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For all enquiries relating to this agenda please contact Emma Sullivan  
(Tel: 01443 864420 Email: [sullie@caerphilly.gov.uk](mailto:sullie@caerphilly.gov.uk))

**Date: 29th July 2015**

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 5th August, 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 Special Planning Committee held on the 24th June 2015.	1 - 8

A greener place Man gwyrdach

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



4 Planning Committee held on the 8th July 2015. 9 - 14

5 To receive any requests for a site visit.

To receive and consider the following reports: -

6 Site Visit Code No.15/0226/COU - 55 Cardiff Road, Bargoed, CF81 8PA. 15 - 22

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

7 Preface Item Code No. 13/0732/MIN - Nant Llesg Surface Mine, Land West And South-West Of Rhymney. 23 - 144

8 Preface Item Code No. 14/0604/OUT - Car Park, Aiwa Technology Park, Newbridge. 145 - 178

9 Code No. 15/0316/FULL - Groesfaen Farm, Groes-Faen Terrace, Bargoed. 179 - 192

10 Code No. 15/0335/FULL - Land On Northern Bank of River Ebbw Between Crosskeys and Pontymister, Risca. 193 - 208

11 Code No. 15/0065/FULL - Plateau 1 Oakdale Business Park, Lon Gellideg, Oakdale Business Park, Oakdale. 209 - 224

12 Code No. 15/0428/FULL - Bluebell Bungalow, Heolddu Road, Gelligroes, Pontllanfraith. 225 - 230

13 Code No. 15/0501/NCC - Plateau 3 Oakdale Business Park, Waterloo, Oakdale, Blackwood. 231 - 248

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

14 Preface Item Code No. P/99/0768 - Land at Penallta Colliery, Ystrad Mynach, Hengoed. 249 - 256

15 Preface Item Code No. 07/0138/FULL - Land to Eastern Boundary of Redrow Development (Former Railtrack), Cwm Calon, Ystrad Mynach. 257 - 260

16 Code No. 15/0446/FULL - 11 Hengoed Road, Penpedairheol, Hengoed. 261 - 264

17 Code No. 15/0320/FULL - Newland, 7 Warren Drive, Caerphilly. 265 - 272

18 Code No. 15/0043/FULL - Land Between Units 4 and 10, Bedwas Business Centre, Bedwas House Industrial Estate, Bedwas, Caerphilly. 273 - 282

19 Code No. 15/0038/OUT - Land North of Pandy Road, Bedwas.

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20	Development of National Significance.	
		319 - 324
To receive and note the following information items: -		
21	Applications determined by delegated powers.	
		325 - 334
22	Applications which are out of time/not dealt with within 8 weeks of date of registration.	
		335 - 342
23	Applications awaiting completion of a Section 106 Agreement.	
		343 - 344
24	Appeals outstanding and decided.	
		345 - 346

**Circulation:**

Councillors M.A. Adams, Mrs E.M. Aldworth, J. Bevan, D. Bolter, D.G. Carter (Chair), Mrs P. Cook, W. David (Vice Chair), H.R. Davies, 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 SPECIAL MEETING HELD AT PENALLTA HOUSE,  
YSTRAD MYNACH (CHAMBER) ON WEDNESDAY, 24TH JUNE 2015 AT 2.00PM

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### PRESENT:

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

### Councillors:

M. Adams, Mrs E. M. Aldworth, Mrs P. Cook, D. Bolter, H.R. Davies, J.E. Fussell, Ms J. Gale, A. Lewis, Mrs G.D. Oliver, D. Rees, Mrs J. Summers and J. Taylor

### Together with:

P. Elliott (Head of Regeneration and Planning), J. Rogers (Principal Solicitor), T. Stephens (Development Control Manager), R. Hartshorn (Head of Public Protection), R Amundson (Principal Planner), C. Campbell (Transportation Engineering Manager), R. Crane (Senior Solicitor), C. Davies (Senior Environmental Health Officer), M. Davies (Principal Planner), C. Edwards (Environmental Health Manager), A. Jones (Ecologist), G. Mumford (Senior Environmental Health Officer), R. Barrett (Committee Services Officer)

### Also present:

#### **Speakers in objection to the application (in order of speaking)**

Chris Austin (UVAG), Alyson Austin (UVAG), Mitchell Field (Richards and Appleby), David Meredith (Richards and Appleby), Mike Webb (RSPB), Gareth Clubb (Friends of the Earth Cymru), Jim Davies (UVAG), Hilda Williams (Rhymney Community Council), Ann Williams (Rhymney resident), Ethan Pitt (Rhymney resident), Len Dykes (Rhymney Community Council), Claire Thomas (Pontlottyn resident), Sianna Reader (Fochriw and Pentwyn Residents' Association), Phil Duggan (Fochriw resident), Bob Francis (Deri resident), Beverly Nash (Rhymney resident), Helena Mobley (Rhymney resident), Alun Roberts (Pontlottyn resident), Roy Thomas (Merthyr resident), Dr John Evans (Rhymney resident), Jenny Evans (Rhymney resident), Terry Evans (UVAG)

#### **Local Ward Members**

Councillor J. Bevan (Moriah Ward), Councillor C. Cuss (Twyn Carno Ward)

#### **Applicant and speakers in support of the application (in order of speaking)**

James Poyner (Miller Argent), David Mason (Miller Argent), Glyn Cullen (KJ Services), Bryan Godsell (Unite), Martin Brunnock (Tata Steel), Mark Picton (RWE), Graham Jenkins (SLR Consulting)

**1. INTRODUCTION BY THE CHAIR OF THE PLANNING COMMITTEE**

The meeting opened at 2.10 pm and Councillor D.G. Carter, Chair of the Planning Committee, apologised for the slight delay to the start of the proceedings.

The Chair welcomed those in attendance and introductions were made. A number of housekeeping and procedural details were outlined to those present, including the running order of proceedings for the meeting.

The Chair advised that a request had been made to record the meeting, and in confirming that he was agreeable to this request, stated that if any other parties wished to record proceedings, then they would also be permitted to do so.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L. Gardiner, R.W. Gough, A.G. Higgs, K. Lloyd and Mrs E. Stenner.

**3. DECLARATIONS OF INTEREST**

Councillor J. Bevan declared a personal and prejudicial interest in that he felt he had a close mind regarding the application, and was in attendance to speak in objection to the application in his capacity as a local ward member.

Councillor J. Taylor declared a personal interest in that he knew several of the objectors in attendance. He stated that as this association was from many years prior, he considered the interest to be non-prejudicial, and remained in the Chamber during consideration of the application.

Ceri Edwards (Environmental Health Manager) and Claire Davies (Senior Environmental Health Officer) declared a personal (non-prejudicial) interest in that a number of objectors to the planning application were known to them through family members. As such there was no requirement for them to leave the Chamber.

Alison Jones (Ecologist) declared a personal (non-prejudicial) interest in that an objector listed within the Officer's report is a friend of hers. As such there was no requirement for her to leave the Chamber.

**4. PRESENTATION OF THE CASE OFFICER - CODE NO. 13/0732/MIN – NANT LLESG SURFACE MINE APPLICATION, NORTH OF FOCHRIW**

The Chair invited Tim Stephens, Development Control Manager and Case Officer for the application, to present his report to the Planning Committee.

The application, submitted by mining company Miller Argent, proposed to recover approximately 6 million tonnes of coal from Nant Llesg, north of Fochriw, Rhymney, by surface mining methods, which would include the provision of soil storage and overburden mounds, and ancillary buildings, plant and other structures.

The Case Officer outlined details of the site and location, the stages of the proposed development, details of land remediation and other association works, together with the restoration and aftercare of the land following completion of the mining works. Full details of the application were contained within the Case Officer's report included in the agenda papers.

Members were informed of the timescales of the proposed scheme, with mining works planned to commence in 2016 following land remediation works. Following the development of a 'box cut' mining process and the development of maximum void and the start of backfilling works between years 1 and 9.5, coaling would conclude in year 11, and backfilling and restoration works to achieve the finished landform would take place in years 11 to 14.

Photomontages depicted existing landscape views in Rhymney and Fochriw, together with views of the future landscape showing the ensuing overburden mounds at the achievement of maximum void.

The Case Officer summarised local and national planning considerations and Members were asked to note the safeguarding of coal as part of Caerphilly Council's Local Development Plan (LDP). There had been widespread consultation on the application and 270 letters of support had been received, which commented on the local employment and economic benefits of the scheme. 1025 letters of objection to the scheme had been received, together with two petitions, and these concerns included the visual impact of the scheme, air pollution, noise and dust, the viability of the scheme, the impact on local jobs, the loss of common land, the effects on public health and wellbeing, and the implications for the future of renewable energy. Full details of the representations were summarised in the Case Officer's report.

In addition to these representations, responses from Aneurin Bevan University Health Board and Merthyr Tydfil County Borough Council were contained within the addendum report. It was noted that since the submission of the Case Officer's report, additional responses had been received from Friends of the Earth and the Green for Plaid Group, which included concerns that the Well-being of Future Generations (Wales) Act 2015 had not been taken into consideration. The Case Officer explained that this Act was detailed in the report but had not yet come into effect in terms of planning policy.

The latest comments expressed concerns that the Council had failed to address the issues raised by the local community and the Case Officer explained that the Council always attempted to resolve issues brought to their attention. The latest representations also cited a recent Welsh Government Senedd debate which had discussed calls for a moratorium on open-cast mining and the Case Officer explained that this had not yet been introduced into local authority planning policies.

Two additional letters of objection had been received from local residents, which referenced many of the objections already set out in the Officer's report, and also referred to the welfare of ponies and concerns regarding the use of common land within the proposed site.

It was explained that the report recommendations were subject to a Section 106 agreement which was outlined by the Case Officer. Members were advised of an amendment to Condition 18 of the recommendations to include "coal dust and other dust", references to wet heath and the need for an extended restoration period to be integrated throughout the Section 106 agreement. In the event of unsuccessful restoration, a payment exceeding £250,000 would be payable to the local authority, together with payment to cover the restoration of the site.

The planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application was considered to be acceptable, and subject to the conditions outlined and completion of a Section 106 agreement, Officers recommended that planning permission be granted.

## **5. REPRESENTATIONS BY OBJECTORS TO THE APPLICATION**

The Chair invited objectors to the planning application to address the Planning Committee and the speakers were reminded that they were permitted to speak up to a maximum of three minutes each.

There were 22 speakers in total, comprising of representatives from United Valleys Action Group (UVAG), Friends of the Earth Cymru, Royal Society for the Protection of Birds (RSPB) and Richards and Appleby, together with members of Rhymney Community Council and a number of residents from Rhymney, Pontlottyn, Fochriw and Deri.

Representatives from UVAG raised concerns regarding the environmental impact of the proposed mine. They made specific reference to noise, dust and dirt pollution, outlined concerns surrounding the management of these issues given the vast size of the proposed site, and raised concerns regarding the effects of these issues on the surrounding communities.

Several UVAG representatives who live in the vicinity of the Ffos-y-Fran open cast mining site in Merthyr, and which is also operated by Miller Argent, outlined the impact of noise and dust from this open cast site on their daily lives. The Planning Committee were provided with examples of these issues and the mitigation measures undertaken by Miller Argent.

UVAG representatives also spoke of their concern that the planned restoration scheme upon completion of the proposed mining works would not be completed to a satisfactory level. Reference was made to the large volumes of coal available elsewhere in the UK, with representatives disputing the need for a further open cast mining site and the need for coal as a continuing strategic source of energy.

Representatives from Richards and Appleby, a local cosmetics manufacturer located on the Heads of the Valley Industrial Estate near the proposed mining site, raised concerns that the mine could have an adverse impact on their business and surrounding factories, especially in terms of dust pollution. It was feared that the business could be forced to close and relocate elsewhere if the proposed mining site was approved, due to the nature of the factory's production. Representatives explained the impact this closure would have on local employment levels, and expressed concerns that other factories could also close for similar reasons. They suggested that new businesses could be deterred from the industrial estate due to its proximity to the proposed mining site.

Representatives from RSPB, Friends of the Earth and UVAG raised concerns regarding the ecological impact of the proposed mining site on local birds, wildlife and insects, and outlined the impact the proposals could have in terms of energy emissions and climate change.

Residents from Rhymney, Pontlottyn, Fochriw and Deri voiced a wide range of concerns regarding the proposals, including the exacerbation of respiratory problems arising from dust pollution, the impact of noise and light pollution from mining works, the impact of the proposed site on the mental wellbeing of the local population, health and safety concerns regarding mining processes, the impact of the proposals on the local landscape and surrounding towns and the negative effect on local tourism, and the effect on those who regularly use the area for recreational activities such as walking and hiking. Residents also disputed the number of jobs that would be created and the percentage of these jobs that would be allocated to local residents if the proposed site was approved.

Reference was made to the consultation process surrounding the application and the substantial local opposition to the proposals. During the course of the representations, reference was made to a purported "land deal" regarding the area of common land within the proposed mining site. Residents outlined their belief that the proposals undermined the goals of the Well-being of Future Generations (Wales) Act 2015 and the Authority's "Greener Caerphilly" vision.

## **6. REPRESENTATIONS BY LOCAL WARD MEMBERS**

The Chair invited Local Ward Members to make their representations, and Councillors J. Bevan and C. Cuss spoke in objection to the application.



Councillor J. Bevan (Moriah Ward) outlined his concerns regarding the application, including the risk of respiratory problems arising from dust pollution.

Councillor C. Cuss (Twyn Carno Ward) outlined concerns that the proposed site would have a detrimental impact on local residents, and stated that he felt there to be a number of contradictions within the planning report. He made reference to issues surrounding climate change and Nant Llesg's previous designation as a special landscape area, referred to the long-term visual impact of the proposals and raised concerns regarding dust suppression measures by Miller Argent. He also expressed concern regarding the impact of the proposed site on the local property market, local businesses and the biodiversity of the area. In closing, Councillor Cuss cited the recent Senedd debate relating to a moratorium on open-cast mining and he stated his hope that the application be rejected.

## **7. ADJOURNMENT**

Following the representations of the Local Ward Members, the meeting was adjourned at 3.55 pm.

## **8. REPRESENTATIONS BY THE APPLICANT AND SUPPORTERS OF THE APPLICATION**

The meeting reconvened at 4.18 pm.

The Chair advised all parties present that the objectors to the planning application had spoken for 65 minutes in total, and that the same opportunity would be afforded to those speaking in support of the application. There were 7 speakers in total, comprising of representatives from Miller Argent, KJ Services, Unite, Tata Steel, RWE and SLR Consulting.

Representatives of the applicant, Miller Argent, outlined the reasons why the application should be granted. Representatives explained that the mining works would be fully compliant with all appropriate legislation and that no statutory Council Officers had objected to the scheme. They also highlighted the support for the application from industry bodies Tata Steel, RWE, Unite and KJ Services. The high demand and essential role of coal in energy generation were summarised, together with the economic benefits to South Wales arising from this. The proposed mine would offer up to 240 well-paid employment opportunities, with 80% of these recruited locally, and local training opportunities would also be afforded to these employees.

Miller Argent referred to the community benefit fund arising from the Ffos-y-Ffran scheme and explained that although it was not a material planning consideration, a similar multi-million pound scheme would be established for the Rhymney area if the Nant Llesg scheme was approved.

Miller Argent appreciated the emotive representations of the objecting parties, but stated that the application had been comprehensively completed to take into account all Welsh policy and planning guidelines, and environmental constraints and limits, specifically in relation to restoration, mitigation and consultation. Reference was made to the requirements of the Section 106 agreement and it was explained that a separate escrow account had been set up in the region of £40m. All remediation works had been identified as adequate and would be completed in line with best practices before commencement of the mining works. It was explained that the company had an excellent record in terms of dust mitigation measures, and in outlining how these would be achieved at the Nant Llesg site, Miller Argent explained that the works would be subject to stringent regulations and the company would work within the limits placed upon them.

A representative from KJ Services, a local company who supply specialised construction and mining equipment and are a key employer in the Rhymney area, spoke of the potential for further employment opportunities if the Nant Llesg application was granted. KJ Services outlined the training and transferable skills offered to employees and the high environmental and safety standards of the company's equipment, including the lower level of emissions generated from this machinery.

A representative from the Unite Trade Union spoke of their expectations that Miller Argent would comply with all appropriate employment terms and conditions. Unite would ensure that all risks to their members, including that of respiratory disease, were kept to a minimum, with union representatives extensively trained to challenge Miller Argent should health and safety be comprised. The representative spoke of the economic benefits and training/employment opportunities that the scheme would bring to the area, the ongoing need for coal and the need to retain jobs within Wales. In explaining that 80% of the Ffos-y-Fran workforce were made up of residents within a ten-mile radius, he outlined the contribution to employment and the economy in that area. Unite welcomed the strict intervention measures and public scrutiny of open-cast mining and felt this had been adequately demonstrated at the Ffos-y-Fran site.

Representatives from Tata Steel in Port Talbot and the RWE Aberthaw power station in Barry outlined their support for the scheme, and Tata Steel explained that the coal located at Nant Llesg was particularly suited for their production output, and that Miller Argent were a reliable supplier who responsibly sourced coal and worked closely with authorities and local communities. Tata Steel outlined their commitment to sustainability measures and their belief that the proposed Nant Llesg site complemented this strategy. RWE also voiced their support for the application and outlined the benefits of the scheme to national strategic energy resources and the local economy. They explained that a third of Welsh coal was supplied by Miller Argent and that the future of the Aberthaw power station depended on this continued relationship. With regards to future sustainable energy measures, it was envisaged that the current arrangement would extend well into the next decade and that the power stations would need to continue to produce electricity in the current manner to meet their contractual obligations.

A representative from SLR Consulting explained that the planning application was in accordance with Caerphilly Council's Local Development Plan and gave assurances from Miller Argent that coal extradition works would not take place within 500m of the settlement boundaries except for exceptional circumstances. Although it was inevitable that the mining works would give rise to some environmental disturbance, the Environmental Impact Assessment had confirmed that all requirements would be met. This was a view shared by the statutory consultees and no objections had been raised in respect of this matter. The Planning Committee were asked to note there were no technical objections to the application and also no objections raised from Council Planning Officers. Members were referred to the consultation response from the Aneurin Bevan University Health Board with regard to issues surrounding public health implications, which advised that breaches of health-based Air Quality Objectives are unlikely.

Reference was made to the social and environmental considerations in the decision making process, which needed to be balanced against the economic benefits of the scheme. Fuel tests indicated that the scheme was environmentally acceptable, enforced by planning conditions and accepted by National Resources Wales and Council Planning Officers. The representative outlined the wider benefits of the scheme, to include the rectification of previous shallow surface mining, permanent road improvements and other socio-economical benefits, and expressed his confidence in the achievement of the restoration scheme.

SLR Consulting responded to issues raised during the course of the meeting and refuted a number of the representations made by objectors. The representative referenced the Environmental Impact Assessment which concluded that any disinvestment decision in the area would not be made solely because of the proposed Nant Llesg mine. He added that there were a number of other factories in the area and no substantial complaints had been received from them.

The representative explained that the need for coal would continue to play a role for the foreseeable future and that the current energy policies were not outdated. Having regard to the comments of RSPB, it had been determined that the wellbeing of local species of birds had been thoroughly examined and would not be affected by the development. Miller Argent also proposed to manage the wellbeing of such species and were committed to future working with the RSPB. In respect of the Welsh Government debate on a moratorium for open-cast mining, he stated that this had no bearing on the application.

SLR Consulting outlined improvements to public access and safety arising from the land remediation works, together with the landscape and amenability benefits of the restoration. In closing, he referred to the Officer's report which stated that there was no policy conflict which would justify the Welsh Government calling in the decision, and that all reasonable issues regarding planning policy had been addressed.

## **9. ADJOURNMENT**

Following the representations of the applicant and supporters, the meeting was adjourned at 5.19 pm.

## **10. DISCUSSION AND DECISION OF THE PLANNING COMMITTEE**

The meeting reconvened at 5.35 pm.

Before the Planning Committee commenced their debate, the Chair invited the Case Officer to respond to a number of issues raised during the course of the representations.

Mr Tim Stephens made reference to the "land deal" cited during the representations and explained that this was not a material planning consideration. There had also been some discussion about the Special Landscape Area (SLA) designation being removed and he explained that this had occurred through the proper planning process. Finally, in regard to the Welsh Government debate regarding a moratorium on open cast mining, the Planning Committee were advised that Welsh planning policy had not changed as a result of this debate and that this should not influence the decision of Members regarding this application.

During the course of the ensuing debate, and in referring to the representations made by the objectors and supporters of the application, it was moved and seconded that the application be deferred for a further report with reasons for refusal based on the comments of objectors. Members expressed concerns regarding the environmental and ecological impact of the proposed site and the implications for residents' health and wellbeing, together with the effects of the proposals on local employment and the visual impact on the surrounding landscape.

The Case Officer responded to the concerns expressed by Members of the Planning Committee and explained that any concerns raised had either already been addressed within the conditions of the report, or could be added to the list of conditions. In reference to a Member's comment regarding historical mining practices and the subsequent effects on public health, he explained that regulatory measures had improved and modern mining activities were better controlled than those in the past.

The Case Officer explained that the application was acceptable in planning terms and that, in line with Mineral Planning Policy Wales, although where possible 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 an acceptable risk. The Planning Committee were asked to consider these points during determination of the application.

Pauline Elliott, Head of Regeneration and Planning referred to the importance of the economic regeneration of the area and the need for this to be balanced against the concerns raised during the meeting.

Following consideration of the report, and in having regard to the representations raised during the course of the meeting, it was moved and seconded that the application be deferred for a further report with reasons for refusal based on the comments of objectors. By a show of hands this was unanimously agreed.

RESOLVED that:-

- (i) The Officer's original report and the amendments contained within the addendum report be noted;
- (ii) the application be deferred for a further report with reasons for refusal based on the comments of objectors.

The meeting closed at 6.04 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 5th August 2015, they were signed by the Chairman.

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CHAIRMAN



## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH (CHAMBER) ON WEDNESDAY, 8TH JULY 2015 AT 5:00PM

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#### PRESENT:

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

#### Councillors:

M. Adams, Mrs E. M. Aldworth, J. Bevan, D. Bolter, Mrs P. Cook, J.E. Fussell, Ms J. Gale, R.W. Gough, A.G. Higgs, A. Lewis, K. Lloyd, Mrs G.D. Oliver, Mrs E. Stenner and J. Taylor

#### Together with:

P. Elliott (Head of Regeneration and Planning), T. Stephens (Development Control Manager), R. Crane (Solicitor), L. Cooper (Engineer, Highway Planning), C. Davis (Environmental Health Officer), G. Mumford (Senior Environmental Health Officer), P. Den Brinker (Principal Planner), G. Lewis (Principal Planner), R. Amundson (Principal Planner, Minerals), E. Rowley (Senior Planner), C. Powell (Senior Planner), M. Snell (Engineer, Land Drainage) and E. Sullivan (Democratic Services Officer)

#### APOLOGIES

Apologies for absence had been received from Councillors H.R. Davies, L. Gardiner and Mrs J. Summers.

#### 1. DECLARATIONS OF INTEREST

There were no declarations of interest received at the start or during the course of the meeting.

#### 2. MINUTES

RESOLVED that the minutes of the Planning Committee held on 10th June 2015 (minute nos. 1-16) be approved as a correct record and were signed by the Chair.

#### 3. TO RECEIVE ANY REQUESTS FOR A SITE VISIT

A request for a site visit was received and accepted by Members of the Planning Committee, as follows:

- (1) Code No. 15/0226/COU - 55 Cardiff Road, Bargoed, CF81 8PA.

**4. SITE VISIT CODE NO.14/0847/FULL – LAND TO THE REAR OF BRYNMYNACH AVENUE, YSTRAD MYNACH, HENGOED**

Mr R. Brown spoke on behalf of local residents in objection to the application and Councillor C.P. Mann spoke on behalf of the Local Ward Member, who was unable to be present, in objection to the application. Mr D. Williams the applicant's agent spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officers report be approved and by a show of hands (and in noting that there were 6 against) this was agreed by the majority present.

RESOLVED that: -

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

**Amended Condition (04)**

Prior to the commencement of works on site a scheme of land and surface water 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.

**Additional Condition (22)**

The removal of the trees covered by TPO 74/14/CCBC hereby permitted shall not be commenced before:

- (a) Planning permission for the redevelopment of the site has been obtained, and
- (b) Details have been submitted to the Local Planning Authority of a contract for the development of the site indicating the work is to commence within 3 months, or such longer period that may have been agreed by the Local Planning Authority in writing.

**Reason**

In the interests of visual amenity and in order to retain effective control over the trees on site.

- (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, CW3 and CW4;
- (iv) the applicant be advised that 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;

- (v) the applicant 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) (02920 722400).
- (vi) the applicant be advised of the comments of the Council's Senior Engineer (Land Drainage) and Network Rail.

**5. SITE VISIT CODE NO. 15/0158/FULL – CHEZ NOUS, 26 SUNNY BANK TERRACE, MACHEN, CAERPHILLY, CF83 8BY**

Mrs D. Butler on behalf of local residents spoke in objection to the application and the Applicant who had been advised, did not speak.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officers report be approved and by a show of hands (and in noting that there were 2 against and 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) 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 of this permission: CW2, CW3 and CW4.

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

**5. PREFACE ITEM CODE NO. 03/09336 – CONSULTATION BY TORFAEN COUNTY BOROUGH COUNCIL APPLICATION REFERENCE 03/09336, PROPOSED RECLAMATION OF FORMER OPENCAST WORKINGS, RECOVERING OF SECONDARY AGGREGATES AND CONSTRUCTION OF NEW ACCESS ROAD AFFECTING PUBLIC RIGHTS OF WAY AT TIR PENTWYS, HADFODRYNYS**

The report provided an update on additional information received in relation to the Air Quality Management Area at Hafodyrynys. It was noted that the Annual Average Daily Traffic (AADT) flow on the A472 Hafodyrynys Road is 16,111 of which 3.7% are Heavy Goods Vehicles (HGVs). A letter had been received from the applicant which advised that a quantitative assessment of potential air quality impact is only required where daily traffic flows are increased by 1,000 AADT or more, or where there is a high proportion of heavy duty vehicles. In this case the predicted daily HGV movements were significantly below the DMRB criteria and as such the applicant concludes that there will be no adverse impact on air quality as a result of the development and therefore an in-depth air quality impact assessment was not required.

