livestock, removal of streams and ponds for drinking water, interference with statutory commoners rights
- Blasting at the surface mine could cause subsidence in areas where underground levels lie beneath houses
- Contrary to adopted LDP, which states that there will be a great emphasis on sustainable forms of development.

- previous open cast schemes have caused dust problems
- environmental pollution and air quality
- impact on health
- house values will decline
- why did the Council refuse permission for the three turbines at Pen Bryn Oer? They would not have had the adverse impact on tourism that the mine would have
- dependency on fossil fuels must be reduced
- a doctor has written expressing concern about the effect of the mine on the health of the populace
- a local historian has drawn attention to the extensive industrial and associated cultural heritage at the site and in the locality
- no mention is made of a former coal mine at Pidwellt some 150m south of Nant Llesg.

7. ANALYSIS

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that in this case the planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan and planning policies of Welsh Government and the UK government.
- 7.2 There has been substantial local opposition to the proposal. While the substance of local views must be considered, the Council has a duty to decide the application on its planning merits. Public opposition is not, on its own, a reasonable ground for refusing permission. The proposals have also given rise to public concern. The courts have held that the perceived fears of the public are a material planning consideration that should be taken into account in determining whether a proposed development would affect the amenity of an area and could amount to a reason for refusal. However, the LPA has to decide, based on the facts of the case, whether the perceived fears are of such limited weight that a refusal of planning permission on those grounds would be unreasonable.
- 7.3 Need for coal
- 7.3.1 The objective of the UK and Wales governments' energy policy is to ensure a secure, diverse and sustainable supply of energy at competitive prices. While it is available, and while the generators choose to use it, UK coal contributes to energy diversity and supply (MPPW). The Welsh Government (WG) has given a strong commitment to tackling climate change and moving towards a low carbon economy. However, it is also clear that it sees coal as a strategic source of energy during the transition period while renewable energy technologies and infrastructure become established. There is no forecast of need or requirement for a landbank of permitted reserves of coal as there is with aggregates, but MTAN 2 accepts that coal will be required for the electricity generating industry and the steel industry until 2020 at least (paragraph 13).
- 7.3.2 Energy policy is not devolved. 'Overarching National Policy Statement for Energy (EN-1) Planning for new energy infrastructure 2011' is a material planning consideration in determining planning applications. It states that electricity demand will increase in the period until 2050 and that while the UK must reduce reliance on fossil fuels there will be a need for some fossil fuel generating capacity, preferably with carbon capture and storage technology (CCS) to back up intermittent renewable generating capacity and to ensure security and diversity of supply.
- 7.3.3 The percentage of electricity generated in Wales from renewable sources rose to 10% in 2013, mainly due to an increase in wind generation. This is lower than the UK average of 15%. (source: *Energy generation and consumption: Welsh Government statistics 2015*). In 2013 renewable energy accounted for 2,664 GWh of electricity generated in Wales out of a total of 26,351GWh. It is clear, therefore, that renewable energy, although increasing in importance, still forms a relatively small part of the energy mix. The main contributor of renewable power generation is wind power at 1,702 GWh. Solar PV contributed 115 GWh, and other forms of renewable generation, including hydro, landfill and sewage gas, a combined total of 847 GWh, The main contributors of renewable energy can only generate on an intermittent basis and the power that is produced cannot be stored.

- 7.3.4 New technologies may come on stream in the future; for example, the proposed Swansea Tidal Lagoon project could provide 14 hours of energy generation each day and other tidal lagoons are proposed elsewhere. However, the earliest connection to the grid and first generation is estimated to take place in 2019, assuming a start date in late 2015. It is estimated that the Swansea lagoon could produce 11% of annual Welsh domestic use, which even when other renewables are taken into account, would still leave a shortfall in meeting demand.
- 7.3.5 The other main sources of fuel for power generation are coal and nuclear, along with oil and gas which are also becoming increasingly sourced from imports as North Sea oil and gas resources decline. There has been recent interest nationally in unconventional gas and oil, and reserves of shale gas are potentially large but have yet to be proven. Concerns about the environmental effects of their exploitation need to be addressed before any large scale extraction takes place. Nuclear will remain part of the energy mix; it currently supplies around 20% of the UK's electricity, but the recently announced 16GW new build programme will replace existing reactors that will go offline in the 2020s rather than increase capacity significantly.
- 7.3.6 Since 2012, coal (much of it imported) has replaced gas as the main fuel used to generate electricity in Wales. In the UK as a whole, 83% of the demand for coal was for power generation and a further 9% for coke manufacture in steel production. In the period from 1998 to 2012 coal demand remained at between 50,000 – 60,000 tonnes per annum while between 2011 and 2013 UK coal production fell by 25% due to the closure of a number of mines and companies. Coal imports have exceeded UK coal production since 2003, the main suppliers being Russia, the United States of America and Colombia. Coal is a relatively cheap fuel source for power generation and contributes to the government's aim of providing affordable electricity. The use of indigenous coal also helps to reduce reliance on imports and has sustainability benefits, particularly where it can be transported by rail. It also provides a degree of energy security by reducing reliance on imports.
- 7.4 Markets
- 7.4.1 Miller Argent has identified two primary markets for the coal that would be extracted from Nant Llesg: energy generation at Aberthaw or other power stations, and as metallurgical coal in steel manufacture at Tata, Port Talbot. Other potential markets include steam railways and domestic coal.
- 7.4.2 Power generation
- Aberthaw power station was specifically designed to use semi anthracitic low volatile coal, such as that found at Nant Llesg, and RWE npower has supported the application, stating in a letter dated 1 July 2014 that the coal is of a quality that makes it a suitable fuel source for Aberthaw and that the plant was expected to be a customer for Nant Llesg coal until the mid 2020s and beyond. The power station currently consumes approximately two million tonnes of Welsh coal, mainly from Ffos-Y-Fran. As other sources of Welsh coal have reduced, significant levels of imported coal have been used. Of the existing coal mines in south Wales only Ffos-Y-Fran has reserves to continue beyond 2020, therefore alternative supplies of coal from Wales are limited.
- 7.4.3 From 2016 the Industrial Emissions Directive (IED) will apply and will define updated

emissions limits for sulphur dioxide, carbon monoxide, nitrogen oxides and dust emissions. Limited Life Derogation is currently selected for Aberthaw where it may be exempted from the emission limit values in article 30(2) to retain an option to run the plant until 2023. The LLD restricts the plant to no more than 17,500 hours operation between January 2016 and December 2023. However, the company could decide by the end of 2015 to comply with the directive or to enter the plant into the government's Transitional National Plan, which would allow emissions in line with the current permit.

7.4.4 New flue gas desulphurisation (FGD) technology has been introduced to reduce sulphur emissions. A pilot CCS plant has also been constructed, which will test technology to capture the carbon dioxide from flue gases and will form part of a research and development programme to understand how the technology could be used to reduce emissions at coal fired power stations. Investment has also enabled the co-firing of biomass to replace some of the coal.

7.4.5 Recently the European Commission has commenced infraction proceedings against the UK government as the power station has failed to meet IED emissions limits. The station was granted an exemption on the basis that it supported local industry and used indigenous coal, which was hard to ignite and, therefore, the design of the boilers resulted in higher No_x emissions. However, as the use of imported coal has increased, the EC claims that the plant is no longer burning as much low volatile coal and that the exemption should no longer apply. Nevertheless, the government supports the continuation of the exemption and the outcome of the proceedings will not be known for some time. RWE npower has identified the Nant Llesg reserve as being suitable to meet the needs of the power station which has in recent years burned approximately two million tonnes a year of Welsh coal. A continuing supply of Welsh coal for Aberthaw, would help to justify further investment to meet the requirements of the IED and would support the jobs and contribution to the local economy that it provides.

7.4.6 The need for coal was considered in the context of the application for Ffos-Y-Fran in 2004 when the planning inspector concluded that, "The coal on the site is a strategic reserve and of prime importance to the UK energy balance." The inspector also commented that the coal was of ideal quality for Aberthaw power station and that there remained a place for coal fired generation for the foreseeable future providing emissions standards could be met. Those conclusions are still relevant today.

7.4.7 Steel industry

The Nant Llesg coal has also been proved to be suitable for use in the steel industry. The new coal washing plant enables coal from Ffos-Y-Fran and Nant Llesg to meet the requirements of the steel making process. The Port Talbot plant uses significant quantities of coking coal in the ovens and granulated coal for injection (CGI) into the blast furnaces. The steel making process uses coal as a mineral, not just as a fuel source.

7.4.8 Tata Steel at Port Talbot has written a letter of support for the application. The company states that it has a strong continuing demand for the coal and that the ability to source coal locally would make a major contribution to the company's objective of a strong, economic and sustainable future for the steelworks. The company says that it is committed to supporting local communities and encouraging the use of local suppliers is in keeping with that ethos.

7.4.9 Tata Steel and RWE npower are both major employers in south Wales with a continuing requirement for significant supplies of coal to support their businesses. Miller Argent has also investigated the potential of marketing of coal to the European steel industry and has discovered that there is interest in low volatile pulverised coal injection (PCI) coal. The assessment notes that there is very little indigenous PCI production in the EU and it is dominated by seaborne imports from Russia, Australia, the US and Canada.

7.5 Sustainability and climate change

7.5.1 The National Assembly for Wales has a legal duty to promote the principles of sustainability in all it does. In Wales sustainable development means enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations:

- In ways which promote social justice and equality of opportunity; and
- In ways which enhance the natural and cultural environment and respect its limits using only our fair share of the earth's resources and sustaining our cultural legacy (One Wales: One Planet 2009).

7.5.2 In the Well being of Future Generations Act 2015, which received royal assent on 29 April 2015, "sustainable development" has been defined as:

"The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well being goals".

Well being goals are a prosperous, resilient, healthier, and more equal Wales, with cohesive communities, a vibrant culture, and a thriving Welsh language. Wales must also be globally responsible.

7.5.3 The four pillars of wellbeing are social, economic, environmental and cultural outcomes and each is equally important. The Act places a duty on public bodies to work to improve the economic, social, environmental and cultural well-being of Wales by setting objectives and measuring progress towards meeting them. Public bodies must also act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (the sustainable development principle), taking into account the need to balance short term and long term needs, the need for an integrated approach, the need to involve other people, and to act in collaboration with other people and organisations and the need to deploy resources to prevent problems. Sustainability is, therefore, a central organising principle of Welsh Government and this has been translated into national planning guidance in MPPW and MTAN 2. MPPW states that, in determining applications, LPAs should take account of the costs and benefits associated with mineral working in accordance with the principles of the sustainable development. In terms of mineral planning, the main aims are:

- Social progress which recognises the needs of everyone – to provide for the benefits of increased prosperity through an adequate supply of minerals that society needs while protecting amenity

- Effective protection of the environment – to protect wildlife landscapes and historic features and to protect human health and safety, ensuring environmental impacts are within acceptable limits and to secure restoration and aftercare
- Prudent use of natural resources – the efficient use of non renewable resources and minimisation of waste and avoiding pollution
- Maintain high and stable levels of economic growth – to ensure an adequate supply of minerals that are needed at reasonable prices and to safeguard mineral resources for future generations.

7.5.4 Miller Argent has addressed sustainability and climate change taking account of the sustainability principles of MPPW and has proposed a sustainability framework to assess the proposal taking into account the definition of sustainable development and local objectives. The project would contribute to promoting a resilient and stable economy through the creation of jobs and through indirect stimulation of the local economy. Employment opportunities would be focused on local people and training opportunities are promised.

7.5.5 In providing coal for electricity generation and manufacturing, the project would promote social wellbeing. It would also meet the MPPW requirement of providing mineral resources to meet society's needs and the proposals seek to minimise the impact on health and wellbeing. A health impact assessment has been provided and the restoration provides for long term recreation land, footpaths and public access. The applicants state that the efficient use of resources and the minimisation of waste would be encouraged. The measures proposed to protect the environment are considered elsewhere in this report but these are also aimed at minimising the environmental impact of the operations. The proposal aims to protect the natural and cultural heritage of the area, by retaining cultural heritage assets, and enhance the local environment through the early remediation works and long term restoration strategy.

7.5.6 In terms of climate change, the company has implemented an environmental management system accredited to ISO14001 to manage all its environmental impacts at Ffos-y-Fran. The company states that it prioritises maximising fuel efficiency and this reduces carbon emissions. Planting of trees is proposed to offset the release of greenhouse gases during coal extraction, and the carbon emissions associated with transportation are reduced because rail is the main form of transport. The scheme has been designed to be resilient to climate change.

7.6 Restoration

7.6.1 MPPW highlights the need to ensure that land must be restored to a sustainable and beneficial afteruse and MTAN 2 states: "If there is any significant doubt about whether satisfactory reclamation can be achieved at a site, planning permission should be refused." The restoration strategy submitted with the application proposes that the land would be returned to upland grassland, improved grassland and marshy grassland. It is proposed to re-establish wet heath areas and to retain Rhaslas pond with a shallow wetland area to the north. New ponds would be created by modifying the water treatment areas and watercourses would be re-established. A network of hedgerows would be established in the improved grassland to the north of the site and new woodland areas would be planted mainly in the north and north east of the site. The site would be restored phase by phase, following coaling, minimising the visual impact.

- 7.6.2 The restoration strategy supports the Caerphilly CBC BAP and is considered to be broadly acceptable. There are uncertainties about the restoration of the wet heath but NRW has withdrawn its objection subject to additional provisions and compensation measures. However, the acceptability of the scheme depends on the company fulfilling the obligations of the restoration strategy. Objectors have referred to experience in Scotland where two companies, Scottish Coal and ATH went into liquidation in 2013, leaving some mines with a substantial shortfall in the financial provision for restoration in accordance with the planning permissions.
- 7.6.3 MTAN 2 gives advice on financial guarantees to ensure that a site can be restored in the event that it is not completed satisfactorily by the operator or landowner for any reason. On 22 April following a debate in Senedd the Minister for Natural Resources announced a focused review of MTAN2. It is expected that the review will look primarily at the 500 metre buffer zone and the exceptional circumstances that may justify coal extraction within the buffer (paragraph 49). This application does not propose coal extraction within 500 metres of the settlement boundary.
- 7.6.4 In addition, the advice in MTAN 2 on finance for restoration (paragraph 60) may be revised. This follows a research document 'Research into the failure to Restore Opencast Coal Sites in South Wales' (ERM 2014). The report looked at ten active sites in south Wales to identify where the bond or surety held by the LPA fell short of the amount that might be required to restore a site in accordance with the planning permission. Four of the sites did not pose a risk but the report identified five sites where the surety may be insufficient and one small site, which had effectively been abandoned without being restored. The report made various recommendations to WG, including a proposal for specialist skills and knowledge sharing for the calculation and administration of bonds together with a review of MTAN 2 to identify where policy guidance could be modified to ensure future robust restoration bonds on a consistent basis and to ensure that mechanisms, for example an annual review, are put in place to ensure the bonds remain accurate throughout a project life.
- 7.6.5 Until such time as MTAN 2 may be revised, the existing MTAN is Welsh Government policy and must be taken into account in the decision on the application. However, based on research by the Welsh Government and the lessons learned from Scotland, the key factors in ensuring effective restoration are:
- Independent review of the figures proposed by the applicant for inclusion in bonds to ensure the sum is adequate
 - Regular review of the adequacy of the guarantee to take account of fluctuations in income and costs
 - Effective monitoring of progress on coal sites to ensure that coal extraction does not take precedence over the obligations of the planning conditions and legal agreements
 - Effective communication with stakeholders through technical working groups and community liaison groups
 - Appropriate knowledge sets being available on methods of working and restoration and in assessing the financial viability of proposals.
- 7.6.6 In order to be effective the restoration guarantee needs to be sufficient to allow another company or the council to restore the site in the case of the financial failure of the operator. It needs to ensure that during the course of an operation there is not a liability

greater than the value of the bond at any given time, including the point where the maximum amount of overburden is above ground. Many of the sites where bonds have been found to be inadequate date back to the privatisation of the coal industry in the early 1990s. Prior to privatisation, sites were worked under contract to British Coal (BC) and one element of the contract price was the Restoration Lump Sum, which was paid to the operator at the end of coaling to cover the cost of restoration. BC, as a government body, held long and secure supply contracts which, together with the Restoration Lump Sum, assured restoration. As a last resort BC could restore an abandoned site at public cost. However, the Coal Industry Act 1994 provided that where the mining interests of the BC were acquired by successor companies, those companies were exempt from any requirement to provide a bond or other surety for a period of ten years following the coming into force of the Act. This has meant that even if restoration guarantees were provided at those sites for later extensions, they were inadequate to restore the whole site.

7.6.7 Section 106 agreement

Miller Argent proposes a section 106 legal agreement to provide a financial guarantee for the scheme. The agreement would provide for payments into a joint Escrow account at an agreed rate per tonne as indicated by weighbridge records. The payments would be based on the cost of restoration and the tonnage to be removed and would build up to provide adequate cover at the maximum void in year 6. Then, from the commencement of the return of overburden the company would be entitled to draw on the fund to carry out the restoration proposals. The total value of the fund would be in the region of £40 million at maximum void.

7.6.8 The council engaged the Coal Authority to provide independent advice on the adequacy of the financial guarantee proposals. In a report by a qualified mining engineer dated April 2015, the Authority concluded that:

“Miller Argent’s working method and proposals for the operation, restoration and rehabilitation of the site have been examined and found to present an excellent basis on which to develop a detailed operational mine plan”.

The report considered the key costs of the project, including the excavation volumes, capacity of overburden mounds, plant fleet, excavation ratio, and the rates for rehabilitation tasks and confirms that Miller Argent’s calculations are realistic. The key cost drivers for income are identified as coal tonnages, the coal market price of coal and the markets that coal is sold into, whether the industrial market at a premium, the power station fuel market or an existing contract for pulverised coal injection. The report recommends that the drivers for cost and income are monitored throughout the life of the site. The Coal Authority calculated the costs according to the proposed method of working and any variation may result in an increase in the costs. Therefore the report recommends that the site is monitored throughout its life to ensure that the scheme progresses as planned.

7.6.9 Following the Coal Authority’s advice the company agreed to include in the section 106 agreement provision for, in addition to the regular escrow payments, a day one, up-front bond payment of £3,947,000, which includes a sum of £766,000 for care and maintenance and retendering should Miller Argent leave the site. The payment would cover the costs of restoring the site in the pre-excavation site establishment phase before the escrow payments begin. This is in line with the recommendations of the

ERM report for Welsh Government.

7.6.10 Monitoring and review

Managing risk through effective monitoring of compliance is key to achieving successful restoration outcomes. Surface coal mining is a dynamic operation that requires a degree of flexibility to reflect conditions found at the site and changes to working methods are not uncommon. However the changes can have implications for the cost of restoration. It is, therefore, desirable to monitor both the activities on site and the performance of the financial guarantee. Provision is made in the s106 agreement for the submission annually by the operator of a Mine Progress Plan and for adjustments to the payment per tonne to be paid into the escrow account as a result of its analysis. The LPA may take independent advice on the Mine Progress Plan. Monitoring of compliance with planning conditions would also take place on a regular basis.

7.7 Economy and regeneration

7.7.1 Concern has been expressed that the mine will have an adverse impact on existing employers in the locality and so the number of jobs created will be undermined by those that would be lost due to businesses having to close down as a result of e.g. dust problems, and the poor image of the area. A report supporting those concerns prepared by Cardiff University Welsh Economy Research Unit has been submitted, and so the Council's Economic Development Officer commissioned his own consultants to consider the matter. They concluded amongst other things that if negative impacts are found to arise this may further weaken the competitive position of the Rhymney area. However, if the position were to weaken, the scale of potential future investment which may be blighted is uncertain. Furthermore, evidence in respect of other open cast sites indicates that fears of blight as a result of proposed surface mines were unfounded. It also appears that the applicants have offered to mitigate the potential problems which are causing concern to one of the existing businesses.

7.7.2 Bearing in mind the job creation potential of the scheme - some 80% of which would go to residents within 10 miles of the site - the training associated with those posts, and the impact of the wages on the local economy, it would be difficult to sustain an objection to the mine on the basis of unsubstantiated unfavourable economic consequences. It is the applicants' intention to develop a training and business strategy with local partners, targeting the unemployed, young people, the current workforce at Ffos y Fran and skilled workers already within the sector.

7.8 Ecology

7.8.1 The development will result in the loss of areas of upland habitat and agricultural land for the duration of the coaling operation. Extensive information has been submitted by the applicants and objectors in respect of the impact of the development on ecological matters. Consideration has been given to the purpose of conserving biodiversity; and to restoring or enhancing a population or habitat. The local planning authority has its own ecologist whose comments are reported extensively above, but has also consulted the NRW. There are remaining concerns about the potential loss of the 35ha of wet heath at the site, which for the duration of the development would be underneath the overburden mound. Wet heath is listed as an Annex 1 European habitat (Northern

Atlantic wet heath with *Erica tetralix*) under the EU Habitats Directive. It is identified as a UK Priority Habitat within the UK BAP, and the areas within this borough are shown in Caerphilly County Borough Council's BAP, which states the following main objectives for its conservation will:

- Prevent further loss of existing habitats, through statutory protection and local designations
- Manage existing stands through appropriate management
- Re-establish heathland where opportunities arise, particularly in areas where this will reduce habitat isolation and increase size of existing areas.

- 7.8.2 According to the NRW there is approximately 7500ha of wet heath in Wales, 110ha of which is within this borough, with the greatest concentration at the application site, where it is designated as a SINC in the LDP. The NRW comments that the restoration of habitats of peaty soils is high risk, and where there has been some success, it has been based on turf translocation rather than soil storage as currently proposed. In view of those concerns the NRW advise an aftercare period of 20+ years rather than the 10 years proposed by the applicants.
- 7.8.3 The applicants consider that it will be possible to recreate the wet heath once the overburden is removed, resulting in a final total of 62.6ha (including 12.5ha of existing wet heath that would not be disturbed). They are also proposing, through the section 106 agreement to provide other compensatory measures. There is an existing wet heathland restoration project at Pumlumon in West Wales to which they are willing to contribute £149,000. In view of the remoteness of that project from the application site, the alternative option in the agreement would be that the Council could spend that money on projects within the borough. None is identified at present, but officers are aware of potential sites north of the A465 where projects for the enhancement of peat based environments could be set up. In addition, whilst the section 106 agreement would include provisions for the review of the restoration of the wet heath at the end of the 10-year period with a view to extending it up to a maximum of 25 years, should that not succeed, compensation of £264,000 would be paid to the Council for continued restoration of the site, or for biodiversity restoration projects elsewhere within the county borough.
- 7.8.4 Habitat creation and enhancement covering some 143ha will also take place at Bryn Caerau. A comparison has been submitted by the applicants of the biodiversity value of the Nant Llesg site and the Bryn Caerau offsetting area as they currently exist and following the restoration of the former and the enhancement of the latter, using the DEFRA biodiversity offsetting mechanism. The conclusion is that the increase in value would not be significant, although there would be a substantial gain when measured in linear metres. On the basis of the restoration proposals, and the various compensation measures, it would appear that the significant doubt that satisfactory reclamation cannot be carried out that would be necessary to justify a refusal of planning permission does not exist.
- 7.8.5 The habitat at the site is covered by a SINC designation where development will only be permitted where it conserves and where appropriate enhances the ecological or geological importance of the designation, or is such that the need for the development outweighs the ecological importance of the site, and where 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. The proposed mine would fall into the second of those categories.

- 7.8.6 The northern part of Rhaslas Pond will be filled in during the operation of the site, but would be restored as a wetland at the end of the development. The pond is of county importance in respect of migrating birds, including waders such as the Little Ringed Plover and the Ringed Plover. The applicants are in discussion with the Council about the improvement of Jepson's Pond to the north of the Nant Llesg site to provide further opportunities for breeding birds.
- 7.8.7 Lapwing breed on land owned by this Council to the south of South Tunnel Road, and the applicants' intention is to manage that area of land to ensure that it remains suitable for those birds. A condition on a planning permission could secure that commitment.
- 7.8.8 A Habitats Regulations Assessment report has been produced to assess the impact of changes in air quality and dust associated with the development on the Aberbargoed Grasslands special area of conservation (SAC), Usk Bat sites SAC, Cwm Cadlan SAC, and Blaen Cynon SAC, and the effects on the bird populations of the Severn Estuary special project area and Ramsar site. It concluded that the development would neither alone nor in combination with other plans and projects have a likely significant effect on those sites. Therefore a further appropriate assessment is not required. NRW agrees with those conclusions.
- 7.8.9 Great Crested Newts are present on the site, and a licence would be needed from Welsh Government to disturb them. A number of measures are proposed to maintain their favourable conservation status in the area (which would also be suitable for Odonata such as dragonflies), including the creation of three self-contained receptor site cells including restoration and improvement of three existing ponds, and the creation of fourteen new ponds; capture and relocation of newts within the proposed works area; and the prevention of the re-entry of newts in the works area. Similar measures would be implemented for reptiles at the site.
- 7.8.10 Surveys have also been carried out for bats but no evidence has been found of roosts on rock faces or former mineworkings. Otters are also associated with Rhaslas Pond and watercourses to the south, but only for foraging activities on an occasional basis. In view of the presence of European protected species at the site the tests set out in the Council's ecologist's comments reported above have been carried out. One additional point in relation to the first test is that the economic benefits both locally and further afield, in terms of job creation and training opportunities should be taken into account.

7.9 Environmental impacts

- 7.9.1 Noise emanating from the development will be controlled in a number of ways. The hours of operation of the pit itself are limited to the daytime when ambient noise levels are generally higher. A bund is proposed along the side of the valley facing Rhymney, with an additional bund and a noise screen in the north-west corner of the site. Vehicles and equipment manufactured to limit noise would be enhanced by the applicants with their own modifications to further limit noise emissions. Conditions could be imposed on a planning permission to limit and monitor noise levels at

sensitive locations.