Having fully considered the report it was moved and seconded that the objections previously raised with regard to residential amenity, highway safety and air quality should still be referred to Torfaen County Borough Council as part of the consultation process and by a show of hands (and in noting there were 3 against and 1 abstention) this was agreed by the majority present.

RESOLVED that Torfaen County Borough Council be advised that Caerphilly County Borough Council Planning Committee raises objections to the application on the grounds of the detrimental impact on residential amenity, highway safety and air quality.

**6. PREFACE ITEM CODE NO. 15/0097/FULL – LAND AT CEFN BACH FARM, CEFN ROAD, UPPER DERI, BARGOED**

Having fully considered the application it was moved and seconded the recommendation contained in the Officer's preface report be approved and by a show of hands (and in noting there were 2 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's preface 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 attached to this consent: CW2, CW3 and CW4.

**7. PREFACE ITEM CODE NO. 14/0604/OUT – CAR PARK AIWA TECHNOLOGY PARK, NEWBRIDGE NEWPORT**

Having fully considered the additional information contained within the Officer's preface report it was moved and seconded that the application be deferred for a further report for reasons for refusal and by a show of hands (and in noting there were 4 against) this was agreed by the majority present.

RESOLVED that the application be deferred for a further report with reasons for refusal based on: -

- (1) that the proposed development for residential housing is contrary to Caerphilly County Borough policy and should be retained for employment use;
- (2) that the levels of noise generated by the adjacent industrial unit, should it come into full use, would be unacceptable and have a negative impact on residential amenity;
- (3) the proposed development would have a negative impact on the adjacent industrial unit with the potential for loss of employment;
- (4) the proposed footpath did not provide a safe and secure route.

**8. CODE NO. 15/0334/FULL – 16 THE AVENUE, WYLLIE, BLACKWOOD, NP12 2HU**

Having fully considered the application it was moved and seconded that the recommendation contain within the Officer's report be approved and by a show of hands this was unanimously agreed.



RESOLVED that: -

- (i) subject to the conditions contained within 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.

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

**9. CODE NO. 15/0385/FULL – 61 THE AVENUE, YSTRAD MYNACH, HENGOED, CF82 8AF**

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 condition contained in the Officer's report this application be granted.

**10. CODE NO. 15/0161/OUT – CHEZ NOUS, 26 SUNNY BANK TERRACE, MACHEN, CAERPHILLY**

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 the application be refused.

**11. CODE NO. 14/0688/LA – TY DYFFRYN, 5A AND 5B, ALDER AVENUE, DYFFRYN BUSINESS PARK, YSTRAD MYNACH, HENGOED**

Mr Hallinan on behalf of local residents spoke in objection to the application.

Following consideration of the application it was moved and seconded that the application be deferred for a further report with reasons for refusal.

An amendment was moved and seconded that the recommendation contained in the Officer's report be approved.

By a show of hands (and in noting there were 11 against) the motion was declared lost.

By a show of hands (and in noting there were 4 against) the amendment was declared carried.

RESOLVED that: -

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

**Amended Condition (20)**

There shall be no external preparation, storage, mixing and screening of waste operations.

**Reason**

To control pollution

- (ii) the applicant be advised of the comments of the Council's Ecologist, Senior Engineer (Land Drainage), Head of Public Protection and Natural Resources Wales;
- (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, CW3 and SP5.

**12. 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 20.01 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 5th August 2015, they were signed by the Chairman.

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CHAIRMAN



## PLANNING COMMITTEE – 5TH AUGUST 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0226/COU – 55 CARDIFF ROAD, BARGOED, CF81 8PA.**

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

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### PRESENT:

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

Councillors D.T. Davies, A. Lewis and Mrs P. Cook

1. Apologies for absence were received from Councillors R. Gough, Mrs J. Gale and Mrs D. Price.
2. The Planning Committee deferred consideration of this application on 8th July 2015 for a site visit. Members and Officers met on site on Wednesday, 22nd July 2015.
3. Details of the application to change the use from a Florist Shop to a Micro-Bar at 55 Cardiff Road, Bargoed, CF81 8PA 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 the application property is an established florist shop within the defined town centre of Bargoed and is surrounded by a variety of commercial properties, including shops, offices, restaurants and takeaway establishments. There are also a number of existing public houses and clubs in close proximity to the proposed development. Officers confirmed that the development would include the provision of a small bar area to the front of the premises, accommodating a total of four tables with chairs and a further four stools, a small darts room to the rear, with the cellar operations housed within the basement of the property. It was also noted that there was a residential unit above the retail unit and there would be no changes made to the external appearance of the building.

Reference was made to the objections raised by the Head of Public Protection and clarification was sought in this regard. The Environmental Health Officer confirmed that their objection related to the level of noise generated by both the customers and operations of the proposed micro-bar would that this would be to the detriment of the occupants of the above residential unit.

6. Concerns were expressed in relation to the hours of operation of the proposed bar and the impact this would have on neighbouring residential properties; reference was made to the concerns raised by residents in the area to the Local Ward Member. The Local Ward Member advised that as the development was situated on the fringe of the Town Centre, rather than at its core, it was much closer to residential homes and its change of use from a retail shop

use/hours to that of a bar, with its associated hours would have an unacceptable impact on residential amenity.

The hours of operation were discussed further and the Development Control Manager confirmed that these could be restricted by condition should the Planning Committee wish to do so. He also confirmed that additional conditions requiring acoustic isolation to mitigate the impact on the existing residential unit and that the basement space be kept solely for cellar use would be reasonable and could be discussed further at the next Planning Committee meeting.

7. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, no objections had been received.
8. 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.
9. A copy of the report submitted to the Planning Committee on 8th July 2015 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	T. Stephens	Development Control Manager
	G. Mumford	Senior Environmental Health Officer

Appendices:

Appendix 1 Report submitted to Planning Committee on 8th July 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0226/COU 29.04.2015	Mr J Hinder 15 The Railway Junction Ystrad Mynach Hengoed CF82 7TU	Change the use from a florist shop to a micro-bar 55 Cardiff Road Bargoed CF81 8PA

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Cardiff Road.

Site description: The application property is an established florist shop within the defined town centre of Bargoed. The property is surrounded to the north, south and west by commercial properties but it has a flat to the first floor. To the east of the site is part of the Bargoed retail development plateau. The property is two-storeys to the front with a single-storey extension that includes the majority of the existing shop unit. There are also single and two-storey extensions to the rear, which as a result of the difference in ground levels is three storeys high.

Development: The application seeks full planning consent for the change of use of the ground floor and basement of the property to a micro bar. This will include the provision of a small bar area to the front of the premises with a total of four tables with chairs and a further four stools, together with a small darts room to the rear. A cellar will then be provided in the basement. There would be no changes to the external appearance of the building.

Ancillary development, e.g. parking: None.

### PLANNING HISTORY

14/0568/LA - Demolish 51-54 Cardiff Road and reprofile the site area to include the realignment and reconstruction of a stepped access ramp linking Cardiff Road to the rear lane (Colliers Walk) and construct a highway link road on Colliers Walk for potential future A3 retail development - Granted 10.10.14.

07/1342/FULL - Erect development of five residential apartments with four office/retail units including external and drainage works - Granted 14.12.07.

Cont....

Application No. 15/0226/COU Continued

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations: Highways), CW14 (Use Class Restrictions: Retail), CW15 (General Locational Constraints) and CM1 (Principal Town Centre Boundary).

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

Transportation Engineering Manager - No objection.

Head Of Public Protection - Considers that the proposed development will result in a nuisance as a result of noise from music and customers to the residents situated in the residential unit above the bar and as such objects to the proposal.

Licensing Section - No objection.

Dwr Cymru - No objection.

## ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Cont....

Application No. 15/0226/COU Continued

Response: None.

Summary of observations: None.

#### 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? No.

Is this development Community Infrastructure Levy liable? No.

#### ANALYSIS

Policies: The application has been considered in accordance with National Planning Guidance, Local Plan Policy and Supplementary Planning Guidance. The main point to consider in the determination of this application is whether the proposed use is acceptable in this location. In that regard it should be noted that the application site is within the Principal Town Centre for Bargoed as defined in the Caerphilly County Borough Local Development Plan. The site is also immediately adjacent to the Bargoed retail development plateau, with the buildings to the north having been demolished as part of that scheme. The Council's aim in creating this development plateau is to revitalise and regenerate the town centre and the presence of vacant units within it detracts from this aim and as such any proposal to bring a vacant unit back into beneficial use should be looked upon favourably.

The Local Planning Authority is mindful that there is a flat above the application property and that the Head of Public Protection has raised an objection to the application on the basis of the detrimental impact that the proposed use would have on that use. However it is felt that the economic benefits of allowing the A3 Use at this location outweigh the effects on amenity. It should also be noted that there are a number of other examples of public houses and clubs immediately adjacent to residential properties in Bargoed and these set a precedent for such uses in a town centre location. In conclusion it is considered that the proposal is acceptable in planning terms.

Cont....

Application No. 15/0226/COU Continued

Comments from Consultees: The Head of Public Protection has also requested that the opening hours of the use be restricted to 09.00 - 23.00 hours Monday to Saturday and 10.00 - 22.00 hours on Sundays. In town centres the hours of operation are normally restricted to 07.00 - Midnight Monday to Saturday and 07.00 hours - 23.00 hours on Sundays. If it is accepted that the use is acceptable as this is a town centre location it would be unreasonable to impose different conditions in this instance and as such it is proposed that the standard conditions should be used. No other objections were received.

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) Prior to commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to ensure noise from the proposed use does not affect the residential use of the property. The required scheme shall be capable of achieving a night time internal LAeq level of 30 dB(A) in the residential part of the building. Development shall be carried out in accordance with the approved details before first use of the premises hereby approved.  
REASON: In the interests of residential amenity.
- 03) The use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to midnight Monday to Saturday, and (b) 07.00 hours to 23.00 hours Sunday.  
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions imposed on this consent: Policy CW2.







## **PREFACE ITEM**

APPLICATION NO. 13/0732/MIN

APPLICANT(S) NAME: Miller Argent

PROPOSAL: Mine approximately 6 million tonnes of coal from the Nant Llesg Surface Mine

LOCATION: Land West And South-West Of Rhymney

- 1 This application was reported to a special Planning Committee on 24 June 2015 at which a decision was deferred to allow officers to draft reasons for refusal based on objections raised by speakers at the committee. This report will also consider objections raised by members of the committee, and it should be read in conjunction with the report to the special committee which is attached as an appendix and provides a fuller review of the objectors' views, the policy context for considering the application, and officers' analysis.
- 2 Twenty-two people and two councillors spoke in objection to the scheme. This report will consider the material planning considerations that were raised, provide draft reasons for refusal, briefly consider the justification for those reasons, and advise members of the potential consequence of refusing planning permission in this case.
3. Before looking at the various material areas of concern, a number of issues were raised that should not form the basis of reasons for refusal.
  - The Council's ability or commitment to enforce conditions was questioned. The conditions recommended by officers are similar to those found on other permissions for this type of development, and comply with the tests in Welsh Government Circular 16/2014: The Use of Planning Conditions for Development Management. Conditions must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.
  - Concern was expressed about the applicants' current 'stewardship of the common', and allegations were made about activities on the land. This is not a material planning consideration.

- Reference was made to the removal of the objection by the Commoners' Association as being unconstitutional. Whilst individual commoners may still object to the scheme, their representative body has removed its original objection to the scheme, and any concerns about how that happened is a matter for its members, and should not have any bearing on the determination of the application.
- The removal of the special landscape area designation contained in the draft local development plan was achieved by the applicants through the appropriate consultation and inquiry procedure associated with that plan, and was agreed by a planning inspector.
- Concern was expressed about pressure possibly being brought to bear by The Coal Authority for coal to be mined in the areas of early remediation. That does not form part of the current application, would require planning permission in itself, and neither the applicants nor The Coal Authority have expressed any wish to promote mining for coal in those areas.
- Similarly, the use of the site as a landfill is not part of the current application. The proposal must be considered on the basis that the intention is to mine the coal, then restore the site.
- A vote by Welsh Assembly Members in support of and calling for a moratorium on opencast mining has not affected Welsh Government planning policy.

4. The concerns fall into following areas: the need for coal, job losses, tourism, noise, dust, pollution of watercourses ecology, the impact on future generations, health and wellbeing, loss of recreational facility cumulative impact, inadequacy of the bond, and visual impact.

#### 4.1 The need for coal

The need for coal was questioned on the basis of the uncertainty of the existing markets, particularly the energy industry due to the need to shift towards the use of renewable sources, and European Commission infraction proceedings against the power station at Aberthaw on the basis of its emissions. Welsh Government document Energy Wales: A Low Carbon Transition advises that in the short term, gas, nuclear and bio-energy will provide the energy to compensate for the intermittent in supply from renewable resources. There is no mention of coal. Mineral Planning Policy Wales (MPPW) states at paragraph 10 that, "The essential role of mineral planning authorities in relation to mineral working is to ensure that a proper balance is struck between that fundamental requirement, the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment." A reason for refusal on that basis could state:

The need for coal is uncertain particularly in the energy sector due to the increasing use of renewable energy sources, and therefore the proposed development would not represent a proper balance between the prudent use of finite resources and the protection of existing amenity and the environment as required by Mineral Planning Policy Wales.

- 4.2 The Local Planning Authority has no evidence to support any concerns about the viability of the coal market. There is undoubtedly an intention on the part of Welsh government to encourage a shift towards the use of renewable energy sources, but the Overarching National Policy Statement for Energy (EN1) still envisages a need for fossil fuels, and MPPW still states that, "While UK coal is available and the generators continue to choose it, UK coal contributes to energy diversity and supply (para 61)." Representatives from two major customers - RWE npower and TATA Steel - addressed the Planning Committee and made it clear they intended to remain customers of the applicants. Coal imports exceed UK coal production suggesting that a local supplier is still needed. The Coal Authority has not raised any doubts about need. It would therefore be very difficult for the local planning authority to justify a reason for refusal on this basis.

4.3 Loss of employment at existing premises

A representative of Richards & Appleby, a local company, has stated that the dust problems associated with the mine would result in the business having to relocate. That concern has been reflected by a number of other objectors who have drawn attention to the importance of the business in providing jobs in the locality, particularly for women, and that many of the proposed jobs would be taken by people from outside the area. There was a view expressed as well that further investment in the area would be discouraged. A reason for refusal on that basis could state the following:

The proposed development would give rise to dust problems that would have an adverse impact on local businesses possibly resulting in their closure, and discouraging further investment in the Upper Rhymney Valley, to detriment of employment opportunities. The development would therefore be contrary to policies SP1, CW2 and CW15 of the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010.

The quoted policies make reference respectively to the promotion of the northern part of the County Borough as an employment area, the need to ensure that development does not have an unacceptable impact on the amenity of adjacent properties, and that proposals should not constrain the development of any adjacent sites for their allocated use.

4.4 A report was submitted from Cardiff Business School that supported the concerns of the objectors, but the Council's own Economic Development officer commissioned a report that cast doubt on those conclusions. There are industrial estates in close proximity to the existing opencast at Ffos-y-Fran, and evidence from other parts of the UK indicates that fears about disinvestment associated with opencast mines are unfounded. It would be difficult to justify a reason for refusal based on such concerns. The applicants have made commitments through the Section 106 Agreement to encourage job and training opportunities to be taken up locally, but the Council could not base an objection on the fact that eventually the employees may come from further afield.

4.5 Impact on tourism

The area was referred to as the gateway to the northern end of the borough, and the introduction of the mine and the overburden mounds would be harmful to its character, thereby discouraging tourism. A reason for refusal on that basis could state the following:

The proposed development of a large opencast mine and associated overburden mounds would have a detrimental impact on the character of the area, thereby discouraging tourism. The development would therefore be contrary to policy SP1 of the Caerphilly County Borough Local Development Plan up 2021 - Adopted November 2010.

The quoted policy makes reference to the promotion of the northern part of the County Borough as a tourism area.

4.6 This concern is based on an assumption, and there is no clear evidence that would support the reason for refusal.

4.7 Noise

Concern was particularly expressed about the noise arising from machinery, reversing alarms as well as the mineral train as it passes through the villages on its journey to Aberthaw. Reasons for refusal on that basis could state the following:

The vehicles, machinery and plant associated with the proposed development would generate unacceptable levels of noise that would be detrimental to the amenity of the residents of adjacent settlements. The development would therefore be contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010.

The transport of coal from the Cwmbargoed Disposal Point by train would generate unacceptable levels of noise that would be detrimental to the amenity of the residents of settlements adjacent to the railway line. The development would therefore be contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010.

Policy CW2 requires that development should not have an unacceptable impact on the amenity of adjacent properties or land.

- 4.8 The Head of Public Protection has not raised any objections on noise impact grounds. The applicants intend to install noise mitigation measures, and whilst more trains may use the line for a limited period, the number of slots currently allowed by Network Rail will not be exceeded. MPPW states that proposals should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage. The mitigation measures proposed would be secured by condition, which would include monitoring regimes, and limited hours of operation. It would therefore be difficult to justify those reasons for refusal.

4.9 Dust

Dust nuisance was expressed as a concern, and there was some scepticism about the effectiveness of the mitigation measures proposed by the applicants such as the water cannons. A reason for refusal on that basis could state the following:

General mining activities, the resulting unsurfaced roadways, the creation of overburden mounds, and the transport of coal by vehicles would generate unacceptable levels of dust that would be detrimental to the amenity of the residents of adjacent settlements. The development would therefore be contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010.

- 4.10 The Head of Public Protection has not raised any objections on dust impact grounds. The applicants intend to carry out mitigation measures. MPPW states that proposals should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage. The mitigation measures proposed would be secured by condition, which would include monitoring regimes. It would therefore be difficult to justify that reason for refusal.

#### 4.11 Pollution of watercourses

This matter was mentioned briefly at great length at the Planning Committee. A reason for refusal on this basis could state the following:

The activities associated with the proposed opencast mine would result in the pollution of the water environment. The development would therefore be contrary to policy CW5 of the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010.

Policy CW5 seeks to protect the water environment.

4.12 Natural Resources Wales (NRW) has not raised any objection on these grounds, and the applicants have proposed measures to ensure that the drainage impacts of the development are not harmful. The Council has no evidence to the contrary and so it would be difficult to justify that reason for refusal.

#### 4.13 Ecology

Speakers drew attention to the impact of the development on the bird and insect population, the general loss of biodiversity during the lifetime of the opencast, and the unsatisfactory nature of providing compensation measures outside the county borough. A reason for refusal on this basis could state the following:

The proposed opencast mine and overburden areas would result in the loss of biodiversity on the site, with unacceptable impacts on bird and insect populations, and the proposed compensation measures are unsatisfactory due to their remoteness from the site. The development would therefore be contrary to policy CW4 of the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010.

Policy CW4 requires that within, or in close proximity to sites designated as sites of importance for nature conservation (SINC) or local priority habitats and species, proposals either conserve and where appropriate enhance the ecological or geological importance of the designation, or 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.



4.14 NRW and the Council's Ecologist scrutinised the scheme in some detail. Mitigation and compensation measures are proposed and secured through conditions and a Section 106 Agreement. The Bryn Caerau area of compensation is very near the site. It is also proposed to contribute financially to a scheme in West Wales, but the local planning authority has the opportunity to spend that money locally. The Local Planning Authority would not be able to provide evidence to support a reason for refusal on ecological grounds.

4.15 The impact on future generations

The Well Being of Future Generations (Wales) Act 2015 will place duties on local authorities in respect of sustainable development and require that public bodies must 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. It is uncertain at present what impact that act will have on the determination of planning applications, but it is clear that it would not necessarily preclude the grant of planning permission for opencast mines, particularly if there is still support for such development in planning policy and the schemes are proposed and carried out in a sustainable manner. Furthermore reasons for refusal are not usually based on the need to comply with duties imposed by other acts. Concerns about climate change should be considered in the same manner. Whilst Welsh Government energy policy envisages a shift to renewable sources, planning policy still includes coal as part of the mix.

4.16 Planning Policy Wales states that development should amongst other things support the need to tackle the causes of climate change by moving towards a low carbon economy. However, it also advises 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." At present the public interest include the need for coal. A similar balance is found in the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010, one of the aims of which is 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, but the coal at the application site is still safeguarded.

- 4.17 On the basis of the above it would not difficult to justify from a planning point of view a reason for refusal that stated:

The proposed development would be contrary to the goals of the Well Being of Future Generations (Wales) Act 2015, and the aims of Planning Policy Wales 2015 and the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010 in respect of the need to tackle the causes of climate change.

- 4.18 Health and wellbeing.

Worry, mental health issues, and respiratory problems were referred to as problems that would arise as a result of the scheme. A reason for refusal on this basis could state the following:

The proposed development would be detrimental to the physical and mental health and well being of the residents of the nearby settlements as a result of dust and particulate matter from the mine, and the anxiety and fear arising from that impact.

- 4.19 The Aneurin Bevan University Health Board's comments were reproduced in the addendum to the report to the special Planning Committee. They are of the opinion that on the basis of the information supplied they are advised that breaches of health-based air quality objectives are unlikely. The Council's Head of Public Protection agrees with this view, and long-term air quality monitoring is proposed and secured through planning conditions. The Council's officers are satisfied that dust and PM10 can be satisfactorily controlled, along with noise. A condition is also proposed with regard to setting up a liaison group that would include local representatives. On that basis it would be difficult to justify this reason for refusal.

- 4.20 Loss of recreational facility

Footpaths cross the common, and they are used by mountain bikers, hang gliders and walkers. A reason for refusal on this basis could state the following:

The proposed development would result in the loss of public footpaths and the opportunity they provide for a variety of recreation pursuits, to the detriment of the enjoyment, and health and well-being of the public.

4.21 The loss of the footpaths would be temporary and access would be provided through the early remediation areas early in the project, with an enhanced network provided across the whole site on restoration of the land. The associated recreational uses would be prevented from accessing the land but only for the life of the mine, and would probably find other areas nearby to carry out their recreational pursuits. On that basis it would be difficult to justify this reason for refusal.

4.22 Cumulative impact

The view was expressed that a mine at Nant Llesg would have an adverse cumulative impact when the presence of the Ffos-y-Fran opencast, the abattoir at Dowlais, and the Trecatti landfill site are taken into account. A reason for refusal on that basis could state the following:

The cumulative effect of the proposed development in association with the Ffos-y-Fran opencast, the abattoir at Dowlais, and the Trecatti landfill site, would be detrimental to the amenity of the residents of the nearby settlements due to the visual, noise, dust and odour impacts. The development would therefore be contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010.

4.23 The Local Planning Authority has no evidence as to adverse noise and dust impacts. Odour was mentioned by an objector, but that presumably would be associated with the abattoir which is in the neighbouring borough, and some distance away from the application site. The Council has no evidence of related odour issues. There would be times when the two mines and the landfill would operate at the same time, but only until 2022. This would not be a sound reason for refusal.

4.24 Inadequacy of the bond

In view of the Scottish experience and events elsewhere in Wales, serious concern was expressed about the adequacy of the proposed bond. The MTAN states, "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.” A reason for refusal on that basis could state the following:

The proposed restoration bond is inadequate to meet fully the restoration and aftercare conditions, and therefore the development could lead to dereliction and the possibility that the costs of reclamation of the opencast mine would have to be borne by other public or private sources. The development is therefore contrary to Welsh Government Minerals Technical Advice Note 2: Coal (2009).

4.25 The Coal Authority was commissioned to provide independent advice on the adequacy of the financial guarantee proposals. They raised no concerns provided an appropriate Section 106 Agreement was entered into and the applicants agreed to provide a sum of money at the start of the scheme. This reason for refusal would also be difficult to support on planning grounds

4.26 Impact on national park, and the setting of the conservation areas and listed building settings

Reasons for refusal in these respects could state the following:

The proposed development would have an adverse visual impact on the Brecon Beacons National Park.

The proposed development would have an adverse impact on the character and setting of the Butetown and Rhymney conservation areas and the listed buildings within those areas.

4.27 The difficulty with both reasons for refusal is the distance from the application site to the Park and the conservation areas. Welsh Government has already allowed Ffos-y-Fran in similar proximity to the Park, and it would be difficult to argue that an opencast at Nant Llesg would have any greater impact. Any cumulative impact would be short-term. These reasons for refusal would be difficult to support from a planning point of view.

4.28 Visual impact

The acoustic bund and the overburden mound, and their impact on Rhymney and Fochriw were the cause of some objection. The applicants' own evidence indicates that residents within two kilometres 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, there would be clear views of them 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. A reason for refusal on that basis could state the following:

The proposed overburden mound and acoustic bund would have an adverse impact on the visual amenity of the residents of Rhymney and Fochriw during their construction and removal. Those aspects of the proposed development would be contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up 2021 – Adopted November 2010.

4.29 Should members decide to refuse permission on this ground they would have to consider whether this temporary impact would outweigh policy support for the scheme and its benefits which are discussed below.

5. Welsh Office Circular 23/93 - Awards of costs incurred in planning and other proceedings

In view of the scale of this proposal, and the implications of having to defend complex reasons for refusal at an appeal, it would be prudent in this case to consider the guidance in this circular. It states that, “The guidance is intended both to support planning authorities in the proper exercise of their statutory responsibilities and to reflect the principle that the planning system should not prevent, inhibit or delay development which could reasonably be permitted, in the light of the development plan, so far as it is material to the application, and of any other material considerations.”