- 7.9.2 The movement of coal by rail will cause some disturbance to those living next to the line. Network Rail allows the applicants six 'slots' during which they can move the coal by rail: with a maximum of three at night (2300 to 7000 hours). Each 'slot' accommodates two train movements, i.e. one each way. The movements do not occur on the same time each day - that depends on what is allocated by Network Rail based on the activity on the wider rail network. Not all slots are used. Analysis in the ES from 2011 indicates that there were no movements at all on 92 days (including Sundays) and 165 nights. Excluding Sundays, the average daytime number of movements was 3, and the average at night was 1.4. Those figures will increase because if permission is granted Nant Llesg and Ffos-y-Fran would operate together, increasing train movements by 70%, i.e. 5 during the day and 2.4 at night. That change would be temporary and tail off once Ffos-y-Fran was complete. The ES concludes that taking account of World Health Organisation recommendations on noise levels, the changes in noise due to the additional movements are considered either negligible or of low significance. The sustainability of transporting the majority of the coal by train must also count in favour of this proposal, and off-set the temporary although long-term increases in noise.
- 7.9.3 Measures are proposed to control and monitor visible dust and these can be secured by planning condition. With regard to PM10 and PM2.5 concerns, the Health Board has advised that based on the information supplied by the applicants, which included a Health Impact Assessment, there is limited potential risk for public health. That view is supported by the Council's Head of Public Protection. Air monitoring can also be subject to conditions. It should be borne in mind that the edge of the coal working excavation area is 500m from the edge of the Heads of the Valleys Industrial Estate, so any residential development is well beyond the edge of that buffer zone. Concerns about the availability of water to control dust have been addressed by the applicants: water use would be managed on a daily basis to ensure that a sufficient quantity was always available.
- 7.9.4 Vibration can be controlled and monitored by condition. Lighting on a 24-hour basis will only occur at the workshop and barrel wash area. This will be largely screened from Fochriw and Rhymney by the overburden and screening mounds. There will be a cumulative effect with the lighting at the CDP but that would be not of such significance as to justify an objection from a planning point of view.
- 7.9.5 Extensive investigation into the hydrology of the site has been carried out including a Water Framework Directive assessment. The quality of discharge into the River Rhymney will be controlled by the NRW under other legislation, but conditions concerning restoration of the site would also address drainage above and below ground.
- 7.9.6 Health impacts have been considered by the Council's Head of Public Protection and the local health boards, and there are no physical or psychological health grounds on which to raise planning objections to this scheme. An environmental management plan can be secured by condition.

7.10 Landscape and visual impacts

- 7.10.1 Guidance advises that coal extraction can only take place where it occurs, but wherever possible workings should avoid adverse environmental or amenity impact. Excluding the CDP, that part of the site south of South Tunnel Road is within a visually important local landscape (VILL). Special landscape areas (SLAs) exist to the south, north and on the opposite side of the Rhymney Valley. The National Park boundary is approximately 2.5km to the north of the site, whilst to the south and west are the registered historic landscape associated with Gelligaer Common and Merthyr Tydfil respectively. The effect on SLAs will be limited due to the intervening distance - the impact will be one associated with views into the site. The VILL will be directly affected by the adjacent overburden mound and the short-term works associated with addressing the silting problems at Darren Valley Country Park, but the temporary nature of the work, and the associated restoration works that are proposed would mitigate that impact. The effect on the National Park would also be limited, similar to the SLAs, due to distance, and again the main concern would be views of the operations from the park. Similar considerations would apply to the historic landscapes. The objectives of the green wedge that separates Fochriw and Pontlottyn would not be prejudiced by the scheme.
- 7.10.2 Residents within two kilometres of the of the site with direct open views would experience major adverse effects due to changes in the landscape, during years 1 to 6 and 9.5 to 14 when the overburden and screening mounds were being formed and removed respectively. In between times although those features would be grassed, they would dominate views from Rhymney and Fochriw. Although there would be some 450 to 500m between the bunds and the nearest houses, their elevation would aggravate their impact. The advice in Minerals Planning Policy Wales is where it is not possible to avoid adverse amenity impact the work needs to be carefully controlled and monitored so that any adverse effects on local communities are mitigated to acceptable limits. It is intended to form the bunds in layers as previously described, and grass the face of each layer before progressing to the next. Dust control measures would limit the environmental impact of their construction. Also, in the first two years of the scheme land on the side of the valley below the mounds would be remediated and public access created.
- 7.10.3 The adverse landscape effects of the development are not balanced or outweighed by the potential beneficial effects of the restoration proposals, but those impacts need to be balanced against other beneficial impacts including the creation of job and training opportunities, and the supply of coal to the energy and steel industries.
- 7.10.4 For the period of the works the site would change from one of intrinsically dark character to one of low and distinct brightness. A condition is recommended to allow the control of lighting in the interests of residential amenity and highway safety, but would also allow consideration to be given to minimising the impact on the National Park.
- 7.10.5 Those using public footpaths or accessing common land near the site would experience major effects during the construction and removal of the overburden and other mounds, reducing to moderate once the mounds were established, and minor during restoration aftercare. Other routes, and public open spaces such as Bryn Bach Park, would not be affected significantly due to their location, elevation relative to the

site, or distance from the operations.

- 7.10.6 There are already mineral and waste activities in this landscape at Trecatti, the CDP, Ffos-y-Fran, and they would be extended by Nant Llesg. There would be views and routes where a number of those operations would be visible all at once or in sequence. However, they would be temporary, with Ffos-y-Fran due for restoration during the operation of Nant Llesg.
- 7.10.7 Approximately 315ha of common land will be affected by the proposals, 114 ha in the short term whilst the early remediation works are carried out, the remainder for some 19 years including restoration and aftercare. Compensatory land totalling some 153ha is to be provided, and the applicants by way of the section 106 agreement intend to forgo their rights to use the common land for agriculture for the duration of the project thereby reducing the potential pressure on the rest of the common. There is a separate procedure for protecting the common under The Commons Act 2006, but MTAN2 advises that it should not be developed, or access to it should not be prevented or impeded, unnecessarily. In view of the need for the coal discussed above, and the intention to restore the land in an appropriate manner, there would be no planning objections in this respect.

7.11 Heritage and tourism

- 7.11.1 Cadw and GGAT have raised no objections to the scheme. The most significant heritage asset within the site - the southern dam at Rhaslas Pond - is to be kept, and is under consideration for scheduled ancient monument protection. Further afield, there are listed buildings and conservation areas at Rhymney and Butetown; the LPA must have special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess, and pay special attention to the desirability of preserving or enhancing the character or appearance of those areas. The ES has not identified any significant impacts on those buildings and areas, and the distance between those features and the development site is an important factor in that respect. The distance to the nearest listed building and conservation areas within this borough is some 400m. The overburden and screening mounds will be clearly visible in the locality, and will have some impact on the setting of the listed buildings and the character of the conservation areas. However, that impact will be temporary, limited in its extent because of the intervening distance, and therefore should not militate against the proposal. The early remediation works will be closer to the listed buildings and conservation areas, but will be far smaller in scale, carried out within the first two years of the scheme, and would not justify an objection to the proposals.
- 7.11.2 The impact on tourism is difficult to assess, but it will be temporary, and the effect on existing attractions such as Bryn Bach Park, Parc Cwm Darran, and Butetown will not be significant. Ffos-y-Fran will be restored, followed by Nant Llesg which will also include the provision of greater public access, and so in the longer term, the appearance of the area, and accessibility will be enhanced.

7.12 Transport

- 7.12.1 No objections have been raised by statutory consultees about the impact of the scheme on the local road network. The most significant change, albeit temporary, will

be on Fochriw Road, between the site entrance, the junction with Bogey Road, and the CPD entrance, along which the coal will be transported by lorry. There is sufficient capacity within the road, and furthermore it is intended to improve the vertical alignment of the road to the south of that junction to improve visibility. The wider network will not experience significant change because the most of the coal will be transported to market by train. In that respect the site and the proposal are sustainable.

7.13 Section 106 planning obligations

7.13.1 A planning obligation must be:

- 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.

The proposed section 106 will address the matters set out in paragraph 3.5 above, all of which are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind. It will secure the community benefits that align with those set out in the MTAN (see para 4.16 above), ensure that the appropriate restoration and aftercare takes place, particularly of habitats, and secure a remediation fund that will allow the site to be restored if the developer cannot do so.

7.13.2 Further benefits are offered via an agreement under the Local Government Act, but they should not be regarded as a material consideration in this case.

7.14 Conclusion

7.14.1 This development will have a significant visual impact on the locality, but only for a temporary period of some 14 years. The applicants propose to introduce measures to control dust, air quality and noise, and propose land remediation and compensatory works to off-set the adverse impacts of the development, including the removal of an existing landfill. Impacts on habitats and wildlife will be balanced by works at Bryn Caerau, and elsewhere in the locality, if not at Pumlumon. Restrictions on the use of the common will be relieved by the provision of other land for the associated activities. The restoration of the site will largely seek to replicate the existing conditions; where there is some concern - the restoration of the wet heath - an extended aftercare period will be secured through a section 106 agreement. In the long-term there will be enhanced access to the countryside through the introduction of additional footpaths and bridleways. The scheme itself will provide employment and training opportunities, and support the local and regional economy.

7.14.2 UK and Welsh energy policy is still based on a diverse mix of sources, including coal. Whilst the intention is to increase the share supplied by renewable sources, that provision is not sufficiently advanced to abandon the use of coal, much of which at present is imported from abroad. Coal mined at Nant Llesg would generate employment locally, and help to maintain the power generation and steel industries in south Wales. Coal can only be mined where it can be found but in this case there is a railway point nearby allowing the vast majority of the of the coal to be transported by train.

7.14.3 There has been significant and detailed objection to the scheme from the local

community. The applicants have sought to overcome those concerns through measures set out in the application and the ES, and no objections have been raised to the final scheme by Council officers from health, highways, landscape and ecological points of view, nor from the local health board or the NRW. The appropriate mitigation measures and controls can be secured by planning condition and a section 106 agreement. That agreement will also include a requirement to set up a fund that will ensure that the site is properly restored.

7.14.4 Comparisons have been drawn between this scheme and the one proposed by Covanta for an energy from waste development some years ago. Each case must be considered on its merits, and there are some obvious differences between the two schemes. The power station was a permanent development that introduced a tall stack into the landscape, and caused an enduring loss of habitat. An existing urban environment would have been a more suitable location for that facility. Planning policy support at a local level was limited. The concerns raised with regard to that proposal have been considered in respect of the proposed surface mine.

7.14.5 The proposed development complies with national and local planning policy. It would be sustainable in that it strikes the correct balance between social progress, the effective protection of the environment, the prudent use of natural resources, and the maintenance of high and stable levels of economic growth. The recommendation is that permission should be granted subject to the completion of a section 106 agreement as set out in the report.

RECOMMENDATION: That the application is (A) deferred to allow the applicants to enter into a Section 106 Agreement. On completion of the Agreement (B) that planning permission is granted subject to the conditions set out below.

CONDITIONS

COMMENCEMENT OF WORKS

1. The development to which this permission relates shall commence not later than the expiration of 5 years beginning with the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and prevent any protracted delay in the start of works.
2. Written notification of the date of commencement of the development hereby approved shall be submitted to the Local Planning Authority no less than 90 days before the commencement of that development.
REASON: To allow the Local Planning Authority sufficient notification to ensure that information required in relation to conditions has been submitted.

DURATION OF WORKS

3. All coal extraction at the site subject of this consent shall cease within 11 years from the commencement of the development hereby approved.
REASON: In the interests of visual and residential amenity.
4. Final restoration of the site subject of this consent shall be completed within 14

years from commencement of the development hereby approved.
REASON: In the interests of visual and residential amenity.

5. The land remediation and drainage works shown in appendix MA/NL/PA/003 to the Planning Statement shall be completed within two years of the commencement of coaling, in accordance with a detailed method statement to be submitted to the Council and approved prior to the commencement of development.

REASON: In the interests of visual and residential amenity.

RESTORATION AND AFTERCARE

6. A Restoration Strategy for the phased restoration of the site shall be submitted to and agreed in writing with the Local Planning Authority within 3 years of the commencement of development. The phased restoration shall commence 4 years after the commencement of the development and proceed in accordance with the agreed Restoration Strategy. The Restoration Strategy shall detail the sequence and phasing of backfilling and restoration showing clearly their relationship to the winning and working of coal, and shall include an outline of the phasing of restoration, landscape mitigation and restoration taking into account the historic landscape character, features of ecological interest, and the intended after-use of the land.

REASON: In the interests of visual and residential amenity and to protect and conserve the heritage of the site.

7. Prior to the commencement of each phase of restoration a scheme for detailed restoration of that phase, including the proposed back filling methodologies to be employed, shall be submitted to and agreed in writing with the Local Planning Authority and shall include but not be limited to detailed proposals for soil and overburden reinstatement, ground profile, drainage and an approved timetable for implementation. The restoration for each phase shall thereafter be carried out in accordance with the agreed scheme.

REASON: In the interests of visual and residential amenity and to protect and conserve the heritage of the site.

8. The Restoration Strategy submitted and approved in accordance with condition 5 shall include the measures for restoration and aftercare in the event of a cessation of winning and working of coal prior to the achievement of the completion of the approved Restoration Strategy, 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 1990. The approved measures shall be fully implemented within 4 years of the cessation of the winning and working of coal (excluding any aftercare) unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of visual and residential amenity and to protect and conserve the heritage and biodiversity value of the site.

9. Within three months of the completion of each phase of the restoration, any building, plant, machinery, hardstanding or other works associated with the coal extraction shall be removed from the area of the site to which that phase relates and the affected areas shall be reinstated in accordance with a scheme that

shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual and residential amenity and to protect and conserve the heritage and biodiversity value of the site.

10. An aftercare scheme for each phase of the restoration, requiring such steps as may be necessary to bring each phase of the land reclaimed to the required standard for use for agriculture, amenity or nature conservation as appropriate, shall be submitted for the written approval of the Local Planning Authority not later than 12 months prior to the completion of each phase of the restoration including soil spreading.

REASON: In the interests of visual and residential amenity, and agriculture, and to protect and conserve the heritage and biodiversity value of the site.

11. Within 3 years of the commencement of the development a scheme shall be submitted to and approved by the Local Planning Authority for the setting up of a Technical Working Group to review and ensure that best practice is introduced in the restoration works for the site, and aftercare phases of the development ensuring full compliance with the restoration, aftercare and monitoring conditions attached to this consent.

REASON: To assist in the control of and assessment of monitoring of the environmental effect of the development.

APPROVED PLANS/DOCUMENTS

12. The development hereby permitted shall be carried out in accordance with the details shown on the drawings and as described in the supporting text forming part of planning application 13/0732/FULL received on 10 October 2013 and the accompanying Planning Statement and Environment Statement, as amended by the addenda to those statements received by the local planning authority on 16 October 2014.

REASON: For the avoidance of doubt as to the extent and nature of the development hereby approved.

INSPECTION OF APPROVED PLANS/DOCUMENTS

13. From the commencement of the development hereby approved to its completion, a copy of this planning permission, including all documents hereby approved and any other documents subsequently agreed in accordance with this permission, shall be permanently maintained and available for inspection on appointment at the applicants' offices at the Cwmbargoed Disposal Point.

REASON: To ensure the operators of the site and any other appropriate officers have ready access to the relevant documents on site as required, to avoid ambiguity as to the nature and extent of this permission.

METHOD OF WORKING

14. No development shall commence until a Method of Working Statement has been submitted to and approved in writing by the Planning Authority. Any works undertaken shall be fully in accordance with the approved scheme, which shall include the siting, design and external appearance of all surface structures, and fencing; the working method and treatment of overburden, soil, peat and

soil-forming material storage areas; and water treatment areas.

REASON: In the interests of visual and residential amenity and to protect and conserve the heritage and biodiversity value of the site.

AREAS OF EXCAVATION FOR COAL EXTRACTION AND DEPTH OF WORKING

15. The surface area of coal extraction shall not extend beyond the 'coal working excavation area' as delineated by an orange broken line on drawing number MA/NL/PA/003. No coal extraction shall take place below 248 AOD.

REASON: To define and limit the surface area and depth of the consented development in the interests of visual and residential amenity and to protect and conserve the heritage and biodiversity value of the site.

HEIGHT AND LIMIT OF OVERBURDEN MOUNDS

16. The southern overburden mound shall not extend beyond the limits of the 'overburden storage area' coloured dark brown on drawing number MA/NL/PA/003 and shall not exceed 435m AOD in height. The north-eastern overburden mound shall not extend beyond the limits of the 'visual and acoustic screening bund' coloured light brown shown on drawing number MA/NL/PA/003 and shall not exceed 385m AOD in height. The 'visual and acoustic screening bund' shall be completed before the commencement of overburden tipping operations on the 'overburden storage area'. The operator shall submit detailed survey plans of the site, including levels to Ordnance Datum, annually from and including the date of the commencement of the development hereby approved until completion of the restoration of the site.

REASON: To ensure that the visual impact of the overburden mounds is not greater than assessed, in the interests of visual amenity.

HOURS OF OPERATION

17. Except in emergencies (i.e. circumstances in which the operator has reasonable cause for preventing injury to persons or serious damage to property and/or the environment), in order to maintain the safe operation of the site (notification of which shall be given to the Local Planning Authority as soon as is practically possible) the hours of operations (i.e. any physical works including the starting/warming/revving of any internal combustion engine, motor vehicle or other plant and machinery) for the site, other than dust or air quality mitigation, water pumping or servicing to water pumps or environmental monitoring, shall be carried out at the site in the following manner:

Hours of operation of the surface mine (including any coal haulage, and land restoration) shall be:

Weekdays	0700 - 1900 hours
Saturday	0700 - 1400 hours
Sunday	No working
Public & Bank Holidays	No working

with the exception of the following works:

1. Works within 300m radius of any dwelling:

Monday – Friday	0800 – 1800 hrs
Saturday	0800 – 1300 hrs
Sunday	No working
Public & Bank Holidays	No working

2. The Cwmbargoed Disposal Point, which hours of operation shall be:

Weekdays	0600 - 2200 hours
Saturday	0700 - 1800 hours
Sunday	No working
Public & Bank Holidays	No working

3. Train Loading and Dispatch which shall be allowed 24 hours a day.

REASON: In the interests of residential amenity.

DUST

18. The Dust Control Scheme set out in the details shown on the drawings and as described in the supporting text forming part of planning application 13/0732/FULL received on 10 October 2013 and the accompanying Planning Statement and chapter 12 of the Environment Statement, as amended by the addenda to those statements received by the Local Planning Authority on 16 October 2014, shall be implemented from the commencement of the development and shall be complied with at all times until the completion of the works to which the scheme applies.
REASON: In the interests of visual and residential amenity and to protect and conserve the heritage and biodiversity value of the site.

AIR QUALITY

19. Prior to the commencement of any soil stripping an air quality monitoring scheme shall be implemented in accordance with details that shall have been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall include but not be limited to:
- air quality monitoring to include visible dust particulate matter PM₁₀ and PM_{2.5} to be carried out at with the exact monitoring locations shown on a map, the details of the monitoring techniques to be employed at each location, and the details of the provision of access to the Local Planning Authority to the data and reporting. Off site locations shall represent residential receptors in the communities of Fochriw and Rhymney.
 - air quality data to be downloaded continuously and direct to the Welsh Air Quality Forum website.
 - A weather station shall be set up and operated for the duration of the operations hereby approved at the Cwmbargoed Disposal Point and Upper Rhymney Primary School to measure (a) rainfall; (b) wind speed; (c) wind direction and (d) temperature. The resulting information shall be made available to the Local Planning Authority within 3 days on request.

REASON: In the interests of visual and residential amenity and to protect and

conserve the heritage and biodiversity value of the site.

NOISE

20. Prior to the commencement of the development hereby approved, a noise monitoring scheme shall be submitted to and agreed in writing with the Local Planning Authority. The monitoring scheme shall include but not be limited to a map with the exact monitoring locations, the details of the monitoring techniques to be employed at each location, two of which must provide continuous monitoring capable of providing background noise level LA_{90} (T), Specific noise level LA_{eq} (T) and ambient noise level LA_{eq} (T), maximum noise level LA_{max} and the detail of provision of access to the data and reporting. Off site locations shall represent residential receptors in the communities of Fochriw and Rhymney.
REASON: In the interests of residential amenity.
21. All mobile plant shall be fitted with broadband/white noise reversing alarms not reversing beepers/ sirens.
REASON: In the interests of residential amenity.
22. Prior to the commencement of soil stripping activities the acoustic fence at Halfway House shown on plan MA/NL/PA/058 shall be erected. Within one month of the commencement of soil stripping at the site the acoustic bund shown on plan MA/NL/PA/057 shall be erected.
REASON: In the interests of residential amenity.
23. The level of noise emitted from plant, machinery or operations from the mine shall not exceed background plus 10dB LA_{eq} 1hr or 55dB LA_{eq} 1hr (free field) whichever is the lesser as measured at noise sensitive premises.
REASON: In the interests of residential amenity.
24. During the carrying out of soil stripping, the spreading of soil or soil forming material, the 'early land remediation works', the construction and removal of the 'overburden storage mound' and the 'visual and acoustic screening bund' noise levels may not exceed a daytime noise level of 67 dB(A) LA_{eq} (free field) 1hr between 1000 hours and 1600 hours on Monday to Friday (excluding public holidays) and over periods not exceeding eight weeks in one year.
REASON: In the interests of residential amenity.
25. Prior to the use of any vehicles, plant or machinery at the site subject of this consent in association with the development hereby approved details of silencing equipment and measures that shall be fitted to and used by those vehicles, plant or machinery shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed equipment shall be implemented at all times.
REASON: In the interests of residential amenity.
26. Equipment operating on a 24-hour basis such as pumps shall be placed in acoustic enclosures and positioned away from noise sensitive locations where

practicable, details of which shall have been submitted to and agreed in writing with the Local Planning Authority. The rating level of noise emitted from such pump enclosures shall not exceed the existing background noise level by more than 5 dBLAeq, 1hr at the nearest noise monitoring locations referred to in condition 18.

REASON: In the interests of residential amenity.

BLASTING

27. At all times, blasting shall be designed so that the ground vibration measured as peak particle velocity (PPV) shall not exceed 8mm per second at any residential or similar sensitive property, and shall not exceed 75mm per second at the gas main to the west of the site. The design limit shall ensure that the ground vibration for at least 95% of all blasts in any 20 week period shall not exceed a PPV of 6mm per second.

REASON: In the interests of residential amenity.

28. Blasting shall be limited to no more than four blasts a day, between the hours of 1000 to 1300 and 1400 to 1600 hours on Mondays to Fridays and 1000 to 1300 on Saturdays (with a maximum of two blasts for each am and pm time window). Blasting shall not be carried out on Sundays, Bank or Public Holidays, nor during the hours of darkness.

REASON: In the interests of residential amenity.

29. Prior to the carrying out of any blasting, vibration monitoring stations shall be placed at locations to be approved in writing by the Local Planning Authority. All monitoring data gathered at those stations shall be made available to the Local Planning Authority on request.

REASON: To allow the monitoring of blast vibration in the interests of residential amenity.

HIGHWAYS

30. The haulage of coal by vehicles from the coal working excavation area to the Cwmbargoed Disposal Point shall be solely through the access at point A as shown on drawing number MA/NL/PA/003. The return of those vehicles to the coal excavation area shall be via that same point. No other vehicular access shall be created to a public highway for those purposes.

REASON: In the interests of highway safety.

31. Prior to the haulage of any coal from the coal excavation area subject of this consent along the public highway, 'the road improvement works' shown on drawing MA/NL/PA/003 shall be completed in accordance with details that shall have been submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety.

32. Prior to the occupation of the site offices hereby approved, access point A as shown on drawing number MA/NL/PA/003 shall be provided in accordance with details that shall have been submitted to and agreed in writing with the Local

Planning Authority.

REASON: In the interests of highway safety.

33. Prior to the occupation of the site offices hereby approved, the parking facilities as shown on drawing number MA/NL/PA/012 shall be provided in accordance with details that shall have been submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety.

34. Prior to the commencement of any work on site that would result in the transfer of mud and other debris onto the highway a scheme of wheel and vehicle cleansing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be provided in accordance with the agreed scheme and all vehicles shall enter the highway from the site in a clean condition.

REASON: In the interests of highway safety.

35. Prior to the haulage of coal from the coal excavation area hereby approved to Cwmbargoed Disposal Point the access improvements at points B and C as indicated on drawing number MA/NL/PA/027 shall be carried out in accordance with details that shall have been submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety.

36. Prior to the commencement of the development hereby approved details of the management of traffic associated with all of the operations hereby approved shall be submitted to and agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety.

37. Prior to the haulage of any coal from the excavation area, a highway condition strategy shall be submitted to and agreed in writing with the Local Planning Authority. The strategy shall include for condition surveys to be undertaken along Fochriw Road and shall include a scheme and timetable for the repair of any damage caused by loads associated with this development. The survey shall be carried out in conjunction with the Highway Authority and the development shall thereafter be carried out in accordance with those agreed details.

REASON: In the interests of highway safety.

TRANSPORTATION OF COAL

38. Except as permitted by condition 34 all coal from the development hereby permitted shall be taken to the Cwmbargoed Disposal Point for onward transmission by rail.

REASON: In the interests of highway safety.

39. No more than 50,000 tonnes a year of coal shall be transported from the Cwmbargoed Disposal Point by road.

REASON: In the interests of highway safety and in the interests of the achievement of sustainable transport.

40. All vehicles used to transport coal to the Cwmbargoed Disposal Point shall enter the coal disposal point at point B as shown on drawing number MA/NL/PA/003. All vehicles used to transport coal returning to the Nant Llesg mine from the Cwmbargoed Disposal Point shall exit the coal disposal point at point C as shown on drawing number MA/NL/PA/003. No more than 20 vehicles transporting coal from the Cwmbargoed Disposal Point shall leave it each day and no more than 5 such lorries shall leave it in any one hour.
REASON: In the interests of highway safety.
41. All vehicles transporting coal from the Cwmbargoed Disposal Point shall have their loads covered in accordance with details to be first agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to prevent dust nuisance.
42. All vehicles transporting coal from the Cwmbargoed Disposal Point shall have their wheels and undersides cleaned before leaving the site in accordance with details to be first approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety and to prevent dust nuisance.

CONTROL OF POLLUTION AND IMPORTATION OR MOVEMENT OF MATERIALS

43. Prior to any works being undertaken on the MIS landfill site, a scheme shall be submitted to and approved in writing by the Local Planning Authority to deal with the potential contamination of that land. That scheme shall include a ground investigation and risk assessment to identify the extent of any contamination and the measures to be taken to avoid risk to the aquatic environment and future site users, once the restoration works are complete. The works to the MIS landfill site shall be carried out in accordance with the approved scheme.
REASON: To ensure the satisfactory treatment of contaminated land.
44. Before any soils or hardcore for construction purposes are brought onto site a scheme for its importation and testing for contamination, shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall thereafter be implemented.
REASON: To prevent pollution.
45. No materials, including minerals excavated from the site, shall be stocked on site other than within the designated areas on the approved plans.
REASON: To control dust.
46. If, during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written agreement from the Local Planning Authority for a remediation strategy detailing how this unexpected contamination shall be dealt with. The remediation strategy shall be implemented as agreed.
REASON: To ensure that contamination is appropriately remediated.
47. Prior to the commencement of the development hereby approved a detailed Method Statement describing the works to be undertaken and details of any necessary pollution prevention measures, has been submitted to and agreed in

writing by the Local Planning Authority. The Method Statement shall identify:

- all fuels, oils and chemical storage facilities.
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off.
- details of measures to ensure there is no polluting discharge from haul roads and disturbed areas; and
- details of the nature, type and quantity of materials to be imported on-site.

Thereafter the development shall be carried out in accordance with the agreed details.

REASON: To prevent pollution of the aquatic environment.

ENVIRONMENTAL MANAGEMENT PLAN

48. Prior to the commencement of each phase of the development hereby approved, an Environmental Management Plan (EMP) shall be submitted for the written approval of the Local Planning Authority for each phase of the development. The EMP shall be implemented in accordance with the approved scheme, save as otherwise specified in specific conditions.

REASON: To protect the environment.

WASTE

49. Prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.

REASON: To control waste at the site and prevent pollution.

GROUNDWATER

50. Details of a groundwater monitoring scheme shall be submitted to and agreed in writing by the Local Planning Authority prior to the development hereby approved commencing. This shall include the location, number and depth of monitoring wells and the frequency of monitoring of groundwater levels and quality, together with determinands for analysis, to cover the periods prior to, during and after excavation and restoration. The monitoring shall thereafter be carried out at all times in accordance with the scheme.

REASON: To protect groundwater resources.

BIODIVERSITY

51. Prior to the commencement of development, details of Vegetation Monitoring at Tair Carreg SINC, together with details of any necessary remedial measures, shall be submitted to the Local Planning Authority, for approval, and undertaken in accordance with the agreed details for the duration of the coaling operation.

REASON: To protect and conserve the biodiversity interests of the adjacent SINC.

52. Prior to the commencement of site clearance, a detailed work programme for the management and monitoring of habitats identified in the Cwm Golau Habitat Enhancement Plan set out in Appendix MA/NL/A08/015, together with detail of a mechanism for its delivery, shall be submitted to the Local Planning Authority for

approval. The works shall be carried out in accordance with the agreed details.
REASON: To protect and conserve and enhance the biodiversity interests of Cwm Golau.

53. Enhancement Management works at Cwm Golau shall continue for a period of at least 10 years after the completion of coaling unless otherwise agreed in writing with the Local Planning Authority.
REASON: To protect and conserve and enhance the biodiversity interests of Cwm Golau.
54. Prior to the commencement of the development hereby approved a scheme of reptile survey and translocation shall be submitted to an agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: To secure the protection afforded to reptiles under the Wildlife and Countryside Act 1981 as amended.
55. Prior to commencement of development a Method Statement for the construction of receptor sites and the trapping, translocation of Great Crested Newts, together with a Management Plan for the subsequent management of the receptor sites shall be submitted and approved by the Local Planning Authority. The approved Method Statement and Management Plan shall be implemented prior to any works that have the potential to disturb Great Crested Newts.
REASON: To secure the protection afforded to great crested newts under European legislation
56. Prior to the commencement of the development hereby approved, a detailed method statement for the removal or long-term management of invasive weed species on the site shall be submitted to and approved by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed and New Zealand Pigmyweed and other invasive weed species during any operations such as soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots or stems of Japanese Knotweed.
REASON: To control the spread of invasive weed species.
57. Where any species listed under Schedules 2 or 4 of the Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To safeguard the protected species within and around the application site.
58. A scheme for the management of Lapwings in the areas identified for early remediation and drainage works shown in appendix MA/NL/PA/A005 to the Planning Statement shall be submitted to and approved by the Local Planning Authority, and the approved scheme shall be implemented as part of the early

remediation and drainage works.

REASON: To secure the protection of Lapwings.

59. Prior to commencement of development, details of the enhancement works on habitat suitable for breeding little ringed plover on land under the control of the applicant or the Council, shall be submitted for approval by the Local Planning Authority. The approved details shall be implemented prior to the commencement of development works associated with Rhaslas Pond.
REASON: To provide alternative breeding habitat of little ringed plover.
60. Prior to the removal of any ponds and streams within the application site a scheme shall be submitted to the local planning authority for approval, detailing measures to facilitate colonisation of new ponds and streams with dragonflies and damselflies. The approved scheme shall be implemented prior to the destruction of any ponds and streams.
REASON: To facilitate colonisation of new ponds and streams with dragonfly and damselflies.
61. A scheme for the monitoring of retained habitats and species within the application site together with details of any necessary remedial measures, shall be submitted to the local planning authority for approval, and undertaken in accordance with the agreed details for the duration of the coaling operation.
REASON: To secure the protection of retained habitats and species.

ARCHAEOLOGY

62. No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
REASON: to identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

FOUL AND SURFACE WATER DRAINAGE

63. Development shall not commence until a scheme for disposal of foul sewage has been submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.
REASON: To prevent pollution of the water environment.
64. No development approved by this permission shall commence until detailed plans for a comprehensive drainage and lagoon system to intercept and treat surface water run-off from the area have been submitted to and agreed in writing by the Local Planning Authority. The system shall be installed in accordance with the agreed scheme.
REASON: To prevent pollution of the water environment.

ILLUMINATION

65. Before development commences a scheme shall be submitted to and

approved in writing by the Local Planning Authority indicating the position, design, type and hours of operation of all illumination facilities to be employed at the site and the measures to be incorporated to minimise glare and nuisance. The lighting scheme as approved shall be implemented for the duration of the development and removed upon completion of the development.

REASON: To minimise undue glare and distraction in the interests of residential and visual amenity and highway safety.

LIAISON COMMITTEE

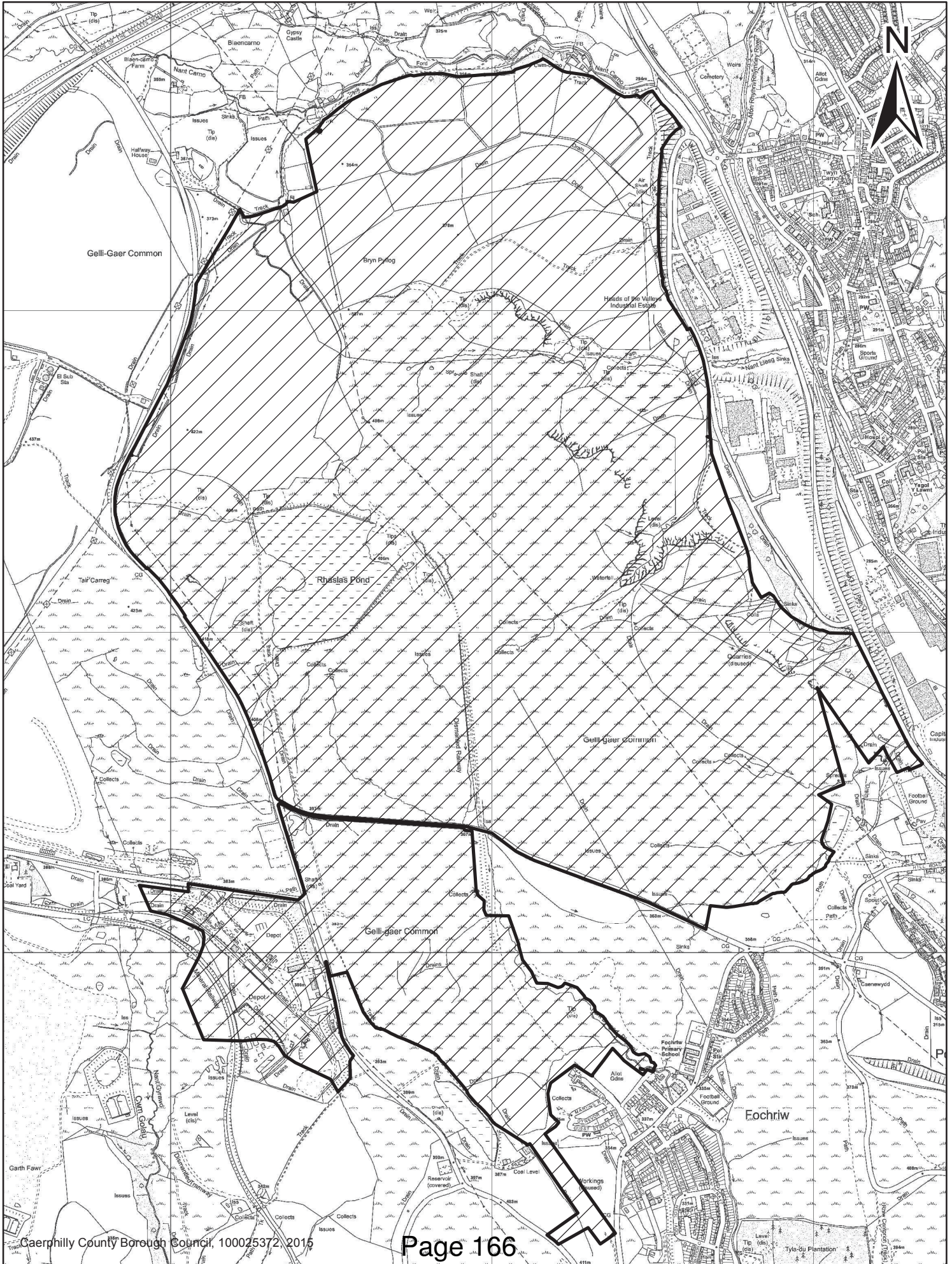
66. Before development commences, the developer shall establish a Liaison Committee, the composition of which shall be approved in writing by the Local Planning Authority. The purpose of the Liaison Committee shall be to ensure that the local community has an understanding of the work being carried out and that the developer and contractor are aware of local community concerns. The developer shall convene meetings at intervals of three months, shall keep a record of the proceedings and make it available to interested parties on request.

REASON: To ensure all stakeholders are properly represented, to protect residential amenity.

ENVIRONMENTAL LIAISON OFFICER

67. Prior to commencement of works on site, an Environmental Liaison Officer shall be appointed. Their role, functions, experience and professional requirements of the Environmental Liaison Officer shall be approved in writing by the Local Planning Authority beforehand.

REASON: To ensure that the site is reclaimed in an acceptable manner to a condition capable of beneficial afteruse, in the interests of visual amenity, the public benefit and residential amenity.



Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0097/FULL 17.02.2015	Empirica Development Partners (EDP) Ltd The Hawk Creative Business Park The Hawkhills Estate Easingwood York North Yorkshire YO61 3FE	Erect a single wind turbine with a maximum blade tip height of up to 78 metres and associated infrastructure including the installation of a new access track and upgraded access track; a crane pad (measuring approximately 25m by 40m) and a substation Land At Cefn Bach Farm Cefn Road Upper Deri Bargoed CF81 9GW

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is situated at Cefn Bach Farm, which is approximately 500m to the east of Deri.

Site description: The proposed site stands on land at a height of approximately 380m above Ordnance Datum (AOD) and is currently hilltop pasture located above the Darran Valley to the west, and the Rhymney Valley to the east. Apart from the farmhouse the nearest, residential property, are at Deri.

Development: The applicant is proposing to erect a single wind turbine with a maximum blade tip height of up to 78 metres and associated infrastructure including the installation of a new access track and upgraded access track; a crane pad (measuring approximately 25m by 40m); and a substation. The proposed wind turbine would have a rated output capacity of 500kW and its key maximum parameters are set out below:-

Hub height: 50m;
Blade length: 28m;
Rotor diameter: 54m;
Maximum height to blade tip: 78m; and
Number of blades: 3.

Cont'd.....

Application Number 15/0097/FULL Continued.

The turbine is proposed to be predominantly light grey in colour, but that can be controlled by condition.

A crane pad measuring approximately 24m by 39m would be installed adjacent to the turbine. An existing access track would be improved by widening it by a metre with crushed stone to provide a link between the site and the lane that runs along the top of Cefn y Brithdir to the east of the application site. A substation would also be erected below the turbine. It would be brick built with a pitched roof, and measure 3.6m by 3.6m and 3.4m high to the ridge. A small flat-roofed switchroom annex measuring 1.3m by 1.5m by 2.4m high would be attached to the side of the structure.

PLANNING HISTORY

No previous planning history.

POLICY

Site Allocation

Local Development Plan: The site lies in the open countryside beyond a settlement boundary. The area around the turbine itself is not specifically allocated, but the track leading to the site passes through a Visually Important Local Landscape (VILL) and a Site of Importance for Nature Conservation (SINC).

Policies

Local Development Plan: SP1 (Development Strategy), SP5 (Settlement Boundaries), SP8 (Minerals Protection), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification), CW22 (Locational Constraints - Minerals), NH2 (Visually Important Local Landscapes).

National Policy: Technical Advice Note 8: Planning for Renewable Energy (July 2005) and Planning Policy Wales (Edition 7), Nov 2014.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

Cont'd.....

Application Number 15/0097/FULL Continued.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Rights Of Way Officer - Attention is drawn to the public footpaths in the vicinity and the need for some to be stopped up temporarily, and for banksmen to be located near others for safety reasons during the construction period.

Senior Engineer (Land Drainage) - Prior to the commencement of any development of the site the applicant must submit to the Authority, and receive written approval of , comprehensive proposals showing how surface water, and land drainage flows from the site will be dealt with.

Countryside And Landscape Services - The methodology used to undertake the Landscape and Visual Impact Assessment is in general accordance with what is currently regarded as best practice. However despite the submission of additional information, the Landscape and Visual Impact Assessment is weak in the assessment of the impact of the proposed turbine upon the adjacent Historical, Cultural Landscape. The LVIA has also failed to consider the potential impact of the proposed turbine upon the Gelligaer Common Landscape of Historic Interest, where there is the potential for significant effects, given the distance separating the proposed turbine from the eastern edge of the Historic Landscape is barely 2km at the nearest point.

The LVIA's findings that the potential impacts upon landscape character and visual receptors, associated with the construction and decommissioning of the turbine are not significant are correct.

The assessment of the potential operational phase of the development upon the Landscape Character of the site and adjacent area within approximately 1.6 km was assessed as not significant. This assessment was based upon all 5 LANDMAP aspect areas. That is acceptable in relation to four of the LANDMAP aspect areas but the potential impact upon the Visual and Sensory aspect area has been slightly under-valued and the potential impact upon this aspect area alone would be significant.

Cont'd.....

Application Number 15/0097/FULL Continued.

Six photo-viewpoints were chosen as the basis for the visual assessment of the impact of the proposed turbine. The view from Photo-viewpoint No 1 at Glynmarch St Deri, has been assessed as not significant; that assessment is disagreed with. The hub and blades of the proposed turbine would be seen above the coniferous plantation which dominates the facing valley side. This plantation is predominantly composed of Larch, and is showing signs of being infected with phytophthora ramorum. Natural Resources Wales are currently felling Larch Plantations infected with phytophthora above Parc Cwm Darren and across South Wales as part of their strategy to control the spread of the disease. It is therefore likely that this plantation will be felled very shortly as part of this control strategy. This will increase the prominence of the turbine in views from east facing properties within Deri. Photo-viewpoint No 3 is taken from St Gwladys monument on Gelligaer common. The assessment of visual effect is recorded as substantial / moderate adverse, which is wrongly recorded as not significant. The assessment of not significant for all remaining viewpoints is acceptable.

No assessment has been made of the potential for visual effects upon other settlements within the borough, though photo-viewpoint No 4 is taken from Bedwellty Road, Aberbargoed and photo-viewpoint No 6 is taken from Glenview Terrace Pentwyn. Both are assessed as not significant, which is acceptable. It is likely that views of the turbine from Bargoed and most of Aberbargoed will be constrained by the orientation of properties, intervening properties and distance from the site. The effect upon the majority of visual receptors in these settlements will be not be significant.

A brief statement of the potential visual effect of the proposed turbine upon the properties of Tyr-chapel and Plas Milfre, the two closest residential properties to the site indicates that the potential impact upon Tyr-chapel would be significant whilst the impact upon Plas Milfre would be not significant. On the basis of the very limited information provided and the distance of both properties from the site of the turbine the potential visual effect could be significant for both properties.

The potential effect of views of the turbine from the valley floor road and rail network , the majority of minor roads on the upper valley sides or valley tops should be assessed as not significant. There will be some significant visual effects upon users of the Rhymney Valley Ridgeway walk and the local footpath network but overall the effects upon the public rights of way network will be not significant.

Cont'd.....

Application Number 15/0097/FULL Continued.

An assessment of cumulative impact has been undertaken. Wire line plots have been produced for each of the photo-viewpoints, which clearly demonstrate that there is the potential for views of several constructed, consented or in-planning turbines to be seen from all but two of the photo-viewpoints. These viewpoints do not encompass a full 360 degree view. The cumulative Zones of Theoretical Visibility Maps clearly demonstrate that with the exception of the northern group of turbines close to the Heads of the Valleys Road there is the potential for all of the remaining constructed, consented or in-planning turbines, within the county borough to be seen from elevated locations and in particular from elevated locations in the centre of the borough close to this site. However the current proposal is isolated and would not in itself give rise to a significant" additional cumulative impact.

To conclude, Cefn Bach Farm and the site of the proposed turbine are not within a Special Landscape Area or a Visually Important Local Landscape as identified within the Local Development Plan. The site of the proposed turbine is within a pastoral landscape, of small to medium sized fields, enclosed by a strong linear pattern of dry-stone wall boundaries. The introduction of a tall vertical element, and movement into this landscape would be at variance to its present character.

The Heads of the Valleys Smaller Scale Wind Turbine Development Landscape Sensitivity and Capacity Study, published in April 2015, which was commissioned by Caerphilly and adjacent Local Authorities, included this area within a much larger landscape unit, which it identified as having a medium to high sensitivity to wind turbine development of medium typology, which it identifies as four or fewer turbines of less than 80 m in height to blade tip. However the report also emphasises the need to consider the potential effect upon Gelligaer Common Landscape of Historic Interest and views from Valley settlements.

The submitted Landscape and Visual Impact Assessment fails to adequately address a number of these issues and the potential effects of the proposed turbine upon the pastoral landscape of the site / local area, and on Gelligaer Common Landscape of Historic Interest, as well as the potential visual impact upon residents of Tyr-chapel and Plas Milfre, and the residents of east facing properties in Deri are likely to be significant. Therefore it is recommended that the application be considered for refusal.

Strategic & Development Plans - No objections in principle subject to access to mineral resources, impacts on natural heritage, and the cumulative impact being considered,

Cont'd...

Application Number 15/0097/FULL Continued.

National Air Traffic Services - The scheme does not conflict with their safeguarding criteria.

Ministry Of Defence - No objections.

Glam/Gwent Archaeological Trust - At present the proposed route is a narrow single track for approximately 2.8km and then uses an un-mettled bridleway for a further 1.9km, both of which cross open upland common. The highway access report supplied with the application states that it will need remediation work to make it acceptable as an access route, including widening Cefn Y Brithdir by 1.0m using crushed stone. The bridleway passes close to a Scheduled Ancient Monument, Cefn Brithdir Medieval House Platforms (SAM no GM317) in an area where there are a number of prehistoric barrows, one of which (PRN00645m) lies within 10m of the track. There are at least four prehistoric funerary monuments across the common at this point and it is conceivable that others remain undiscovered. Clearly the proposals for this route would have a lasting impact on the historic environment which is already at risk from erosion due to the use of motorcycles and off road vehicles.

It is their view that they do not have sufficient information to give advice at this time and therefore, we therefore strongly recommend that the applicant commission an archaeological assessment that includes the route of the access track, a document that will identify which aspects of the proposal will have an impact on the buried archaeological and historical resources that will require mitigation and what that mitigation will entail.

In summary, this will be a material consideration in the determination of the current planning application and therefore this decision should be deferred until the requested information has been submitted to your Members. This recommendation follows the advice given in Planning Policy Wales, Seventh Edition July 2014, Section 6.5.1 and 6.5.25, and also detailed in Welsh Office Circular 60/96, Section 12.

Trunk Road Manager - The latest comments state that there is insufficient detail to fully review the proposal.

Joint Radio Company Limited - Initially objected to the scheme because it may interfere with telemetry in the area, but subsequent information has allowed them to withdraw their concerns.

OFCOM - No objections.

Cont'd.....

Application Number 15/0097/FULL Continued.

Aneurin Bevan Health Board - It is recommended that noise and shadow flicker are considered.

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Extent of advertisement: The application was advertised by means of a site notice and 116 neighbour letters.

Response: Thirty-one letters have been received in support of the scheme. The letters comment that:

- there is adequate separation with residential properties
- the proposal complies with government guidance concerning noise
- the turbine is not located within an ecologically sensitive area
- a community fund is offered by the applicants
- there is sufficient wind speed at the site, and
- there is a suitable grid connection nearby.

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?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are in respect of the landscape, archaeological and highways impacts of the scheme.

Cont'd.....

Application Number 15/0097/FULL Continued.

The location of the proposed turbine on this ridge between the Rhymney and Darren Valleys, detached from the recently approved and erected turbines above New Tredegar, Pen y Fan Ganol (Manmoel) and Oakdale will extend the impact of such development over a wider area of the borough to the detriment of the character of the landscape. On the opposite side of the Darran Valley is the historic landscape associated with Gelligaer Common. The proposed turbine will be clearly visible from that landscape, and due to its proximity, will have an adverse impact on the context and therefore character of the area. Welsh Office Circular 61/96 - Planning and the Historic Environment, advises that in determining planning applications the registered park and garden should be taken into account particularly where the proposed development is of a sufficient scale to have more than a local impact on historic landscape.

The LDP allocates the common as a special landscape area (NH1.2) and it is described in the appendix to the Plan as an important and increasingly rare upland landscape within South East Wales. Policy CW4 states that development proposals that affect locally designated natural heritage features, will only be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the SLA.

The Council's Countryside and Landscape Manager identifies gaps in the Landscape and Visual Assessment submitted by the applicants particularly in respect of the impact of the development on the pastoral landscape of the area, and the visual impact on nearby dwellings.

Concern has been expressed by Glamorgan Gwent Archaeological Trust about the information submitted and the need for further surveys before a decision is taken. The applicants have responded to this concern by pointing out that this is an existing access track used for agricultural purposes for some time and as noted in the Trust's response is 'already at risk from erosion due to the use of motorcycles and off road vehicles'. As such the access has already been subject to ground disturbance over a number of years. They consider that the proposals to upgrade this access would provide the following benefits:

- Creation of a well defined and constructed access track which would prevent further erosion and potential harmful intrusion into adjoining land and potential archaeological features;
- Securing of archaeological mitigation

All upgrading works would be confined to within the red line area only. Only upgrading is proposed and as such extensive ground works will not be necessary. In addition they have offered mitigation measures to ensure inadvertent impact of the widening of the access track will be carefully managed in respect of potential impacts on archaeology, secured by an appropriately worded planning condition. On balance, it is considered this matter could be resolved by condition.

Cont'd.....

Application Number 15/0097/FULL Continued.

At the time of report preparation, the impact of the development on the road network had not been resolved, but in view of its short term nature, and the fact that similar developments have been accommodated on the surrounding hillsides, there is no clear reason to object on this ground. Outstanding matters, such as the need for a traffic management plan could be resolved by condition.

Concerns about the impact of the scheme must be balanced against the need for renewable energy. In that regard the UK is subject to the requirements of the EU Renewable Energy Directive which includes a UK target of 15% of energy from renewable sources by 2020. This includes both heat and electricity, and is seen as a minimum and a starting point from which the proportion should rise. At present in terms of electricity, there are 8 wind turbines and 3 solar farms in the county borough. These make a significant contribution. The 2 turbines at Oakdale for example generate as much electricity as the 1,834 domestic PV systems in the county borough. The amount of electricity generated in the county borough is around 12% of the predicted amount likely to be used in 2020. In terms of heat however, the figure is less than 1%. It is envisaged that a further target above the 15% aim is likely to be set soon as it is an initial target on the road to the 80% reduction in carbon emissions required by the EU. Even if Caerphilly borough exceeds the target of 15% before 2020 it will be expected to push on further and provide more. However, in this particular case that need would not outweigh the concerns about the impact of the scheme on the historic landscape.

Comments from consultees: Discussed above.

Comments from public: There has been considerable support in the locality for the scheme, but that in itself would not overcome the concerns about the impact on the landscape.

Other material considerations: Noise, shadow flicker and other environmental impacts can be controlled by condition.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The proposed wind turbine would have an adverse impact on the landscape at Gelligaer Common which is included on the Register of Special Historic Interest in Wales, and is allocated as a Special Landscape Area (SLA) in the adopted Caerphilly Count Borough Local Development Plan up to 2021 (November 2010). The development would be contrary to policy CW4 of that plan because it would be detrimental to the distinctive and characteristic features of the SLA.

Cont'd.....

- 02) The information submitted with the Landscape and Visual Impact Assessment submitted with the planning application is insufficient to allow the appropriate consideration in planning terms of the impact of the proposed turbine on pastoral landscape adjacent to its site, and on the residents of Tyr-Chapel, Plas Milfre and east facing properties in Deri.



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Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0207/FULL 17.04.2015	Mr R Eaketts 2 Mount View Plas Road Fleur-de-lis Blackwood NP12 3RH	Construct a detached garage to the rear of the property 2 Mount View Plas Road Fleur-de-lis Blackwood NP12 3RH

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Mount View, Plas Road, Fleur-de-lis.

House type: Two storey semi-detached property.