5.1 Of particular relevance in this case is the following advice: “In any appeal proceedings, the authority will be expected to produce evidence to substantiate each reason for refusal, by reference to the development plan and all other material considerations.” Also, “Planning Authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. But they will be expected to show that they had reasonable planning grounds for taking a decision contrary to such advice; and they were able to produce relevant evidence to support their decision in all respects. If they fail to do so, costs may be awarded against the authority.”

5.2 With regard to the concerns of objectors, the circular comments, “local opposition to a proposal is not, by itself, a reasonable ground for refusal of a planning application, unless that opposition is founded on valid planning reasons which are supported by substantial evidence.”

5.3 In view of officers' original recommendation in the attached report, and comments in section 4 above, there is a strong likelihood that a refusal of the application for the reasons set out above would result in a substantial award of costs should the applicants successfully appeal the decision. Even if the refusal were upheld on the basis of one reason, costs could be awarded in respect of the other reasons.

## 6.0 Conclusion

6.1 Officers of the Local Planning Authority have considered the submitted application and recommended that it is acceptable from a planning point of view having taken account of the national and local policies and guidance, and the views of statutory consultees. Many of the objections raised by the public and voiced by the members of the Planning Committee are material planning considerations, but the evidence to support them is limited, and therefore they do not have sufficient weight to justify reasons for refusal.

6.2 Paragraph 62 of MPPW states that:

“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.”

The submitted scheme passes these tests for the reasons set out in the original report.

6.3 If Members refuse permission for any of the reasons set out above they will have to come to the conclusion that the scheme is environmentally unacceptable, and cannot be made acceptable by planning conditions or objections. Furthermore they will have to conclude that the community benefits do not outweigh the disbenefits of the likely impacts. Those potential community benefits include:

- the early remediation of the shafts and adits on the eastern side of the site.

- Enhanced public access to the common.
- Mitigation of the silting at the pond at Darren Valley Country Park.
- Nature conservation enhancements at Bryn Caerau and other sites in the locality, and
- The provision of training and employment opportunities for local people.

Those matters weigh in favour of the scheme. Furthermore the applicants are offering a community fund of between £3m and £6m. A recent Planning Inspectorate decision that allowed a surface mine in County Durham clearly regarded such benefits (£52,000 associated with a mine that will produce 520,000 tonnes of coal) as a material consideration. Planning Policy Wales makes it clear at paragraph 7.2.2 that LPAs are required to ensure that the economic benefits associated with a proposed development are given equal consideration with social and environmental issues, and there will be occasions when the economic benefits will outweigh the other considerations. The proposed development will supply indigenous coal to the energy and steel industries, provide employment and support the economy locally and nationally, and from a location served by a railway. The recommendation below remains the same as previously, but should members decide to refuse permission, they are strongly advised to limit the number of reasons to no more than one, the visual impact objection referred to in paragraph 4.28 being the most defensible.

**RECOMMENDATION:** That planning permission is granted on the basis of the report to the special Planning Committee on 24 June 2015. However, if Members are minded to refuse permission they are strongly advised to limit the reasons to one based on visual impact.

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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. Amendments and clarification of report**

Following the preparation of the report concerning the above planning application to the Planning Committee on 10 June 2015, the following amendments and clarifications are now reported. For ease of reference, the paragraph numbers in the original report are quoted before each comment.

2.1.5 The stockproof fencing will be 1.22m high, not 1.8m.

2.1.15 This paragraph should read as follows:

To minimise the impact of dust and noise, the overburden mound would be built in four layers, 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. The 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. Work would take place on the front face of the mound for a total of 36 weeks within those 122 weeks. The mound would remain in place until year 9.5, after which it would be removed in layers to backfill the void.

2.2.1 The first sentence refers to remediation taking place within the first two years of operations; that should be within two years of the commencement of coaling.

3.2.10 The word 'impact' should be inserted after 'ecological' in the second line of this paragraph.

Cont'd.....

- 3.2.12 Reference to 41% of the land should refer to the operational site boundary, and not the entire site.
- 3.2.21 It is not intended to remove the entire landfill, only that which is dug through as part of the mine. The figures in the report are correct.
- 3.3.2 An additional area of land for incorporation into the common to the south of the Ffos y Fran site totalling 6.18ha should be referred to in this paragraph.
- 3.3.8 The last bullet point should read '£33.3m'.
- 3.3.12 Bogey Road should be replaced with Fochriw Road.
- 3.5 Enhancement works associated with the Little Ringed Plover can be secured by condition rather than through the section 106.
- 4.15 MTAN2 advises that exceptionally, having considered the evidence put forward with a surface or underground coal working application, coal working may be permitted within 500m of settlements, for example to remediate land damaged by shallow coal workings or mine waste, where coal extraction appears to be the most sustainable option.
- 5.12 Aneurin Bevan and Cwm Taf health boards have asked that a fuller summary of their comments be provided. They are attached as an appendix (No.1) to this report. Those comments are addressed in this report or by planning condition.
- 5.18.4 The end of the fourth paragraph in the section on Habitats should conclude by referring to the need for the habitat enhancements and subsequent management at Bryn Caerau to continue for an additional 10 years beyond the 11 year coaling period, not 14 years.
- 5.18.6 Reptiles - sufficient information has been submitted in respect of the population of lizards at the site, but it will be necessary to draw up an appropriate trapping and translocation plan. A condition is recommended that will require details of the distribution and numbers of reptiles to support the production of that plan.
- 5.21 The second sentence in the fourth bullet point should read: 'The applicants have expressed a willingness to mitigate any negative consequences of its proposal. 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.' In the following bullet point there is reference to there being no final dust, noise and visual impact assessments; such assessments were submitted as part of the ES addendum.
- 5.27 Merthyr Tydfil Borough Council's original comments have been omitted. They are attached as an appendix (No. 2) to this report. Comment is made that a condition should be imposed to limit the number of night time railway pathways that are used. The applicants advise that the timing of the paths is fixed and they can only request paths with the final decisions lying with the network operator.

Cont'd.....

Application No 13/0732/MIN Continued.

- 5.34 Welsh Government has decided not to call in the application. A copy of the decision letter is attached to this report as an appendix (No.3).
- 5.35 This is an additional paragraph to cover the comments of Councillor Hardacre, the ward member for Deri, who has advised that he carried out a survey in Fochriw which showed that over 90% of the residents were against the project.
- 7.2 With regard to the perceived fears of the public, sufficient information has been submitted by the applicants to indicate that those fears do not outweigh the material considerations in support of the scheme.
- 7.3.6 The figures in the fourth line of this paragraph should read '50,000m - 60,000m tonnes'.
- 7.6.1 It is the opinion of the applicants and their ecologist that the wet heath can be satisfactorily restored. NRW and the local planning authority have raised some concerns about that, but for the purposes of MTAN2 it is concluded that overall, taking into account the financial contributions and the measures secured through conditions and the Section 106 agreement, a satisfactory reclamation scheme can be achieved at the site.
- 7.6.3 Although there is no coal extraction proposed within 500m of the settlement boundary, there are other works such as the acoustic screening bund and the early remediation works within that limit.
- 7.6.7 "...at maximum void." in the last line of this paragraph should read 'at the end of coaling.' The latter is the point at which there is the maximum potential risk to the restoration of the site because there is no coal left in the ground.
- 7.8.2 The applicants have emphasised that they have provided an example of successful wet heath restoration based on the method they intend to utilise.

RECOMMENDATION: after (B) the recommendation should read: 'having considered the environmental information in the Environmental Statement that planning permission is granted subject to the conditions set out below.'

#### CONDITIONS

8. This should refer to condition '6 ', not '5'.

Cont'd.....

18. This condition should be replaced with the following in order to reflect the advice in MTAN2:  
  
Prior to the commencement of any works on site including soil stripping, details of a dust control scheme, to include the methods of monitoring shall be submitted to and agreed in writing with the local planning authority. Dust rates shall not exceed a maximum of 80mg/m<sup>2</sup> /day as a weekly average, or a combination of 100% AAC across a single 45 degree sector over a 7 day period or the dusting effect or discolouration where the EAC is greater than 25% for a single sector within the same period.
19. Reference to 'visible dust' in this condition can be removed because it will be covered by condition 18.
20. The section between and including the words 'capable of providing' and 'data reporting.' should be deleted because it is not possible for the machinery to distinguish between the various types of noise specified in the condition. That would be a matter for the environmental health officer to interpret based on the information collected as a requirement of the remainder of the condition.
26. This should refer to condition '20', not '18'.
38. This should refer to condition '39', not '34'
48. 'and human health.' should be added to the reason for this condition which requires an environmental management plan.
2. **RECOMMENDATION:** as set out in the report to Planning Committee on 10 June 2015, as amended by this report.

**Summary of Responses from Aneurin Bevan University Health Board to the proposed Nant Llesg open cast development by Miller Argent**

In the area of the proposed development, measures of population health are higher (worse) than for the rest of the Local Authority and Health Board areas. We would wish for this to be taken into account when the Local Authority is considering whether the proposed prevention and mitigation measures are sufficient to satisfy the Authority of limited adverse impacts on health.

On the basis of information supplied we are advised that breaches of health-based Air Quality Objectives are unlikely but wished to know if CCBC Environmental Health Department concurred with this view. The need for robust long term air quality monitoring was highlighted.

With regard to visible dust particles (nuisance dust) we were aware that Environmental Health Specialists had queried the effectiveness of proposed mitigation measures for both coal and light dust types. Robust long term dust monitoring for 'nuisance' dust was recommended should permission for the development proceed.

We commented that it was important that 'dust prevention measures were sufficient to prevent both 'nuisance' dust and exposure to PM10 for the most sensitive receptors and that planning conditions reflect this requirement.' We asked for confirmation from the Local Authority, as managers of local air quality, that they were satisfied regarding impacts on local air quality, noise nuisance and the Environmental management system. We stated, 'until Caerphilly County Borough Council is satisfied, then as a Health Board, we cannot be, and thus need confirmation of this to reassure us', and 'we would like confirmation that CCBC as Regulator is satisfied that the monitoring/sampling regime, should plan permission re granted, will be robust enough taking into account the nature of the work'. These assurances have so far not been received.

The potential for noise nuisance, particularly off site was a concern and further information from the applicant had been requested but not received to date, making comment difficult.

We highlighted that, 'a coherent and robust environmental management system is required and is currently missing from the documentation. Such a system should be agreed with CCBC.'

We stated, 'There is considerable community anxiety concerning impact on physical and mental health and wellbeing, environmental impact and lack of confidence in the plan for eventual remediation. A formal industrial liaison group should be established to ensure continuing communication and assurance to residents.'

Improvements suggested in the Health impact Assessment Support Unit's appraisal included; 'vulnerable groups considered to be affected by the proposal should be listed within the report.'

It was highlighted that 'Cumulative impacts should be considered more comprehensively as part of the Health Impact Assessment or as cross references. With regards to consultation there was no description of the members of the Community Forum or link to any information about this group or how members were identified', 'any HIA participatory workshop should be reflective of all the community and organisational stakeholders and not be so limited in nature'.

Dr G Richardson 9/6/15

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GARY THOMAS M.C.I.H.  
Director of Customer Services  
Cyfarwyddwr Gwasanaethau Cwsmeriaid  
J.Jones - Head of Town Planning/ Pennaeth Cynllunio Trefol

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL  
CYNGOR BWRDEISTREF SIROL MERTHYR TYDFUL

2

Pauline Elliot  
Head of Regeneration and Planning  
Caerphilly County Borough Council  
Pontllanfraith House  
Pontllanfraith  
Blackwood  
NP12 2YW

Uned 5  
Parc Busnes Triongi  
Pentrebach  
Merthyr Tydfil  
CF48 4TQ



Unit 5  
Triangle Business Park  
Pentrebach  
Merthyr Tydfil  
CF48 4TQ

Ffacs : (01685) 382698  
Ffon : (01685) 725000

Fax : (01685) 382698  
Tel : (01685) 725000

Dyddiad/Date : 20<sup>th</sup> December 2013



Ein Cyfl/Our Ref: DAC/P/13/0326  
Eich Cyfl/Your Ref: 13/0732/MIN

Llinell Uniongyrchol/Direct Line : 01685 724632  
Gofynnwch am/Please Ask For : Mr David Cross  
E-bost/E-mail: david.cross@merthyr.gov.uk

Dear Madam

**RE: NANT LLESG SURFACE MINE - LAND WEST AND SOUTH-WEST OF RHYMNEY, NORTH AND WEST OF PONTLOTTYN AND FOCHRHIW.**

I write in response to your consultation letter with supporting documents, received on the 21<sup>st</sup> October 2013, in respect of the proposed Nant Llesg surface mine.

Having considered the information provided, this Authority has **NO OBJECTION** to the proposed development. However, I would like to make the following observations:

#### Landscape and Ecology

- The proposed Bryn Caerau Biodiversity Compensation/Enhancement Area is welcomed and would have a net positive ecological impact on habitats and species within the County Borough of Merthyr Tydfil. To ensure the implementation and success of the compensation/enhancement area, a Section 106 agreement would need to be entered into with this Council. A commutable sum would also be required for the monitoring of the S106 agreement.
- The restoration strategy approved as part of the Ffos Y Fran Land Reclamation Scheme (FLRC) includes the creation of 4 No. ponds for Great Crested Newts on land adjacent to the south-west boundary of the Cwmbargoed Disposal Point (CDP). These ponds would fall within the boundary of Caerphilly County Borough Council and should be appropriately safeguarded from the continued use of the CDP.
- The Cwmbargoed Disposal Point adjoins the Merthyr Tydfil County Borough area and continuity of after use restoration will need to be contiguous with that of the adjacent land. The restoration phase will have the greatest long term landscape impact, the emphasis being on ecology and recreational benefits, which accord with much of the aspirations of the Ffos Y Fran restoration proposals.

#### Highways

- During the construction phasing the necessary enabling works would affect the highways with the delivering of materials, plant and machinery along the highways in Merthyr Tydfil County Borough, including A465 (Heads of the Valleys) trunk road. However, during the operational phase, the coal haulage route would be entirely within the County Borough of Caerphilly and along their highway network.

The Environmental Statement concludes that the transport impact of the proposed development would not be significant following mitigation. Nor would there be significant cumulative impacts on sensitive parts of the highway network. These conclusions are agreed with by our Highway and Engineering Manager. Furthermore, the conclusions made in respect of hydrology, hydrogeology and drainage within Merthyr Tydfil County Borough are considered appropriate and are accepted.

### Heritage

- The proposed site is located on the eastern slope of the ridge between the Merthyr (Taff) Valley and the Rhymney Valley. The proposed works will therefore be screened somewhat by the natural variation in the landscape. In addition the presence of the Ffos y Fran works are considered to mitigate the impact of the proposed works in respect of its impact on areas within Merthyr Tydfil County Borough, until the Ffos y Fran works are complete and the Ffos y Fran site has been remediated.

In respect of the proposal's impact on cultural heritage assets, there is no objection raised by my Design, Heritage and Conservation Officer. It is acknowledged that all disturbed land would be within Caerphilly County Borough, and any impact on cultural assets would be a matter for your authority to apportion appropriate weight in any considerations.

### Noise

- The location of the proposed excavation and associated works is not expected to have an adverse effect on residents within Merthyr Tydfil County Borough. However, our Environmental Health Manager has raised concerns in respect of the night time rail activity. If the limit of six train journeys were reached during the evening, (on a more frequent basis than is currently the case) there would be significant adverse affects on a number of residents within Bedlinog and Trelewis that are in close proximity of the railway line.

It is predicted in the Environmental Statement that the rail activity levels during the day and night would scale up by a worst case of 70% respectively, equivalent to a negligible 2dB increase in the noise levels. However, it would be entirely possible for all of the additional train movements as a result of the Nant Llesg Surface Mine to be accommodated during the night time rail activities. This would amount to a substantially greater level of night time activity (above the 70%) with a corresponding increase in noise levels above the predicted 2dB.

Although the applicant does not have control over the train pathways assigned to it by Network Rail, it does have control over which of the network pathways it uses. Therefore, to overcome the potential impact to residents near the railway line, a suitably worded condition would be required to limit the number of night time train pathways used. Either a condition is imposed that restricts all rail activity to the day time only, or, it is limited to two night time train pathways with one between the hours of 23:00 -24:00 and the other between 06:00 – 07:00.



Community Benefits

- It is noted within the Environmental Statement that the applicant is providing a Community Benefit Fund and has set out their intention to improve employment opportunities in the area. Partnerships with employment agencies and any contributions that would improve job/training opportunities within Merthyr Tydfil County Borough would be welcomed.

I trust the above comments are of assistance and I have attached the comments received from our Environmental Health Manager and Countryside Officer for your reference. If you wish to discuss these matters further, please contact my case officer David Cross on 01685 724632.

Yours faithfully



**J Jones**  
**Head of Town Planning**

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Department for Natural Resources  
Yr Adran Cyfoeth Naturiol



Llywodraeth Cymru  
Welsh Government

Ms Pauline Elliott  
Head of Regeneration and Planning  
Caerphilly County Borough Council  
Council Offices  
Pontllanfraith  
Blackwood  
NP12 2YW

Ein Cyf/Our ref: qA1133610  
Eich Cyf/Your ref: 13/0732/MIN  
Dyddiad/Date: 16 June 2015

Dear Ms Elliott

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL IN REQUEST  
PROPOSAL TO RECOVER 6 MILLION TONNES OF COAL BY SURFACE MINING  
METHODS AND ASSOCIATED DEVELOPMENT ON 478 HECTARES OF LAND TO THE  
WEST OF RHYMNEY, NORTH OF FOCHRIW AND SOUTH OF THE A465 HEADS OF  
THE VALLEYS ROAD  
APPLICATION NO 13/0732/MIN**

1. I am writing to inform you that the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.
2. I am authorised, by the Minister for Natural Resources, to consider whether the application should be called in for determination by the Welsh Ministers.
3. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales (Edition 7, July 2014). The Welsh Government considers that local planning authorities, as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance.
4. To assist me in the consideration of whether the application raises issues of more than local importance I carried out a number of consultations and the responses are as follows:

Welsh Government Planning Directorate's Policy Branch with responsibility for minerals and landfill.

The application is for coal extraction and various associated activities as well as restoration and aftercare.

MPPW paragraph 62 and buffer zone: The relevant tests in MPPW paragraph 62 have been considered as part of the assessment undertaken by the local planning authority. MTAN2 states that surface coal developments will not generally be acceptable within 500m of settlements (and within protected areas), but contains potential exceptions. In this regard a 500m buffer zone has been imposed as part of the application. Detailed consideration has been given to individual impacts of the proposal individually and in the context of the health impact assessment and the 500m buffer zone. Therefore, we do not consider there to be any reasons of policy conflict in relation to these matters which would warrant the Welsh Ministers calling in the application.

Health Impact Assessment: The Ministerial Interim Minerals Planning Policy Statement 01/2009 states that Health Impact Assessment (HIA) should be provided to accompany any application for opencast coal working. Health Impact Assessment has been undertaken as part of the Environmental Impact Assessment submitted with these proposals and its scope is largely in accord with the parameters contained in MTAN 2. Comments have been received from relevant consultees and consideration of the relevant impacts included within the scope of the assessment undertaken by the local planning authority.

Restoration: Doubt about whether restoration can be secured is a factor which potentially raises matters of both policy conflict and controversy. MPPW says unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused and that sufficient finance should be set aside to meet restoration and aftercare obligations. MTAN2 says that applicants should demonstrate to the satisfaction of the mineral planning authority that they are covered by a bond or an established and properly funded industry guarantee scheme, which would adequately finance a programme of restoration and aftercare in the case of default by the operator. The scope of the assessment undertaken by the council is based on current national planning policy and the announcement by the Minister on 22 April of the principle that there should be no liability greater than the value of the bond at any time.

In taking a strategic overview of all operating sites, the Welsh Government Coal Restoration Report (2014) suggests that potential exists for there to be insufficient finance at a number of sites. In this respect it is noted that the Planning Officer's assessment includes the available mechanisms to secure sufficient finance for restoration, the prospect of progressive restoration being undertaken and the potential for independent monitoring advice to be taken in relation to overseeing the accumulation and release of the bond over the duration of operations. As such, from the perspective of national planning policy and despite the context offered by the Coal restoration report, there do not appear to be any issues of conflict raised so as to justify call in.

The planning obligation should allow for enforcement against successors in title to the land and the release of the obligation should only take place on a sale of the land where satisfactory arrangements are put in place by the transferee and as envisaged by the local Acts which stands as a free standing guarantee. Any release clauses in the Section 106 should be carefully scrutinised to ensure that any breach caused by the transfer of land is still liable for that breach (it should always exclude any antecedent breach) and any changes of land ownership should be notified to the authority at least 6 months before they occur. These considerations are not specified, however, as a matter of national policy and there is nothing within the information provided to suggest the approach being taken toward restoration raises conflicts with national policy.

Ecology and landscape: National planning policy in relation to ecology, landscape and visual amenity have been considered as part of the assessment. The loss of habitat listed under Annex 1 of the Habitats Directive and designated as a local SINIC and the loss of species, including European protected species, associated with this was originally subject to an objection from Natural Resources Wales but this has since been withdrawn. On the basis of the information provided, the approach to the assessment of these issues appears to be in accord with national policy and in the context of the withdrawal of the objection from Natural Resources Wales, the matter is unlikely to raise issues of more than local importance such as to warrant intervention by Welsh Ministers.

Controversy: There is a significant amount of controversy surrounding the proposals but there is nothing in the information before us to lead to the conclusion that the controversy is of more than local importance.

The location of the application site adjacent to the boundary of one other local authority and in proximity to the Brecon Beacons National Park Authority means that there may be impacts beyond the boundaries of the Caerphilly administrative area. The committee report indicates that impacts on adjacent areas have been included within the scope of the assessment undertaken and as such issues of more than local importance are unlikely to be raised in this regard.

Need for Coal: MPPW states that while UK coal is acceptable and the generators continue to choose it, UK coal contributes to energy diversity and supply. It recognises that there are important amenity and environmental issues involved as part of this which require careful consideration. Whilst the need for coal has been considered within these parameters the scope of the assessment undertaken by the Council does not cover the strategic inter-relationship between all the operating sites in Wales and the market for Welsh coal, both currently and moving forward over the timescale of proposed operations. This is not detailed as an explicit requirement of national policy, however, and the scope of assessment has been undertaken within the general parameters of the national planning policy position.

### Overall Conclusion

The choice facing Welsh Ministers, therefore, is whether the assessment of the application by the local planning authority has considered all of the relevant and reasonable issues of national planning policy that should be taken into account and in doing so carried out an assessment based on the full scope of the issues as they are known to exist. In this regard, we do not consider there to be any obvious policy conflicts or omissions which lead us to the conclusion that the scope of the assessment undertaken by the authority is such that Welsh Ministers should call in this application.

In the light of the comments above, it is considered that this application does not raise planning issues of more than local importance and, as such, it is not considered that it should be called in.

### Welsh Government Agriculture and Rural Affairs Division in respect of common land

As policy lead for common land I have considered the papers submitted as part of your consultation and have the following comments to make.

The proposed development is to recover 6 million tonnes of coal by surface mining methods and associated development on 478 hectares of land to the West of Rhymney. It appears from the information supplied that the those with rights of common will be impacted upon by the proposal as will members of the public in terms of their right to roam under the Countryside and Rights of Way Act 2000.

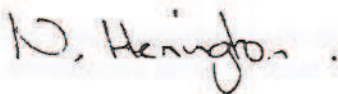
The Commons Act 2006 (2006 Act) provides for the safeguarding of commons for current and future generations, to help the Welsh Government to ensure that the stock of common land is not diminished. The 2006 Act also makes provision under Part 3 for Applications for Works on Common Land.

As I understand it national planning policy is contained in Planning Policy Wales, which indicates that common land is a finite resource and should not be developed unnecessarily. The Officers Report does outline the possible effects on the common and those exercising rights over the land and the use of the land for air and exercise but it does not go into any great detail as to the likely effects on the common or on those exercising rights over it. The report does state that common land is afforded protection under different legislation, specifically the Commons Act 2006 as no works can be undertaken on common land in Wales lawfully without the consent of the Welsh Ministers under the 2006 Act and if they were, enforcement action could be taken to remedy any damage caused.

Provided that the local planning authority, in this case Caerphilly County Borough Council, ensure that the applicants are made aware of the requirement to obtain the necessary consents from the Welsh Ministers under the Commons Act 2006 before undertaking any works on common land, from a common land policy perspective I see no basis for requesting call-in on the issue of common land.

5. Having considered the issues associated with the application in the light of the Welsh Government's policy on call-in and the advice provided by the consultees, I consider that those issues are not of more than local importance. In view of this, I do not consider that the application should be called in for determination by the Welsh Ministers and it is now for your Council to determine the application as it sees fit.
6. In reaching my decision I did not consider the planning merits of the proposed development and my decision not to call in the application should not in any way be taken as a reflection on the planning merits of the proposal.
7. Your Council has jurisdiction for deciding whether environmental impact assessment is required for this proposal and the Welsh Ministers have not considered the matter. Any screening opinion will need to be made available for public inspection.
8. It would assist us if a copy of any planning decision which your Council issues could be sent to my colleague, Clare Dicks (E-mail [clare.dicks@wales.gsi.gov.uk](mailto:clare.dicks@wales.gsi.gov.uk)).