Development: Erect detached garage to rear of property. The application is reported to Committee because the Agent is related to an employee of the Council.

Dimensions: The proposed garage measures 6.1 metres in width, 6.5 metres in length, with a height of 2.3 metres to eaves level and 3.6 metres to ridge level.

Materials: Render and concrete roof tiles.

Ancillary development, e.g. parking: Two water butts to collect surface water run off.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), as well as advice contained in Supplementary Planning Guidance LDP7: Householder Developments (November 2010).

Cont'd.....

Application Number 15/0207/FULL Continued.

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is located within a Coal Mining Legacy Area, but due to the limited scale of the development, i.e. householder type development, any mining legacy issues will be controlled by way of the Building Regulations.

CONSULTATION

Dwr Cymru - Provides advice to the developer regarding a public sewer that crosses the application site.

ADVERTISEMENT

Extent of advertisement: Three neighbours were consulted by way of letter and a site notice was displayed near the application site.

Response: No responses at time of report.

Summary of observations: N/A

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? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? The development is CIL exempt as it is proposed to create less than 100 sq. metres of additional internal floor space.

Cont'd.....

Application Number 15/0207/FULL Continued.

ANALYSIS

Policies: The proposed garage is considered to be acceptable in terms of its setting, scale and materials, and will integrate with the surrounding area. Given the limited overall height of the structure, as well as its distance from the nearest neighbouring dwellings, the development will not result in a loss of amenity to neighbours by way of any overbearing, overshadowing or overlooking impact. By virtue of the above factors, the proposal is considered acceptable in planning terms subject to the imposition of appropriate conditions.

Comments from Consultees: Welsh Water provide advice to the developer regarding a public sewer that crosses the application site.

Comments from public: None.

Other material considerations: None.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area.
- 03) Prior to its first use the garage, sited as shown on the submitted plan, shall be fitted with inward-opening doors or roller shutter, which will not open out over the highway.
REASON: In the interests of highway safety.
- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Drawing No2 As Proposed, Drawing No 3 As Proposed No 3 As Proposed received 17 April 2015 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

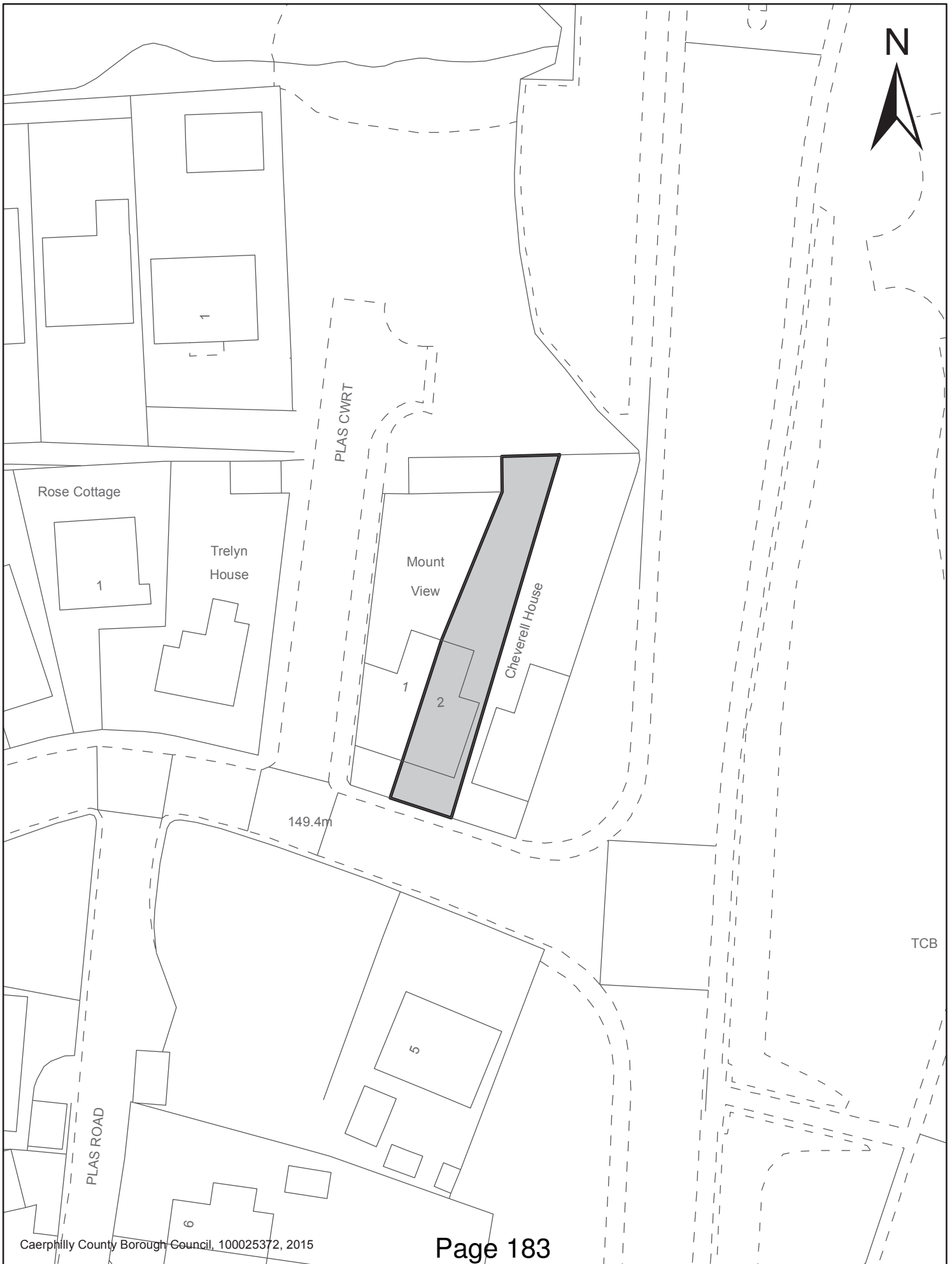
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Application Number 15/0207/FULL Continued.

Advisory Note(s)

Please find attached the comments of Welsh Water that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission:
Policies CW2, CW3.



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Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0181/FULL 26.03.2015	Mr D Jones Avanate 6 Gellideg Lane Maesycwmmmer Hengoed CF82 7SD	Erect two-storey side extension, first floor extension over the existing, single-storey front and rear extensions and a balcony to front elevation Mandalay 10 Gellihaf Road Fleur-de-lis Blackwood NP12 3UY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Gellihaf Road.

House type: The application property is a detached dwelling within a large plot. The property has a single storey extension to one side and an attached garage to the other. The dwelling is set back from the road frontage with a sloping drive provided vehicular access and it is finished stone cladding to the front and pebble dash to the sides and rear with a tiled roof. Above the garage is a balcony that wraps around part of the front of the building. Gellihaf Road slopes from north to south such that the dwelling at number 8 Gellihaf Road is approximately 2m lower than the application property and the one at number 11 is approximately 2m higher.

Development: The application seeks full planning consent for the erection of a first floor extension above the existing side extension together with a two storey extension with integral garage to replace the existing garage extension and a single storey extension to the rear. The first floor extension will accommodate a bedroom with en-suite whilst the two storey extension accommodates a garage, utility room and bathroom on the ground floor with a new lounge on the first floor. The lounge would have concertina doors to the front with large windows to the side and rear. The ground floor is larger than the first floor such that a new balcony will be created with access from the new lounge. The rear extension will provide an enlarged kitchen. This application has been submitted in order to overcome a reason for refusal on a previous application and the first floor side extension has been reduced in length in order to avoid an overbearing impact. The application is reported to the Planning Committee because the plans were drawn by a former employee of the Planning Division.

Cont'd.....

Application Number 15/0181/FULL Continued.

Dimensions: The first floor extension measures 3.6m wide by 6.6m long. The two storey extension measures 4.3m wide by 10.1m long on the ground floor and 7m long on the first floor. The rear extension measures 10.9m wide by 1.45m long and the new balcony measures 6.6m wide by 1.6m long.

Materials: The newly modelled dwelling will be finished in render with a tiled roof.

Ancillary development, e.g. parking: The submitted plans refer to the existing retaining wall to the common boundary with number 11 being replaced with a new concrete block wall finished in render. A new drive is also proposed to the front of the dwelling. Excavations have also been carried in the rear garden of the dwelling that may require the construction of retaining walls in excess of 1m high.

PLANNING HISTORY

14/0677/FULL - Erect a two-storey side extension, a first floor extension over the existing, single-storey front and rear extensions and a balcony to front elevation - Refused 08.12.14.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries)
SP6 (Place Making)
CW2 (Amenity)
CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Guidance Note 5 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on boundary treatments.

Cont'd.....

Application Number 15/0181/FULL Continued.

Guidance Note 8 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on raised decks and balconies.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy Paragraph 4.11.9 of Planning Policy Wales (2012) states: - The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Dwr Cymru - Provides advice to be conveyed to the developer.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: Four letters of objection were received.

Summary of observations: 1 Encroachment onto the garden of number 11 Gellihaf Road.

2 Possible damage to neighbours property.

3 No details have been submitted of any replacement retaining wall.

4 Loss of privacy.

5 The gap between the extensions and the boundary is insufficient to allow scaffolding to be erected.

6 There is insufficient space to allow access for repairs to the boundary wall.

7 Visual impact of the development.

8 Scale of the development.

9 Unclear measurements on the submitted plans.

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?

None.

Cont'd.....

Application Number 15/0181/FULL Continued.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY

Is this development liable for CIL? No because the net additional floorspace will be less than 100 square metres.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are whether the proposals are acceptable from a design perspective, whether the proposals would have an overbearing impact on the adjacent dwellings and whether there would be any loss of privacy to the neighbouring dwellings.

With regard to the first matter it should be noted that the host dwelling is a plain detached house finished in a mixture of stone cladding and pebble dash and as such the character of the dwelling is such that it is not particularly desirable to retain it. It should also be noted that there is a mixture of dwelling styles in Gellihaf Road and there is no overriding character to the area. In that regard it is accepted that an extension which totally alters the character of the host dwelling would not be unacceptable in design terms.

In respect of overbearing impact it should be noted that the application property is set back from the building line of the neighbouring dwelling at number 8 Gellihaf Road such that the front wall of the house is approximately 1.5m from the rear wall of the adjacent dwelling. That dwelling is also approximately 2m lower than the application dwelling and has a living room and a bedroom window close to the common boundary of the dwellings. The previous application for this site was refused as it was considered that the proposed extension would have an overbearing impact on the neighbouring dwelling. In the current proposal the length of the first floor extension has been reduced such that it does not project beyond a line drawn at 45 degrees from the centreline of the habitable room windows in the adjacent dwelling and as such it is considered that the proposal complies with Guidance Note 2 of Supplementary Planning Guidance LDP7.

Cont'd....

Application Number 15/0181/FULL Continued.

With regard to loss of privacy it is noted that two large windows are proposed in the side elevation of the lounge to the first floor of the extension to the right hand side of the dwelling together with a balcony to the front. Whilst both of these would give rise to a degree of loss of privacy to the side garden of the dwelling at number 11 Gellihaf Road, the windows could be fitted with obscure glass which would adequately address any loss of privacy from those features and the balcony would be no worse than the existing balcony at the property. As such it is not felt that, subject to the imposition of suitable conditions, there would be any loss of privacy to the neighbouring dwellings.

As stated above the developer has also carried out excavation works to the rear garden of the dwelling which may require the construction of retaining walls. In order to ensure that these walls are fit for purpose a condition should be attached to any consent granted requiring the submission of design calculations and certification from a suitably qualified engineer.

Comments from consultees: No objections raised.

Comments from public: 1 With regard to any possible encroachment into the side garden of number 11 Gellihaf Road it is considered that this is largely a private matter. Nevertheless the applicant has a duty under the Planning Act to provide the correct ownership information and to serve a notice on any persons who have an interest in the application site. The submitted plans seem to indicate that the new concrete block wall on the south boundary of the site would be outside of the application site in relation to the Ordnance Survey plan. However after carrying out some measurements on site it is felt that the extension and the boundary wall can be accommodated within the site. Consequently the proposal is acceptable in planning terms. This does not override any consent that the developer may have to seek under other legislation such as the Party Wall Act.

2 Any possible damage to the neighbour's property would be a private legal matter between the two parties.

3 It is accepted that no structural calculations have been submitted in relation to the new wall. However, if this wall is not a retaining wall no further calculations would be required. In any event a condition could be attached to any consent granted requiring the submission of such details prior to the commencement of works on site.

4 Loss of privacy has been addressed above.

5 Any possible need to erect scaffolding on neighbouring land is a private legal matter between the two parties.

6 Maintenance of the existing stone retaining structure is a private legal matter between the two parties.

Cont'd.....

Application Number 15/0181/FULL Continued.

7 The visual impact of the development has been partially discussed above and as stated there is no overriding character to properties in the area, and the host dwelling is not considered to be of any architectural importance. The objector suggests that the new windows in the side elevation of the side extension facing number 11 would be out of keeping with the character of the area. As there is no overriding character to the area it is not felt that this would be the case.

8 Whilst the proposed extensions are not subservient to the host dwelling which is lost as part of this development it is not felt that this is unacceptable in planning terms as a result of the architectural merits of the host building as discussed above. Indeed, there would be no objection in principle to the demolition of the host dwelling and the erection of a replacement dwelling on this site in keeping with the scale of the proposed dwelling. As such the proposals have to be considered on their own merits and in that regard it is considered that the resultant building is acceptable in design terms and does not represent overdevelopment of the site.

9 It is accepted that the plans originally submitted were not scanned at the correct scale and as such it was not possible to take accurate measurements from the plan. This matter has now been resolved by the submission of correctly scanned plans and accurate measurements have been taken.

Other material considerations: None.

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) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining walls on site full engineering details and structural calculations for the proposed retaining walls, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining walls additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.
REASON: In the interests of highway safety.

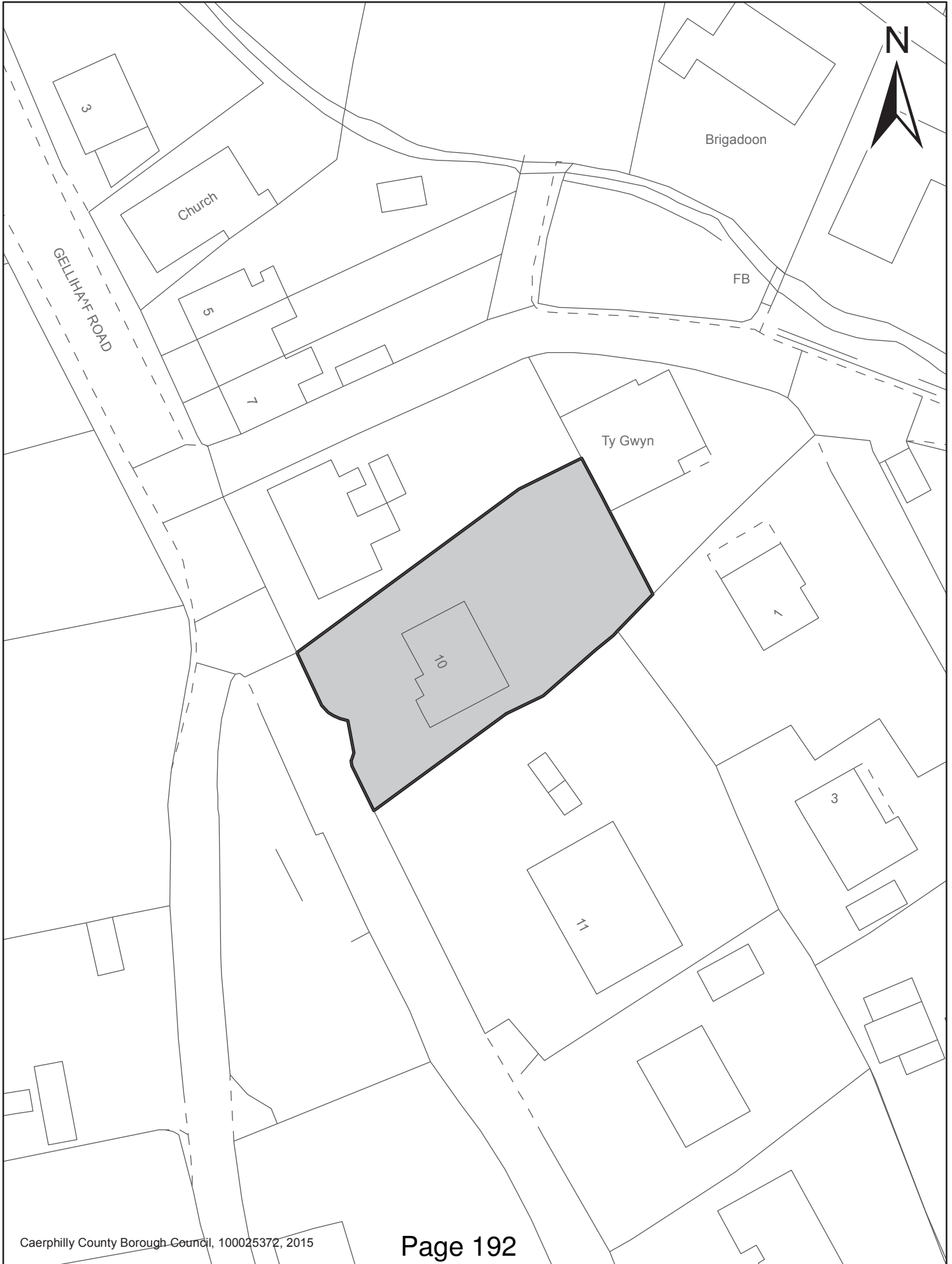
Cont'd.....

Application Number 15/0181/FULL Continued.

- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the lounge windows facing south east shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission:
CW2.



Agenda Item 13

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0158/FULL 24.03.2015	Mr & Mrs D Davies Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY	Erect extensions to existing dwelling and construct a double garage Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated at the western end of Sunnybank Terrace approximately 50m from the junction with Dranllwyn Lane.

House type: The application property is a detached bungalow within a large plot that slopes steeply from north to south such that the dwelling is elevated above the adjacent highway with terraced and sloping gardens. The dwelling is largely rectangular in shape with a projecting gable on the right hand side and it is finished in pebble dash with a tiled roof. There is a drive to the east of the dwelling that currently provides an informal access to the rear garden. Whilst the main portion of Sunny Bank Terrace is characterised by 'inter-war' semi detached dwellings, the area surrounding the application site has an eclectic mix of dwelling styles including a two storey dwelling to the east and detached bungalows to the west.

Development: The application seeks full planning consent for extensions to the dwelling to increase its footprint and to increase the roof height. This will include creating a first floor to the dwelling, the erection of a two storey extension to the left hand side of the dwelling for two bedrooms and a bathroom on the ground floor with a large kitchen/dining room and family room on the first floor, and an extension to the right hand side of the building to create two bedrooms on the ground floor and a study/lounge and cinema/games room on the first floor. There will also be a balcony on the front of the property leading from the family room, with a deck to the rear also leading from the family room and onto the elevated rear garden. The property is to have a very modern appearance with a flat roof and large picture windows and French doors to the front elevation.

Cont'd.....

Application Number 15/0158/FULL Continued.

Consent is also sought for the erection of a detached garage to the rear of the dwelling. This garage is to be built into the rear garden such that it will be underground with access being derived off the existing drive to the side of the dwelling. Three off street parking spaces are also proposed to the front of the dwelling with the front garden being excavated to provide the space to accommodate them.

Dimensions: The existing dwelling has maximum dimensions of 10.65m wide by 9.5m long by 5.75m high. The proposed dwelling will have maximum dimensions of 17.2m wide by 9.9m long by 5.75m high. The garage measures 6.5m wide by 6.5m long by 3.5m high.

Materials: the dwelling is to be finished in a mixture of render and cedar boarding with a single ply membrane roof.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

No previous planning history.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries)
SP6 (Place Making)
CW2 (Amenity)
CW3 (Design Considerations: Highways)
CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Cont'd.....

Application Number 15/0158/FULL Continued.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2014) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Dwr Cymru - Provides advice to be conveyed to the developer.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: Five letters of objection were received from local residents.

Summary of observations: 1 The application to extend the dwelling and the application for a detached dwelling in the rear garden of the application property should be considered together.

2 The proposal would be out of keeping with the character of other dwellings in the area.

3 The scale of the proposal is out of keeping with the character of the host dwelling which would not remain the dominant element.

4 There is no precedent set within Machen for the use of a flat roof.

5 The proposal should not be viewed as an extension to the existing dwelling.

6 Using the first floor for living accommodation would totally alter the established pattern within the area.

7 Using the first floor for living accommodation would also increase noise levels unacceptably.

8 The increased height of the dwelling will have an adverse impact on light

9 The increased height would also cause a loss of view.

10 The developer has removed all of the trees from the site.

11 The proposal will lead to increased flooding problems to adjacent dwellings.

Cont'd.....

Application Number 15/0158/FULL Continued.

12 The existing hedgerows on the boundary of the site should not be removed.

13 Ysgubor Fach is unsuitable to provide access to serve the site for the delivery of building materials.

14 The developer has already destroyed important habitat with the removal of the trees on the site.

15 The development would lead to a devaluation of properties.

16 The proposal would cause a loss of privacy to neighbouring dwellings.

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?

None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? Yes. Based on an additional floor area of 244.82 square meters the proposal is liable to CIL for £9792.80.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are the objections raised by members of the public and will be considered in turn below.

1 This application and the application for a new dwelling in the rear garden cannot be considered under the same application and each application has to be considered on its own individual merits. However the impacts of each proposal on each other and on surrounding properties will need to be considered.

Cont'd.....

Application Number 15/0158/FULL Continued.

2 Guidance Note 1 of Supplementary Planning Guidance LDP7 (SPGLDP7) states 'Extensions and alterations should be designed to complement the character of your property and street or area.' As discussed above, there is an eclectic mix of dwellings in the area surrounding the application property, exemplified by the two-storey dwelling to the east and the extended bungalow to the west and as such it is not felt that there is any overriding character to the area. It should also be noted that the existing bungalow has no intrinsic architectural merit being a simple 1960s bungalow with an apex roof and therefore it is not considered that it is particularly desirable to retain the bungalow for its own sake. Indeed, were an application submitted to demolish the dwelling and erect a replacement dwelling then this would be acceptable in principle. In that regard it is not felt that the proposal is out of keeping with the character of the area to the degree that refusal of the application is warranted.

3 Guidance Note 2 of SPGLDP7 states that 'the extension or conservatory should not normally dominate your house. As a general rule all extensions should be smaller than the original property, and with the exception of front porches they should be located to the rear or the side of the property, although the context and quality of the existing house and proposed extension will be taken into account.' As stated above, the existing application property has no architectural merit and its replacement with a new dwelling would be acceptable in planning terms. As such the proposals before the Council, whilst not strictly complying with the design guidance, have to be considered on their planning merits and the character of the host dwelling is not a major consideration in the determination of this application. Moreover, the scale of the dwelling is considered to be in keeping with the dwellings in the area and in particular the dwellings on either side.

4 It is accepted that there are no other dwellings within the area that have flat roofs to the main roof. However, as stated in Paragraph 4.11.9 of Planning Policy Wales, Local Planning 'should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.' It is considered that this proposal fits into that category. Whilst a flat roof dwelling is not in keeping with the traditional local vernacular, it would also be true to say that the adjacent dwellings would not have been in keeping when they were erected and indeed in respect of the dwelling to the west, this has an extension to the rear that would also not be in keeping with the local vernacular. In that regard it is not felt that the use of a flat roof is unacceptable in design terms.

5 Whilst the application is described as an extension to the host dwelling it effectively creates a new dwelling. However, as discussed above this is not considered to be unacceptable in principle.

6 Whilst neither of the adjacent dwellings has its principal living accommodation on the first floor it is not uncommon for dwellings on sloping plots to be built in this way in order to maximise the views from the site. As such it is not felt that this would be unacceptable in planning terms.

Cont'd.....

Application Number 15/0158/FULL Continued.

7 It is not felt that the use of the first floor as living accommodation would lead to a marked increase in noise levels to such a degree that this would make the proposal unacceptable in planning terms.

8 Whilst the eaves height of the dwelling would be increased, the overall height of the building has not increased. There would inevitably be an increase in shadowing of the property to the west but it is not considered that this would be to such a degree that it would be unacceptable in planning terms.

9 Loss of view is not a material planning consideration.

10 There is nothing in planning legislation to prevent a developer from removing trees from an application site prior to the submission of a planning application. If trees are on site at the time of a planning application the Local Planning Authority can request a tree survey if it considered that they would be affected by the development or conditions can be imposed for their retention as part of the development.

11 No objection has been received from the Council's Senior Engineer (Land Drainage) in respect of the application for a dwelling on the rear garden of the application site. Therefore it is considered that drainage of the site should not be an issue subject to the imposition of suitable conditions to deal with surface water run off from the site.

12 It is accepted that the existing hedgerows and mature trees on the boundary of the application site provide an element of screening between the properties as well as contributing to the semi rural character of the site. It is felt that this character is important and as such the removal of any of these features would be unacceptable in planning terms. Therefore a suitably worded condition should be added to any consent granted requiring a scheme for their protection and retention as part of the scheme.

13 Whilst it may be considered that Ysgubor Fach is unsuitable to provide access for delivery vehicles to the application site, there is nothing in the planning application to suggest that this would be the case in any event. Moreover, it would be unreasonable to refuse the application on that basis.

14 There is no evidence to prove that any protected species were harmed as a result of the removal of any trees from the site. As stated above the remaining trees on site will be protected by condition as part of the development.

15 Loss of property values is not a material planning consideration.

Cont'd.....

Application Number 15/0158/FULL Continued.

16 Guidance Note 8 of SPGLDP7 refers to balconies and decking and suggests that such structures should ensure that they do not result in overlooking of adjacent properties. The application proposes the erection of a balcony to the front of the property and a deck to the rear. In respect of the property to the east it is considered that the balcony would not give rise to views of that property and the deck to the rear would be sufficiently far away from that property that there would be no unacceptable loss of privacy. With regard to the property to the west it should be noted that the front balcony is screened such that this would only give views into the drive area of that dwelling. It is not felt that this would amount to an unacceptable loss of privacy in planning terms. With regard to the deck to the rear it should be noted that this does not give rise to any views into habitable rooms of the neighbouring dwelling and in terms of the rear garden would not be any more overlooking than the existing garden of the application property. In that respect it is not felt that there would be any unacceptable loss of privacy as a result of this proposal.