Yours faithfully



**NEIL HEMINGTON**

Chief Planner  
Department for Natural Resources

Signed under authority of the Minister for Natural Resources,  
one of the Welsh Ministers

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 m<sup>3</sup> of overburden would be excavated, with some 29.65 million m<sup>3</sup> stored in the overburden mound, some 2.85 million m<sup>3</sup> 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 m<sup>3</sup> 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 18<sup>th</sup> and early 19<sup>th</sup> 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 is 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/m<sup>2</sup>/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 for 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<sub>x</sub>, 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<sub>x</sub> 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 SO<sub>2</sub>, NO<sub>x</sub> 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<sub>x</sub> 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 grater 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 PM<sub>10</sub> and PM<sub>2.5</sub> 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

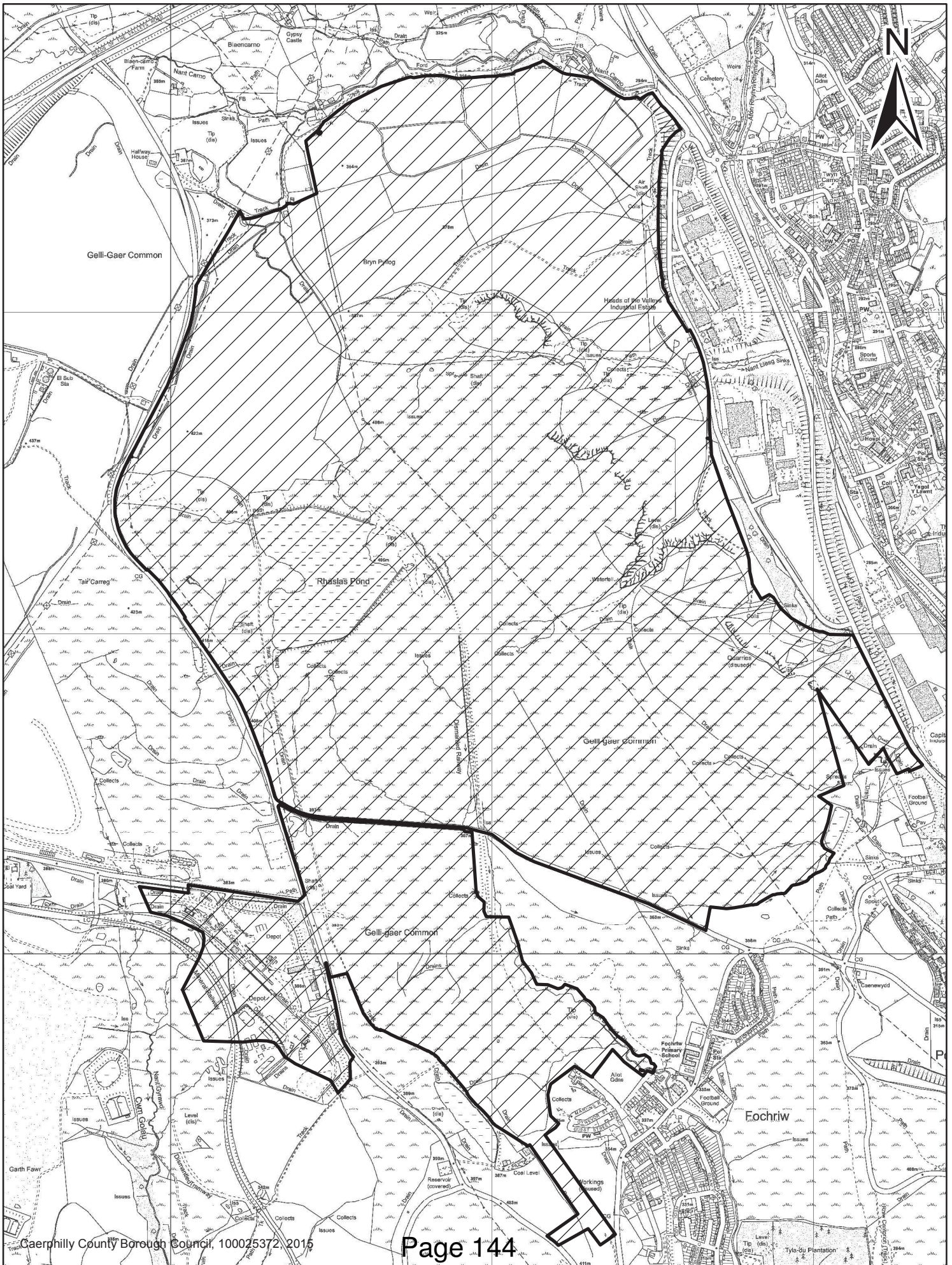
66. Before development commences, the developer shall establish a Liaison Committee, the composition of which shall be approved in writing by the Local Planning Authority. The purpose of the Liaison Committee shall be to ensure that the local community has an understanding of the work being carried out 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.*



## **PREFACE ITEM**

APPLICATION NO. 14/0604/OUT  
APPLICANT(S) NAME: SRJ And JG Partnership  
PROPOSAL: Erect residential development  
LOCATION: Car Park Aiwa Technology Park Newbridge  
Newport

This application for residential development on a brownfield employment site was deferred by Committee on 8<sup>th</sup> July 2015 for Officers to draft four reasons to refuse permission. (It has also been previously deferred for further information and for a site visit).

The following reasons are offered for Members' consideration:

REASON: 1: The application site is in close proximity to existing industrial premises where the impact of noise, particularly at night, upon the proposed residential properties cannot be satisfactorily ameliorated other than by methods such as mechanical ventilation which is not suitable for family accommodation. The development would therefore be contrary to policy CW2 (c) of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 because it would be incompatible with the existing adjoining land use.

This reason for refusal can be defended by Environmental Health Officers in the event of appeal.

REASON 2: The application site is a good quality employment site allocated for employment in the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and should be retained for modern manufacturing/new technology employment. The development is contrary to policy EM 2.14 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

This reason for refusal can be defended by the Economic Development Officer in the event of appeal.

REASON 3: The proposed pedestrian link to North Road is not considered to provide adequate security for users particularly the underpass section because of the lack of adequate surveillance.

This reason cannot be defended by Officers at appeal.

REASON 4: The proposed residential development would give rise to a loss of valued jobs at the adjoining industrial site by reason of a perceived lack of security on the part of the occupiers that would cause that company to relocate. The development would therefore be contrary to policy CW2 (c) of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 because it would be incompatible with the existing adjoining land use.

This reason cannot be defended by Officers at appeal.

Officers cannot defend two of the reasons above. Reason 3 will need to be defended by Members. It will be necessary for Members to explain that the route cannot be made acceptable in terms of any improvement. Members are concerned with the condition of the railway under-pass. This could be improved and it is likely at appeal comparisons will be drawn with similar routes under the railway in different locations within the county borough. Reason 4 will also need to be defended by Members. It will be necessary for Members to provide a reasoned case as to why residential properties would give rise to a materially adverse impact upon the security of the neighbouring industrial site and why the occupation of the application site by any other use would not give rise to an equal problem (i.e. industrial uses with a wide and changing variety of types of vehicles and individuals visiting the site as opposed to one group of residential occupants).

Another issue that Members will also need to bear in mind is that the company that has stated it would need to relocate has also expressed an interest in buying back the application site at a value it deems appropriate. Given that the site has been marketed for a number of years by a major commercial agent (DTZ) without result, preventing the proposed development, to ostensibly retain jobs may be viewed as being derived from an objector who has an underlying conflict of interest. Similarly it may be viewed as protection of a third party interest. Members will also need to prepare a case to explain that even in the event the current occupier did relocate, there would be no other likely occupier (i.e. there would be no replacement jobs). Such a case would carry with it arguments that would likely undermine the second reason for refusal above (i.e. the need to retain the land for employment use is not justified).

A late letter has been received from the applicant. The letter explains that it is understood that of the four reasons for refusal suggested by Members at Committee, two are not supported by Council Officers (as already explained above – reasons 3 and 4). The applicant also draws attention to the fact that whilst the objector has suggested that there would be negative impact upon the business, i.e. causing it to have to relocate, no tangible evidence has been provided to support that assertion. The letter broadly offers the same reasoning as has been explained previously in Committee report with regard to the poor score that the application site has achieved in the Council's own sponsored review of employment land and again points out that the CCBC housing land supply is one of the lowest in Wales. It is stated that a leading barrister/QC "has been identified to represent the appellant's case and to seek full award of costs" at appeal.

The decision issued and reasons given will form the basis for the Council's case and determine which Officers and/or Members will be required to defend the reasons for refusal at appeal.

**RECOMMENDATION:** That planning permission is granted in accordance with the attached report but if Members are minded to refuse permission, suggested reasons are set out above.

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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....

Application No. 14/0604/OUT Continued

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.

Cont....



## 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.

Cont....

Application No. 14/0604/OUT

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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## Application No. 14/0604/OUT Continued

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.

Cont....

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.

Cont....

Application No. 14/0604/OUT Continued

- 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.

Cont....

Application No. 14/0604/OUT Continued

- 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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DEFERRED FOR SITE VISIT



## 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**

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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)

Planning Committee 10.6.15.

Appendix

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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DEFERRED FOR FURTHER INFORMATION

**PREFACE ITEM**

APPLICATION NO. 14/0604/OUT  
 APPLICANT(S) NAME: SRJ And JG Partnership  
 PROPOSAL: Erect residential development  
 LOCATION: Car Park Aiwa Technology Park Newbridge  
 Newport

1. The above application for residential development on a brownfield/employment site was deferred by Committee on 10<sup>th</sup> June 2015 for further information regarding; A) Footpath access to the north of the application site and B) The submission of a BS4142 noise report in respect of the industrial site to the south. Officers have subsequently met with the applicant and his agents to agree the submission of these further details.
2. The applicant has submitted further details of the footpath route to the north showing a connection from the application site to the railway underpass. The route is at slight variance to the previous line as it goes around a slight hump rather than over it. The details submitted indicate that it is possible to achieve a gradient of less than 1 in 12 overall, and along the part of the route that was of concern to the Members who visited site. It should be possible to achieve a gradient as low as 1 in 23 along the length that was of concern. The gradients are of a standard suitable for both wheelchairs and pedestrians. Highways have previously raised a concern regarding this route, that concern is now removed subject to a condition requiring details of lighting as a safe route at reserved matters. The applicant has also confirmed that he is prepared to dedicate the land for that path plus the cost of its creation, including appropriate lighting to meet the Safe Route to Schools standard, as a condition of any permission granted.
3. The applicant has also submitted the requested BS4142 Noise Report. That report has been considered by Environmental Health. The report explains that dominant general noise level from the road will exceed that of the industrial use. (Members will note that the previous Committee report explained that the road noise is not considered to be sufficient to warrant refusal). Environmental Health however remain concerned that particular noises such as impact noises and vehicle reversing warnings will have an adverse effect sufficient to cause unacceptable disturbance.

Cont....

## Application No. 14/0604/OUT Continued

The applicant has explained that mitigation measures such as sound insulation and mechanical ventilation can be required by condition to mitigate such disturbance if it were to occur. Environmental Health Officers do not consider mechanical ventilation to be an acceptable form of mitigation. The applicant has explained (at the above mentioned meeting) that mechanical ventilation is a form of mitigation that is suggested within BS4142 (part 11 para 3) and such cannot be excluded from consideration. BS4142 also explains that noise must be considered in "context". In support of their position Environmental Health Officers have explained that the application site is considered to be a "semi rural location". From the planning perspective this is not the case, the location is a brownfield site within the settlement boundary, adjacent to both the A467 and an industrial site. It is also within easy walking distance of the town. Planning decisions are made on the balance of probabilities. As explained at the previous Committee there have been noise complaints from existing nearby houses (7 within a period of 15 years), however none have related to the lawful use of the site. The probability of impulse noise type disturbance should therefore be low and mechanical ventilation should be acceptable in the "context." The planning recommendation therefore remains that permission should be granted on that basis. Environmental Health Officers have recommended conditions to be imposed if Members are minded to grant planning permission. Those conditions are:-

- a) All dwellings on the eastern perimeter of the site and on the northeast and southeastern corners of the site to be orientated so that there are no windows to habitable rooms facing the road.
- b) All dwellings to be fitted with double glazed windows with acoustic trickle vents.
- c) All dwellings on the Southern perimeter of the site to be orientated so that there are no habitable rooms facing the industrial units and all windows of these dwellings to be fitted with upgraded acoustic glazing & acoustic trickle vents.
- d) A 2.1m high close boarded fence to be sited along the southern site boundary.
- e) A 2.1m high close boarded fence to be sited on top of the bank along the eastern boundary of the site.
- f) No habitable rooms to be located in the roof space (no attic conversions).
- g) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that gardens shall be designed to a maximum noise level of 50dB(A) Leq 16 hours.

Cont....

Application No. 14/0604/OUT Continued

4. A further letter has been received from the objector and owner of the industrial land to the south of the application site. The letter includes a history of the company and emphasises a perceived risk to its future existence posed and the 320 employees of the company by the proposed residential development. The letter does not raise any new planning issues.
  
5. The pedestrian access concerns have been overcome by the additional details submitted. The applicants have now submitted the noise survey information in a format that is acceptable to the Head of Public Protection who has recommended additional conditions. Whilst the reason for those conditions is clear, the ones restricting the location of windows to habitable rooms and the limitation of noise in rear garden are onerous from a planning point of view, and would unreasonably limit the design and layout of the development. There are examples nationwide of modern housing development in close proximity to highways where habitable room windows and gardens are close to busy highways. It would be reasonable to impose the conditions concerning acoustic glazing and fencing.

RECOMMENDATION: That planning permission is granted in accordance with the previous report which includes a condition concerning double glazed windows and acoustic trickle vents), and subject to the following additional or amended conditions:

Condition 11 – amended to reflect additional plans submitted.

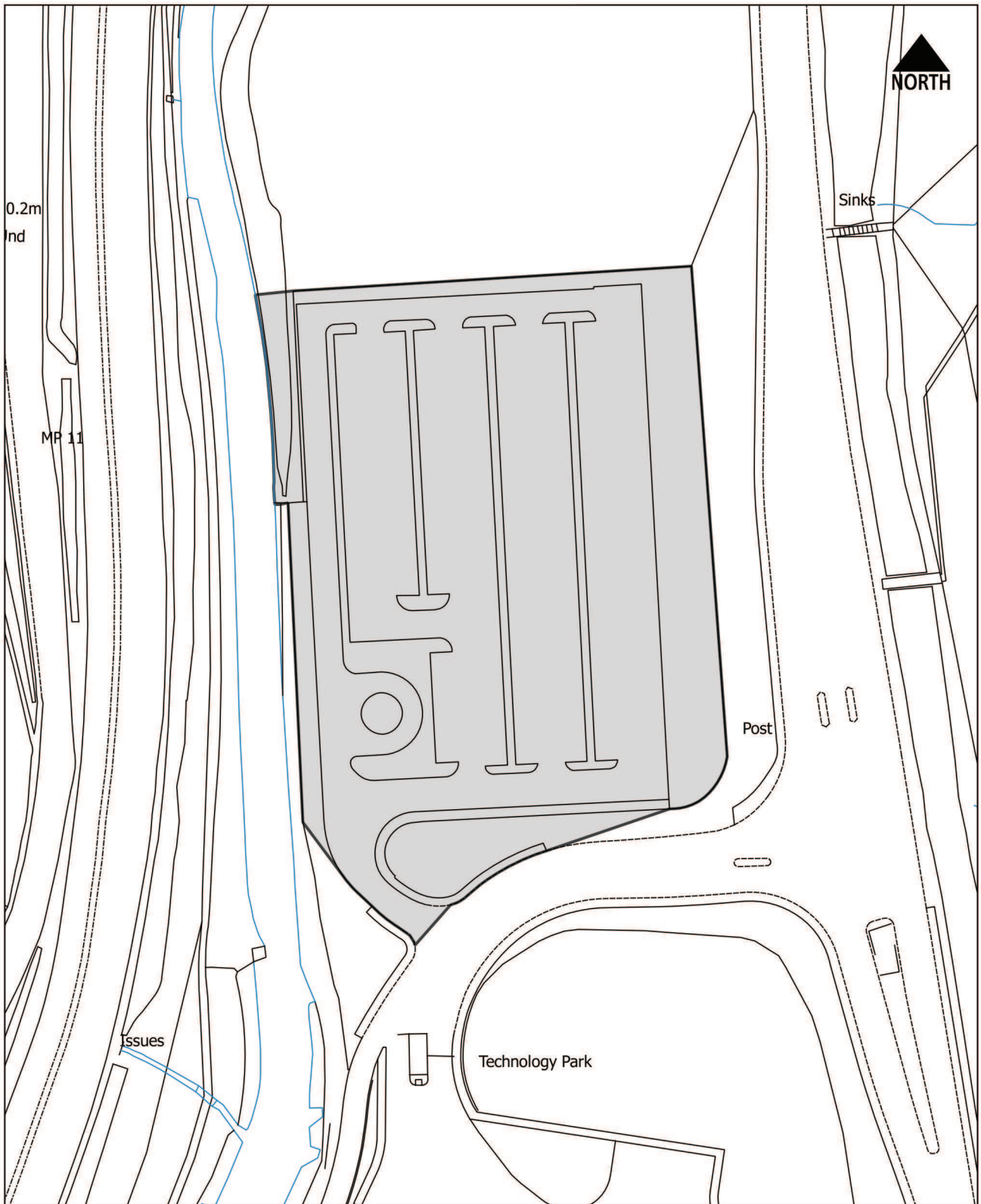
Condition 16 – Prior to the occupation of any dwellings adjoining or adjacent to the southern or eastern boundaries of the site, a 2.1m high means of enclosure shall be erected of a design and appearance, and in a location to be agreed in writing with the Local Planning Authority.

REASON: To mitigate the impact of noise from the surrounding area.

Condition 17 – Prior to the occupation of 50% of the dwellings hereby approved the proposed pedestrian footpath running north-westwards from the housing estate and linking with the footbridge across the River Sirhowy shall be provided in full, including lighting and surfacing, details of which shall have first been agreed in writing with the Local Planning Authority.

REASON: To ensure adequate pedestrian linkage within the locality.

In addition, the Section 106 Agreement shall include a commitment by the applicants to use their best endeavours in co-operation with the Local Planning Authority to promote the provision of a public footpath under the Ebbw Valley Railway to North Road.



# Agenda Item 9

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0316/FULL 18.05.2015	G2 Energy Renewable Developments Limited Mr P Hill 25 Osier Way Olney Office Park Olney Buckinghamshire MK46 5FP	Erect a single wind turbine, with a maximum blade tip height of 77m, along with accompanying access track, crane hardstanding, substation and temporary construction compound Groesfaen Farm Groes-Faen Terrace Bargoed CF81 9GH

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is located approximately 1.09km south-east of Deri and 2.21km North West of Aberbargoed.

Site description: The application site is located in a rural area comprising agricultural farmland that forms part of the landholding of Groesfaen Farm. The proposed development is located to the north of the buildings of Groesfaen Farm and the wind turbine would be located in a large pasture field with the access track in adjacent fields. The site is presently used for grazing.

The wider area is characterised by large areas of agricultural farmland that includes a scattering of individual residential properties and village settlements. The nearest residential property (not including Groesfaen Farmhouse) is located 562m northwest of the proposed development. There is no other residential property situated within 650m of the turbine location.

Development: Full planning consent is sought for the erection of a single wind turbine, with a maximum blade tip height of 77m, along with accompanying access track, crane hardstanding, substation and temporary construction compound. The proposed development comprises the installation of an EWT Direct Wind 54 500kW turbine. The turbine has a hub height of 50m; a rotor diameter of 54m; and, a maximum tip height of 77m. The wind turbine is made up of the following components, which will be individually transported and assembled on-site using a mobile crane:

- Rotor blades x 3
- Tubular tower
- Rotor hub (holds the blades in position as they turn)
- Nacelle (cover housing for the generating components of the turbine).

Cont....

The turbine will require buried concrete foundations measuring approximately 12m in diameter and 1.5m in depth with a tapering cross section. The foundations will be laid at sufficient depth to ensure the top of the foundation is flush with the surrounding ground level. All imported material will be inert and will be from a local batching plant. The turbine is proposed to be coloured light grey with a semi-matt finish to reduce their contrast with the background sky and to minimise reflections. It will be uniform in colour and will not contain any company logo or advertisements. The rated power of the turbine at a speed of 10 metres/second (m/s) is 500kW. The turbine would begin generation at 3.0 m/s and would cut-out at 25 m/s when wind speeds would be too high for safe generation. The wind turbine has a design life of 23 years. The wind turbine is expected to generate renewable electricity sufficient to power a minimum of 550 homes.

A hardcore crane standing will also be required to construct the turbine. This will measure 20m by 35m and will be located adjacent to the wind turbine. The hardstanding will remain in place for the life of the project to accommodate cranes that may be needed for major repairs. Access to the wind turbine site will be via an upgrade of the pre-existing access track for Groesfaen Farm for 524 metres and new access tracks totalling 654 metres. Both new and upgraded tracks will need to be 4.0 m wide and run through the landholding. This will comprise of crushed gravel or stone; no concrete or tarmac will be laid.

A small external substation building (approximately 3m x 6m) will be located adjacent to the wind turbine. This will house high voltage switchgear, transformer and metering equipment and will be built on a slab foundation of 0.6m depth. A temporary construction compound will be needed during construction. Construction is planned to take no more than 12 weeks. The turbine is a temporary structure and will be dismantled and removed from the site at the end of the operational period. The site will then be restored to its former condition. There will be no remnants of the wind turbine structure. Photographic records of the site will be taken immediately before construction work commences and the site will be restored to the same condition after the end of the operational period.

#### PLANNING HISTORY

5/5/90/0297 - Construct garage & parking area for commercial vehicles and erect 3 dwellings & new access road - Refused 28.06.90.

5/5/92/0470 - Construct new haulage depot, access roads and three dwellings - Refused 28.10.92.

Cont....



Application No. 15/0316/FULL Continued

5/5/93/0640 - Erect new haulage depot and one dwelling. Refused - 18.11.93.

P/02/0745 - Retain steel clad building and pallet storage area - Refused  
12.09.02.

P/02/1235 - Retain steel clad building and pallet storage area. Granted 06.12.02.

## POLICY

### Site Allocation

Local Development Plan: The site lies in the open countryside beyond a settlement boundary, it is not allocated for any specific use).

### 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).

National Policy: Technical Advice Note 8: Planning for Renewable Energy, July 2005. 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.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - No.

## CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to the submission of a drainage scheme.

Countryside And Landscape Services - Raises objection to the application on the basis of the impact of the proposal in the Gelligaer Common Registered Landscape of Special Historic Interest.

Rights Of Way Officer - Provides advice to be conveyed to the developer.

Minerals Officer - No objection.

Principal Valuer - No objection.

Police Architectural Liaison Officer - No objection.

National Air Traffic Services - No objection.

Ministry Of Defence - No objection.

Dwr Cymru - No objection.

Wales & West Utilities - No objection.

British Telecom - No objection.

Natural Resources Wales - Raises objection to the application on the basis of the impact of the proposal on the Gelligaer Common Registered Landscape of Special Historic Interest.

Glam/Gwent Archaeological Trust - No objection subject to a condition requiring archaeological mitigation.

Joint Radio Company Limited - No objection.

Public Health Wales - No objections raised.

Darran Valley Community Council - No objection.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: None.

Summary of observations: None.

Cont....

Application No. 15/0316/FULL Continued

## 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, ecological and highways impacts of the scheme.

### Landscape Impact

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.

Cont....

Application No. 15/0316/FULL Continued

The Council's Landscape Architect has offered the following comments.

"Of particular concern is the potential indirect effect of the proposal upon the Historic aspect area Cynon HL831 Gelligaer Common, which is also the Gelligaer Common Landscape recorded on the 'Register of Landscapes of Special Historic Interest in Wales' compiled by CADW. This landscape is referred to as an area of unenclosed common, which is largely identical to that depicted on the OS 1st edition map with little evidence of encroachment by industrial extractive activity or modern forestry plantation. The proposed turbine would be located on the adjacent ridgeline, within 2km of the eastern boundary of the Historic Landscape Area, over looked and clearly visible from the area. I believe the indirect effect upon this outstanding landscape could be 'major adverse'."

He has also stated that the impact of the turbine from a number of viewpoints and sensitive receptors throughout the area would be 'major adverse' rather than 'minor adverse' as suggested by the developer.

In conclusion the Landscape Architect states: -

"Site of the proposed Groesfaen Turbine is not within a Special Landscape Area or a Visually Important Local Landscape as identified within the Local Development Plan. It is however 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 I believe be at variance to its present character.

The proposed turbine would I believe be a visually prominent and at times a dominant vertical element in potential views from a number of properties and the Rhymney Valley Ridgeway Walk, open access areas and roads on the Cefn y Brithdir Ridge and Gelligaer Common.

I believe the presence of the proposed turbine within 2 km of the eastern proposed turbine will have a significant adverse effect upon the setting of the 'Gelligaer Common Landscape of Special Historic Interest in Wales'.

I believe there is the potential for a significant adverse cumulative impact with this proposed turbine and the existing operational, consented and in planning turbines within the 12 km cumulative study area to the east of the application site. I would therefore recommend that the application be considered for refusal."

Natural Resources Wales have also raised concerns with regard to the impact of the proposal on the historic landscape.

Cont....

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. Consequently the landscape impacts of this turbine have to be assessed against this backdrop of a shortfall in the energy production within the county borough to meet predicted needs. On balance it is considered that the need to provide renewable energy outweighs the harm that the proposal would have on the landscape character and visual amenity of the historic landscape and as such the proposal is acceptable in planning terms."

#### Impact on Ecology and Wildlife

A Baseline Ecological Survey and Bird Surveys were carried out on this site. The findings of those surveys have been considered by Natural Resources Wales and the Council's Ecologists and no objections have been raised. On that basis it is not felt that the proposal would have a detrimental impact on ecology or wildlife.

#### Distance to Nearest Dwelling.

Annex D to TAN 8 does suggest that a 500m separation distance between a turbine and any residential property should be used in order to avoid unacceptable noise impacts. However, it also suggests that when applied in a rigid manner this can lead to conservative results and as such flexibility is advised. In that regard a noise survey has been submitted with the application which indicates that the noise levels at the nearest properties are acceptable within established guidelines. In that regard it is not considered that a 500m separation distance is required in this instance.