In conclusion it is considered that the proposed extension is acceptable in planning terms as the proposed design, whilst modern and with architectural features that are not in keeping with the local vernacular, is considered to be acceptable in its own regard, there would be no loss of privacy or amenity to the neighbouring dwellings and adequate off street parking is provided within the site. Therefore it is recommended that planning consent be granted subject to conditions.

Comments from consultees: No objections raised.

Comments from public: These are considered above.

Other material considerations: None.

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 driveway to serve the proposed development shall be not less than 3.65 metres wide and shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and be completed prior to the first occupation of the development hereby approved.
REASON: In the interests of highway safety.

Cont'd.....

Application Number 15/0158/FULL Continued.

- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garage hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.
REASON: In the interests of highway safety.
- 04) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 05) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
 - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
 - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
 - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
 - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
 - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
 - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),

Cont'd.....

Application Number 15/0158/FULL Continued.

- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

REASON: In the interests of visual amenity.

- 06) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

Cont'd.....

Application Number 15/0158/FULL Continued.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.



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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0847/FULL 18.12.2014	Mr & Mrs G John C/o RPS Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect three detached residential dwellings Land To The Rear Of Brynmynach Avenue Ystrad Mynach Hengoed

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is situated to the east of Brynmynach Avenue and to the south of Brynview Avenue.

Site description: The application site is an overgrown parcel of former railway owned land situated off the rear lane to Brynmynach Avenue. The site has a number of mature trees on it and it slopes from west to east up towards the railway line to the east. There is a modern detached dwelling to the north of the site and older semi detached split level bungalows to the west. The mineral railway line serving Ffos Y Fran Opencast Site and Cwmbargoed washery is to the east of the site with the main Rhymney Valley line to the east of that. There is a mixture of house types in the area with the detached dwellings to the north and the semi detached dwellings to the west being joined by terraced dwelling to the north of the detached dwelling.

Development: The application seeks full planning consent for the erection of 3 detached dwellings together with associated off street car parking, amenity space and bin stores. The dwellings are proposed to be of a fairly modern design with apex roofs and terrace balconies. They are three storeys high with a hallway, living room, dining room and kitchen on the ground floor, three bedrooms and a bathroom on the first floor and a fourth bedroom with en-suite on the second floor. Each of the dwellings will have a terrace balcony off the second floor bedroom and these will have glazed privacy screens to the side.

The site layout shows the provision of three parking spaces per dwelling with private gardens for each property. The dwellings on Plots 2 and 3 would be sideways onto the lane with Plot 1 facing directly onto it.

Dimensions: The site has an overall area of 87m long by 13m deep. Each of the dwellings has maximum dimensions of 8.9m by 9.3m by 5.8m high to the eaves and 10.7m to the ridge.

Cont'd.....

Application Number 14/0847/FULL Continued.

Materials: The dwellings are proposed to be finished in a mixture of face brickwork and render with a tiled roof.

Ancillary development, e.g. parking: Each of the properties will be served by a foul sewerage pumping station to connect to the mains sewerage.

PLANNING HISTORY

06/0644/OUT - Erect residential development (three housing plots) - Refused 25/10/07.

13/0860/FULL - Erect four detached houses with integral garages - Withdrawn 12/02/14.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries)

SP6 (Place Making)

SP10 (Conservation of Natural Heritage)

CW2 (Amenity)

CW3 (Design Considerations: Highways)

CW6 (Trees, Woodland and Hedgerow Protection)

CW11 (Affordable Housing Planning Obligation)

CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Planning Policy Wales (2014)

4.9.1 Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

Cont'd.....

Application Number 14/0847/FULL Continued.

4.11.1 Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.

4.11.2 Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

5.2.9 Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.

5.2.10 Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas.

5.5.1 Biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land. Pre-application discussions between the developers, local planning authorities and statutory advisers such as CCW and Environment Agency²⁹ are recommended.

Cont'd.....

Application Number 14/0847/FULL Continued.

5.5.2 When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.

5.5.3 In some cases it will be necessary to refuse planning permission on conservation grounds. However, local planning authorities must always consider whether environmental issues could be adequately addressed by modifying the development proposal or by attaching appropriate planning conditions or obligations. Where this is not possible and the adverse effect on the environment clearly outweighs other material considerations the development should be refused.

5.5.11 The presence of a species protected under European or UK 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 the species or its habitat. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult CCW before granting permission. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

5.5.13 Local authorities have a duty to ensure that adequate provision is made for the planting or preservation of trees by imposing conditions when granting planning permission and/or by making Tree Preservation Orders (TPOs).

5.5.14 Local authorities have a general power to make TPOs if it appears it is expedient to do so in the interests of amenity. They can make a provisional TPO which takes effect immediately, and it can remain effective for six months or until the TPO is confirmed.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

Cont'd.....

Application Number 14/0847/FULL Continued.

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

Technical Advice Note 5 - Nature Conservation and Planning

4.4.1 The local planning authority can direct the applicant to supply any further information reasonably necessary to determine any planning application. Where a local planning authority is considering whether a planning application is likely to have a significant effect on a European site or European offshore marine site, so as to make it necessary to carry out an appropriate assessment under the Habitats Regulations, the planning authority may require the applicant to provide such information as it reasonably needs to determine that question; and where a planning authority determines that an appropriate assessment is necessary, it may require the applicant to provide such information as it reasonably needs for the purposes of that assessment. The collection, analysis and reporting of this information may sometimes mean a delay in deciding the application, especially if there are seasonal constraints on surveys.

4.4.2 The potential delay should not be seen as a justification for granting permission without taking the information into account. Apart from the harm that could result, the decision may be open to legal challenge if all material considerations are not properly addressed in the decision. Where the information is necessary to adequately assess the potential harm to nature conservation, but it is not provided (because the applicant cannot or will not provide it), planning permission will need to be refused if significant adverse effects on the nature conservation interests are possible and the benefits of the development do not clearly outweigh the harm that could result.

Technical Advice Note 10 - Tree Preservation Orders

The effect of planning proposals on protected trees is a material planning consideration. It may be appropriate to require applicants seeking full planning permission to provide details of all existing trees on site, including their crown spread, and the location of those to be felled.

Technical Advice Note 11 - Noise

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

Cont'd.....

Application Number 14/0847/FULL Continued.

Technical Advice Note 12 - Design.

4.9 Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.

5.11.3 The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. All residential proposals should seek to minimise energy demand, larger schemes should investigate the feasibility of a district heating scheme especially when mixed uses are proposed for the site.

CONSULTATION

Senior Arboricultural Officer (Trees) - No objections subject to conditions.

Countryside And Landscape Services - Raises no objection.

Network Rail - Raises no objection but provides advice to be conveyed to the applicant.

Principal Valuer - Raises no objection.

Gelligaer Community Council - Objection on the grounds of highways and loss of amenity. TPOs on some of the trees all of which act as a buffer from the noise of the freight trains. The area is prone to flooding due to a natural water culvert.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - Raises no objection subject to a condition requiring secondary glazing.

Senior Engineer (Land Drainage) - Raises no objection subject to a condition requiring the provision of a drainage scheme.

Cont'd.....

Application Number 14/0847/FULL Continued.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: 20 letters of objection were received. 10 letters also received in support of the application.

Summary of observations: The objections are based on the following concerns:-

1 The access to the site from Nelson Road into Brynmynach Avenue, from Brynmynach Avenue into Brynview Avenue and from Brynview Avenue into the rear lane is not suitable for further development as the roads are too busy and too narrow with vehicles parking on the pavements.

2 The application states that there are no watercourses on the site. This is not true as there is a rainwater drain on the southern part of the site.

3 Rainwater drainage from the dwellings in Brynmynach Avenue goes onto the application site. Where will this water go if the site is developed?

4 The rear lane is privately owned and not adopted. No access will be allowed to the application site.

5 No footpath or street lighting is to be provided as part of the development.

6 The rear lane is to be reduced in width to 4.8m. This will make it impossible for the residents of Brynmynach Avenue to leave their drives at the rear of their properties.

7 The proposed car parking spaces and garages are too small.

8 The lane is in the ownership of the property owners in Brynmynach Avenue. This application proposes a reduction in this width thereby encroaching on land that is not in the applicant's ownership.

9 The dwellings are overbearing, out of scale and out of keeping with the character of the other dwellings in the area.

10 The dwellings would cause a loss of privacy to the dwellings in Brynmynach Avenue and at Station Houses.

11 The proposal will compromise the safety of the railway line to the rear.

12 There have been previous applications refused in this area and circumstances have not changed.

13 The turning area provided by the applicant for the existing dwelling at 16 Brynview Avenue is used as a car parking space for that dwelling and is never available for vehicles to turn.

14 There is no amenity space for the dwellings.

15 The applicant states that the site has no amenity value. This is disputed as local residents feel that this small woodland is attractive to look at.

16 The railway line to the east of the site will cause noise issues for the occupiers of the dwellings.

17 This land should be safeguarded for the provision of new facilities should the passenger line be re-opened to Cwm Bargoed.

Cont'd.....

Application Number 14/0847/FULL Continued.

18 The trees on the site should be retained and they are now subject of a Tree Preservation Order.

19 There is Japanese Knotweed on the site.

20 There is no provision for bin storage.

21 The new pedestrian link to the rail underpass is in contravention of the covenants on the land.

22 The appeal statement appended to the planning statement is not relevant and should be ignored.

23 The rear lane is used as a play area by local children.

24 The proposal will cause a loss of light to neighbouring dwellings.

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?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? Yes. Based on a floor area of 471 square meters the proposal is liable to CIL for £11775.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is situated within the defined settlement limits in the Caerphilly County Borough Local Development Plan and as such the principle of development is acceptable. However, the proposal falls to be considered against material planning considerations and many of these are encapsulated in the objections received from members of the public. In that regard they will be considered in turn below: -

1 The adequacy of the access to the site from Nelson Road and on into the rear lane of Brynmynach Avenue has been considered by The Transportation Engineering Manager and he has raised no objection to the principle of the development. He has had regard for the appeal decision to refuse consent for housing at the southern end of Brynmynach Avenue under application reference number P/02/1083 and the previous refusal on this site under application reference number 06/0644/OUT.

Cont'd.....

Application Number 14/0847/FULL Continued.

However, he has also been mindful of the appeal decision to approve the dwelling now known as 16 Brynview Avenue under application reference number P/03/0143 and new guidance provided by Manual for Streets. In particular the guidance contained within Manual for Streets indicates that the junctions in the area are no longer substandard and as such circumstances have changed since the previous refusal to a degree that refusal of the application would not be supported on the basis of the substandard nature of the roads serving the development.

2 It is acknowledged that there is indeed a watercourse on the application site. This is referred to in the consultation response received from the Council's Drainage Engineer, who requests that the exact location be identified and a comprehensive drainage scheme be provided as part of a condition attached to any consent granted. This is considered to be reasonable in planning terms.

3 The discharge of rainwater drainage into the application site from Brynmynach Avenue could also be covered adequately as part of a comprehensive drainage scheme.

4 The ownership of the rear lane does not affect the acceptability of the scheme from a planning point of view. Transportation Engineering Manager has considered whether or not the development would encroach onto the rear lane and is satisfied that this is not the case. It should also be noted that whilst the residents are of the opinion that the rear lane is not adopted, the Highway Authority is of the opinion that it is maintainable at the public expense and as such is usable by all members of the public.

5 The development is proposed to be served via a private drive that is in accordance with Manual for Streets and the Council's Adopted Design Guidance. As such the lack of street lighting and pavements are not in themselves a reason that justifies the refusal of this application.

6 As stated above Transportation Engineering Manager is satisfied that the development does not encroach onto the maintainable highway and a minimum width of 4.8m will be maintained for the length of the application site. Any proposal to stop up the highway would be the subject of consent under the Highways Act.

7 The parking spaces on the submitted plans all comply with supplementary planning guidance and in some instances are actually larger than suggested. As such it is considered that the proposals are acceptable in terms of parking provision.

Cont'd.....

Application Number 14/0847/FULL Continued.

8 Encroachment onto land not in the applicant's ownership is a private legal matter and it has no bearing on the determination of this application.

9 In terms of the scale and design of the proposed dwellings it should be noted that Paragraph 4.11.9 of Planning Policy Wales states: "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions". Therefore the design of the proposed dwellings should have regard for the context and character of the surrounding dwellings. However it should also be noted that Paragraph 4.9 of TAN12 Design states "Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design". In that regard it is not considered that the modern design of the dwellings is in itself a reason to refuse the application. There is no distinctive or overriding architectural style in the surrounding area with traditional terraced dwellings on Brynview Avenue, split level bungalows on the southern side of Brynmynach Avenue and more modern terraced dwellings on the northern side of Brynmynach Avenue. It should also be noted that the proposed dwellings are of a similar style to the existing dwelling at 16 Brynview Avenue and as such it is not felt that the proposed dwellings would be out of character with the area. In respect of the scale of the dwellings and whether they are overbearing on the dwellings at Brynmynach Avenue, the dwellings to the west are split level bungalows with the majority of the living accommodation being at ground floor level (with lower ground floor levels at the rear). The dpc levels of the proposed dwellings are in the region of 2 to 4 metres lower than the existing dwellings. The dwellings existing and proposed are also between 14 and 28 metres apart and therefore it is not felt that the dwellings would have a detrimental effect or overbearing impact on the dwellings at Brynmynach Avenue.

10 The dwellings have been designed and sited in such a way as to maximise the distance between habitable rooms and to ensure that there is no direct window to window distance of less than 21m. It is acknowledged that the terrace balconies in the roofs of the dwellings on plots 2 and 3 would be within 21m of the rear of the properties in Brynmynach Avenue but privacy screens are proposed on the sides of these balconies which would mitigate any loss of privacy. It is also accepted that there is less than 21m between the terrace balcony on Plot 1 and the rear bedroom window of the property at number 2 Station Houses. However the angle between these two features is such that a reduced privacy distance (somewhere in the region of 6m) would be reasonable and the actual distance of 20m is more than adequate in planning terms.

Cont'd.....

Application Number 14/0847/FULL Continued.

11 The safety of the railway line to the rear is a private matter between the developer and Network Rail. Network Rail has asked for notes to be forwarded to the developer advising them of their requirements in that regard. Subject to any retaining walls at the rear of the dwellings being designed to have regard for the presence of the railway line it is not felt that this is an issue that would warrant refusal of the application.

12 As discussed above circumstances have changed since the previous refusals in this area and as such it is not felt that those decisions have a bearing on the determination of this application.

13 The availability of the existing turning facility to the front of 16 Brynview Avenue is not justification for the refusal of this application. The turning facility has been provided as part of a previous application and the fact that the occupier may park vehicles there possibly obstructing the highway is a matter for the Police.

14 It is considered that the amenity space indicated as part of the proposed scheme is adequate in planning terms. It is acknowledged that this is considerably less than the bungalows in Brynmynach Avenue but it compares favourably with the gardens of the dwellings in Brynview Avenue.

15 Paragraph 10 of TAN 11 states: "Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night". The applicant has submitted a TAN11 Noise survey which has been considered by the Council's Head of Public Protection and considered to be acceptable. Therefore the development of the land for housing is considered to be acceptable from a noise perspective subject to the provision of secondary glazing in the new dwellings.

16 The safeguarding of this land for any possible provision of passenger facilities along the Cwm Bargoed line is not a matter for the Local Planning Authority. Whilst the line itself is protected from development in order to ensure that passenger services can be provided in the future it is a matter for Network Rail to identify and secure/protect the necessary land to facilitate this. They have taken the decision to release the application site and therefore it must be assumed that does not form part of their long term planning. The provisions of a passenger service is too uncertain at present to protect this site from a planning point of view, and there are no such restrictions in the Local Development Plan.

Cont'd.....

Application Number 14/0847/FULL Continued.

17 With regard to the retention of the trees on the site the developer has submitted a tree survey which suggests that the majority of the trees on site could be removed and replaced with new specimens that would achieve the same amenity value. This report has been considered by the Council's Arboricultural Officer and he agrees with this assertion. Whilst the trees have an amenity value as a group in terms of the visual amenity of the area and in terms of providing a screen between the dwellings in Brynmynach Avenue and the railway line, they do not in themselves have any intrinsic value as trees of a high quality. As such their replacement with new trees would help to lengthen the lifespan of trees on the site. Therefore it is considered that the removal of the trees is acceptable in planning terms subject to the imposition of suitable conditions.

18 The presence of Japanese Knotweed on the site is not a justification for refusal of this application as safe removal can be secured by condition.

19 The description of the site as former railway sidings may be incorrect but this has no bearing on the determination of this application. However, as the land was formerly part of railway land (former platform and access path) it can justifiably be considered as brownfield land.

20 It is considered that there is adequate space within the site to provide for bin storage.

21 Contravention with any covenants placed on the land by Network Rail is not a material planning consideration.

22 The Appeal Decision appended to the Planning Statement has been included in order to support the developer's case that the protected trees on site should not be a barrier to development. The decision contains a comment from an Inspector to that effect and as such it has some relevance to this application.

23 As the rear lane is considered to be maintainable highway it cannot be safeguarded as a play area and it would be unreasonable to refuse any application on that basis.

24. Given the distances from the application property to the surrounding dwellings it is not considered that there would be any loss of light or overbearing impact as a result of this proposal.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitably worded conditions.

Comments from consultees: The comments from statutory consultees have been addressed above.

Cont'd.....

Application Number 14/0847/FULL Continued.

Comments from public: The comments from the public have been addressed above.

Other material considerations: None.

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 balconies hereby approved shall not be used until the screening shown on the approved plans has been erected. Thereafter, the agreed screening shall remain in place at all times.
REASON: To prevent a loss of privacy.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwellings hereby approved are first occupied.
REASON: In the interests of the visual amenities of the area.
- 04) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 05) Prior to the commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include secondary glazing systems in all windows to all habitable rooms that shall be capable of achieving an internal L_{max} level of 45 dB(A). The development shall be carried out in accordance with the approved details before first occupation of the dwellings hereby approved.
REASON: In the interests of residential amenity.

Cont'd.....

Application Number 14/0847/FULL Continued.

- 06) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 07) The existing lane access shall be improved in a manner to be agreed in writing with the Local Planning Authority before any works commence. The improvements shall be in the form of a lane widening, where necessary, to achieve a minimum lane width of 4.8m, along with the provision of a public turning facility, street lighting and surface water drainage. The lane improvements shall be completed to at least base course level before any construction work on the dwellings commence and be completed prior to beneficial occupation of any dwelling.
REASON: In the interests of highway safety
- 08) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.
REASON: In the interests of highway safety.
- 09) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 10) Prior to the first use the proposed parking areas shall be completed in permanent materials as agreed in writing with the Local Planning Authority to ensure loose stones or mud etc are not carried on to the public highway.
REASON: In the interests of highway safety.
- 11) No gates shall be fitted so as to open outwards towards the highway.
REASON: In the interests of highway safety.

Cont'd.....

Application Number 14/0847/FULL Continued.

- 12) No surface water run off shall discharge onto the public highway.
REASON: In the interests of highway safety.
- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the dwellings consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 16) The development hereby approved relates to the details received on 05/02/2015 and 16/04/2015 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 17) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.

Cont'd.....

Application Number 14/0847/FULL Continued.

- 18) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity.
- 19) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,

Cont'd.....

Application Number 14/0847/FULL Continued.

- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

REASON: In the interests of visual amenity.

Cont'd.....

Application Number 14/0847/FULL Continued.

20) Prior to the commencement of any vegetation clearance, works or development a specification of all proposed tree planting shall be submitted to and agreed in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

REASON: In the interests of visual amenity.

21) Prior to the commencement of work on site a scheme for the removal and disposal of Japanese Knotweed shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in accordance with the agreed scheme.

REASON: To ensure the appropriate treatment of invasive species.

Advisory Note(s)

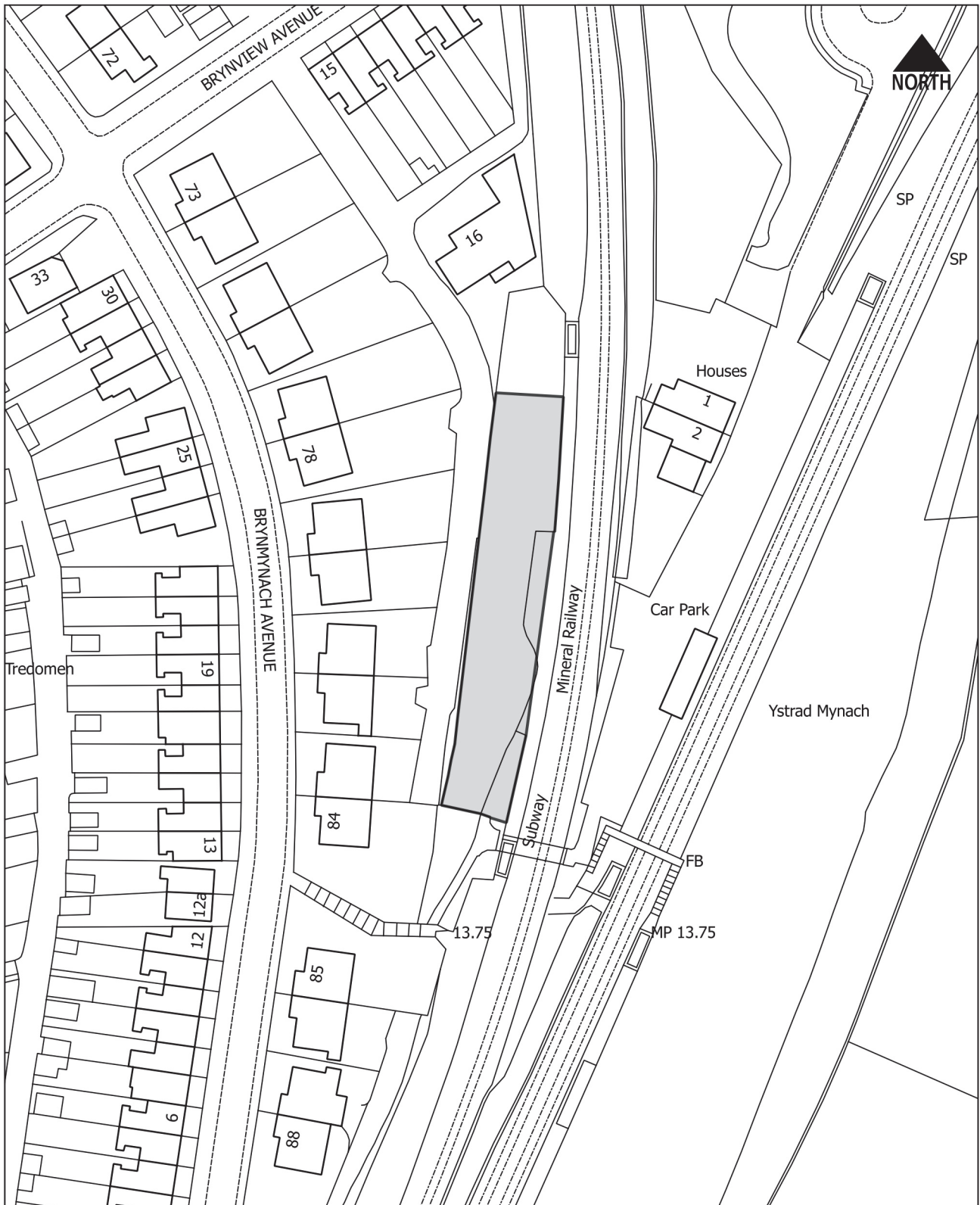
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

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Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

Please find attached the comments of The Council's Senior Engineer (Land Drainage) and Network Rail that are brought to the applicant's attention.



Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0387/FULL 19.06.2014	Mr J Walton Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX	Erect three houses Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: This application relates to an irregularly shaped area of land located within the garden area of an existing dwelling on land off Penrhiw Lane, Machen. This site is in an area of the village which climbs steeply from the valley floor up the mountainside to the north. As such the site has a gradient of approximately 6 metres, over its developable area.

Development: The proposal is for three dwellings of a split level design with each providing five bedrooms. To make use of the site gradient the dwellings are three storey where they face south-eastwards (i.e. towards the valley bottom). The houses also seek to utilise the roof-space and as such they show "bedroom 5" in the attic area. This is provided with natural light and view by way of velux roof-lights. When viewed from the rear, therefore, the elevation is three and a half stories in appearance. The remaining floors are laid out as follows: The basement area allows for a kitchen, as well as dining and living rooms. The ground floor accommodates a further living room, a hallway and a bedroom, whilst the first-floor provides for three bedrooms and a bathroom.

Access to the site is from the highway to the west (i.e. Penrhiw Lane). The houses will be served off an expanded private drive which currently only serves "Graig Bach" and "Crestway". This will permit five dwellings off this private access.

Dimensions: The dwellings each have a footprint of 8m x 8.3m approximately, giving a total of 66.4 m. The maximum height to the apex of the roof is 10.5m, whilst the height to the eaves measures 5m on the front elevation and 7m on the rear elevation.

The site area measures 0.25 hectares, of which 0.15 hectares is developable. The density of the development is approximately 10 dwellings to the acre.

Cont'd.....

Application Number 14/0387/FULL Continued.

Materials: The finishes proposed are a mixture of smooth render and facing brick. The roofs are to be covered in a slate/composite slate.

Ancillary development, e.g. parking: Each of the dwellings is provided with three car-parking spaces to serve it.

PLANNING HISTORY

No Planning History.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement limit identified in the Adopted Local Development Plan. It is not however specifically committed to a particular use within that plan.

Policies: The policies of particular relevance to this application contained within the Adopted Local Development Plan are as follows;

CW2 - Amenity.

CW3 - Design Considerations: Highways.

CW6 - Trees, Woodlands and Hedgerow Protection.

CW15 - General Locational Constraints.

NATIONAL POLICY The national policies of relevance are as follows;

Planning Policy Wales (Ed. 7, July 2014).

TAN 12 - Design.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. As such a Coal Mining Risk Assessment was submitted in support of the proposal.

Cont'd.....

CONSULTATION

Countryside And Landscape Services - raised no objection to the development but required the imposition of conditions attached to any permission granted. Comments, via the County Ecologist, that the addendum to the arboricultural report seeks to protect the hedgerow, which is an important resource. The applicant's ecologist further recommends a reptile survey which could be conditioned on any consent granted.

Transportation Engineering Manager - objects to the application due to the substandard nature of the highway network serving the site.

Gwent Wildlife Trust - made a holding objection to the proposal until the site had been ecologically surveyed. The site has been the subject of a reptile and an arboricultural report which have been found to be acceptable by the County Ecologist. As such the holding objection is no longer considered to be applicable.

Head Of Public Protection - raises no objection to the application subject to the imposition of conditions relating to dust and noise mitigation measures and a scheme in respect to imported material testing.

Senior Engineer (Land Drainage) - does not raise objection to the application but makes a number of drainage comments relevant to the proposal, some of which need to be conditioned, whilst others can be passed on by way of written advice.

Dwr Cymru - raises no objection to this application, subject to drainage advice being forwarded to the applicant.

The Coal Authority - comments that on the basis of the additional information provided it wishes to withdraw its original objection to the scheme and is satisfied with the coal mining assessment that has been submitted.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of site notices and direct neighbour consultation with 14 properties.

Response: As a result of the consultation exercise undertaken, 7 letters of objection from local residents were received.

Cont'd.....

Application Number 14/0387/FULL Continued.

Summary of observations: The basis of the objections submitted were as follows;

1. Due to the site gradients the properties are four-storey in design, this is out of keeping with the other properties in the area.
2. Access to the site is substandard and dangerous.
3. The proposed buildings would not fit into the landscape.
4. The proposal constitutes overdevelopment of the land by the construction of three dwellings.
5. The privacy of existing properties will suffer due to the overlooking from the new dwellings and from the use of the access which will serve these dwellings..
6. Loss of view and light to existing properties.
7. Due to the height of the proposed houses there will be a financial impact on the solar panels of an adjoining dwelling.
8. The scheme should be reduced in numbers and the type of dwelling to be built (i.e. bungalows would be more appropriate).
9. The scheme is contrary to Policy CW2 of the Adopted Local Development Plan. as the proposed dwellings have an adverse impact on the amenity of adjoining existing properties.
- 10 The information submitted was misleading and shows the potential for inaccuracy in the total scheme.
11. Inadequate car-parking is identified to serve the properties.
- 12 Trees will be felled as a result of the proposal which will impact on the site's landscape value and the wildlife habitats at the site.
13. No information relating to Radon gas protection measures have been submitted.
14. There is reference in the submitted information to the removal of a stone wall on the northern boundary. This is not owned by the applicant.
15. The dwellings are of an excessive scale, particularly with regard to their height.
16. The development is out of character with its surroundings and will not result in an improvement to the area.

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?

It is not considered that the application will have an adverse impact on the issues of crime and disorder in this area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The County Ecologist considers that in respect to the ecological information submitted no protected species are affected and conditions can be used to safeguard the hedgerows and enhance biodiversity

Cont'd.....

Application Number 14/0387/FULL Continued.

Is this development Community Infrastructure Levy liable? The applicant declares that the net additional gross internal floor space is 609 square metres. The CIL requirement in this area of the County Borough is £40.00 per square metre. The relevant CIL contribution is therefore 609 sq.m. x £40 = £24,360.

ANALYSIS

Policies:

Policy CW2 contains four criteria, these are as follows;

- A. There is no unacceptable impact on the amenity of adjacent properties or land.
- B. The proposal would not result in overdevelopment of the site and / or its surroundings.
- C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.
- D. Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential.

With regard to the assessment of impact on adjacent properties, it was accepted that the layout originally submitted did potentially adversely impact on the residential amenities of certain properties. As such the applicant amended the proposal to lower the ridge of Plot 3 to match the others and "handed" Plot 1 to ensure that privacy between that plot and Craig Bach is retained. This led to improvements in the scheme.

It has to be acknowledged that the site is located on land with a fall of roughly 6 metres, north to south, across its developable area. Such a gradient is not altogether a rare occurrence in valley settlements. This consequently often results in a split level solution being employed to utilise the slope rather than seek to regard the site to provide a flat construction area. In this instance the applicant has chosen to construct a dwelling which has a standard two appearance from the front elevation and a three storey appearance from the rear elevation. The drawings also show roof-lights, front and back, which has resulted in some local residents calling it a four storey dwelling. The development of the roof-space is not considered to be an additional floor as the space will exist even if the windows were not present and no use was made of it.

Cont'd.....

Application Number 14/0387/FULL Continued.

The applicant has sought to protect amenity interests of adjoining properties by the orientation of the new buildings, the arrangement of internal rooms to preserve privacy distances, and the setting of the height of the new buildings accord approximately with the height of the existing property (i.e. Graig Bach). The dwellings are subsequently arranged so that there is a distance of 21 metres between habitable rooms of surrounding dwellings. There is an element of the overlooking of gardens, however this is not uncommon in the majority of layouts, particularly in valley settlements where gradients are a constant consideration.

Based on the above it is not considered that the proposal conflicts with criterion A.

With regard to the second criterion the construction of three dwellings on a developable area of over a quarter of an acre is an acceptable density. Whilst appreciating the site is steep it is considered that scheme does not represent overdevelopment and generally accords with the pattern of urban form in the surrounding area.

In respect to the compatibility of the use with its surroundings, it is evident that the area is almost homogenously residential in regard to its development type. As such the current scheme fits into this category. In view of its location in regard to the remainder of the settlement it is not considered to constrain the development of adjoining land.

The final criterion relates to the impact on the viability of existing land uses if this proposal goes ahead. In view of the residential nature of the scheme is likely impact on the viability of other dwellings is considered to be limited.

The proposal is therefore considered to accord with the requirements of policy CW2.

The second policy of relevance in the Adopted plan is CW3, which refers to the consideration of the proposal in respect to highways requirements. The first criteria of this policy states as follows;

A The proposal has regard for the safe, effective, and efficient use of the transportation network.

The Transportation Engineering Manager has objected to the application on the basis that "the highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of this substandard access will create hazards to the detriment of highway safety. This view is consistent with previous refusals and appeal decisions in the same vicinity as this site".

Cont'd.....

Application Number 14/0387/FULL Continued.

Officers of the Highway Section have considered this matter thoroughly and wish to maintain their objection to the application on highway safety grounds. Consequently the proposal is considered to be contrary to criterion A of policy CW3.

With regard to the remaining policies in the Local Development Plan (i.e. CW6 and CW15) it is considered that they are either complied with or could be adequately controlled by the use of conditions such that no objection would be raised in respect to them.

The national policy considerations are, by their very nature, general in character. The proposal has paid regard to their requirements. However in this instance the point at issue is one of highway safety on a specific length of road. As such their considerations are secondary to this detailed issue.

Comments from Consultees: Originally there were a number of objections to the scheme, however design amendments and the submission of additional information (e.g. the mining and aboricultural reports), have reduced these objections to that relating to highway safety. The applicant has sought to address this objection with a counter argument which seeks to note improvements to the existing site access and to accentuate the limited nature of the proposal in regard to the existing use. The Highway Section has considered this information but confirm that the road to the site is substandard and to intensify its use is not acceptable. On this basis they confirm their objection to the application.

Comments from public: The response to the objections raised by members of the public are as follows;

1. The design of the properties, which are split level in nature, has been considered carefully. The above report assess the compliance with policy CW2 of the Local development Plan, which deals with the impact of development on its surroundings. In this instance it was considered that the form of dwelling proposed was not out of character with the area or unacceptable for this steeply sloping site.
2. The sub-standard nature of the access is supported by the comments of the Transportation Engineering Manager.
3. Built development continues northwards further up the mountainside than this proposal would. Consequently such development borders the site on three sides and as such it would generally conform to its surroundings.
4. The consideration of policy CW2, in the above report addresses the issue of overdevelopment.
5. The question of privacy protection has also been addressed in the report.
6. The loss of view is not a material planning consideration. There would not be a significant loss of light from a planning point of view.

Cont'd.....

Application Number 14/0387/FULL Continued.

7. One letter of objection specifically referred to the impact of the height of the new dwellings on the solar panels in the roof of an existing property. This was conveyed to the applicant who provided a "winter solstice shadow" to the plot nearest the "affected" dwelling which demonstrated that there was no infringement in this respect. In any event it is evident that the dwellings would be approximately 24 metres apart and that the existing dwelling would be at a higher location than that proposed. As such this objection was not considered to be sustainable.

8. The suggestion of a reduced scheme involving bungalows may be a suitable form of development however it is not the one that the applicant has chosen to submit. The authority has to assess the proposal before it rather than to prescribe to the applicant the form of development they should submit.

9. It is not considered that the proposal is contrary to policy CW2 for the reasons contained above.

10. The applicant was advised of inaccuracies contained in some of the initial information provided. An attempt was made to rectify such mistakes. In any event the site was visited and thoroughly inspected and there is no doubt relating to the nature of the scheme being considered by committee.

11. The car-parking provision on site (i.e. 3 spaces per dwelling) complies with the required adopted standard.

12. The County Ecologist, after considering the submitted aboricultural report, is satisfied that the impact on trees, and particularly hedgerows, is minimal and can be addressed by way of conditions attached to any consent granted.

13. The question of Radon Gas protection measures is one that would be dealt with through the Building Regulation process.

14. The removal of the stone wall would be a civil matter which would be dealt with in the courts as a private action. It would be a private matter involving land ownership, which would underpin any planning permission.

15. The issue of the scale of the dwellings which again was mainly addressed in the report. The layout, size, height and arrangement of the dwellings are considered to be reasonable, bearing in mind the location and site constraints. As such no objection is raised in this regard.

16. The character of the area is residential in nature. The surrounding dwellings are a mixture of designs and types of homes. There is no particular vernacular which dominates the built form. In the circumstances the design chosen fits reasonably into this mix.

Cont'd.....

Application Number 14/0387/FULL Continued.

Other material considerations: One issue needing to be referred to relates to the pre-application discussions between the applicant and the Planning Department. In early 2014 the applicant requested an informal assessment of a scheme for the development of the land. This process resulted in a number of exchanges between the applicant's agent and officers on a range of matters, including comments from the Transportation Engineering Section. In this latter regard advice was given on access into the site, on-site car-parking provision, vision-splays etc. This advice related to the site's development and contained a proviso that it was given on a without prejudice basis to any decision that this Authority should make in respect to an application. At that time comments were concentrated on the site's development as shown in the submitted scheme, they did not take in the wider highway network.

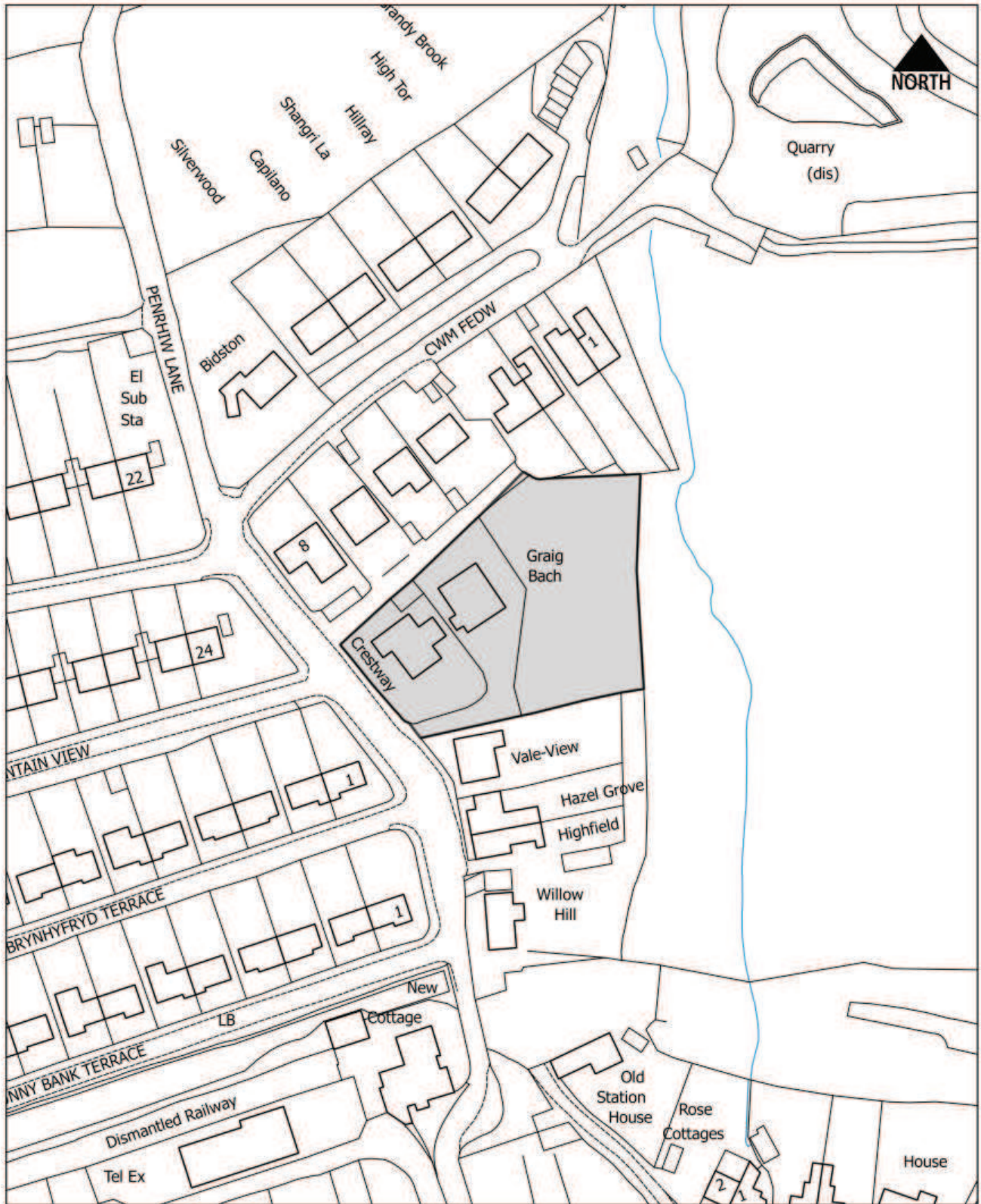
Subsequently an application was submitted and a full assessment of the highway network was undertaken. This brought up the substandard nature of the access road further to the south and the resulting objection from the Highway Section.

The applicant was critical in this regard and felt that the matter should have been raised earlier, particularly as it was a fixed constraint which was outside his control to remedy. Whilst this criticism is in part understandable, the Local Planning Authority must be mindful that highway safety is a material consideration central to this application. Highways officers have reconsidered this matter and feel that they are unable to remove their objection. As such it is considered that the responses given during the pre-application discussions which did not specifically refer to the wider highway network, do not outweigh the concerns about the limitation of the existing roads in respect to this planning application.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The proposal is contrary to Criterion A of Policy CW3 of the Adopted Caerphilly County Borough Council Local Development Plan up to 2021 (November 2010) in that the highway network leading to the site is substandard in terms of its width, horizontal and vertical alignment and lack of pedestrian footways. The proposed additional use of the substandard local roads will create increased traffic hazards to the detriment of highway safety.



Agenda Item 16

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0841/OUT 09.03.2015	Greenwood Development (Wales) Ltd Mr P Weedon Greenwood Rhyd Y Gwern Lane Machen CF83 8UH	Erect a residential development of eleven houses Land South Of Glendale Van Road Caerphilly

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Land south of Glendale, Van Road, Caerphilly, CF83 3RR. The site is located outside of the settlement boundary, immediately to the east of Caerphilly. The south west corner of the site being approximately 500 metres to the east of the Caerphilly Principal Town Centre boundary as defined by the Caerphilly County Borough Local Development Plan, up to 2021(LDP). To the south of the application site is Caerphilly Business Park, and to the east and north of the site open countryside, categorised as a Special Landscape Area (SLA) in the LDP. The site is bounded to the west by the A468, to the south by Van Road, and to the north by the properties known as Glendale, Witsend and Tanglewood. Approximately 250 metres to the east of the site is Van Manor, which is a listed building.

Site description: The site is roughly rectangular in shape, with an extension in the north east corner of the site to reflect the extent of the Certificate of Existing Lawful Use (hereafter referred to as a CLEUD) that was granted for the lawful use of the site for the storage and working area for plant, machinery and materials used in connection with the construction and plant hire industry, that was granted in November 2013, planning reference 13/0420/CLEU. The site does not contain any permanent buildings. The site is currently being used in connection with the aforementioned operation.

The site slopes down gently from north to south, with a bund of earth located towards the south of the site. The western and eastern boundaries are characterised by existing trees protected under Tree Preservation Order 76/14/CCBC.

Development: Outline planning permission is sought in respect of the residential development of the site for eleven houses with only access to be considered at this stage. Appearance, landscaping, layout and scale are reserved for subsequent approval.

Cont'd.....

Application Number 14/0841/OUT Continued.

An indicative site layout has been submitted in respect of 11 houses, comprising a mix of detached private market properties together with semi-detached affordable housing. The proposal includes an area of public open space as well as landscaped areas. The east and west boundaries of the site comprising established runs of mature trees, protected by a Tree Preservation Order 76/14/CCBC, will be retained and additional landscaping is proposed within the site. It is noted that the applicant has previously sought permission under planning application reference 14/0485/TPO for the removal of 8 conifers in the south east corner of the site, 3 small chestnut trees to the west of the site as well as a dead tree towards the south west corner of the site, which has since been granted in February, 2015. The primary vehicular and pedestrian access to the site will be provided in the position of the existing access to the site in the south east corner and will be improved to meet with current highway standards.

The application is supported with a Design and Access Statement, Planning Statement, Arboricultural Report:BS 5837 - 2012 prepared by Sylvan Ecology dated 19/11/14, and Noise Assessment prepared by Nova Acoustics Ltd dated 30/4/15.

Dimensions: The application site measures 0.46 hectares. Scale Parameters:-
Private detached dwellings - 15m width, 13m depth x 9m ridge height.
Semi-detached dwellings - 6m width, 8m depth x 8.5m ridge height.

Materials: Not applicable.

Ancillary development, e.g. parking: Not applicable but the indicative site layout indicates off-street parking provision in respect of each dwelling.

PLANNING HISTORY

14/0485/TPO - Remove eight conifers and three small chestnut trees at entrance to Glendale Yard and remove one dead tree at the bypass road side - NYD.

13/0420/CLEU - Obtain a Lawful Development Certificate for the existing use as a storage and working area for plant, machinery and materials used in the construction and plant hire industry - Granted 07/08/2013.

P/02/0862 - Construct new park and ride access road - Granted 27.02.2003.

Cont'd.....

Application Number 14/0841/OUT Continued.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation:

SP3 - Development Strategy in the Southern Connections Corridor (SCC).

Policies:

Strategic Policies

SP4 - Settlement Strategy, SP5 - settlement boundaries, SP6 - Place making, SP7 - Planning Obligations, SP10 - Conservation of Natural Heritage, SP14 - Total Housing Requirements, SP15 - Affordable Housing Target, SP21 - Parking Standards.

Countywide Policies

CW1 - sustainable Transport, Accessibility and Social Inclusion, CW2 - amenity, CW3 - Design Considerations - Highways, CW4 - Natural Heritage Protection, CW6 - Trees, Woodland and Hedgerow Protection, CW10 - Leisure and Open Space Provision, CW11 - Affordable Housing Requirements, CW15 - General locational constraints, CW22- Locational constraints minerals, TR9 safeguards a route to the south east of Caerphilly town for the provision of a SE Bypass. Supplementary planning guidance contained in LDP5 - Car parking standards, LDP6 - Building Better Places to Live.

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, TAN 1 - Joint Housing Land Availability Studies (2015), TAN 2 - Planning and Affordable Housing (2006), TAN 5 - Nature Conservation and Planning (2009), TAN 10 - Tree Preservation Orders (1997), TAN 11 - Noise (1997), TAN 12 - Design (2014), TAN 18 - Transport (2007), and Manual for Streets.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? There are no coal mining legacy issues relevant to the determination of this planning application.

CONSULTATION

Senior Arboricultural Officer (Trees) - has no objections to the scheme subject to the submission of a Tree Protection Plan.

Cont'd.....

Application Number 14/0841/OUT Continued.

Head Of Public Protection - Requests standard conditions in respect of any contamination of the site together with site control measures in terms of dust and noise mitigation, together with noise mitigation measures in relation to the development.

Outdoor Leisure Development Officer - Requests a local area of play (LAP) to be designed in such a way to be useable all year round, with good drainage, a good aspect and allow for easy and sustainable maintenance.

Head Of Public Services - Confirms the Authority kerbside collections for refuse, recycling and green waste, with the onus on the developer to provide suitable off-road storage near the proposed public highway for one 240L refuse bin, one 240l recycling bin and one food caddy per property. A suitable collection point large enough to accommodate plots 6 - 9 and 11 will need to be provided near the adopted highway because Council vehicles will not travel over unadopted highways/private drives.

Transportation Engineering Manager - No objection to the development subject to conditions being attached to any consent in respect of visibility splays, vehicle-turning facilities within the site and off-street parking provision.

Police Architectural Liaison Officer - Has no objections to the development but advise the development would benefit from being designed and built to standards found within the Secured By Design (SBD).

Wales & West Utilities - Confirms the existence of its apparatus within the vicinity of the site and provides advice to be conveyed to the developer accordingly.

Strategic & Development Plans - Whilst the application is contrary to the provisions of Criterion A of Policy SP3, the proposal would be acceptable in terms of the remaining Criteria B to E subject to detailed consideration and appropriate mitigation. The site lies outside the settlement boundary of Caerphilly and is clearly contrary to the provisions of Policy SP5. Notwithstanding the existing delineation of the settlement boundary the application site is relatively flat, brownfield site on the edge of the settlement and could constitute a logical extension to the existing settlement limit at this location. The development of the site should not adversely impact on the essential setting of Van Mansion.

Cont'd.....

Application Number 14/0841/OUT Continued.

The Council is required to ensure that there is a genuine 5-year supply of housing land available within the county borough and therefore the lack of 5-year supply is a material consideration in determining this application. There is a need for a further 4987 (58%) dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement of 8,625 dwellings identified in the Adopted LDP. The Council in its consideration of the 2014 Annual Monitoring Report accepted the need to release sites that are acceptable in planning terms in order to address the lack of a five-year land supply in the short term. The development of the application site for housing would deliver much needed affordable housing in an area of considerable housing need. On balance the need to deliver new housing in this area and the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary in the SLA. The development of this site would otherwise be acceptable in planning terms subject to: detailed design assessment; appropriate conditions and mitigation; and the appropriate use of S106 Obligations to deliver the overarching aims and objectives of the LDP.

Having regard to the above therefore a policy objection is not raised to the development of the site for housing, subject to all other policy and material development control considerations being met. However the development of this site should not prejudice the future development of the south east bypass, and if it is deemed to do so, this is the primary consideration in this case and a policy objection would be raised.

Dwr Cymru - Provides advice to be conveyed to the developer.

Countryside And Landscape Services - Requests conditions are attached to any consent in respect of the protection of breeding birds, the treatment of Himalayan Balsam and biodiversity enhancements in respect of hedgerows, bats and birds together with a Dormouse Mitigation Strategy.

Senior Engineer (Land Drainage) - Requests a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of drainage matters.

CCBC Housing Enabling Officer - Will be seeking 40% affordable housing provision comprising four x 2-bed houses to be delivered as two x 2-bed social rented houses, built to DQR standards and at a transfer price of £64,676, and two x 2-bed, 4-person, low cost home ownership at a transfer price of £64,274.

Cont'd.....

Application Number 14/0841/OUT Continued.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 13 neighbouring properties have been consulted.

Response: One.

Summary of observations:

- The affordable housing does not comply with national or local guidance - the affordable housing is provided at the entrance to the site, separate from the market housing and does not meet the size requirements in the most recent ACGs.
- the proposed development is in a Special Landscape Area,
- highway safety and traffic movement considerations and lack of detail in terms of parking provision.

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?

Heddlu Gwent Police have no objections to the development but advise the development would benefit from being designed and built to standards found within the Secured By Design (SBD).

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The proposed site was formerly used as a storage and working area for plant, and materials in connection with the construction and plant hire industry. The proposed application is to erect 11 dwellings, with an area of open space as well as landscaped areas. The tree lines along the western and eastern boundaries of the site are protected under a Tree Preservation Order. The submitted proposed layout has been devised to take account of the TPO trees and development avoided in the vicinity of the trees. The proposed site is located to the north of Van Road and to the east of Caerphilly town. One of the properties to the north of the proposed site possibly contains a bat roost, as there are several records for foraging bats around these properties. The property to the east of the proposed site (Van Manor) has records for Dormice within their garden hedgerows. The proposed site is well connected to Van Manor due to the tree lines and hedgerows, so there is potential for the dormice to be using the trees, scrub, vegetation and unmanaged hedgerows around the proposed site boundary. Therefore, as the proposed site contains only small areas of habitat suitable for dormouse, in this instance a Dormouse survey will not be required.

Cont'd.....

Application Number 14/0841/OUT Continued

However, it will be presumed that Dormice are present on site and request that a Dormouse Mitigation Statement is conditioned instead. This should be undertaken by a licensed competent ecologist and should include information such as details of the proposed approach, method of vegetation removal, compensatory planting, timing of works, etc. The areas are mainly around the perimeter with a small patch on the mound of topsoil. The submitted tree report undertaken by Sylvan Ecology in 2014 identified three trees present adjacent to the site that had the potential to be used as bat roosts. These trees will not be affected by the development and are already growing along a drive with street lighting already in-situ. The report also stated that there is Himalayan Balsam on site, and a good population of Dunnocks which are an Amber Status Species occupying the same trees. Trees in the northwestern corner should be retained. Conditions may be attached to any consent to address the issues raised above and in relation to biodiversity enhancements.