Cont....

Application No. 15/0316/FULL Continued

### Highways Impacts

A Transport Management Plan has been submitted with the application and this has been assessed by the Transportation Engineering Services Manager. He is satisfied that the turbine can be transported safely to the site without having any detrimental impacts on the highway network, subject to the imposition of suitably worded conditions.

Comments from consultees: Addressed above.

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 level of noise from the wind turbine (hereby approved) measured at the nearest noise sensitive properties shall not exceed 35dB(A) (LA90, 10 mins) up to wind speeds of 10m/s at 10m height when calculated in accordance with the attached Guidance Notes, or such other guidance as may be agreed in writing by the Local Planning Authority.  
REASON: In the interest of the amenity of noise sensitive properties.
- 03) During the course of the investigation required by Condition 04, should the wind turbine or turbines be identified as operating above the parameters specified in Condition 02, the wind turbines will be modified, limited or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.  
REASON: In the interest of the amenity of noise sensitive properties.

Cont....

- 04) Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority. The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.  
REASON: In the interest of the amenity of noise sensitive properties.
- 05) Following the commission of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.  
REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.
- 06) Deliveries and construction works associated with the wind turbine hereby approved shall not take place outside the hours of 0700 and 1900 hours Mondays to Fridays, 0900 and 1600 hours Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interest of residential amenity.
- 07) Prior to the commissioning of the wind turbine hereby approved they shall have been fitted with a control system that automatically shuts down the turbines during times when shadow flicker occurs, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority and the turbines shall be operated in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To control flicker in the interest of amenity of nearby flicker sensitive properties.

Cont....

Application No. 15/0316/FULL Continued

- 08) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) 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 ensure adequate protection to protected species.
- 09) Prior to the commencement of the development hereby approved a nature conservation and landscape management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.  
REASON: To ensure adequate protection to protected species.
- 10) 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 the Welsh Government. The TMP shall provide evidence that the necessary permits have been given by the South Wales Police Liaison Transport 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 highway improvements required to the highway network with Caerphilly County Borough Council shall also be provided for approval by the Local Planning Authority and 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 interests of highway safety.
- 11) The wind turbine, tower and ancillary equipment shall be removed from the site and the land restored to its former condition upon cessation of the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cessation of the use shall be defined as the wind turbine becoming inoperative for a continuous period of six months.  
REASON: In the interests of visual amenity.

Cont....



Application No. 15/0316/FULL Continued

- 12) 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.
- 13) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.  
REASON: In the interests of highway safety.
- 14) All walls and fences removed as part of the development shall be re-instated in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.  
REASON: In the interests of the landscape character and visual amenity of the area.
- 15) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 16) The wind turbine and tower hereby approved together with the ground equipment and plant shall be removed from the application site, either before the end of 25 years from the date of commencement of the development hereby approved or within six months upon their becoming no longer operationally active in the generation of electricity, whichever is the earlier.  
REASON: In order to define the extent of the permission hereby granted.
- 17) 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.

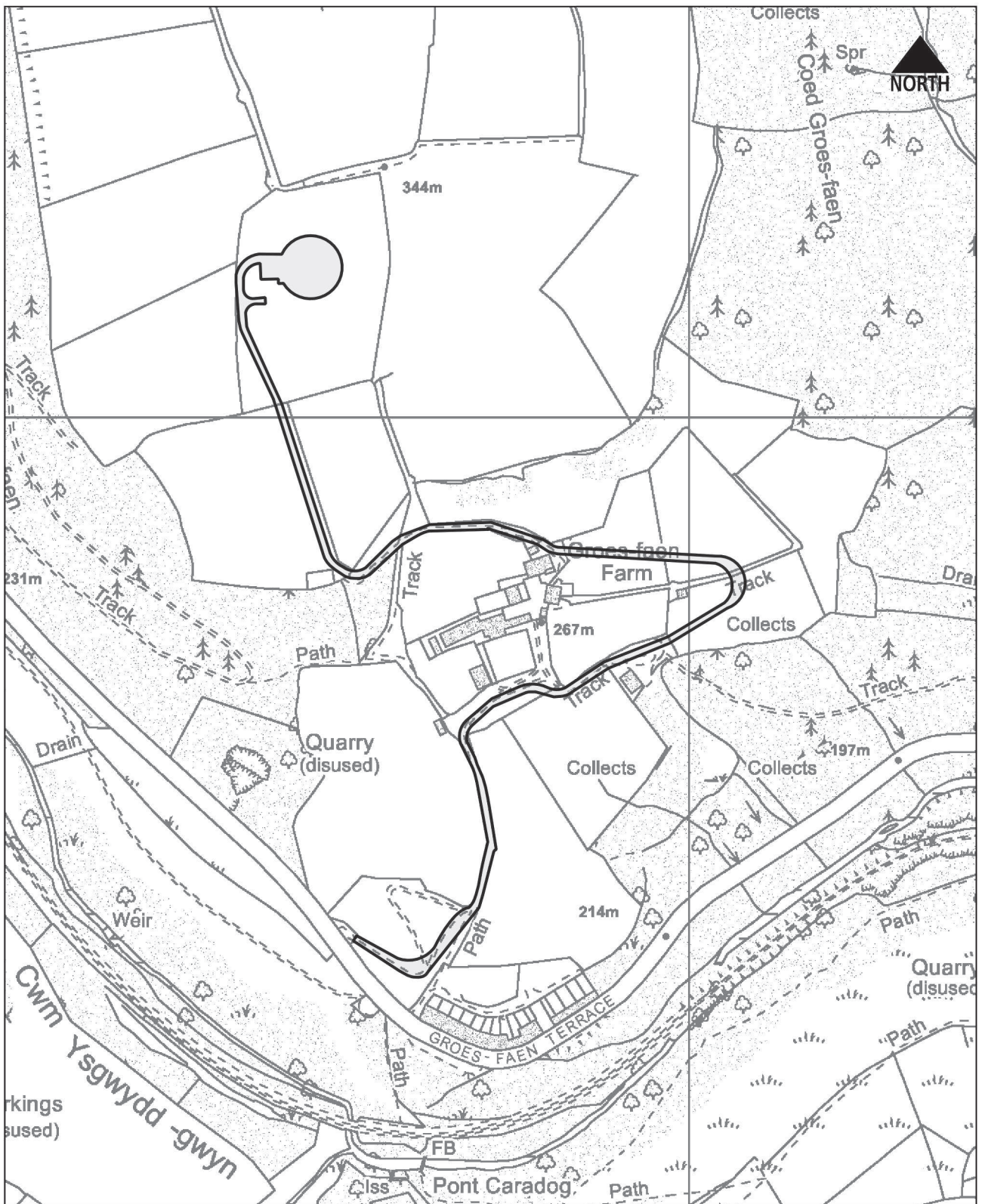
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Application No. 15/0316/FULL Continued

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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# Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0335/FULL 15.05.2015	Natural Resources Wales (NRW) C/O Arup N Queffurus 4 Pierhead Street Capital Waterside Cardiff CF10 4QP	Construct two new flood defences, together with the improvement and modification of one existing flood defence, along the River Ebbw as part of the Risca Flood Risk Management Scheme, plus associated engineering operations and landscape works Land On Northern Bank Of River Ebbw Between Crosskeys And Pontymister Risca Newport

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: Land adjacent to the River Ebbw at three locations on the Risca/Pontymister side of the river.

Site description and development: It is proposed to construct the following new flood defences.

1. New Defence (Waunfawr Park) - new 41m length flood bund and new flood gate along land that is at the boundary of the park at the corner of Waunfawr Park Road and Blackvein Road. The land includes a cycleway and landscaped areas.
2. New Defence (New Park) - 170m length shallow mass concrete wall along the New Park Road boundary and new 140m length flood bund. The wall runs along the landscaped and fenced boundary with New Park Road. Where the wall meets the Fire Station it becomes a bund that that runs a long the Park side boundary of the Fire Station and then around the riverside boundary of the Fire Station that is currently a vegetated embankment.
3. Bund Modification (Commercial Lane) - 80m length of raised bund on existing bund at boundary of land adjacent to river previously used as a car park.

Cont....

Application No. 15/0335/FULL Continued

Dimensions:

1. New Defence 01 (Waunfawr Park)- Construction of new flood wall (81m long, 1m height above ground level and 0.36m wide). Erection of new flood bund (41m long, 1m in height and 3m crest width). New flood wall and bund to be connected via proposed flood gate (4m wide, 0.9m high).
2. New Defence 02 (New Park)- Construction of new shallow mass concrete flood wall (170m long, 0.4m height above ground level and 0.35m wide). Erection of new connected flood bund (140m long with crest width of 3m adjacent to the park, reducing to 1.5m adjacent to the river). Flood bund to include ramp and handrail to enable access over bund.
3. Bund Modification 05 (Commercial Lane)- 80m length of existing defence height to be increased by 0.5m. Bund footprint to be increased in width by 1.5m.

Materials: Walls to be constructed concrete mass with brick facing. Bunds formed with cohesive material top soiled and grass seeded.

PLANNING HISTORY

2/09012 - Infrastructure and location of 29 no. demountable dwellings on existing playing fields to provide temp decent facilities for a maximum of 3 years - Granted 10.10.89.

2/09095 - Construction of infrastructure and location of 29 no. demountable Park Homes for use as decent accommodation with adjacent storage containers for 3 years - Granted 10.10.89.

2/10864 - Retention of 29 no. demountable Park Homes for decent accommodation with adjacent storage containers for a further period to 31st December, 1994 - Granted 18.09.92.

2/12726 - Demolish existing pavilion and construct new pavilion and meeting hall - Granted 13.03.96.

P/98/0770 - Erect light industrial unit for multiple tenancy occupancy - Refused 11.12.98.

P/99/0229 - Erect light industrial unit for multiple tenancy occupancy - Granted 01.07.98.

Cont....

Application No. 15/0335/FULL Continued

P/02/0229 - Construct dugouts, car park and enclosures - Granted 13.06.02.

11/0446/FULL - Erect care home (Use Class C2), retail (Use Class A1 and A3) and office (Use Class B1 and A2) units with associated parking, engineering and landscaping works - Granted 03.11.11.

14/0611/FULL - Construct flood defences, improve and maintain existing flood defences along the River Ebbw as part of the Risca Flood Risk Management Scheme plus associated engineering operations and landscape works - Granted 03.11.14.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The bulk of the land to which this application relates is leisure land within two parks. Part of the site is an embankment to the rear of the fire station. The final part is an embankment within a former/unused car park opposite the Tesco site allocated for housing - HG1.54. All the land is within the settlement boundary.

Policies: HG1 - Land Allocated for Housing, CW5 - Protection of the Water Environment, NH3 - Sites of Importance for Nature Conservation and MN2 - Mineral Safeguarding.

NATIONAL POLICY TAN 15 Development and Flood Risk.

### 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 - At New Park, however the proposed development does not create any floor space or significantly intersect the ground.

Cont....

Application No. 15/0335/FULL Continued

### CONSULTATION

Principal Valuer - No objection.

Transportation Engineering Manager - No objection subject to conditions requiring further detail regarding ancillary engineering works.

Head Of Public Protection - No objection. Advice is provided regarding the previous land use.

Senior Engineer (Land Drainage) - No objection is raised.

Dwr Cymru - No objection is raised and advice is provided regarding the proximity of services in the affected areas.

Countryside And Landscape Services - No objection is raised. Conditions regarding knotweed and landscaping are recommended. Ecological conditions are also recommended regarding protected species and invasive weeds.

Senior Arboricultural Officer (Trees) - No response.

Natural Resources Wales - No objection subject to conditions.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 50 neighbouring properties have been consulted.

Response: One response has been received.

### Summary of observations:

- 1 The low wall adjacent to New Park Road is concrete, elsewhere Hanson Blue bricks and should be used at this location.
2. "Absolute objection" to any plan that involves the removal of any of the trees adjacent to the low wall.

Cont....



Application No. 15/0335/FULL Continued

## 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? This development is not CIL liable.

## EU HABITATS DIRECTIVE

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

## ANALYSIS

Policies: TAN 15 shows the majority of the site is within Flood Zone C1 i.e. where flooding is most likely. The scheme is for the improvement of the flood defences in the Risca area. The works are proposed by NRW as a statutory undertaker responsible for flood risk management. NRW's Project Appraisal Report has assessed the flooding consequences and has justified the project with reference to clauses within TAN 15 as follows:

Objectives of the Assessment

A1.2 The assessment has been undertaken with the objective of:

- Developing a full appreciation of the alleviation of flooding from the development
- Developing a full appreciation of the consequences of the development on flood risk elsewhere
- Establishing whether mitigation measures is required to be incorporated within the design to minimise risk to life and property resulting from flooding.

Cont....

## Assessing the Flood Consequences

A1.3 The primary mechanism of flooding is the rising levels of the River Ebbw that outflank current defences in a Q100 flood event. The floodwater leaves the channel at Waunfawr Park and New Park and flows down Crescent Road, through Risca town, returning to the channel at the B4591 bridge when the flood subsides and the river levels recede. The secondary mechanism of flooding is due to Pontymister Bridge restricting the flow of the River Ebbw, causing it to back up and leave the channel, flooding the Rowecord site, travelling over land and eastward through residential properties in Fields Road, the cricket ground, the former Suflex site and residential properties at Tanybryn.

A1.4 As the primary flood mechanism is defended against in this proposal up to the Q100 event, the water that would otherwise have flowed through Risca town is kept in channel. This reduces flood risk to the Risca community and is the principal objective and benefit of the scheme. 760 properties will have a lower onset of flooding and 1,877 properties will have reduced flood damages due to the scheme. However, the additional flow kept in channel exacerbates the secondary mechanism of flooding at Pontymister Bridge, causing detriment relative to the baseline model in a number of areas. This detriment is an increase in the depth of flooding and/or an earlier onset of flooding. 43 properties will have an earlier onset of flooding, compared to 760 properties with a lower onset. 163 properties will have increased flood damages, compared to 1,877 that have reduced flood damages. The overall benefit provided by the scheme is considered to outweigh the impact in managing flood risk (detriment).

A1.5 There is an overall net avoidance of economic damages provided by the scheme, due to the high probability of flood events being protected against compared to the low probability of detriment being caused. NRW have thoroughly analysed the impacts arising elsewhere from the scheme and sought, where possible and practical to do so, to minimise detriment. However, avoiding detriment in a heavily urbanised, steep, narrow, valley catchment is very difficult to achieve and hence compromises and risk based decisions have had to be made. The mitigation measures considered are listed as follows:

- Numerous possible attenuation areas upstream of Risca were investigated and modelled to seek to reduce the peak flows evident in high return period events and the associated downstream detriment. Unfortunately extensive ground lowering would be required, which is cost prohibitive as the community open space areas in Risca are made ground with high contamination risk. Alternative upstream areas investigated were not large enough to attenuate sufficient volumes of water to affect the peak flow.

Cont....

- Natural Flood Management (NFM) case studies are currently being developed to establish how effective they could be to attenuate runoff in high return period flood events. Forestry infected with Larch disease is being felled in the Cwmcarn area immediately upstream of Risca on the River Ebbw. The deforested land needs to be managed to control runoff and its effect on flood risk at Risca and further downstream. NFM measures are being investigated to mitigate against increased runoff and may potentially prove effective as attenuation features for the climate change scenario, Q100CC, decreasing peak flood responses and associated risk in areas downstream.

A1.6 In high flow flood events, Pontymister Bridge will throttle the River Ebbw causing flooding in the adjacent sites along the left bank. Pontymister Bridge is a Grade II Listed structure and hence Cadw is very unlikely to approve its modification or removal. Its removal may also have adverse flood management impacts downstream, such as additional detriment. The strength and stability of the existing bridge has not been assessed for flood events, however, based on historic flood events the bridge appears to have previously withstood these, so it is assumed to be adequate in its present condition.

A1.7 The refurbishment of existing defences as part of the first stage of the scheme improves their stability up to a Q100 flood level (including freeboard), reducing the risk to life due to a sudden failure and breach of a defence in an extreme flood event. The refurbishment works complement the new defences at the upstream end of the scheme. The new defences keep flood water in channel, which would otherwise flow through Risca town.

A1.8 The acceptability criteria for flooding consequences are shown to be satisfied.

A1.9 The FCA will be submitted to NRW through the planning process for their comment and agreement.

A1.10 The FCA has been prepared by a suitably qualified competent engineer with previous experience of preparing FCAs.

Cont....

A1.11 The improvements works are to existing defences that are outflanked in the Q100 flood event. The new defences proposed at the upstream boundary of the scheme will prevent flood water from Waunfawr Park and New Park establishing a flood route into Risca town. The completed scheme will manage flood risk to the town of Risca. However, there is no attenuation for the flood water removed from the town and, as a result, the increased volume of water kept in channel causes detriment in downstream areas.

- On 9th December 2014, NRW Projects Delivery presented an update on the Risca detriment issue to the NRW Flood and Operational Risk Management Programme Board. The Board supported the team's recommendation to promote the scheme with detriment.
- On 22nd December 2014, NRW Projects Delivery presented the Risca scheme to Welsh Government. The benefits and issues were highlighted. Welsh Government confirmed their support to promote the scheme with detriment.
- At risk residents in the current situation who will still be at risk following the construction of the scheme have been contacted by NRW and informed of their risk.
- Properties that are predicted to incur detriment by having increased flood depths and/or an earlier onset of flooding in modelled return periods have been consulted and advised of their pre and post scheme risk.
- Caerphilly County Borough Council and NRW are working with vulnerable residents in at risk properties in Fields Road to develop flood warning and evacuation plans to protect them.
- NRW is investigating providing individual property protection (IPP) measures to residential properties with a risk of flooding at or above a 1% chance of occurring in any one year (1 in 100).

A1.12 The following technical requirements have been met in assessing the flooding consequences.

- A site location plan showing the locations of the proposed refurbishment works and the Ebbw River is included within the planning application.
- The proposed defence levels are to protect properties from a Q100 event including freeboard, calculated using the WRc Fluvial Freeboard Technical Guidance Note (R&D Technical Report W187).
- The provision of 150mm of topsoil to the proposed bund improvements is in addition to the defence level being provided.

Cont....

#### Application No. 15/0335/FULL Continued

- 
- The flood defences present in this area will be maintained by Natural Resources Wales
- The mechanisms of flooding have been described above in A1.3
- Climate change allowance has been included in accordance with current DEFRA guidance.
- Risk evaluations for all affected properties and sites have been assessed and communicated with the respective members of the public in accordance with guidance received from Welsh Government and NRW.

#### FCA/TAN 15 Conclusion

A Flood Consequences Assessment (FCA) has been undertaken for the proposed new defences and defence improvements as part of the Risca Flood Risk Management Scheme. This FCA has been undertaken in accordance with guidelines provided in TAN 15: Development and Flood Risk.

The scheme provides flood alleviation to the Risca community. This does however result in some detriment elsewhere, which NRW have thoroughly investigated and assessed possible mitigation for. Where residual detriment persists, NRW have communicated this to affected property owners. NRW and Welsh Government are supporting a risk managed approach to enable the scheme to progress with detriment, as the scheme benefits outweigh this impact. NRW is continuing to investigate NFM measures to incorporate in upstream forestry areas. Case studies are being completed to establish if NFM is an effective method to mitigate against increases in run off from forestry land. If NFM is successful it could be used as a climate change mitigation measure to reduce the peak flood volumes evident in the River Ebbw as it flows through the Risca catchment of Caerphilly County Borough Council and downstream into Newport City Council.

The LDP sets out a number of Countywide Policies. Of most relevance to the proposed development is Policy CW5, which refers to the protection of the water environment. Policy CW5 states that development proposals will only be permitted where they do not have an unacceptable adverse impact upon the water environment and where they would not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water). The proposed development is required to provide essential flood defence work and has been designed to ensure that there would be no adverse effects on the river or water quality. Reducing the impact of flooding is also a key objective of the LDP, which requires developments to be planned in such a way as to provide increased protection for existing vulnerable urban areas (Paragraph 1.40).

Cont....

Application No. 15/0335/FULL Continued

The LDP recognises that there are opportunities for redevelopment and regeneration in the Southern Connections Corridor, but notes their location in flood risk areas. The proposed development aims to improve the flood defences for the Risca area and would therefore contribute to the delivery of the Southern Connection Corridor strategy.

Policy NH3.12 identifies the River Ebbw as a SINC and states that SINC's will be protected. The accompanying text, in Paragraph 3.25 states that development will normally be permitted where it would not cause unacceptable harm to the particular features of the SINC. Where harm is unavoidable it should be minimised by effective mitigation measures to ensure that there is no reduction in the overall nature conservation value of the area or feature.

During the scheme construction, a Construction Environmental Management Plan would be followed ensuring best practice nature conservation and appropriate management and enhancement for the SINC. As a result, it is considered that the proposed development is compatible with Policy NH3.12 and it would not cause any unacceptable harm to the particular features of the SINC.

The application area also lies within a mineral safeguarding zone protected by Policy MN2.9- the southern outcrop, Caerphilly/Lower Islwyn Coal. The Coal Authority designates this area as high risk for development. However, intrusive investigation works undertaken in the locations of the proposed defences encountered no coal seams, voids or evidence of workings in these locations. Additionally, although published information indicates that there is a potential for mining related instability at the ground surface within the vicinity of proposed New Defence 01 and 02, investigations have found no evidence of mine workings within influencing depth of the ground surface.

Policy LE1.21 protects the formal open space at Waunfawr Park where the entirety of New Defence 01 would be located and a small section of New Defence 02 would also be located. The policy states that formal parks and gardens are attractive civic spaces for public enjoyment and should be protected as such. It is considered that proposed defences would not detrimentally impact on the public enjoyment of the park. Their designs would be of a sensitive nature, which would reflect the surroundings and would incorporate appropriate landscaping to minimise visual impacts. As such it is considered that the proposed development would have no detrimental impact on Waunfawr Park.

Policy HG1.54 allocates the Eastern part of the land adjacent to the River Ebbw, where Bund Modification lies, for 48 housing units. As previously stated the works proposed for Bund Modification consist of enhancing an existing flood bund. As such, it is not considered that the proposed alterations would have any effect on the housing allocation; in fact the proposals would enhance the flood mitigation to the allocation and therefore would provide a benefit to any housing proposals.

Cont....

Application No. 15/0335/FULL Continued

The application is supported by an Environmental Report, which concludes that the development would only have a minor effect on local habitats due to vegetation clearance and tree removal in the medium term as the mitigation landscape planting establishes. The proposed development is in accordance with national planning policy, which recognises the need for improved resilience to the effects of climate change through the provision of flooding and coastal defences. In addition, the proposed development is in line with the policies of the adopted LDP and strategic aims and objectives of the first revision LDP for the area.

The reason for the proposal is that large areas of Risca and Pontymister are at risk of flooding. The key purpose of the proposed scheme is to remove residents in Risca from High/Medium risk. For some the risk will remain unchanged at High/Medium. As a consequence the scheme there may be detriment to residents downstream. The detriment is small and does not change their risk; they still remain at low risk. The proposed development would provide essential flood defence works in order to protect existing and proposed development.

Comments from Consultees: Natural Resources Wales raises no objection subject to conditions to require that the development be carried out in accordance with the Flood Consequences Assessment and working practice conditions relating to contamination, invasive species & pollution. Advice is provided regarding the recommended conditions and biodiversity, this should be passed to the applicant.

Transportation Engineering Manager - No objection is raised subject to conditions requiring further detail regarding ancillary engineering works. Those conditions relate to the works where they affect footpaths and cycleways.

Head of Public Protection - No objection is raised. Advice is provided regarding the previous land use that advice should be passed to the applicant.

Senior Engineer (Land Drainage) and Property Services - No objection is raised.

Dwr Cymru - No objection is raised and advice is provided regarding the proximity of services in the affected areas that advice should be passed to the applicant.

Countryside and Landscape Services - No objection is raised. Conditions regarding knotweed and landscaping are recommended. Ecological conditions are also recommended regarding protected species and invasive weeds.

Cont....

Comments from public:

1. The proposed low wall adjacent to New Park Road is concrete the other wall to which it has been compared is finished in Hanson Blue bricks. It is suggested that the same finish is used with regard to the low wall but this comparison is not like for like. The low wall is knee height or lower and has open railing attached to it. The brick wall is chest height with no railings. The low wall will have only very limited visual impact and its engineering function is to offer support to the railings.
2. "Absolute objection" has been expressed with regard to any plan that involves the removal of any of the trees along the same adjacent to the low wall. The submitted details indicate the retention of the trees in question. The trees are 16 in number and currently form part of a very attractive avenue of young trees. Whilst the works will be carried out in accordance with British Standards and the shallow intersection of the ground should enable the trees to be retained, all works close to the root spread of a tree do carry risk. A condition to require replacement trees within five years in the event that any are adversely affected should be a reasonable precaution.

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) Prior to the commencement of the development hereby approved engineering details of the works to affected footpaths/cycleways, details of the proposed site access points, a traffic management and method statement for the works for each of the flood defence locations, shall have been submitted to and agreed in writing with the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed details.  
REASON: To confirm and complete the above mentioned details in the interest of highway safety.

Cont....



Application No. 15/0335/FULL Continued

- 03) Prior to the commencement of any site or vegetation clearance, in, adjacent to or impacting on the river, a pre-construction otter survey shall be carried out and the results of the survey together with any proposed remedial measures shall be submitted for the agreement of the Local Planning Authority. The measures shall be complied with as agreed.  
REASON: To ensure adequate protection for protected species.
- 04) Works associated with the development hereby approved, in, adjacent to or impacting on the river, shall be carried out during daylight hours only, and operations shall cease one hour before sunset and not commence until one hour after sunrise.  
REASON: To minimise disturbance to otters moving along the river at night.
- 05) If mature trees originally identified to be retained require felling or tree management work as part of the development hereby approved, a climbing inspection for bats shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.  
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 06) Details of tree protection associated with the 4 identified trees with potential for bats identified on page 9 of the submitted Risca Flood Risk Management Scheme, Environmental Report dated May 2015, before and for the entire duration for the development shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.  
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 07) No work shall take place until a detailed method statement for removing Japanese Knotweed, Himalayan Balsam and Giant Hogweed from the site has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall include measures that will be used to prevent the spread of invasive species during all operations. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots, or stems of any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000). Development shall be carried out in accordance with the approved method statement.  
REASON: To prevent the spread of invasive species.