Is this development Community Infrastructure Levy liable? Not at this outline stage. However, any reserved matters application if granted would be liable to pay the Community Infrastructure Levy. Caerphilly lies within the High Viability Area and as such general market housing is liable to pay £40 per square metre. In order for the development to benefit from any social housing relief, any exemptions need to be claimed strictly in line with the CIL Regulations.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

Policy SP3 Development Strategy (SCC) requires development proposals within the SCC to promote sustainable development. Specifically proposals in this area should: be targeted to previously developed land within settlement limits in the first instance; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; have regard to the social and economic function of the area; and protect the natural heritage from inappropriate forms of development.

The application is for the development of a brownfield site outside of the identified settlement limit, which is clearly contrary to the provisions of Criterion A of Policy SP3. Notwithstanding this, the site is located in an area that is well served by public rights of way, by bus, and is located relatively close to Caerphilly Train Station and it therefore has the potential to be serviced by sustainable modes of transport in line with Criterion B of Policy SP3.

Cont'd.....

Application Number 14/0841/OUT Continued.

In terms of the role and function of the area, the Strategy defines Caerphilly as a Principal Town within the SCC, based on its role as a primary shopping area, as a provider of services and as an area that provides significant employment opportunities for the wider area. The Principal Towns are also the areas that are targeted for new residential development given their position in the settlement hierarchy as defined by Policy SP4 Settlement Strategy. The LDP targets new residential development in Caerphilly to a number of brownfield sites distributed across the Town, the nearest of which is located on Van Road opposite the application site. To date this site has not been developed. The development of housing to serve Caerphilly would have regard to the social and economic function of the area in line with the provisions of Criterion D of Policy SP3 and provide housing in an area of acute housing pressure and in an area of significant housing need.

Policy SP3 also requires development in the SCC to protect the natural heritage from inappropriate forms of development. There is the potential for the development of this site to impact on natural heritage features, specifically trees within and adjacent to the site and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Criterion E of Policy SP3. In this respect appropriate conditions may be attached to any consent.

Whilst the application is contrary to the provisions of Criterion A, the proposal would be acceptable in terms of the remaining Criteria B to E subject to detailed consideration and appropriate mitigation.

Policy SP5 Settlement Boundaries is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly, in the SCC it also promotes the full and effective use of urban land and concentrates development on previously used land within existing settlements. The site is brownfield however it falls outside but immediately adjacent to the settlement boundary of Caerphilly. Therefore the application is clearly contrary to Policy SP5 of the Adopted LDP.

Notwithstanding the existing delineation of the settlement boundary the application site is relatively flat and could constitute a logical extension to the existing settlement limit at this location.

Cont'd.....

Application Number 14/0841/OUT Continued.

In line with national planning policy, SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. The application proposes the development of 11 dwellings in an area of acute housing pressure and in an area of considerable housing need. The proposal would increase the mix of housing available within the area to meet the needs of residents, and critically it would provide much needed affordable housing to meet local housing need.

The location of the development on the edge of Caerphilly and close to the Town Centre of Caerphilly will serve to minimise the demand for travel. The site is in a location that can be served by sustainable modes of transport, albeit that it is inevitable that some residents will still rely on the private car. Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of Suds. It is unclear from the DAS what consideration, if any, has been given to the need to ensure that the proposed layout of the site maximises the opportunities for passive solar gain. However, these aspects of the development may be considered at the reserved matters stage.

Given the location of this site on the edge of settlement, it is suggested that a landscaping scheme which protects existing trees and natural features and which introduces new natural features into the scheme will serve to enhance the scheme and will integrate the development into the wider landscape in the long term. Notwithstanding this is an outline application with details of landscaping reserved for subsequent approval, this aspect of the development may be addressed by attaching appropriate conditions to any consent.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The site lies immediately to the west of Van Mansion and its essential setting, and care should be taken to ensure that the development of the site does not have an adverse impact on this important historic asset. Notwithstanding the application is supported by an indicative site layout, this is an outline application with matters in respect of appearance, landscaping, layout and scale reserved for subsequent approval.

Policy SP7 Planning Obligations recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this application, the Council will be seeking 40% affordable housing, comprising four two-bed houses. The Community Infrastructure Levy will be relevant at the reserved matters application stage and will raise money, which will fund new infrastructure necessary to support future development across the county.

Cont'd.....

Application Number 14/0841/OUT Continued.

Policy SP10 Conservation of Natural Heritage recognises the natural heritage as a positive asset that enriches people's quality of life. In this context Policy SP10 indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features and satisfactory mitigation would be needed to make the development at this location acceptable in terms of Policy SP10, which may be addressed by attaching appropriate conditions to any consent.

Policy SP14 Total Housing Requirements makes provision for 10,269 dwellings for the 15-year period 2006 to 2021. This represents 1,644 (19%) residential units more than the 8,625 units required to meet the dwelling housing requirement identified for the plan period. The 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed. The Annual Monitoring Report (AMR) is the main mechanism for reviewing the relevance and success of the LDP and identifying any changes that might be necessary. The main principle of the monitoring process is to identify when the revision of the LDP should take place. The Council has prepared three reports to date, the most recent of which was considered by Council in October 2014. Notably the AMR monitors Policy SP14 against the annual building rate and therefore against the housing land supply calculated by past building rates. Using these monitoring factors the trigger points for review have not been reached. Notwithstanding this position, it is evident that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 3rd AMR indicated that 3287 units had been delivered (38% of the total housing requirement) up to March 2013. When the 2014 JHLAS completion figures (i.e. an additional 351 units) are factored into the calculation, completions over the plan period increase to 3638 (42%). Therefore there is a need for a further 4987 (58%) dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement for the plan period.

National indicators are also included within the AMR for housing land supply and notably these require housing land supply to be monitored based on the residual method as outlined in Technical Advice Note 1: Joint Housing Land Availability Studies (2015). TAN 1 seeks to ensure that there is a genuine 5 year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply. Using this method of calculation the 2014 JHLAS indicated that there was only 2.5 year supply available rising to 3.5 years if all of the S106 sites were included in the land supply.

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Application Number 14/0841/OUT Continued.

It is acknowledged that the housing land supply figure is a material consideration in determining planning applications for housing. It is further acknowledged that where the current study shows a land supply below the 5-year requirement the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies (Para 6.1 TAN 1). The lack of 5-year housing land supply is a matter of concern that needs to be addressed if the overall housing requirement is to be met within the plan period. Whilst it is acknowledged that eleven additional houses is not going to impact significantly on the land supply, it could make provision for 4 or 5 much needed affordable homes in the Caerphilly Basin.

Policy SP15 Affordable Housing Target seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. Within the SCC the plan seeks to secure 40% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region 4 to 5 dwellings. LDP 1 Affordable Housing Obligations (June 2014) provides supplementary planning guidance on the delivery of affordable housing through the planning system.

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. The applicant has submitted an indicative site layout but this aspect of the development will be considered fully at the reserved matters stage.

Policy CW2 Amenity recognises that proposals for development have the potential to constrain the development of neighbouring sites for their identified use. Careful consideration therefore needs to be given to the proposed relationship of the proposed housing site with the existing employment to the south of the application site. Consideration also needs to be given to the likely impact of any potential nuisance that could arise from Caerphilly Business Park and how that might impact on the residential amenity of properties on the application site. In this respect the applicant has submitted a Noise Survey, which has been considered by the Head of Public Protection. Outline mitigation measures are proposed including facade construction, glazing, ventilation and acoustic fencing comprising a 1.2m high crib wall around the southern part of the site with the addition of a 2.3m acoustic fence over the crib, resulting in a total height of 3.4m. The mitigation measures referred to may be addressed by attaching appropriate conditions to any consent.

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Application Number 14/0841/OUT Continued.

Policy CW3 Design Considerations Highways and an objection have been received in respect of the same referred to above. In this respect the Transportation Engineering Manager has raised no objection to the development subject to appropriate conditions being attached to any consent as referred to above.

Policy CW4 Natural Heritage Protection specifies that proposals that affect locally designated natural heritage features will only be permitted where they conserve and where appropriate enhance the distinctive features of the Special Landscape Area. An objection has been raised regarding the development of the site within a SLA. The development of the application site would in theory erode part of the Special Landscape Area, however this is a brownfield site within the SLA on the edge of settlement and therefore its impact is anticipated to be minimal. The details and indicative layout submitted with the application have regard for existing protected trees on the site together with the provision of public open space and landscaping albeit these aspects of the development will be addressed through the submission of reserved matters.

Policy CW6 Trees, Woodland and Hedgerow Protection requires proposals to ensure that effective measures are taken to ensure the protection of existing trees on development sites. This policy is supplemented by LDP 4: Trees and Development. In this respect the applicant has submitted a Tree Survey including appropriate mitigation measures for the protection of retained trees, which may be reinforced by attaching appropriate conditions to any consent.

All new housing sites capable of accommodating 10 or more dwellings are required to make adequate provision for well-designed open space and appropriate provision for children's play facilities as an integral part of the development under the provisions of Policy CW10 Leisure and Open Space Provision. Leisure Services have indicated that the development of the site should include a Local Area of Play (LAP). This aspect of the development may be addressed by attaching an appropriate condition to any consent. The maintenance of the LAP may then be covered by funds secured by the CIL fund.

Policy CW11 Affordable Housing Provision indicates that where there is evidence of need the Council will seek to negotiate 40% affordable housing within the Caerphilly Basin. As stated above the Council will be seeking 40% Affordable Housing.

Policy TR9 Safeguards a route to the south east of Caerphilly town for the provision of a SE by pass. The precise route of the road has yet to be determined, however it is envisaged that it will link into the existing highway network. Transportation Engineering Manager has considered the proposed development and has confirmed the development will not adversely impact on the proposed SE by-pass.

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Application Number 14/0841/OUT Continued.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: See Above.

Other material considerations: A section 106 Agreement may be required where:

- (a) It is necessary to make the development acceptable in planning terms.
- (b) It is directly related to the development.

The need to address affordable housing provision arise directly as a result of the proposed development of the site for 11 houses, which exceeds the threshold of 5 houses and 0.15 hectares stated in Policy CW11, in terms of the number of dwellings and area of the site.

- (c) It is fairly and reasonably related in scale and kind to the development.

The total number is reasonable and is based on housing demand in the Caerphilly Area.

RECOMMENDATION: that (A) the application be DEFERRED to enable the completion of a Section 106 Agreement, which requires 40% affordable housing provision comprising 4 x 2 bed houses to be delivered as 2 x 2 bed person, social rented houses, built to DQR standards and at a transfer price of £64,676 and 2 x 2 bed, 4 person, low cost home ownership at a transfer price of £64,274. and (B) On completion of the Section 106 Agreement, Officers be authorised to GRANT planning permission subject to the following conditions: -

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Approval of the details of appearance, landscaping, layout, scale(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont'd.....

Application 14/0841/OUT Continued.

- 03) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping, layout, scale, of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 06) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 07) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.

Cont'd.....

Application Number 14/0841/OUT Continued.

- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 11) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Himalayan Balsam on site. The treatment of Himalayan Balsam shall be carried out in accordance with the approved details.
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Himalayan balsam (*Impatiens glandulifera*) is included within this schedule.
- 12) No development or site/vegetation clearance shall take place until a detailed Dormouse Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that dormice are protected.

Cont'd.....

Application Number 14/0841/OUT Continued.

- 13) Prior to the commencement of work on site details of hedgerow enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in 75% of the new development at Land south of Glendale, Van Road, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and Tan 5 Nature Conservation and Planning.
- 15) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow, Dunnock and Swift) in 75% of the new development at Land south of Glendale, Van Road, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 16) The development hereby approved shall include a Local Area of Play (LAP), details of which shall be submitted for consideration and approval in writing with the Local Planning Authority together with and as part of the reserved matters as required by condition (2) attached to this consent. The LAP shall be provided prior to the first occupation of the dwellings hereby approved.
REASON: In the interests of amenity.

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Application Number 14/0841/OUT Continued.

- 17) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 18) The level of car parking throughout the residential development shall be in accordance with the Local Planning Authority's adopted supplementary planning guidance contained in LDP5 - Car Parking Guidelines.
REASON: In the interests of highway safety.
- 19) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 70 metres. No obstruction or planting when mature exceeding 0.6 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 20) Prior to the commencement of works, details for the provision of a vehicle-turning facility, within the curtilage of the site, shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the beneficial occupation of the development and shall be maintained free of obstruction to enable vehicles to enter and leave the site in a forward gear.
REASON: In the interests of highway safety.
- 21) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.
- 22) This permission does not grant any consent for or allow the felling or any other works to any trees protected by CBBC Tree Preservation Order No. 76/14.
REASON: For the avoidance of doubt as to the scope of the permission hereby granted.

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Application Number 14/0841/OUT Continued.

- 23) The following activities must not be carried out under any circumstances:
- a) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - b) no works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - c) no equipment, signage, fencing, tree protection barriers, materials, components, utilities, vehicles or structures shall be attached to or supported by a retained tree.
 - d) no mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
 - e) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.
- REASON: In the interests of visual amenity.
- 24) The mitigation measures as described in Section 5 - Arboricultural Method Statement of the Arboricultural Report BS5837 - 2012, prepared by Sylvan Ecology dated 19/11/14 received by the Local Planning Authority on 17th December 2014 shall be fully complied with. Prior to commencement of work on site and amended tree protection plan shall be submitted for the written approval of the Local Planning Authority.
- REASON: In the interests of visual amenity and the protection of retained trees.
- 25) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: received 17.12.14 together with the amended site location plan received and dated stamped 9/3/15 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3.

The applicant is advised of the comments of this Council's Ecologist, Wales and West Utilities, Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Public Services, Heddlu Gwent Police,



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APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
15/0129/ADV 25.02.2015	Mr G Maslen Old School House Mountain Road Bedwas Caerphilly CF83 8ES	Install an interpretation sign Bryn Gwyn Colliery Engine House Dol-Y-Pandy Manor Parc Estate Bedwas	Granted 24.04.2015
15/0114/FULL 19.02.2015	Mrs S Jones 1 Ty'n-y-coedcae Machen Caerphilly CF83 8LY	Install new doors to ground floor rear elevation 1 Ty'n-y-coedcae Machen Caerphilly CF83 8LY	Granted 27.04.2015
15/0134/FULL 02.03.2015	Mr & Mrs C Munkley 8 Denbigh Close Cefn Fforest Blackwood NP12 1JH	Erect a single-storey utility room extension, convert conservatory to garden room and convert garage to office/gym and shed 8 Denbigh Close Cefn Fforest Blackwood NP12 1JH	Granted 27.04.2015
15/0136/NCC 02.03.2015	Derwen Derwen Cymru Clarence House Clarence Place Newport NP19 7AA	Remove condition 03 of planning consent 07/0672/FULL (Erect library and residential development) to remove a bike shed Caerphilly County Borough Council Abercarn Library 1 Dyffryn Court Abercarn	Granted 27.04.2015
15/0260/NOTF 25.03.2015	Coed Y Cymoedd Mr J Atkinson Rheola Neath SA11 4DR	Create new forestry tracking to enable the mechanised felling of Larch crops infected by Phytophthora ramorum Cwmcarn Forest Cwmcarn Forest Drive Cwmcarn Newport	Prior Approval Not Required 27.04.2015
15/0160/NMA 12.03.2015	Barratt Homes C/o Asbri Planning Ltd 9 Oak Tree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS	Seek approval for a non- material amendment to remove Conditions 09, 10 and 11 of planning permission 11/0840/FULL which relate to Code for Sustainable Homes Land At Mill-race Abercarn Newport	Granted 28.04.2015

15/0110/FULL 16.02.2015	Mr G Edwards 27 Tor View Bedwas Caerphilly CF83 8HE	Erect single-storey rear extension 27 Tor View Bedwas Caerphilly CF83 8HE	Granted 29.04.2015
15/0111/FULL 17.02.2015	Mr A Bull 141 Pontywindy Road Caerphilly CF83 3HH	Erect rear single-storey extension and conservatory and provide new porch to front elevation 141 Pontywindy Road Caerphilly CF83 3HH	Granted 29.04.2015
15/0121/NCC 23.02.2015	Mr P Robbins Caenant House Mill Road Caerphilly CF83 3FE	Vary Conditions 01 and 08 of Planning Consent 08/0053/FULL (Erect new dwelling and improve private access road) to extend the period of time within which to commence development for a further five years and raise the floor levels by 300mm Land At Rhos Llantwit Caerphilly	Granted 29.04.2015
15/0231/LBC 06.03.2015	Dr J A F Napier Rhyd-y-gwern Farm Rhyd Y Gwern Lane Draethen Newport NP10 8GJ	Repair barn roof Rhyd-y-gwern Farm Rhyd Y Gwern Lane Draethen Newport	Refused 29.04.2015
13/0810/OUT 15.11.2013	Rocco Properties Ltd C/o GVA Mr O Griffiths One Kingsway Cardiff CF10 3AN	Demolish and provide residential re-development together with associated vehicular and pedestrian accesses, car parking, landscaping, ancillary development and retain community garden Former Blackwood Junior School Pentwyn Road Blackwood NP12 1HN	Granted 30.04.2015
15/0115/FULL 19.02.2015	Mr & Mrs J Jones 1 Alexandra Road Hengoed CF82 7NE	Erect extensions to rear and side of the existing dwelling 1 Alexandra Road Hengoed CF82 7NE	Granted 30.04.2015

15/0132/NMA 26.02.2015	Mrs A Jones 13 Haines Close Caerphilly CF83 1SY	Seek approval of a non-material amendment to planning consent 14/0235/FULL (Extend existing property to enhance and increase existing property) to relocate the entrance to the garages from the side elevation to the front elevation Westhaven Watford Road Watford Caerphilly	Granted 30.04.2015
15/0155/FULL 06.03.2015	Mr I Robinson 17 Newbridge Road Pontllanfraith Blackwood NP12 2LB	Convert existing domestic dwelling into two one-bedroom flats 17 Newbridge Road Pontllanfraith Blackwood NP12 2LB	Granted 01.05.2015
15/0131/CLPU 26.02.2015	Mr L Barnaby 7 Brynteg Bedwas Caerphilly CF83 8AT	Obtain a Lawful Development Certificate for proposed single-storey rear extension 7 Brynteg Bedwas Caerphilly CF83 8AT	Granted 04.05.2015
15/0123/FULL 20.02.2015	Mr D Holder 11 Lon-Y-Llwyn Nelson Treharris CF46 6HU	Erect kitchen extension to side elevation 11 Lon-Y-Llwyn Nelson Treharris CF46 6HU	Granted 05.05.2015
15/0151/CLPU 05.03.2015	Mr T Pettit 3A Ridgeway Graig-y-rhacca Caerphilly CF83 8RB	Obtain a Lawful Development Certificate for the proposed demolition of the existing non-attached summer house and the erection of a sun house attached to the property 3A Ridgeway Graig-y-rhacca Caerphilly CF83 8RB	Granted 05.05.2015
15/0195/FULL 09.03.2015	Mr N Gregory 50 Half Acre Court Caerphilly CF83 3SU	Erect second storey extension above existing garage on side of house 50 Half Acre Court Caerphilly CF83 3SU	Granted 06.05.2015
15/0166/FULL 11.03.2015	Mr B Price 64 Bailey Street Deri Bargoed CF81 9HU	Erect a new dwelling Land Adjacent To 64 Bailey Street Deri Bargoed	Refused 06.05.2015

15/0167/TPO 11.03.2015	D L Corran Tree Surgeons Ltd Mr D Corran Albion House 39 Union Road East Abergavenny NP7 5UL	Fell an over mature beech tree Land South-west Of Ton-y-felin Farm Ton-Y-Felin Farm Lane Croespenmaen Newport	Granted 06.05.2015
15/0225/TPO 11.03.2015	Mr J Einon 9 Birchwood Close Blackwood NP12 1WX	Reduce crown of 2 oak trees by 30% each and remove deadwood at the rear garden 9 Birchwood Close Blackwood NP12 1WX	Granted 06.05.2015
15/0109/FULL 16.02.2015	Mr D J Evans 1 Tredomen Terrace Tredomen Hengoed CF82 7BW	Provide external wall insulation 1 Tredomen Terrace Tredomen Hengoed CF82 7BW	Granted 07.05.2015
15/0126/FULL 24.02.2015	Mrs A Lessimore 2 Oakdale Terrace Penmaen Oakdale NP12 0DF	Erect dormer bungalow with parking Land Adjoining 19A Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Granted 07.05.2015
15/0135/FULL 02.03.2015	Chevler Limited Tir-y-berth Industrial Estate New Road Tir-y-berth Hengoed CF82 8AU	Refurbish two existing factory units including the over-cladding of roofs and walls, replacement of windows, minor re-planning of welfare facilities and the creation of external breakout/smoking area Reed House, Enterprise House And Enterprise House Annexe Tir-y-berth Industrial Estate New Road Tir-y-berth	Granted 07.05.2015
15/0153/FULL 05.03.2015	HSBC Banking PLC 8 Canada Square London E14 5HQ	Replace existing external ATM machine HSBC 91-93 High Street Blackwood NP12 1PN	Granted 08.05.2015
15/0164/FULL 12.03.2015	Mrs S Morgan 29 Acorn Lane Glyn-gaer Gelligaer Hengoed CF82 8FS	Erect a double side extension 29 Acorn Lane Glyn-gaer Gelligaer Hengoed	Refused 08.05.2015

15/0119/FULL 23.02.2015	Dr S Watcham C/o Technia Environment And Planning Suite 4 St Margaret's Park Pengam Road Aberbargoed Bargoed CF81 9FW	Erect two-storey side and rear extensions and enclose open porch to front 5 Mount Pleasant Fleur-de-lis Blackwood NP12 3SA	Granted 11.05.2015
15/0168/FULL 12.03.2015	Mr W Evans Gwern Ty Isaf Mill Road Deri Bargoed CF81 9HF	Raise the roof of the dwelling to create new accommodation at first floor level together with the erection of dormers to the front and rear roof sloops, erection of a conservatory to the front and provision of a balcony to the rear Cwm Deri Bungalow Bailey Street Deri Bargoed	Refused 11.05.2015
15/0239/FULL 16.03.2015	Mr & Mrs L Croft 11 The Elms Oakdale Blackwood NP12 0EP	Erect a single storey home office/study extension 11 The Elms Oakdale Blackwood NP12 0EP	Granted 11.05.2015
15/0204/NMA 13.04.2015	Net Energy Group Ltd Mr R Parker 9 Catherine Place London SW1E 6DX	Seek approval of a non- material amendment to vary conditions 20, 21, 22, 28, 29 and 30 of planning consent 14/0854/NCC NET Energy Ltd Unit 6 Capital Valley Eco Park Rhymney	Granted 11.05.2015
13/0778/FULL 28.10.2013	Starburst Limited C/O DPP Miss L Duggan Sophia House 28 Cathedral Road Cardiff CF11 9LJ	Erect class B1/B2/B8 units with associated external alterations Land At Dyffryn Business Park Ystrad Mynach Hengoed	Granted 12.05.2015
15/0145/FULL 04.03.2015	Mr M Hutson 20 Meadow Road Springfield Pontllanfraith Blackwood NP12 2AQ	Erect single-storey garage extension to the side and a lounge, shower room and storage room extension to rear 20 Meadow Road Springfield Pontllanfraith Blackwood	Granted 12.05.2015

15/0030/FULL 05.03.2015	Mr P Walsh & Mrs R Jerman 25 Malvern Close Trenewydd Park Risca Newport NP11 6QY	Replace front porch and front dormer window 25 Malvern Close Trenewydd Park Risca Newport	Granted 12.05.2015
15/0146/FULL 05.03.2015	Mr M Hussain 415 Chepstow Road Newport NP19 9BJ	Erect a first floor residential apartment extension to existing single-storey A3 hot food take-away premises Former Masalla Junction Manor Road Ty-Sign Risca	Refused 12.05.2015
15/0154/FULL 06.03.2015	Mr S Cullinane Ty Onnen School Street Deri Bargoed CF81 9GY	Erect ground floor store with games room above and dog kennels Ty Onnen School Street Deri Bargoed	Granted 12.05.2015
15/0170/FULL 12.03.2015	Mr C Bunce 24 Hillside Terrace Tredomen Hengoed CF82 7BT	Dismantle existing garage and to erect a new garage 24 Hillside Terrace Tredomen Hengoed CF82 7BT	Granted 12.05.2015
15/0209/NMA 14.04.2015	Aldi Stores Limited C/o Agent	Seek approval of a non-material amendment to remove conditions 20 and 21 of planning consent 14/0195/FULL Units 12 & 13 Gallagher Retail Park Parc Pontypandy Caerphilly	Granted 12.05.2015
14/0338/OUT 22.05.2014	Mr J Jones Gelli Uchaf House Merthyr Road Llwydcoed Aberdare CF44 0PX	Demolish part of the existing club and change the use from A3 (Food and Drink) to A1 (Retail) and erect 3 No. residential dwellings The Majors 1 Fair View Pengam Blackwood	Granted 14.05.2015
15/0108/FULL 16.02.2015	Mr A Bickham 33 Court Road Energlyn Caerphilly CF83 2LT	Erect garage for the storage of classic cars 33 Court Road Energlyn Caerphilly CF83 2LT	Granted 14.05.2015

15/0152/FULL 05.03.2015	Mr & Mrs R Williams 3 Minorca Cottages Michaelston-Y-Fedw Cefn Mably Cardiff CF3 6XX	Erect a first floor rear extension 3 Minorca Cottages Michaelston-Y-Fedw Cefn Mably Cardiff	Granted 14.05.2015
15/0169/FULL 12.03.2015	Mr R Allden 24 Cwrt Draw Llyn Caerphilly CF83 1RZ	Erect two-storey side extension to provide lounge, dining room, two bedrooms and en-suite 24 Cwrt Draw Llyn Caerphilly CF83 1RZ	Granted 14.05.2015
15/0248/FULL 19.03.2015	Mrs D Thomas 22 Victoria Road Fleur-de-lis Blackwood NP12 3UG	Erect an ancillary granny annexe to replace existing garage 22 Victoria Road Fleur-de-lis Blackwood NP12 3UG	Granted 18.05.2015
15/0174/TPO 23.03.2015	Mr C Williams 11 Duffryn Close Penpedairheol Hengoed CF82 8DN	Reduce the crown of tree by no more than 30% 9 Duffryn Close Penpedairheol Hengoed Caerphilly	Granted 18.05.2015
15/0256/FULL 23.03.2015	Mr N Wiltshire 8 Clos Coed Bach Blackwood NP12 1GT	Construct a sun lounge to the rear of the property 8 Clos Coed Bach Blackwood NP12 1GT	Granted 18.05.2015
15/0075/FULL 04.02.2015	Mr S Postans C/o HDP Designs Mr S Helm 5 Sanders Close Ashton Vale Bristol Somerset BS3 2BG	Erect new build property Plot 9 The Meadows Machen Caerphilly	Granted 19.05.2015
15/0147/RET 05.03.2015	Mrs J Cueto Waunfawr Primary School Crosskeys NP11 7PG	Retain a multi purpose games area Waunfawr Primary School Waunfawr Road Crosskeys NP11 7PG	Granted 19.05.2015
15/0186/FULL 09.03.2015	Mr A Lovett 1 Greenhill Cottages Llwyncelyn Terrace Nelson Treharris CF46 6HF	Erect a single-storey rear extension 1 Greenhill Cottages Llwyncelyn Terrace Nelson Treharris	Granted 19.05.2015