Cont....

Application No. 15/0335/FULL Continued

- 08) Works of vegetation clearance associated with the development hereby approved shall not take place during the bird-breeding season, March to August inclusive in any given year, unless otherwise approved 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.
- 09) The development hereby approved shall not commence until a working method statement to cover all channels and bank works has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.  
REASON: The construction phase of development affecting the bank or channel of a watercourse poses significant risks of diffuse pollution of the water environment arising from ground works.
- 10) Where any of the retained trees shown in Plan B Drawing No L04 issue C01 becomes damaged and die as a result of the works hereby approved within a period of five years from the date of completion of those works. They shall be replaced in the next planting season in accordance with details that shall have been agreed in writing with the Local planning Authority.  
REASON: In the interest of the visual amenity of New Park Road.
- 11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by Arup, Reference 235250, dated 13th May 2015.  
REASON: To reduce the risk of flooding.
- 12) If, during development hereby approved, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.  
REASON: Given the size and complexity of the site it is considered possible there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

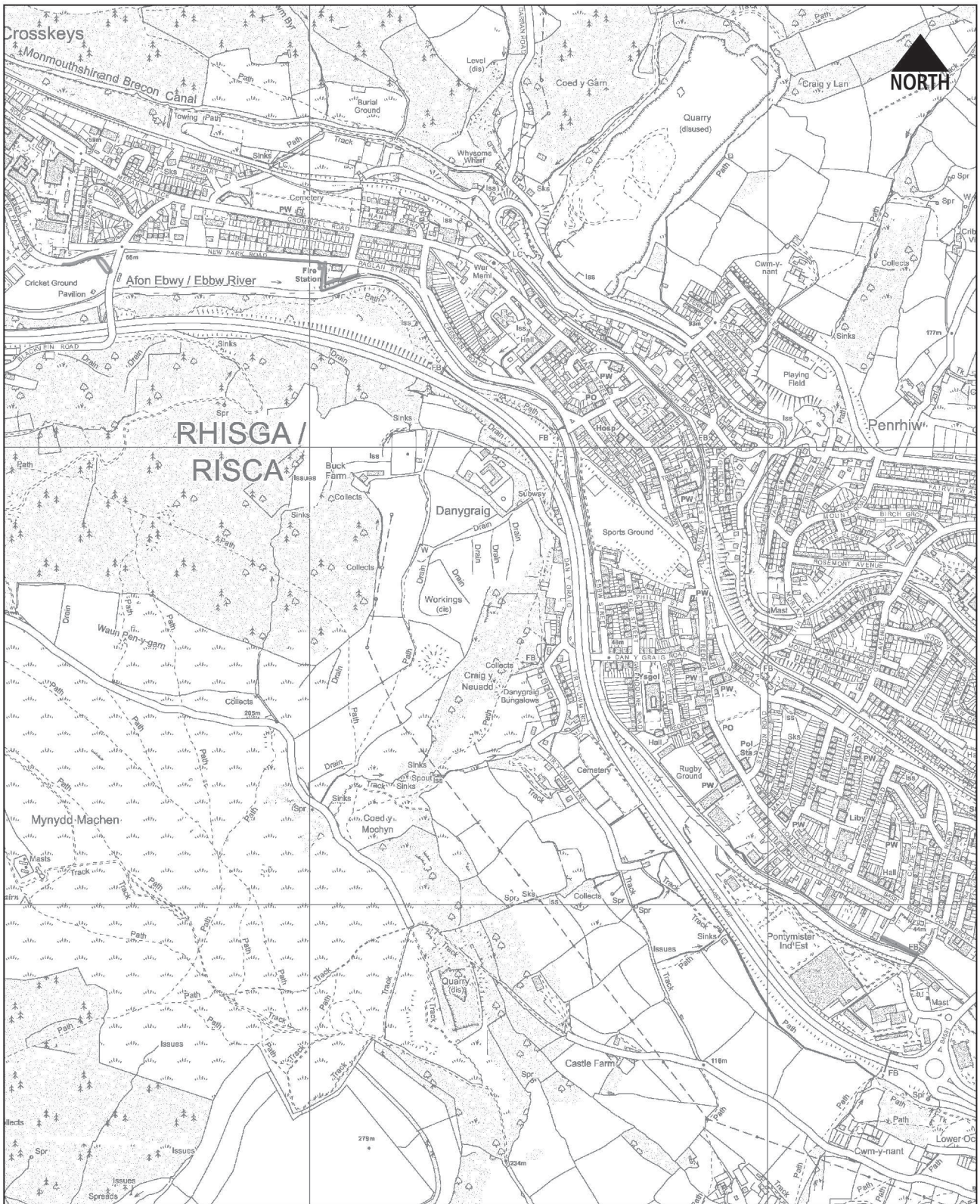
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Application No. 15/0335/FULL Continued

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Natural Resources Wales and Head of Public Protection that are brought to the applicant's attention.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0065/FULL 04.06.2015	IG Doors Ltd Blaenwern Cwmbran NP44 1TY	Erect an industrial manufacturing and storage facility with associated offices, car parking, service yards and external works Plateau 1 Oakdale Business Park Lon Gellideg Oakdale Business Park Oakdale NP12 4AB

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is within the Pen Y Fan Industrial Estate on a part that is currently referred to as Plateau One because it is levelled reclaimed land. It has its own dedicated access from Manmoel Road and forms the northeastern sector of the Estate.

Site description: The site is part of a large plateau of reclaimed land. The only current significant built features within the plateau are two large wind turbines. The development site is 12 hectares of land to the south of the turbine closest to Manmoel Road. The application site is relatively flat and featureless save for the track that leads to the wind turbine and some shallow drainage ditches. It is covered with sparse self-seeded scrub.

Development: The erection of a large single B2 factory unit. It will have an almost rectangular footprint with a 'T' shaped attached office on one side. The front elevation (with the office) will face Manmoel Road, where a new vehicular access to the site will be formed. Most of the employee car parking will also be to the front. The larger entrances to the production area are inserted in the north and south elevations. The west elevation has been left simpler with fewer openings. The building is flat roofed. The application is supported by:

1. Design and Access Statement,
2. 2. Travel Plan,
3. 3.Transport Statement,
4. 4. Extended Phase 1 Habitat Survey,
5. 5. Drainage Strategy.

Cont....

Application No. 15/0065/FULL Continued

Dimensions: The factory unit will have an internal floor area of 19,597 square metres. The production area (which is the largest part of the building) is approximately 260 metres long and 60 metres wide. The office section is 45 metres long by 12 metres wide. The height of the production area is 10 metres with the office block slightly lower at 8 metres. The layout includes 269 car parking spaces, and there are also 15 commercial parking spaces to the front.

Materials: The external surfaces of the production area are finished with coloured steel cladding interspersed with vertical glazed sections in aluminium framing. The office section is of similar simple form but with more glazing and aluminium sections in addition to the coloured cladding.

Ancillary development: Landscaped areas to the front. A land drainage system that includes attenuation ditches.

#### PLANNING HISTORY

2/10229 - Site investigation to assist in the design of land reclamation proposals - Granted 16.08.91.

2/10364 - Importation and construction of temporary stockpile of cover material - Granted 15.11.91.

2/11573 - Importation and construction of temporary stockpiles of cover material - Granted 27.10.93.

2/11988 - Land reclamation to include bulk earthworks, drainage works, river improvements 2, road diversion, grassing, tree planting and landscaping - Granted 14.09.94.

P/98/0127 - Erect industrial development (B1, B2 & B8 Uses) and associated highway infrastructure - Granted 09.04.98.

P/06/0638 - Use land to fly model aeroplanes - Granted 14.07.06.

07/0846/FULL - Renew planning permission P/06/0638 to use land to fly model aeroplanes - Granted 18.09.07.

09/0573/NCC - Renew Planning Consent 07/0846/FULL to use land to fly model aeroplanes for Red Dragon Model Aeroplane Club - Granted 10.09.09.

Cont....

Application No. 15/0065/FULL Continued

11/0552/FULL - Erect 25 year operation of a wind energy development comprising two wind turbines with a maximum overall height (to vertical blade tip) of 130 metres, crane pads, control building, underground electrical cables, on-site access tracks to Lon Gellideg and Manmoel Road including formation of new vehicular access to Manmoel Road, two attenuation ponds and temporary works including a construction storage compound - Granted 06.10.11.

12/0667/RET - Retain the change of use of the land for flying model aeroplanes - Granted 26.10.12.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is allocated for employment in the Local Development Plan ref: EM 1.3.

Policies: EM1 (Employment Allocations), CW13 (Use Classes Restrictions Business and Industry), CW2 (Amenity) and CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales and TAN 23 Economic Development are relevant.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? – Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - No.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions to require the completion of the car/cycle parking, the setting out of the entrance/footpath and the submission of a fully completed travel plan. Advice regarding highway works is provided.

Senior Engineer (Land Drainage) - No objection subject to a condition requiring details of land drainage. Drainage advice is provided.

Cont....

Application No. 15/0065/FULL Continued

Head Of Public Protection - No objection subject to conditions to control contamination.

Wales & West Utilities - No objection. Advice is provided.

Natural Resources Wales - No objection subject to biodiversity enhancement (if possible), an oil interceptor condition for the parking area and a method statement if there is any intention to fill underground voids. It is suggested that flora be transferred from a ditch on site and any ponds to new water features. Advice is provided regarding disrupting coal spoil, the storage of treated wood and the movement of waste material off-site.

Senior Engineer (Land Drainage) - No objection subject to the agreement of controlled land drainage discharge to any water course. General land drainage advice is provided.

Countryside And Landscape Services - No objection to the proposed development. Ecological enhancement conditions and conditions to relocate orchids/reptiles are recommended. A condition to agree the landscape maintenance is also recommended. Ecological advice is provided.

Principal Valuer - No comment.

Gwent Wildlife Trust - The Trust have submitted a holding objection subject to the consideration of further information. The aspects of this objection are discussed in the analysis section of this report.

## ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 51 neighbouring properties have been consulted.

Response: Six letters have been received.

### Summary of observations:

- The area is "passionately enjoyed by many local dog walkers, horse riders, model aeroplane enthusiasts and nature lovers". It is also now more attractive because of the recent charges for parking at the nearby Pen Y Fan Pond.

Cont....



Application No. 15/0065/FULL Continued

- The development should be sited elsewhere such as the school site at Plateau Three or another unoccupied site.
- It is questioned whether Oakdale needs any more factories.
- There are protected flora and fauna that would be "eradicated" by the development.

### 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? This development is CIL liable. The floor area of the building is 21,430 square meters. The proposed use is within Class B2 of the Town and Country Planning (Use Classes) Order 1987 which is 'general industry', which is not CIL chargeable.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No significant impact, and ecological mitigation condition are recommended.

### ANALYSIS

Policies: EM1 (Employment Allocations): The application site is allocated in the approved Local Development Plan for employment use. The proposed use is the manufacture of doors (B2 use) and is therefore in accordance with the employment allocation.

CW13 (Use Classes Restrictions Business and Industry): EM1.3 more specifically identifies the Plateau as a primary site and is suitable amongst other things for B2 uses. The proposed B2 use is therefore in accordance with CW13. Given the employment allocation there is no objection in principle to the proposed employment use.

Cont....

Application No. 15/0065/FULL Continued

CW2 (Amenity) Part A of CW2 requires that uses should not have an unacceptable impact upon the amenity of adjacent properties. The application building is large with a floor area exceeding twenty thousand square metres and an anticipated number of jobs equating to 200 full time workers. One of the distinct characteristics of this manufacturer is that all the storage and processes are carried out within the building. The most distinct characteristic of the Plateau is that apart from the existing wind turbines there are no immediately adjacent neighbours. CW2 goes on to require (Part B) that proposals should not result in over-development. Whilst the application building is large so is the application site therefore it is not considered to be over-development. Part C requires that development should be compatible with surrounding land uses. As mentioned the only other structures on the Plateau are the two wind turbines the closest residential properties are a significant distance from the proposed building.

CW3 (Design Considerations - Highways) This site has been designed for and linked to the highway network for the purpose of employment use. The Transportation Engineering Manager raises no objection subject to conditions.

Comments from Consultees: Transportation Engineering Manager raises no objection subject to conditions to require the completion of the car & cycle parking, the setting out of the entrance & footpath and the submission of a fully completed travel plan. Advice regarding highway works is provided and should be passed on to the applicant.

Senior Engineer (Land Drainage) raises no objection subject to a condition requiring details of land drainage. Drainage advice is provided and should be passed on to the applicant.

Head of Public Protection raises no objection subject to conditions to control contamination.

Countryside and Landscape Services raises no objection subject to a condition to agree the landscape maintenance. Ecological enhancement conditions and conditions to relocate orchids/reptiles are recommended. Ecological advice is provided and should be passed on to the applicant.

Principal Valuer raises no objection.

Wales & West Utilities raises no objection. Advice is provided and should be passed on to the applicant.

Cont....

Application No. 15/0065/FULL Continued

Natural Resources Wales raises no objection subject to biodiversity enhancement (if possible); the Council's ecologist has recommended enhancements to be required by condition. An oil interceptor condition for the parking area is recommended and may be required by condition. A method statement is recommended if there is any intention to fill underground voids and may also be required by condition. It is suggested that flora should be transferred from a ditch on site and any ponds to newly created water features. Whilst the survey plans do indicate ditches and an off-site pond, they are only wet for part of the year as has been verified by the Council's ecologist. In addition the proposed ditch system to which it is suggested the plants should be moved are for attenuation purposes only and not intended to hold a permanent body of water. The system will also need to be maintained/cleaned from time to time to ensure it retains its engineered capacity and one section of the system is masonry lined. Translocation is not therefore warranted. Advice is provided regarding disrupting coal spoil, the storage of treated wood and the movement of waste material off-site. This advice should be passed on to the applicant.

Senior Engineer (Land Drainage) raises no objection subject to the agreement of controlled land drainage discharge to any watercourse. General land drainage advice is provided and should be passed on to the applicant.

Gwent Wildlife Trust have requested a holding objection and have detailed a number of matters that are listed and considered below: -

- It is suggested that the Phase 1 Habitat Survey submitted should have been completed during the summer months not in November and is thus valueless. It is also stated that the authors of the survey should taken account of a previous survey relating to the turbines to the north of the application site. In response, the Council's Ecologist agrees that surveys are better carried out in the summer months but site inspection has later revealed the orchids present on site (which were not adequately dealt with in the survey) and mitigation is now recommended.
- It is suggested that the site is in close proximity to Pen Y Fan Pond and Meadows SINC, forming links to ancient semi-natural woodlands, secondary woodland and thus it is "part of a network of wildlife corridors used by bats, birds and invertebrates". The Pond is approximately 500 metres from the northern boundary of the site and the SINC (NH3.49) is approximately 300 metres from the boundary. There is a SINC (NH3.41) to the southwest, this is approximately 400 metres from the boundary of the site and another SINC (NH3.95) lies approximately 150 metres to the southeast. The application site lacks any trees or other such features that would usually be associated with bat corridors, therefore the Council's Ecologist considers the description of the site as a corridor for bats to be unsubstantiated.

Cont....

There are existing wildlife corridors but they run around the plateau and therefore there is not a pressing need to establish or protect a less suitable corridor through it. The objection explains that the adjacent SINC (NH4.49) has an "impressive species list" but fails to link those species with the application site, which has completely different habitat. In particular it fails to recognize the completely different environment that would not support species such as aquatic/wetland fauna of the Pond area.

- Concern is raised in "the manner in which this application has been preceded in 2011 by an application for 2 large wind turbines. It would appear that these two developments were fully intended to be together". It is also suggested that the cumulative effect of any future development of the employment plateau should also be taken into account at this stage. This concern firstly seems to imply some link between the two developments, that are years apart and by completely different individuals. Secondly the reason given for this concern is that there may be other development in the future, which is certainly the case because the plateau is allocated for employment, in the Local Development Plan. The concern is extrapolated to suggest that any future development in the "pipeline" should be taken into cumulative account now. However the suggestion that any future as yet unproposed, undetailed, unknown development the character of which has not yet been established, that possibly may or may not take place, at a time not possible to accurately predict, should be taken into account at this stage, is not practicably possible. It also amounts to a review of the of the Local Plan employment designation of the Plateau. There will be future development in the "pipeline" of this allocated Plateau, but it is fundamental planning practice that future development should be judged on its merit at the appropriate point in time.
- The writer has drawn information from some of the conclusions and recommendations of the previous wind turbine habitat survey, which did relate to areas of trees and scrub. The writer has failed to draw a distinction between the previous application area which did include trees and scrub, and the application site which is almost devoid such vegetation. Similar reference is drawn to the use of the turbine area by bats but again does not recognise that the area within the application site does not contain those features that would attract bats. Similar questions are raised regarding badgers and dormice; again the Council's Ecologist points out that the compacted ground with no mature hedgerows or trees (except at the periphery of the site) offers a very poor and unlikely habitat for such species.

Cont....

Application No. 15/0065/FULL Continued

- It is suggested that the development of this site will have adverse impact upon "the public enjoyment of the nearby Pen Y Fan Country Park". This concern does not explain how there will be discernable impact upon the enjoyment of visitors to the Country Park. There is also mention of "cumulative impact" from the turbines and the proposed building but again this is not quantified and it is to be noted that they are distinctly different developments.
- It is suggested that "efforts are made to significantly expand the area of land in appropriate wildlife conservation management in the local area and around the SINC to ensure that a net benefit for biodiversity is achieved". This requirement to "significantly" expand biodiversity in the "local area and around the SINC" is unreasonable in that those areas of land are outside the application site and the applicant's control. It is not based on any identified areas into which the SINC's can expand or are suited to such expansion. It is also unreasonable in that it does not link an impact of measurable significance with the recommended "significant" expansion. Establishing the "necessity" of any requirement is a fundamental principle of the planning system and this has not been justified. The Council's Ecologist has recommended enhancements within the application site and these are considered to be reasonable, within the control of the applicant and proportionate.
- At the time of finalizing this report another objection has been received from the Trust, this time suggesting that the site should be listed as either a Site of Interest for Nature Conservation (SINC) or a Local Wildlife Site (LWS). It is recommended that "significant areas of nature conservation interest are fully protected" and the Trust may assist in their wildlife management "if appropriate agreements and funding managements are put in place". It is also recommended that the "areas of the site left undeveloped be protected in perpetuity with appropriate management" as a resource for wildlife as well as a valuable resource for exercise/enjoyment/education for the local community. In response it is to be explained that SINC's and LWS's are non-statutory designations. Further that the land is identified for employment. It is brownfield land and failure to realize its potential due to "significant" areas set aside for nature conservation would put pressure on greenfield sites. In addition the current applicant has indicated that the undeveloped parts of the application site are to be used for future expansion. The suggestion that "significant" areas of the employment site should now be set aside for nature conservation would very likely mean that the current applicant and any future employment uses would be very unlikely to be attracted to this Adopted Development Plan allocation; not only due to the fact that the loss of employment area but also that the future employment users would have to permanently fund the management of "significant" areas that would be of little to no use to them.

Cont....

Application No. 15/0065/FULL Continued

Designating areas of the employment plateau as a "resource for exercise/enjoyment/education for the local community" (leisure use) would also be contrary to the Local Development Plan.

- Another late objection from the Trust suggests that the fact that the site will have a land drainage system will "inevitably drain" adjacent "marshy grassland" areas. This perceived "inevitability" is not detailed, but this is not necessarily considered to be an issue for previously explained reasons, i.e. the adjacent land on the west is again part of the employment plateau and again its intended purpose is employment. (The land to the east is lightly wooded strip bordering Manmoel Road with an existing drainage ditch already running through it)

The concerns above are not considered to warrant a holding objection and sufficient information has now been assessed to enable the proper consideration of this application in accordance with the recommendations of the Council's Ecologist.

Comments from public:

- The area is "passionately enjoyed by many local dog walkers, horse riders, model aeroplane enthusiasts and nature lovers". It is also now more attractive because of the recent charges for parking at the near by Pen Y Fan Pond. - This observation is correct. The site has become popular for recreational purposes and there is currently free car parking on the entrance road. However the Plateau is not allocated for leisure use and to retain it as such would be contrary to the Development Plan. The issue of free parking is outside this planning application consideration.
- The development should be sited elsewhere such as the school site at Plateau Three or another unoccupied site. - Any proposal on a site allocated in the Development Plan for the proposed use should be considered upon its merit. It is not the purpose of the planning system to direct appropriate development away from an allocated site unless there is an overriding planning reason. The implied reason is an overriding need for the leisure use, however there is a country park in close proximity albeit without free parking.
- It is questioned whether Oakdale needs any more factories. - This question also challenges the purpose of the Development Plan, which is to ensure that there is an adequate supply of identified employment land. The supply of employment land is currently under review but that review will not recommend that employment be turned away from allocated sites that meet usual planning criteria. Furthermore, this development is not speculative - the applicants want to build the factory for themselves.

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Application No. 15/0065/FULL Continued

- There are protected flora and fauna that would be "eradicated" by the development, i.e. it has been suggested that the proposal would result in valuable habitat, such as nesting for species such as the Skylark or space for orchids. - The Council's Ecologist has considered the ecology of the site and has recommended appropriate mitigation conditions. The development is not considered by the Council's Ecologist to give rise to impact critical to the population of protected flora or fauna.

Other material considerations: A unique feature of the proposed development is that all manufacturing and storage takes place within the proposed building. As a consequence the external areas (i.e. operational space and parking) have been designed accordingly. A condition should be imposed to reflect the fact that the determination of this application is based upon the submitted design principle.

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) Prior to the commencement of the development hereby, approved details surface water and land drainage flows from the site shall be submitted to and agreed in writing with the Local Planning Authority. Any proposal to discharge surface water flows to an existing watercourse shall be limited by the installation of onsite storage facilities in association with a controlled discharge device limited to maximum rates of flow appropriate to that water watercourse. The development shall thereafter be completed and maintained in accordance with the agreed details.  
REASON: To ensure the installation and maintenance of appropriate land and surface water drainage of the site.
- 03) No development or site vegetation clearance shall take place until a detailed Reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measure shall be strictly complied with.  
REASON: To ensure that reptiles are protected.

Cont....

Application No. 15/0065/FULL Continued

- 04) Prior to the occupation of the development hereby approved 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 the new 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).
- 05) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitat for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed and maintained in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 06) 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 and Swift), shall be submitted to and agreed in writing with the local Planning Authority. The agreed 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.
- 07) Prior to the occupation of the development hereby approved a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaped areas shall be carried out in accordance with the agreed schedule.  
REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area.

Cont....



Application No. 15/0065/FULL Continued

- 08) Details of surface water and land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development hereby approved is first occupied.  
REASON: In the interests of highway safety and adequate drainage.
- 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) Any gates at the highway entrance shall be set back 20m from the edge of the carriageway.  
REASON: In order to prevent vehicles waiting on the highway.
- 11) Before the development hereby approved is occupied, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.  
REASON: The Travel Plan submitted is in draft only and to encourage the use of a variety of transport options
- 12) The footway at the site boundary identified by the area shaded grey and marked 'F' in drawing number 1124:PL:002A shall be set back and a 3.0m wide footway/cycleway provided along the frontage which shall be constructed in permanent materials that shall have been submitted to and agreed in writing with the Local Planning Authority and completed prior to the first occupation of the development hereby approved.  
REASON: In the interests of highway safety.
- 13) The covered secure cycle parking area shaded blue and marked 'K' in drawing number 1124:PL:002A shall be constructed in accordance with details that shall have been submitted to and agreed in writing with the Local Planning Authority, and completed prior to the first occupation of the development hereby approved, and it shall thereafter only be used for cycle parking.  
REASON: To provide secure cycle parking on site.

Cont....

Application No. 15/0065/FULL Continued

- 14) 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.
- 15) 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.
- 16) 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 means of vehicular access from the highway to the development hereby approved shall be from a single point as shown in drawing number 1124:PL:002A .  
REASON: In the interests of highway safety.
- 17) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor details of which shall be agreed with the Local Planning Authority prior to its installation.  
REASON: To prevent pollution.
- 18) Prior to any filling of any underground voids or grouting a method statement that details the methods to avoid pollution shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.  
REASON: To prevent pollution to the water environment.
- 19) Prior to the commencement of works associated with the development hereby approved, a scheme for the translocation of wild orchids currently growing within the footprint of the areas proposed to be disturbed by construction and landscaping, shall be submitted to and agreed in writing with the Local Planning Authority and the agreed scheme shall be carried out within the first planting season following the completion of the development unless the Local Planning Authority gives written consent to any variation.  
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 Tan 5 Nature Conservation and Planning.

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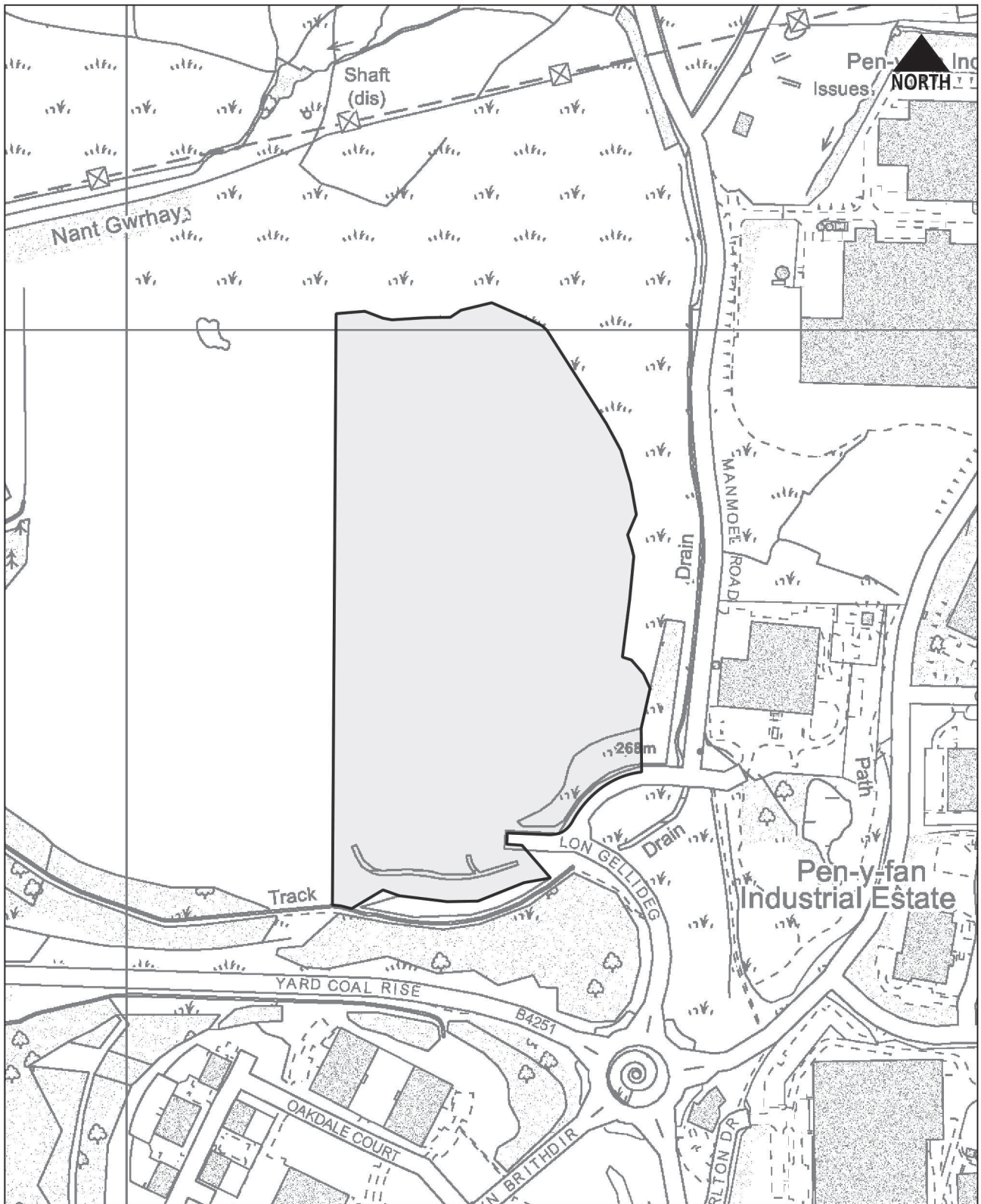
Application No. 15/0065/FULL Continued

- 20) Prior to the commencement of any vegetation clearance, site clearance or development a detailed invertebrate survey shall be carried out and the results of the survey, together with any proposed remedial measures (including methodologies) shall be submitted for the agreement of the Local Planning Authority. The measures shall be complied with as agreed.  
REASON: To ensure adequate protection for red data protected species present on site.
- 21) All manufacturing processes and the storage of materials shall be entirely contained within the building hereby approved.  
REASON: The development is hereby approved on the basis that all manufacturing processes and the storage of materials is internal and the external areas of parking and operational space have been considered accordingly.
- 22) Notwithstanding the submitted details of landscaping revised details shall be submitted to and agreed in writing with the Local Planning Authority. Those details shall take account of the observations of the Council's Landscape Architect dated 10.07.15 (hereby attached) and the landscaping shall be carried out in accordance with the agreed details.  
REASON: To more exactly clarify the details of the landscaping scheme that is acceptable in principle.

Advisory Note(s)

Please find attached the comments of Senior Engineer (Land Drainage), Wales and West Utilities, Natural Resources Wales and Countryside & Landscape Services that are brought to the applicant's attention.

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# Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0428/FULL 25.06.2015	Mr H Scull Bluebell Bungalow Heolddu Road Gelligroes Pontllanfraith Blackwood NP12 2HT	Erect a one bedroom granny annexe Bluebell Bungalow Heolddu Road Gelligroes Pontllanfraith Blackwood NP12 2HT

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is located within the grounds of Bluebell Bungalow, Upper Gelligroes.

House type: Detached dormer bungalow.

Development: Erect residential annex within grounds of the existing dwelling. The annex is to be sited to the south, and adjoining, the existing garage on site. The applicant is related to an employee in the Planning and Regeneration Division.

Dimensions: The proposed annex has a footprint measuring 6 metres x 7.5 metres, and a maximum height of 4 metres to ridge level.

Materials: Rendered walls and concrete roof tiles.

Ancillary development, e.g. parking: None is proposed.

## PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside the Settlement Boundary.

Policies: Policy SP5 (Settlement Boundaries), Policy CW2 (Amenity), CW3 (Design Considerations - Highways), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside).

Cont....

Application No. 15/0428/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? No.

#### CONSULTATION

Rights Of Way Officer - Provides advice regarding Footpath 274 in the Community of Mynyddislwyn that crosses the site and must not be obstructed at any time.

#### ADVERTISEMENT

Extent of advertisement: Six neighbours were consulted by way of letter and a site notice was displayed near the application site.

Response: None.

Summary of observations: Not applicable.

#### 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 proposal is CIL exempt - i.e. additional residential floor space that does not exceed 100 sq. metres.

Cont....

## ANALYSIS

Policies: Policy CW20 in the Caerphilly Local Development Plan relates to new buildings/extensions to buildings in the countryside. It states that new development must be of an appropriate use, scale, form, siting, design and materials. It is considered that the proposed use, i.e. ancillary residential accommodation is an appropriate use given the existing use of the site, i.e. a residential dwelling and associated curtilage. It is also considered that the development has been appropriately sited, i.e. immediately adjacent to the existing garage on site. Such siting reduces the potential sprawl of outbuildings across the site. With regards to the other criteria outlined in Policy CW20, it is considered that the proposed annex has been well designed in terms of its massing, detailing and materials, and will integrate well with the existing site.

Given the relatively isolated location of the property in relation to neighbouring dwellings, the proposal will not impact on the amenity of neighbours by virtue of any loss of privacy or amenity. Therefore, the proposal also accords with the requirements of Policy CW2 (Amenity). Ample car parking exists on site to serve the main dwelling as well as the proposed annex, and in light of this no car parking condition is required.

A condition will be attached to the permission to ensure the annex remains ancillary and incidental to the main dwellinghouse at all times to ensure a new dwelling in the countryside is created through the passage of time. For the reasons outlined above, the proposed development is considered acceptable in planning terms.

Comments from consultees: Rights of Way Officer - Provides advice regarding Footpath 274 in the Community of Mynyddislwyn that crosses the site and must not be obstructed at any time.

Comments from public: None.

Other material considerations: The proposed annex requires planning permission as it is located forward of the principal elevation of the main dwellinghouse. In all other respects it is classed as householder permitted development for residential outbuildings.

Cont....

Application No. 15/0428/FULL Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

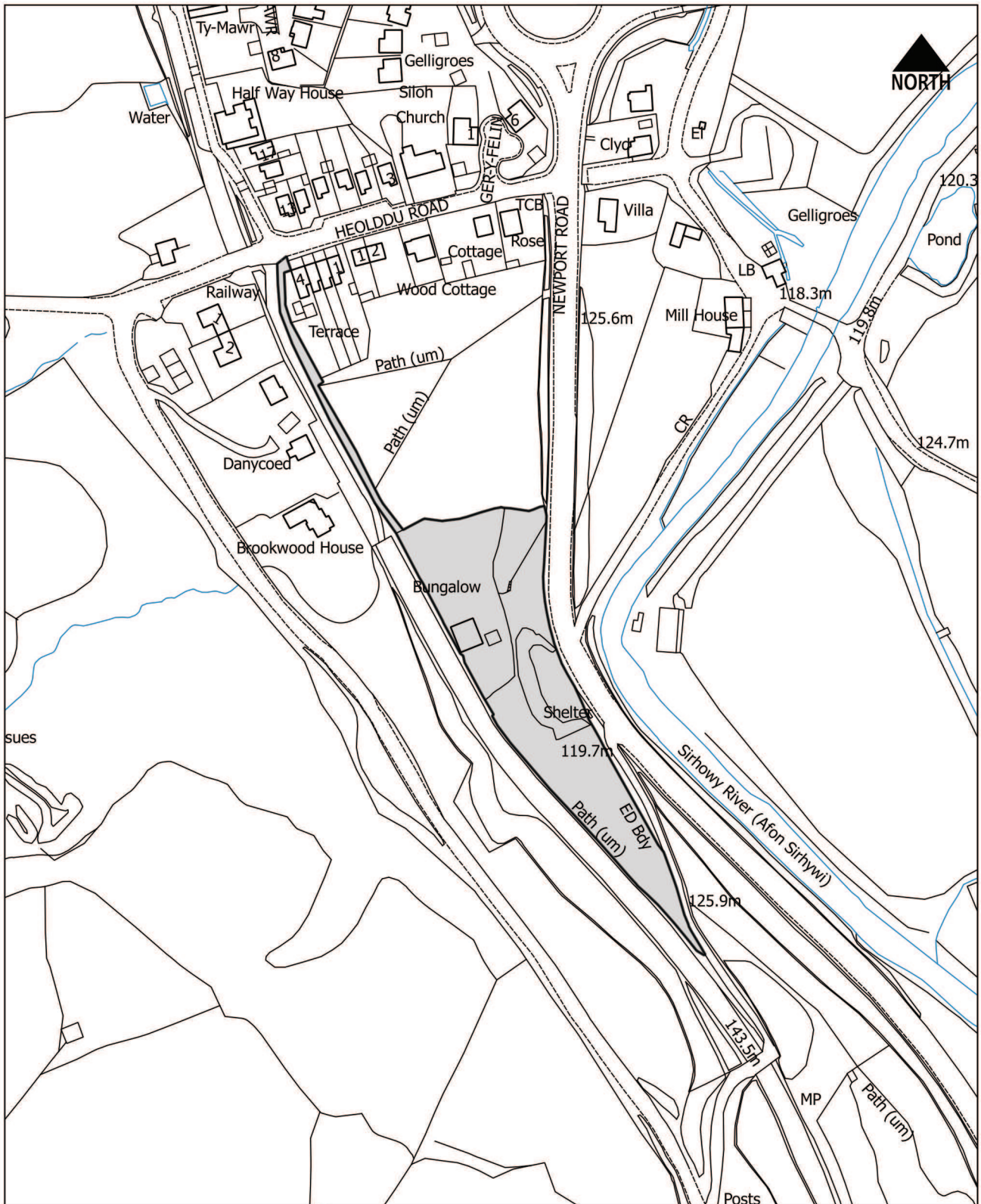
- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 03) The residential annex hereby approved shall remain incidental and ancillary to the enjoyment of the main dwellinghouse, i.e. Bluebell Bungalow at all times.  
REASON: To retain effective control over the development
- 04) The development hereby approved relates to the details received on 25 June 2015 by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.

Advisory Note(s)

Please find attached the comments of The Rights of Way Officer 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: Policy CW2.





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# Agenda Item 13

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0501/NCC 13.07.2015	Caerphilly County Borough Council Ms K Cole Ty Penallta Tredomen Park Ystard Mynach Hengoed CF82 7PG	Vary Condition 30 of Planning Consent 14/0814/LA to approve amended plans for the enlargement of the school building Plateau 3 Oakdale Business Park Waterloo Oakdale Blackwood

**APPLICATION TYPE:** Development without complying with conds

## SITE AND DEVELOPMENT

Location: The application site is a plateau created for employment purposes on the site of the former Oakdale Colliery. The Sirhowy Enterprise Way (SEW) runs along its western side, whilst Waterloo runs along the eastern side and provides access to Oakdale itself to the south. The residential streets of Bronwydd, Nant Gau and Y Cedrwydden lie to the south at a level approximately 10m higher than the site.

Site description: The site is flat following its reclamation some 20 years ago, and has regenerated with scrub and grass. A belt of semi-mature tree planting separates the site from the SEW, which is at a lower level. The land rises beyond the application site to the south much of which is woodland, and is also owned by the Council. There is an existing access into the site off Waterloo.

Development: Planning permission was granted in March of this year for a school at this site. A further consent is now sought to vary the approved plans to allow a larger school: the southern wing would be extended by 7.2m on its western side so that the school can accommodate 100 more pupils.

Cont....

Application No. 15/0501/NCC Continued

The building would be L-shaped in plan and located at the southern end of the site. The main teaching part of the school would run parallel with the southern boundary and would be three storeys high, with the sports hall of similar height running parallel with Waterloo. Those two parts would be linked by a two-storey structure that would accommodate the dining facilities. The building would be modern in design, resembling similar schools recently built in the borough, incorporating an array of solar panels along the south facing roof of the teaching block.

A floodlit 3G pitch incorporating a 200m athletics track would be located in the northwestern part of the site. Next to that would be a floodlit MUGA for netball and tennis. There would be a garden, a small amphitheatre, and a pond in the southwest corner of the site.

A storage and refuse building would also be erected adjacent to the sports hall.

Ground levels would be raised across the site by up to approximately one metre particularly where the pitch and the MUGA would be located.

The application is supported by a design and access statement (DAS), a ground investigation report, an acoustic assessment, an ecological assessment, a bat survey, transport statement, a carbon reduction report, a flood risk assessment, and a tree survey.

Dimensions: The site has an area of 4.2 hectares.

The main building would be 112m long, 23m wide and 15.8m high (11.2m to eaves), whilst the leg containing the sports hall and dining area would be 50m long, a maximum of 35m wide, and 12.2m high (10.2m to eaves).

The single-storey ancillary building would have floor area of 20m by 7m.

Materials: The buildings would be finished in a mixture of red brickwork on the ground floor, with the remainder finished in a buff coloured render. The windows would be grey, and roof would be aluminium with an anti-glare coating.

Ancillary development, e.g. parking: The parking would be along the Waterloo and southern boundaries of the site, and would consist of 101 spaces for teaching and other staff, with a further 15 spaces for visitors and a special resources base. There would be 6 motorcycle spaces, 92 cycle spaces, 24 parent drop-off spaces, and 12 bus or delivery spaces.

Cont....

Application No. 15/0501/NCC Continued

A new vehicular access would be provided in the southwest corner of the site, with the existing access used for egress only.

An area of 0.3ha of land on the east side of Waterloo is included within the application site for storing material extracted from the main site during development. It will be re-profiled and landscaped on completion of the development.

#### PLANNING HISTORY

2/10229 - Site investigation to assist in the design of land reclamation proposals - Granted 16.08.91.

2/11090 - Land reclamation to include general site clearance, pitshaft capping, minor earthworks and trial trenching to local buried hazards - Granted 29.01.93.

2/11988 - Land reclamation to include bulk earthworks, drainage works, river improvements, road diversion, grassing, tree planting and landscaping - Granted 14.09.94.

2/12610 - Construction of a "permanent" 7.3m wide access road with 2m wide footpaths together with a "temporary" 6m wide (average) link road - Granted 20.12.95.

P/98/0127 - Erect industrial development (B1,B2 & B8 uses) and associated highway infrastructure - Granted 09.04.98.

P/98/1021 - Construct Oakdale village link road - Granted 08.02.99.

14/0814/LA - Erect a three/two and a half storey secondary school on an undeveloped, reclaimed site, including school buildings, external works, soft landscaping, full size 3G floodlit pitch and parking/bus waiting areas. The area of land included as part of the application to the east of Waterloo may be used as earthworks balancing area if required during development of main site and if this area is used it will be re-landscaped, to existing standard, on completion - Granted 13.03.15.

Cont....

Application No. 15/0501/NCC Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary and allocated as a primary location for employment uses (Policy EM1.5). The landscaped areas surrounding this plateau and the neighbouring ones are protected by policy LE5.4 for informal recreation and community use.

Policies: Policies SP2 (Development Strategy in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP16 (Managing Employment Growth), SP21 (Parking Standards), Policy SP22 (Community, Leisure and Education Facilities), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW6 (Trees, Woodlands and Hedgerow Protection), CW13 (Use Class: Business and Industry), CW15 (General Locational Constraints).

NATIONAL POLICY Planning Policy Wales 2014, TAN 11: Noise (1997), TAN 12: Design (2014), TAN 18: Transport (2007), and TAN 23: Economic Development (2014).

### 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. A coal mining risk assessment has been prepared and The Coal Authority is satisfied with its contents and recommendations.

### CONSULTATION

The comments set out below are based on those received for application 14/0814/LA. Any updates will be reported at Planning Committee.

Head Of Public Protection - No objections subject to conditions concerning illumination, noise, odour, site control - dust and noise suppression during construction, waste from the premises, drainage - grease trap, contamination, soil import testing, and validation of remediation works.

Cont ....

Application No. 15/0501/NCC Continued

Senior Engineer (Land Drainage) - No objections subject to a condition concerning surface water and land drainage.

Head Of Public Services - No objections subject to the provision of appropriately sited refuse facilities.

Transportation Engineering Manager - He is still considering the Transport Assessment but has no objections in principal subject to conditions.

Dwr Cymru - No objections subject to conditions concerning drainage. Advice is also offered to the applicant.

Wales & West Utilities - Details have been provided of their facilities in the area.

Natural Resources Wales - No objections subject to the appropriate drainage of the site and recommend that a condition is imposed to ensure that the scheme to dispose of surface water is submitted and approved in writing, to prevent flooding elsewhere by effective management of surface water run-off resulting from the development. Advice is also provided about contamination, biodiversity, and pollution prevention.

Countryside And Landscape Services - No objections subject to conditions concerning compliance with the recommendations in the submitted wildlife survey, the proper treatment of Japanese Knotweed on the site, and a light mitigation strategy for bats.

The Coal Authority - After initially objecting to the scheme, it became clear they had done so on the basis of the historic use of the site, and did not have up to date records of the remediation. That objection has now been overcome following discussions between the Authority and the applicants.

Glam/Gwent Archaeological Trust - No objections.

Strategic & Development Plans - No objections on the basis that the development of the site is acceptable in principle, and a study has revealed that there is adequate employment land in the borough.

#### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press, and 66 neighbouring residents have been consulted.

Cont....

Application No. 15/0501/NCC Continued

Response: At the time of report preparation no comments had been received. In relation to the previous application one letter was received expressing concern about the impact of the development on horseriders in the area, particularly in the lane to Argoed, and on bridlepaths opposite the site.

#### 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. The DAS confirms that the applicants have had discussions with the Gwent Police Designing Out Crimes Officer and confirm what security measures would be incorporated into the scheme, including a 2.1m high mesh fence, defensive planting, and the elimination of troublesome meeting areas from the proposal.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes but it is not chargeable in this case.

#### ANALYSIS

Policies: The application site is a brownfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Oakdale village. It is one of four plateaux at the Oakdale Business Park. It is an allocated primary site within the LDP and thus the principle of development on this land is acceptable. Permission 14/0814/LA establishes the acceptability of a school at this site, but the justification in planning terms for that development is repeated below. The extension currently proposed does not affect that assessment.

Policy SP2 Development Strategy (NCC) requires development proposals within the NCC to promote sustainable development. Specifically, proposals in this area should be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area, reduce car borne trips by promoting more sustainable modes of travel, make the most efficient use of existing infrastructure, and protect the natural heritage from inappropriate forms of development.

Cont....



## Application No. 15/0501/NCC Continued

The LDP in allocating Oakdale Business Park for employment use recognises this area as a sustainable location for new development. Notwithstanding this allocation, the use of the site for the provision of a secondary school needs to be considered against the requirements of SP2.

The relocation of the school from Pontllanfraith to Oakdale Plateau 3 could have the potential to increase car borne trips as a consequence of parents transporting children to school from the Pontllanfraith area. Conversely the location of the new school could reduce car borne trips for children from the Oakdale and Croespenmaen area given the central location of the proposed school. It is inevitable that the reduction of two schools to one will result in some pupils having to travel further to access these facilities, therefore in line with Policy SP2 it is important that adequate provision is made to promote sustainable modes of travel through the provision of school buses and also by making adequate provision through the design and layout of the site for cycling. The design of the proposal reflects that need.

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 it also promotes the full and effective use of urban land and concentrates development to within existing settlements. The application site is identified for development and is located within the settlement boundary for Oakdale. The principle of development on the site is therefore acceptable.

Policy SP16 (Managing Employment Growth) makes provision for 101.9 hectares of employment land across the county borough to meet the needs of business up to 2021. This compares to the projected land required for employment use of approximately 64.2 hectares over the plan period. At 4.2 hectares, the application site is one of a range and choice of sites that contribute to the overall employment land supply. It is acknowledged that the plan makes a significant over-provision of employment land; however, this is necessary to create the conditions to facilitate development and drive forward economic growth in the county borough.

Cont....

Application no. 15/0501/NCC Continued

Notwithstanding the oversupply of employment land, consideration needs to be given to the potential loss of this site as an employment site, as not only is the amount of land available important, but so is the location and quality of that land. Modern businesses and developers looking to acquire land for employment use generally seek to acquire prominent, easy to develop greenfield sites close to arterial roads or motorways, as irrespective of sustainable transport policies, private transport still dominates in most industrial sectors. A healthy property market should provide a mix of options including speculative developments, design and build schemes, and freehold plots for owner-occupiers to self-build.

Plateau 3 at Oakdale Business Park offers a brownfield site for self-build within the NCC served directly by the Sirhowy Enterprise Way. In addition to the application site, there are three other plateaux remaining within Oakdale Business Park that contribute to the employment land supply for the county borough, all of which would meet the needs of modern business. There are approximately 28 hectares remaining at Plateau 1, 7 hectares on Plateau 2, and 4.3 hectares on Plateau 4. Plateau 2 has full planning permission (12/0649/FULL) for a demonstration track and media centre.

In total Oakdale Business Park together with Penyfan industrial estate amount to approximately 106 hectares of existing and planned employment land that aims to make provision for a blend of properties to meet the needs identified by modern business. Even with the loss of the current application site to an alternative use, approximately 39 hectares of land supply will remain for employment use at Oakdale Business Park.

The NCC contains the majority of existing industrial floorspace in the county borough at approximately 68,010 sq m across 30 units. Of that, a significant number of units of different sizes are available to let at any one time. On balance it is considered that the loss of approximately 4.2 hectares of land from the employment land supply would not have an adverse impact on the county borough's ability to meet the requirements of modern business.

Policy SP22 (Community, Leisure and Education Facilities) safeguards suitable land for school development. The current site is not included, but it is reasonable to expect the needs of the Education Authority to change over the period of the LDP, and in view of the over supply of employment land, there are no objections to a school in this location.

Cont....

Application No. 15/0501/NCC Continued

In terms of Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion), cycle facilities are provided, and the applicants have been in discussion with the Council's highway engineers about ensuring that the school is accessible to pedestrians. Extensive parking for buses will also be provided.

With regard to Policy CW2 (Amenity), the nearest plateau that accommodates industrial development is some 250m to the east and at a significantly higher level with a high degree of intervening landscaping. Therefore the amenity of the school should not be harmed by that neighbouring use. The housing to the south is approximately 50m away from the site and at a higher level, and therefore there would be no harm to the amenity of those neighbours as a result of the development. As a matter of principle, from a planning point of view, schools are historically located in or adjacent to residential areas, and so there would be no significant conflict between the two uses.

Extensive discussions have taken place between the highway engineers and the applicants to overcome any concerns with regard to Policy CW3 (Design Considerations Highways) resulting in the provision of adequate parking facilities, and off-site improvement works such as pedestrian crossings.

The proposal is contrary to Policy CW13 (Use Class Restrictions Business and Industry) because that limits the development of the site to use classes B1, B2 or B8, an appropriate sui generis use, or to provide an ancillary facility or service to the primary employment use. However, for the reasons set out above, in this case, the proposed development is considered acceptable. There is competing demand for scarce land within the NCC and whilst the development of this site for a school is contrary to the provisions of Policy CW13, the provision of a modern secondary school has been identified by the Education Authority.

Comments from Consultees: The comments of the consultees can be accommodated by condition.

Comments from public: Concern was previously expressed about the impact of the development on horseriders crossing the road from the lane leading down to Cwm Argoed. There are quite a number of horse riders in the area and there are two bridleways either side of the Yard Coal Rise (SEW). Highways and public rights of way officers have met representatives of the horseriders on site where they identified the problems and an agreement has been reached to erect signage encouraging drivers to slow down.

Cont....

Application No. 15/0501/NCC Continued

Further measures could be secured by condition, but it should be borne in mind that the application site is allocated for development and would generate more traffic if developed for employment purposes than it does at present. Schools tend to generate peak traffic at the start and the end of the day. Employment uses do so as well, but there would also be a steady stream of other traffic during the day, including heavy goods vehicles depending on the nature of the businesses.

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) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting, including any floodlights at the approved 3G pitch and MUGA, including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.  
REASON: In the interests of residential amenity and nature conservation.
- 03) 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.
- 04) 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.

Cont....

Application No. 15/0501/NCC Continued

- 05) 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.
- 06) The storage, collection and disposal of any commercial waste associated with the school hereby approved shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.  
REASON: In the interest of public health.
- 07) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of any activities at the building hereby approved that would result in the grease entering the drainage system.  
REASON: To prevent pollution.
- 08) 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, the results of which shall include a table showing the soil sample results and the relevant screening levels they have been compared with and further gas monitoring and assessment in line with CIRIA C665, 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.
- 09) 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...