14/0573/RET 21.08.2014	Mr R Elesbury 161 Gelligaer Road Cefn Hengoed Hengoed CF82 7HH	Retain a two-storey garage and workroom extension to side of existing house Ty Bryn King's Hill Hengoed CF82 7NJ	Granted 20.05.2015
14/0825/FULL 11.12.2014	Mr M Williams 34 Lanwood Road Graigwen Pontypridd CF37 2EP	Construct detached residential dwelling with off-street parking Plot 3 74 Heol Fawr Nelson Treharris	Granted 20.05.2015
15/0021/FULL 12.01.2015	Dr & Mrs G Royal 4 Cae Uwchllyn Caerphilly CF83 1TY	Erect new entrance porch and provide garden works 4 Cae Uwchllyn Caerphilly CF83 1TY	Granted 20.05.2015
15/0032/FULL 15.01.2015	Mr G Evans Hillcrest Homeleigh Newbridge Newport NP11 4RQ	Erect orangery type structure Hillcrest Homeleigh Newbridge Newport	Granted 20.05.2015
15/0142/COU 03.03.2015	Mr I Hosey 9 King Edward Avenue Caerphilly CF83 1HE	Change the use of land to extend curtilage and provide driveway to front of property 9 King Edward Avenue Caerphilly CF83 1HE	Granted 20.05.2015
15/0176/FULL 25.03.2015	Mr B Fitzgerald Ridgeway Golf Club Thornhill Caerphilly CF83 1LY	Erect a marquee adjacent to existing club house Ridgeway Golf Club Thornhill Caerphilly CF83 1LY	Granted 20.05.2015
15/0180/LA 25.03.2015	Caerphilly County Borough Council Mr A Dallimore Penallta House Tredomen Park Tredomen Ystrad Mynach Hengoed CF82 7PG	Install new shop front to replace existing hoarding Units 1 & 2 Lowry Plaza Hanbury Road Bargoed	Granted 20.05.2015
14/0808/FULL 01.12.2014	Mr & Mrs S Denham 19 Birchwood Close Blackwood NP12 1WX	Erect single-storey lounge extension with raised patio area 19 Birchwood Close Blackwood NP12 1WX	Refused 21.05.2015

14/0823/FULL 10.12.2014	Mr R Meredith Dinglewood Pleasant View Ynysybwl Pontypridd CF37 3PF	Construct detached residential dwelling with off-street parking Plot 1 74 Heol Fawr Nelson Treharris	Granted 21.05.2015
14/0824/FULL 10.12.2014	Mr S Lyons 23 Avondale Street Ynysboeth Abercynon Mountain Ash CF45 4YU	Construct residential dwelling with off-street parking Plot 2 74 Heol Fawr Nelson Treharris	Granted 21.05.2015
15/0137/COU 27.02.2015	Net Energy Group Limited Mr R Parker 9 Catherine Place London SW1E 6DX	Change the use of the land to provide log storage area Land Adjacent To Unit 6 Capital Valley Eco Park Rhymney	Granted 21.05.2015
15/0233/FULL 12.03.2015	Mr & Mrs Pugh 38 Glyn Bedw Llanbradach Caerphilly CF83 3PG	Erect a conservatory to the rear of the property 38 Glyn Bedw Llanbradach Caerphilly CF83 3PG	Granted 21.05.2015
15/0242/COU 16.03.2015	Summerhill Vets Mr J Allen 43 Summerhill Avenue Newport NP19 8FQ	Change the use from A1 to a veterinary centre Units A, B & D 271 - 273 High Street Blackwood NP12 1AW	Granted 21.05.2015
15/0179/FULL 26.03.2015	Mr J Jenkins 3 Prince Andrew Road Trinant Newport NP11 3JX	Erect apex classic log cabin 3 Prince Andrew Road Trinant Newport NP11 3JX	Granted 21.05.2015
15/0187/COU 26.03.2015	Mrs A Gallent Hillcroft 71 Commercial Street Aberbargoed Bargoed CF81 9EY	Change use from single four bedroom detached residential dwelling to four one-bedroom self contained flats 57 Commercial Street Aberbargoed Bargoed CF81 9BT	Granted 21.05.2015

15/0125/RM 24.02.2015	Mr A Thomas Fairoak Corbetts Lane Caerphilly CF83 3HX	Approve the matters of access, appearance, landscaping, layout and scale of outline application 09/0949/NCC (Erect three two-storey dwellings) Land Off Corbetts Lane Pwllypant Caerphilly	Granted 22.05.2015
15/0267/FULL 30.03.2015	Mr D Thomas 1 Hanbury Square Bargoed CF81 8QQ	Install security roller shutters and associated encasement and replace retractable canopies 1 Hanbury Square Bargoed CF81 8QQ	Granted 22.05.2015
15/0162/FULL 12.03.2015	J Collins 15 Heol Pwllypant Energlyn Caerphilly CF83 2ND	Erect a single storey side extension 9 Heol Pwllypant Energlyn Caerphilly CF83 2ND	Granted 26.05.2015
15/0221/NMA 27.04.2015	Aldi Sotres Limited C/O Agent	Seek approval of a non-material amendment to planning permission 15/0143/FULL to erect an additional loading bay within the existing wall for the sub-let unit Unit 1 Blackwood Gate Retail Park Blackwood NP12 2FS	Granted 26.05.2015
15/0031/FULL 16.01.2015	Mr A Price Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY	Install 250kWp roof mounted solar PV system to be sited on a total of 4 existing shed roofs Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed	Granted 27.05.2015
15/0241/FULL 16.03.2015	Mr J Edwards 22 Ridgeway Graig-y-rhacca Caerphilly CF83 8RB	Erect a two storey side extension 22 Ridgeway Graig-y-rhacca Caerphilly CF83 8RB	Granted 27.05.2015
15/0247/FULL 18.03.2015	Mr A Webster 47 Tanybryn Pontymister Risca Newport NP11 6JR	Erect a two storey side extension 47 Tanybryn Pontymister Risca Newport	Granted 27.05.2015

15/0201/FULL 10.03.2015	Mr J Daniel 10 High Meadow Abercarn Newport NP11 5AA	Erect a detached domestic garage 10 High Meadow Abercarn Newport NP11 5AA	Granted 28.05.2015
15/0193/CLEU 02.04.2015	Glasseal Mr A Atkins Nyth Gwennol Caernarvon Court Hendredenny Caerphilly CF83 2RL	Obtain a Lawful Development Certificate for the existing conservatory Nyth Gwennol Caernarvon Court Hendredenny Caerphilly	Refused 28.05.2015
15/0235/NMA 30.04.2015	Mr & Mrs A Gurner 41 Lilian Road Blackwood NP12 1DW	Seek approval of a non-material amendment to planning consent 12/0841/FULL (Erect detached dwelling with associated access, parking and ground works etc.) to raise the slab levels of both the proposed dwelling and garage by 600mm Plot 11 The Glade Wyllie NP12 2HB	Refused 28.05.2015

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LIST OF PLANNING APPLICATIONS WHICH ARE OUT OF TIME/NOT DEALT WITH WITHIN 8 WEEKS OF DATE OF REGISTRATION

APPLICATION NUMBER DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/02/0265 13.03.02	First periodic review of planning conditions (Environment Act 1995) at Cae Glas Small Mine, Fochriw.	Seeking clarification about the status of the application.
10/0518/FULL 16.07.2010	Erect single detached dwelling and garage at Old Mill House, Draethen, Newport, NP10 8GB	Subject to further discussion and consideration.
11/0630/NCC 01.09.11	Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (erect residential development) to extend permission beyond expiration dates on Land West Of Coronation Terrace, Senghenydd, Caerphilly.	Awaiting information on road layout.
12/0157/FULL 29.02.12	Sub-divide property to make two semi-detached two bedroom bungalows at Nantygledyr, 231 Bedwas Road, Caerphilly.	Seeking CIL details.
12/0511/OUT 03.07.12	Erect housing development at Willow Court & Surrounding Area, Pengam Road, Pengam.	Awaiting views of consultees.
12/0575/FULL 04.10.12	Erect a mansard roof incorporating a 1 bed flat at Manchester House, 1 Clifton Street, Caerphilly.	Awaiting views of consultees.
13/0196/OUT 15.03.13	Erect up to four three bedroom houses in two semi-detached blocks on land being used for occasional vehicle storage on Land Adjacent To Riverside House Penmaen Road, Pontllanfraith, Blackwood.	Awaiting noise survey.
13/0548/CLEU 23.07.13	Obtain a Lawful Development Certificate for an existing use as a property for car/vehicle sales and display at Senator House, 6 Sir Alfred Owen Way, Pontygwindy Industrial Estate, Caerphilly.	Subject to discussion concerning additional information.
13/0646/COU 03.09.13	Change use of ground floor from cafe/shop to apartment at 24 Church Street, Bedwas, Caerphilly	Seeking CIL details.

13/0667/NCC 13.09.13	Vary Condition 1 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) to extend the period within which the development can commence at Suflex Estate Newport Road Pontymister Risca	Awaiting information about flooding.
13/0688/COU 24.09.13	Convert old stone barn/old coaching house into a four bedroom dwelling and integrated livery yard office at Cwm Farm Caerphilly	Awaiting CIL details.
13/0726/FULL 08.10.13	Erect two bay extension to existing storage building at Robert Price (Builders Merchants) Ltd, 145 Pontygwindy Road, Caerphilly.	Considering impact on neighbouring houses.
13/0782/NCC 29.10.13	Vary condition 7 of planning consent 08/0310/FULL (Convert Grade II listed roofless ruin into 2 two-bedroom cottages) to revise the caravan park access location at Beddau Farm 2 St Cenydd Road, Trecenydd, Caerphilly	Seeking CIL details.
13/0799/CLEU 08.11.13	Obtain a Lawful Development Certificate for the existing use of storing and servicing company vehicles, plant and mining machinery and as a heavy goods vehicle operating licensing centre at Caeglas Colliery, Fochriw Road, Fochriw, Bargoed.	Awaiting additional information.
13/0809/CLEU 19.11.13	Obtain Lawful Development Certificate for the commencement of works to implement planning consent for 87 houses with associated garaging and car parking (reference 07/1524/FULL) at Former Suflex Estate, Newport Road, Pontymister, Risca.	Subject to further discussion and consideration.
13/0824/FULL 25.11.13	Erect a single 500kW wind turbine, access track and associated transformer enclosure at Land At Pen-y-fan Industrial Estate, Pen-y-fan, Newport.	Awaiting additional information.
13/0830/FULL 26.11.13	Erect extension to existing garage at Highwinds New Bryngwyn Road Newbridge	Subject to further discussion concerning impact on neighbour.

14/0024/FULL 13.01.14	Erect new residential development of four 6 bedroom dwellings with associated external works, parking and new garden areas, plus new access road and footpaths at Fwrrwm Ishta Inn 68 Commercial Road, Machen Caerphilly.	Subject to further discussion and consideration.
14/0120/FULL 28.02.14	Erect ground floor and first floor extension to provide a first floor to the bungalow, change the use of 101 square metres of pasture land to create a driveway, remove and replant 15 metres of hedgerow and install photovoltaic roof panels at Brynteg, Pandy Lane Llanbradach, Caerphilly	Awaiting amended plans concerning highway matters.
14/0133/RET 07.03.14	Retain the allotment site with numerous allotment plots, parking provisions, storage sheds and boundary fencing at Graig-y-rhacca Community Allotments, Addison Way, Graig-y-rhacca, Caerphilly.	Awaiting details about extent of site.
14/0136/RET 10.03.14	Retain an air filtration unit and associated changes to car park including the relocation of a disabled parking space at PHS, Unit 14B, Greenway Bedwas House Industrial Estate, Bedwas, Caerphilly	Awaiting further details of equipment.
14/0169/RET 24.03.14	Retain garage at Knightswood St David's Avenue Woodfieldside Blackwood	Subject to further discussion and consideration.
14/0216/FULL 07.04.14	Change the use from Goldmine Bar to form four dwellings at The Goldmine Bar And Grill Bridge Street Newbridge	Awaiting information from NRW.
14/0328/FULL 19.05.14	Erect a detached six bedroom dwelling on Land Adjacent To Brook House Pandy-Mawr Road, Bedwas, Caerphilly	Seeking CIL details.
14/0365/FULL 02.06.14	Erect development of 3 new houses consisting of two houses of two-storeys, a single-storey house, associated garaging to each property and an access road at Mountain House, 41 Mountain Road, Caerphilly	Awaiting further highway details.
14/0431/COU 11.07.14	Convert existing barn into granny annexe at The Coach House Barn Rhyd - Y - Gwern Lane, Draethen Newport	Subject to further discussion regarding design.

14/0455/FULL 25.06.14	Construct a ground-mounted solar PV generation project and associated works at Darran Farm, Argoed, Blackwood.	Awaiting archaeological assessment.
14/0524/COU 30.07.14	Change the use from pottery and day centre to short term holiday let accommodation at The Woodlands Activity Centre, Troed-Y-Rhiw Farm - The White House, Troed-Y-Rhiw Road, Wattsville	Subject to further discussion and consideration.
14/0560/RET 22.08.14	Retain the extension of the domestic curtilage and the erection of a changing room and hot tub at 14 Cwm Darran Place, Deri, Bargoed, CF81 9GA	Awaiting structural calculations.
14/0581/FULL 27.08.2014	Develop a small scale standby electricity generation plant at Capital Valley Eco Park Rhymney Tredegar	Subject to further discussion and consideration.
14/0630/OUT 22.09.14	Erect 2 no. single-storey bungalows at Waun Y Gof House Thorne Avenue Newbridge	Awaiting further information concerning highways.
14/0678/OUT	Erect residential development of 3 no. detached dwellings with upgraded site access at Fair Oak Farm Woodland Terrace Argoed Blackwood	Subject to further discussions and consideration.
14/0688/LA 28.10.14	Carry out internal works to provide a Waste Transfer Station, office accommodation and welfare facilities, fleet and vehicle maintenance, stores and carry out external works to provide a car park, a lorry park, a fuel station, stores/compounds and re-profile the ground to provide for household waste refuse/recycling centre at Ty Dyffryn, 5A & 5B Alder Avenue Dyffryn Business Park Ystrad Mynach	Awaiting additional information following comments from consultees.
14/0725/FULL 18.11.14	Erect two 50Kw vertical axis wind turbine generators at Penyfan Caravan And Leisure Park Manmoel Road Manmoel Blackwood NP12 0HY	Awaiting various details including noise survey.
14/0745/LBC 20.10.14	Convert existing barn into habitable dwelling at Rhyd-y-gwern Farm Rhyd Y Gwern Lane Draethen Newport	Subject to further discussion and consideration.
14/0756/NCC 24.10.14	Remove conditions 18 and 19 of planning consent 13/0808/FULL (Erect 5 new build link houses with associated gardens, landscaping, access and car parking) at Lyndaryn Court Cliff Road Blackwood	Considering additional information.

14/0781/FULL 11.11.14	Erect a two bedroom dwelling at 20 Waunfach Street Caerphilly	Awaiting amended plans.
14/0802/OUT 26.11.14	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from the A4049 and footpaths and the installation of new services and infrastructure, ecological mitigation and enhancement works and other ancillary works and activities at Land At Hawtin Park Gelli-haf Pontllanfraith Blackwood	Subject to further discussion and consideration.
14/0817/FULL 18.12.14	Provide a new one 'way in' one 'way out' roadway access off the Sirhowy Enterprise Way Land Adjacent To Perry's Coaches New Road Woodfieldside Blackwood	Discussing highway matters.
14/0828/FULL 11.12.14	Erect a three-storey five bedroom house with detached garage at Plot 1 Church View Bedwellty Road Aberbargoed	Awaiting amended details of design and layout.
14/0830/COU 11.12.14	Change the use from a public house to a private residence and provide alterations to the existing extension at the rear at Penllwyn Manor The Grove Pontllanfraith Blackwood	Awaiting amended design.
14/0836/FULL 16.12.14	Create new pedestrian access onto site at The Surgery Oakfield Street Ystrad Mynach Hengoed	Subject to further discussion and consideration.
14/0855/FULL 23.12.14	Erect a residential development and associated works at Land At Watford Road Caerphilly	Subject to further discussion and consideration.
15/0023/COU 12.01.15	Retain A1 use part ground floor and convert upper floors to residential at Manchester House 1 Clifton Street Caerphilly	Subject to further discussion and consideration.
15/0029/FULL 15.01.15	Erect (and operate) a single wind turbine up to 36.6m tip height with electrical control cabinet and formation of temporary access trackway at Cefn-y-brithdir Farm Mountain Road Cefn-Y-Brithdir To Tirphil Brithdir New Tredegar	Awaiting additional information re: landscape and transport.
15/0032/FULL 15.01.15	Erect orangery type structure at Hillcrest Homeleigh Newbridge	Awaiting amended plans.

15/0038/OUT 19.01.15	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from Pandy Road and footpaths and requiring the installation of new services and infrastructure and other ancillary works and activities at Land North Of Pandy Road Bedwas Caerphilly	Subject to further discussion and consideration.
15/0043/FULL 28.01.15	Erect industrial storage unit at Land Between Units 4 & 10 Bedwas Business Centre Bedwas House Industrial Estate Bedwas	Subject to further discussion and considerations.
15/0054/COU 20.01.15	Erect cattery at Llanbradach Fawr Farm Llanbradach Farm Lane Llanbradach Caerphilly	Awaiting highway information.
15/0055/LBC 19.01.15	Provide internal alterations, extend and provide new roof and take down one chimney and part of the boundary wall at Penllwyn Manor The Grove Pontllanfraith Blackwood	Awaiting amended design.
15/0060/COU 22.01.15	Convert first and second floors to 6 No. one bedroom flats at 1 Pentrebane Street Caerphilly	Awaiting additional information.
15/0064/FULL 27.01.15	Erect Class B1/B2/B8 units together with associated parking and landscaping at Dyffryn Business Park Ystrad Mynach Hengoed CF82 7RJ	Subject to further discussions concerning wildlife and habitats.
15/0088/RET 10.02.15	Retain the change of use of existing barn from four holiday let cottages to single dwelling with integral granny annexe and detached three car garage at Barn At Gelli-wen Farm Bedwellty Road Markham Blackwood NP12 0PP	Awaiting additional information supporting proposed use.
15/0100/COU 12.02.15	Convert existing storage building to the rear of the property into two flats with alterations to openings and the provision of rooflights at 57 Thomas Street Abertridwr Caerphilly CF83 4AX	Subject to further discussion and consideration.
15/0140/FULL 02.03.15	Erect a two storey rear extension with additional basement provision and provide a porch to the front elevation at 16 Griffiths Street Ystrad Mynach Hengoed CF82 7AW	Awaiting appropriate certification.

15/0150/COU 05.03.15	Change use from a B1 to D2 (gymnasium including functional fitness) at Unit H1 Croespenmaen Industrial Estate Croespenmaen Newport NP11 3AG	Awaiting parking information.
15/0163/FULL 06.03.15	Erect an extension to existing cafe to provide additional seating area at 24 Penallta Road Ystrad Mynach Hengoed CF82 7AN	Awaiting additional information.
15/0177/OUT 08.03.15	Erect a detached dwelling at 66 Bryn Road Markham Blackwood NP12 0QF	Awaiting appropriate certification.
15/0190/FULL 27.03.15	Erect single-storey side and rear extension at 54 Beaumaris Way Cefn Fforest Blackwood NP12 1DE	Awaiting amended design.
15/0251/FULL 19.03.15	Demolish the existing chapel hall and erect two dormer bungalows at Former Tabernacle Chapel Hall 9 Chapel Street Deri Bargoed CF81 9GQ	Awaiting further information.

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APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/06/0037 13.01.06	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school at Waterloo Works, Machen.	Planning in discussions with developers over new terms; waiting to hear from Planning. Meeting has been planned.
09/0243/OUT 31.03.09	Erect residential development and associated recreation space on Land At Former Windsor Colliery, Ty'n Y Parc, Abertridwr, Caerphilly.	On hold pending outcome of meeting with Housing Association. File closed due to no progress.
11/0191/OUT 11.03.11	Demolish existing farmhouse and farm buildings and construct new two-storey residential units at Gelli Pystyll Farm, Elm Drive, Ty Sign, Risca.	Moving forward with S106 as we need to keep separate from covenant issue. Draft with Solicitors for comments. Chased. Chased again and said if no progress soon I will refer back to Planning with a recommendation for refusal. Solicitors asked for information which was provided. Documents are with the mortgage company for signing. Chased.
12/0269/NCC 03.04.12	Vary Condition 2 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters at Land At Gellideg Industrial Estate, Gellideg Lane, Maesycwmmmer, Hengoed.	Documents being sealed. Waiting for Fees.
13/0212/NCC 25.03.13	Vary Condition 11 of planning permission P/04/1500 to amend the internal layout at Glan Y Nant Draethen, Newport.	In discussions as to how best to proceed in light of CIL. Still in discussions with Solicitors. Other side asked for meeting. Asked for instructions from Planning.

13/0479/FULL 02.04.13	Erect new house at Former Holly House Nursing Home, Victoria Road Fleur-de-lis, Blackwood.	Waiting advice from Ecologist. Told works have been undertaken. Planning said to hold file in abeyance while they investigate. Told may be a while due to issues. Planning waiting for ecological report.
13/0805/NCC 12.11.13	Remove reference to the electricity substation in Condition 26 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) at Suflex Estate, Newport Road, Pontymister, Risca.	Considering amendments to S106 agreement in view of introduction of CIL. Waiting for advice from Planning.
14/0129/NCC 06.03.14	Vary conditions 3 & 4 of Planning Permission 07/1477/OUT to extend the period of time within which to submit reserved matters and commence development at Gryphonn Concrete Products, Viaduct Works, New Road, Hengoed.	Sent final draft and plan.
13/0869/OUT 19.12.13	Erect housing development (6 no. 3 bedroom dwellings) at Former Newbridge Clinic, Ashfield Road Newbridge, Newport.	Sent response on suggested amendments to Solicitors. Chased. Waiting to hear from Solicitors. Told they have appealed and may have a case. Waiting for advice from planning.
14/0239/NCC 16.04.14	Vary condition 3 of 09/0688/OUT (Erect residential development) to extend the time period for the approval of reserved matters on Land At Albertina Road Treowen Newport	Sent draft to Solicitors. Waiting for affordable housing clauses issues to be resolved.
14/0411/OUT 21.06.14	Erect residential development and associated works on Land At Ton Y Felin Croespenmaen Newport.	Still in discussions over terms of Agreement.
14/0674/OUT 10.10.14	Erect residential development at GLJ Recycling Ltd, Newtown Industrial Estate, Crosskeys, Newport, NP11 7PZ.	Agreement in process of being drafted.

14/0818/FULL 10.12.14	Demolish the existing fire station and construct 8 No. 2-bedroom affordable dwellings (C3), 6 No. 1-bedroom affordable apartments (C3) and construct a residential block (C2) comprising 8 apartments and associated office space to provide accommodation and support for independent living and mental health well being at Former Bargoed Fire Station, William Street, Gilfach, Bargoed.	Waiting for fees to complete.
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OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
15/0001/REF 13/0483/FULL	REG Windpower Mr S Zappulo Suite 2 Kelston Park Bath BA1 9AE	Install three wind turbines and construct associated infrastructure on land used for grazing, the maximum height to blade tip of each turbine will be 110m above existing ground level and infrastructure associated with the wind turbines including on-site access tracks, lay-bys and turning areas, with ditch culverts where required, permanent crane hardstanding areas and external switchgear buildings for each turbine, a substation, underground on-site electrical cabling and the creation of a temporary construction compound and laydown area at Pen Bryn Oer Merthyr Road Rhymney	21.01.15
15/0002/REF 14/0622/FULL	Mr D T Jones Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly	Install 2 no 500kw wind turbines with overall tip height of 64m including temporary infrastructure at Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly	
15/0003/REF 14/0794/RET	InPost UK Ltd 655 Foxhunter Drive Milton Keynes MK14 6GD	Retain the installation of a parcel locker at Premier Stores 1 Newbridge Road Pontllanfraith Blackwood	11.03.15
15/0004/REF 14/0596/NCC	Mr C Vaughan 44 Y Cedrwydden Blackwood NP12 1FD	Erect a fence on the front and side boundary at 44 Y Cedrwydden Blackwood NP12 1FD	23.03.15

OUTSTANDING APPEALS (CONT..)

15/0005/REF 14/0441/FULL	Mrs A Mahoney Nantygleisiad Cottage 14 White Hart Machen Caerphilly CF83 8QQ	Erect detached dwelling on Land At Nantygleisiad Cottage 14 White Hart Machen Caerphilly CF83 8QQ	07.04.15
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APPEALS DECIDED

APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION	APPEAL DECISION/ DATE	COMM/ DEL
14/0016/REF 11/0650/FULL	Erect new housing development comprising of 13 detached and 1 pair of semi-detached dwellings Land Adj To Former Waterloo Works Machen Caerphilly CF83 8NL	Dismissed 30/04/15	COMM
14/0018/NONDET 14/0091/FULL	Erect a one bedroom agricultural dwelling to replace temporary caravan at Hill View Poultry Caerllwyn Farm Abertridwr Caerphilly CF83 4FG	Dismissed 05/05/15	DEL