Application No. 15/0501/NCC Continued

- 10) 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.
- 11) 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 cut and fill operation on the site, including the ground works associated with the settlement tanks. That scheme shall include how the operation will be carried out and what contamination testing will be undertaken. The development shall be carried out in accordance with the approved scheme.  
REASON: In the interest of public health.
- 12) Prior to the commencement of works on site a scheme of surface water and 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.
- 13) 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.
- 14) The development hereby approved shall be carried out in accordance with the recommendations made in Section 10 of the Ecology Report dated April 2014, prepared by the Principal Ecologist for Caerphilly County Borough Council, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure adequate protection for protected species.

Cont....

Application No. 15/0501/NCC Continued

- 15) Prior to the commencement of works on site that affect any areas of Japanese Knotweed, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on the site. The treatment of Japanese Knotweed 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. Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.
- 16) 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 at the buildings hereby approved shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the 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.
- 17) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of integral nest boxes and nest cups at the buildings hereby approved shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the 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, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

Cont....

Application No. 15/0501/NCC Continued

- 18) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the visual amenity of the area.
- 19) Prior to commencement of work on site a scheme for the protection of trees during the carrying out of the development within and adjacent to the application site shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.  
REASON: To protect trees in the interests of visual amenity.
- 20) Prior to its first use the proposed means of access shall be laid out, constructed and maintained thereafter with vision splays of 2.4m x 65m for both junctions onto Waterloo Road. No obstruction or planting when mature exceeding 900mm in height above the adjacent footway shall be placed or allowed to grow in the required splay areas.  
REASON: In the interests of highway safety.
- 21) The standard of illumination from the sports pitch floodlights shall be such that no undue glare or distraction is occasioned to highway users.  
REASON: In the interests of highway safety.
- 22) The school building shall not be beneficially occupied until after the highball catch fencing has been installed in accordance with the submitted plans. The fencing shall thereafter be maintained to the appropriate standard to prevent balls entering the highway.  
REASON: In the interests of highway safety.
- 23) Within 6 months from the date the school hereby approved is occupied a School Travel Plan shall be submitted for the written approval of the Local Planning Authority. The travel plan will be designed to encourage all users of the school to travel by alternative methods than the motorcar. The agreed travel plan content shall be implemented within 3 months from the date of approval.  
REASON: In the interests of highway safety and to encourage the use of alternative modes of transport.

Cont....

Application No. 15/0501/NCC Continued



- 24) Notwithstanding the submitted plans the school building shall not be beneficially occupied until after engineering details of the safe routes to school schemes recommended in the Transport Statement have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include for additional works in the form of a widening to the north-eastern footway running alongside Waterloo Road to incorporate a new cycleway facility. The safe routes to school schemes shall be implemented in accordance with the agreed details prior to the school opening unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 25) Visibility at the junction of Waterloo Road with Yard Coal Rise shall be improved to provide splays of 2.4m x 120m. The improvements shall be completed in accordance with details to be firstly agreed with the Local Planning Authority and be implemented prior to beneficial occupation of the school.  
REASON: In the interests of highway safety.
- 26) Prior to its erection 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 at the development. The boundary treatment shall be completed in accordance with the approved details.  
REASON: In the interests of the visual amenities of the area.
- 27) 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.
- 28) Prior to the commencement of work on site, a scheme of gas monitoring shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed scheme.  
REASON: In the interests of public health.

Cont....

Application No. 15/0501/NCC Continued

- 29) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Drawings Nos. P001, P002, P003 (Rev. A), P004 (Rev. A), P005 (Rev. A), P006 (Rev. A), P007 (Rev. A), P008 (Rev. B), P009, PL01, PL02, PL03, and PL04 (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)

Please find attached the comments of Dwr Cymru/Welsh Water that are brought to the applicant's attention.

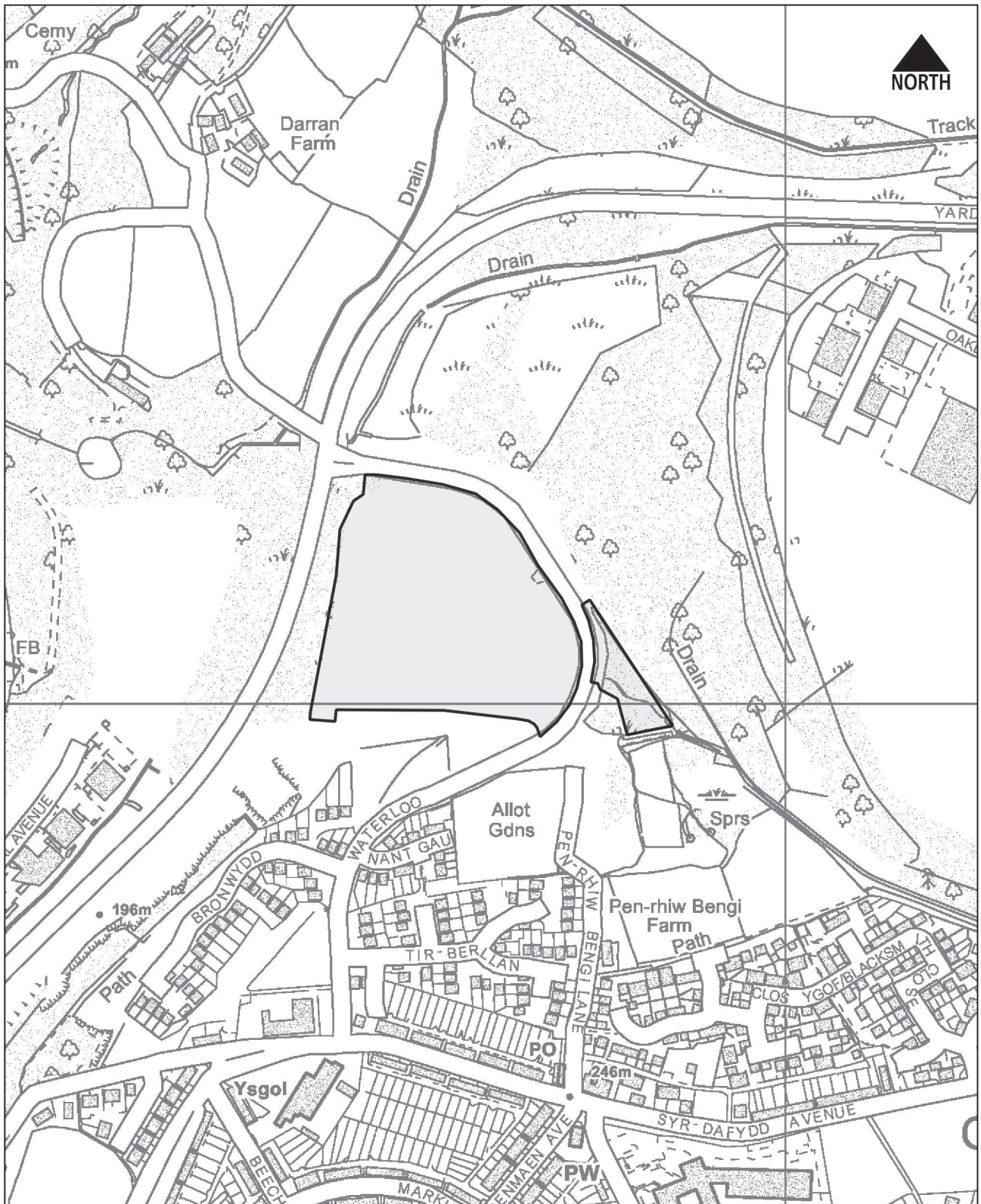
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW4, CW5 and CW6.

There will a requirement for the applicant to fund and implement all necessary Traffic Regulation Orders in association with the Safe Routes to School scheme works.

The Council's School Travel Plan Coordinator will be available to assist in the preparation, development and implementation of the School Travel Plan.

The applicant is advised to discuss and agree the proposed lighting levels with the Council's Street Lighting Manager.

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## PREFACE ITEM

APPLICATION NO.	P/99/0768
APPLICANT(S) NAME:	Whitchurch Holdings Ltd
PROPOSAL:	Discharge of condition 4(5) attached to P/99/0768 to 'Redevelop former colliery for housing, employment (B1, B2, & B8 USES) shop and pub including land reclamation and conversion of pit head building Land at Penallta Colliery, Ystrad Mynach, Hengoed.
LOCATION:	Details received in respect of Multi Use Games Area at Harrier Avenue, Cwm Calon.

On 23rd August 2002 planning permission was granted 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.
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, who subsequently acquired the site 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. 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 to build a sustainable community development.

The Masterplan is the plan that sets out the strategy for the land uses, including play areas, and general layout for the whole development. 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, local areas of play (LAPS), one Local Equipped Area for Play (LEAP), one Neighbourhood Equipped Area for Play (NEAP) and one Multi Use Games Area (MUGA). The main LAPS are located to the eastern side of Cwm Calon Way and another within the centre of the site on the eastern side of Heron Drive. A LEAP, which is yet to be constructed, is identified on an area of land in what is now generally opposite the northern end of Phoenix Way and the eastern end of Merlin Avenue; a NEAP is located at Buzzard Way; and a Multi-Use Games Area (MUGA) located on the area of land adjacent to the Ysgol Penallta school at its north-eastern end and at the junctions of Firecrest Walk and Harrier Avenue. The proposed play areas will serve the new Cwm Calon development comprising 630 dwelling units to date. It is the details of the MUGA, which are subject of this application to discharge condition 4(5) attached to P/99/0768 relevant to this element of the development.

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 MUGA is included within the site layout drawing no: 3BDE – 15-04-02 Revision C, approved on the 7<sup>th</sup> March 2013 in respect of Phases 3B, D, and E of the development. The position and orientation of the MUGA was previously agreed with Leisure Services and the facility is required to contribute to the recreational / play areas that formed part of the original Masterplan. Whilst the position of the MUGA was agreed at that time the details of the MUGA were reserved for subsequent approval. Those details have now been submitted and are subject of this application.

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 and 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.

“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

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.”



- “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 issues to be considered in the determination of this application are in terms of the design of the MUGA and the impact of the same upon the amenity of neighbouring properties. The footprint of the MUGA is in line with that previously approved and measures 30metres by 18metres. The MUGA is hard surfaced with an external 4m high sentinel perimeter fence, in Forest Green. The fence will include two pedestrian gates and two maintenance gates. The MUGA will offer the opportunity to play various activities including football, basketball, tennis, and cricket and it is hoped will also be used by the neighbouring Ysgol Penallta School. The design including the colours used are typical of such development and are considered to be in accordance with Policy SP6 of the LDP and as such acceptable in planning terms.

Policy CW2 of the LDP considers amenity and in this respect the location of the MUGA has previously been considered and approved, as discussed above. In terms of the objections raised it is worth noting the proximity of dwellings to the facility. The nearest dwelling to the MUGA is opposite, to the east of the site at 1 Firecrest Walk. This dwelling is south facing and as such it is the gable end of the dwelling, which has no habitable room windows that face the MUGA. Here the shortest distance between the MUGA and the gable end of the dwelling is 15 metres.

The side boundary of no. 1 Harrier Avenue is located 25 metres to the north of the MUGA and 28 metres to the gable end of the property. Again there are no habitable room windows in the gable end of the property, which could result in the privacy of the occupiers being adversely affected. The land around the MUGA and between the houses is to be landscaped with grass and trees in accordance with landscaping plan drawing no: 870.01/1 approved in December 2014. Existing trees along the western boundary of the site form a landscaped boundary with the adjoining industrial estate.

The application has been advertised on site and ten neighbouring properties have been consulted. Two e-mails have been received concerned about potential anti-social behaviour, the use of floodlighting of the MUGA and the maintenance of the MUGA. The complainants both live at Osprey Avenue located to the south of the MUGA beyond a culvert and ditch running to the south of the site and a private shared drive serving the dwelling. There is a distance of 34.5 metres between the nearest points of the MUGA to the front elevation of the objector's property, which is considered sufficient not to cause undue loss of privacy or amenity to the occupiers of that dwelling. In terms of anti-social behaviour, whilst this would be a police matter the MUGA would be patrolled by the Council's Community Safety Team along with the other play areas. The MUGA will not have any floodlighting and will be maintained by the Council. As referred to above the location of the MUGA has previously been agreed but it is considered the proposed use of the MUGA, would not significantly harm the privacy or amenity of the occupiers of neighbouring residential properties.

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 MUGA are approved.

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## **PREFACE ITEM**

APPLICATION NO. 07/0138/FULL

APPLICANT(S) NAME: Redrow Homes (South Wales) Ltd

PROPOSAL: Carry out ground regrading, drainage improvement and associated engineering works and provision for construction of future cycle track

LOCATION: Land To Eastern Boundary Of Redrow Development (Former Railtrack) Cwm Calon Ystrad Mynach

DESCRIPTION OF PROPOSAL: discharge of condition 9 attached to planning approval reference 07/0138, including amended plans received in respect of the cycle track access links into the Cwm Calon estate.

Planning approval was granted on the 11/5/07, subject to conditions in respect of the above development. The approved development included the retention of a strip of land along the complete length of the disused railway line, situated to the western boundary of the development site to allow the construction of a cycle track. The cycle track is shown on the approved Masterplan for the redevelopment of the Penallta Colliery Site and originally included four new connections from the cycle track to the Cwm Calon development. The railway line is approximately 1000 metres in length.

Policy TR1.2 of the Caerphilly County Borough Local Development Plan, (LDP) up to 2021 safeguards the route of this former railway line, for the completion and extension of Cycle Route NCN 46. The railway line is approximately 1000 metres in length.

Condition 9 attached to the consent requires: -

Notwithstanding the submitted plans, and in accordance with a timescale to be agreed with the Local Planning Authority, prior to the commencement of any works forming part of this development, a cycle track shall be constructed within the corridor of land identified for that purpose on the submitted plans. Prior to the commencement of any works forming part of this development, details indicating the cycle track surface material, its width, longitudinal gradient and access links onto the Cwm Calon residential development shall be submitted to and approved by the Local Planning Authority. The cycleway shall be completed in accordance with the approved details and timescale.

REASON: To provide a cycle track in accordance with the Masterplan approved for the redevelopment of the former Penallta Colliery site and in the interests of highway safety.

The developers have submitted final proposals in order to discharge the above condition. The cycle track measures a maximum of 3 metre in width and runs along the length of a disused railway line running below a steep embankment, along the eastern boundary of the Cwm Calon development. The Nant Cylla watercourse runs along the length of this former railway line and is crossed by an existing footbridge situated to the northern end of the proposed cycle track at Pottery Lane, below the embankment to the east of Brambling Crescent, Cwm Calon. Another existing footbridge crosses Nant Cylla at the southern end of the proposed cycle track, just below the embankment to the east of the junctions of Phoenix Way with Swallowfield Drive.

The proposed cycle track will include two new cycle connections with Cwm Calon together with a new timber footbridge. Link No.1 will comprise a 2.5m wide cycle track, which follows a line along the embankment below Phoenix Way at its junction with Merlin Avenue, and connects to the highway network to the north of the identified locally equipped area of play (LEAP). At this access point and where this connection links to the main cycle track below, control 'K' barriers are to be provided. The works to this cycle link will include engineering works to the embankment. The new embankment will be constructed at a maximum slope of 1:2.5. A filter drain will be installed along the length of the cycle path link and a 1.4m high galvanised steel ball and tube railings are to be provided along its length on its eastern side.

The second cycle track link is situated below 41 Brambling Crescent at its junction with Goshawk Rise (the final phase of residential development by Redrow to the north of the development site) and will comprise a set of steps leading off the main cycle path. The steps will comprise three sets of nine steps, with two landings and a handrail along its length and safety barriers at the top of the step. Due to the topography of the embankment steps were considered to be the most appropriate engineering solution. However, in order that the steps are fit for purpose, the design of the steps will include a 'wheeling ramp' along its length to allow cyclists to push their bicycles along the length of the steps.

The proposed timber bridge takes account of a watercourse which runs through the site on the southern side of Firecrest Walk.

The surface of the main cycle track will comprise a compacted dust layer over a sub-base and restrained by tanelised timber edgings. Cycle link 1 will have a tarmac surface and cycle link 2 comprising the steps will be constructed of brushed concrete. All development will be constructed to CCBC's standard cycleway construction specification. The embankment will be grassed and the verges of the cycle track landscaped in accordance with previously approved landscaping details.

The application has been advertised on site and 70 neighbouring properties have been consulted. One letter has been received requesting could the cycle path leading from the LEAP face the opposite direction. He suggests that all foot traffic comes from the Pottery Lane end (and across bridge lower down the old mineral line) and shortening the walking distance may be beneficial and encourage more usage of footpaths. However, he appreciates there may be technical reasons why this proposal could not be considered.

In response, the Masterplan indicated the provision of four new links down onto the cycleway but early on in the construction of the development it was obvious that given the steep gradient of the embankment not all of these links could be achieved. Following detailed discussions with the Redrow Design team, only two connections were considered acceptable in engineering terms and suitable connections to the cycleway. The Transportation Engineering Manager has already approved final plans submitted in respect of the details required by condition 9 referred to above and construction in respect of the same has commenced.

It is therefore recommended that the submitted details, notwithstanding works have already begun on site, reflect the details agreed with this Council's Highways Division and as such Condition 9 may be discharged subject to works being carried out in accordance with the agreed details. In addition the amendments in respect of the connection links from the cycle track to Cwm Calon, from the four links indicated on the approved Masterplan, whilst reduced in number to two, is as a result of site constraints and provide a pragmatic solution in terms of the engineering works required to provide the cycle path links and are acceptable in terms of their location and design.

RECOMMENDATION: That the submitted cycle track details are approved.

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# Agenda Item 16

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0446/FULL 16.07.2015	Mr G Hughes 11 Hengoed Road Penpedairheol Hengoed CF82 8BQ	Convert attic 11 Hengoed Road Penpedairheol Hengoed CF82 8BQ

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is located on the north east side of Hengoed Road.

Site description: The application property is a semi-detached bungalow with front and rear gardens and a drive to the side. The property has a projecting gable to the front elevation. The adjacent dwelling has a box dormer on the rear elevation.

Development: The application seeks full planning consent for the erection of a box dormer on the rear roof plane. The dormer will have a flat roof and will be set back from the eaves and down from the ridge. The application is reported to Planning Committee because the applicant is a County Councillor.

Dimensions: The dormer measures .5m wide by 2.7m high and it projects out from the roof plane by 4m.

Materials: To match the host dwelling.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

## POLICY

Local Development Plan: Within settlement limits.

## Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Cont....

Application No. 15/0446/FULL Continued

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 4 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on dormer windows and rooflights.

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

None.

#### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letters. The period for submission of responses does not end until the 6th August 2015.

Response: No objections had been received at the time of writing the report. Any objections received prior to the matter being discussed by committee will be reported orally to members. If any objections are received after this time which raise any issues not considered in this report then a further report will be brought to committee in due course.

Summary of observations: None.

#### 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....

Application No. 15/0446/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.

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 point to consider in the determination of this application is whether the proposed dormer is acceptable in design terms. In that regard the advice contained in LDP7 should be taken into account. The guidance states that dormers should be subservient to the main roof and should not take up more than 50% of the roof area and the proposed dormer does not comply with that guidance. However, the Local planning Authority has to consider the character of other properties in the area and the fall back position afforded by permitted development rights. In that regard it should first be noted that there is a similar but smaller dormer on the adjacent dwelling. Secondly it should be noted that permitted development rights would allow an extension almost exactly the same as that proposed without the benefit of planning consent. In that regard it is felt that the extension is acceptable in design terms.

There would be no detrimental impact on the amenity or privacy of neighbouring dwellings and there is no need for additional off street parking and as such the proposal is considered to be acceptable in planning terms.

Comments from consultees: No objections raised.

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.
-



# Agenda Item 17

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0320/FULL 12.05.2015	Mr C Brimble Newland 7 Warren Drive Caerphilly CF83 1HQ	Remodel existing property to include attic bedrooms and ground floor open plan living accommodation Newland 7 Warren Drive Caerphilly CF83 1HQ

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: To the north side of Warren Drive a residential street located at the southern end of the defined settlement boundary for Caerphilly Town.

Site Description: A detached bungalow set back and located at a lower level from Warren Drive which provides the southern boundary to the application site. The dwelling is bounded to the western and eastern sides by neighbouring detached dwellings (no. 5 and no. 9 Warren Drive). To the north of the site is a small access lane which provides vehicular access for the application property and the neighbouring dwellings. Beyond that lies the rear amenity areas of residential dwellings fronting Corbett Crescent.

Development: Remodel existing property including roof alterations to facilitate the inclusion of attic bedrooms. As a result of the works the number of bedrooms within the dwelling would increase from the existing two bedrooms to four bedrooms and all bedrooms (including those existing two presently on the ground floor) would be located within the first floor (attic) space. Bathroom facilities are also proposed on the first floor along with an ensuite facility to the main bedroom. These works would facilitate an increase in living space on the ground floor including an enlarged kitchen/breakfast area, living room, sitting room, dining area and toilet/bathroom facilities. An entrance canopy is also provided.

The application is reported to Planning Committee because the applicant's wife works for the Council.

Cont....

Application No. 15/0320/FULL Continued

Dimensions: The works would include alterations to the roof form and pitch including raising the ridge height of the dwelling from approximately 6.3m to 7.6m. The existing width (9.7m) and length (11.2m) of the main bungalow would be increased with the addition of two extensions although an existing conservatory would be demolished as part of the redevelopment. A small side extension (replacing the aforementioned conservatory) to the western side (2m wide by 4.3m long) located towards the rear of the bungalow provides additional space and access doors to the kitchen area. A further small projection to the eastern side (1m wide by 4m long) provides additional space and windows to the living room.

Materials: Walls: Finished in painted brickwork and timber cladding. Roof: Artificial Slate.

Ancillary development, e.g. parking: Increase in parking to three spaces, reconfigured pedestrian stepped access to the frontage of the site.

#### PLANNING HISTORY

No previous planning history.

#### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The Site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), SP6 (Place Making).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 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, Advisory note to be added should application be approved.

Cont....

Application No. 15/0320/FULL Continued

### CONSULTATION

Countryside And Landscape Services - Advise that if the presence of bats is not known the application can be approved subject to conditions to provide nesting provision and advisory notes to be attached in relation to bats and breeding birds.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters.

Response: One letter has been received in relation to the application from the occupier of a neighbouring property.

Summary of observations: The letter states that they have no objection to the development.

### 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 crime and disorder will be impacted by the development.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No, the additional floorspace is below 100sqm.

### ANALYSIS

Policies:The application site is located on the northern side of Warren Drive. The topography of the area is such that the semi-detached properties on the southern side of the street are located at a higher level than the road and those on the northern side (including the application property) are set down (circa 3.5 metres) below road level. The application dwelling is a detached bungalow within a row of four detached dwellings that front towards Warren Drive.

Cont....

Application No. 15/0320/FULL Continued

The adjacent property to the east (no.9 Warren Drive) is similar in form, however the property to the west (no.5) has been extended and altered with the addition of a two storey extension to the rear and has a front dormer window.

The proposed works would significantly alter the form and appearance of the application dwelling introducing a contemporary design with half hipped roof. The design includes areas of large glazing on the ground floor and four vertical rectangular windows on each of the front and rear elevations at first floor (attic) level. The side elevations of the roof would have a number of roof lights within them. On the western side elevation three low level roof lights have matching windows at eave level to provide a light to the kitchen below. The materials proposed to be used include painted brickwork and timber cladding for the walls and artificial slate for the roofing. It is noted that there are a variety of finishes within the row of dwellings at present including brick and different types of render finishes and also variety in the roofing materials. The two adjacent properties to the west differ in their roof forms and appearance and it is considered on balance that the alterations proposed are visually acceptable and accord with development plan policies CW2 (Amenity) and SP6 (Place Making).

The proposed roof alterations would increase the height of the application property by approximately 1.3m, however it is noted that there is a general increase in ridge heights in those properties within the row as the land rises westwards and as such the appearance in the row would be acceptable. The visual impact of the ridge height increase within the wider street scene is also acceptable given the mix of dwelling types and is considered to be lessened by the fact that the dwelling is set back significantly (circa 10m) from Warren Drive and the road level is well above the ground floor levels of the dwellings.

The impact on the neighbouring dwellings has been considered, noting the existing fenestration on both no.5 and no.9 Warren Drive it is not considered that the works to the application dwelling will result in unacceptable overlooking to either adjacent properties or their amenity areas. It is considered the increase in mass of the application dwelling will have an acceptable impact on the neighbouring properties light and will avoid having an overbearing impact on any neighbouring property. There is considered to be sufficient distance to the amenity areas of those properties to the north to avoid any unacceptable impact from the additional glazing introduced on the rear elevation of the application dwelling.

Cont....



Application No. 15/0320/FULL Continued

The site layout plan indicates that with the demolition of an existing garage structure that three parking spaces can be accommodated on land controlled by the applicant. It is considered appropriate to add a condition requiring the parking areas to be provided prior to the additional bedroom accommodation coming into use to ensure the development accords with Development Plan Policy CW3 (Highways). It is also proposed that prior to commencement of development details of materials will be required to ensure a suitable quality of materials for the external envelope of the development.

It is considered that the development will have an acceptable visual impact on the character of the area and on the amenity of the neighbouring residential dwellings. The application dwelling would retain sufficient amenity space following the proposed development. It is recommended that members approve the application subject to the proposed conditions/advisory notes.

Comments from consultees: The Ecologist has provided conditions and informatives to be attached to the permission.

Comments from public: The only letter received in relation to the application is from the occupiers of an adjacent neighbouring property that states they have no objection to the development.

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) 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 the new extensions at Newland 7 Warren Drive, Caerphilly shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extensions hereby approved are 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.

Cont....

Application No. 15/0320/FULL Continued

- 03) 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 and Swift) in the new dormer extension at Newland 7 Warren Drive, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extensions hereby approved are 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.
- 04) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 05) The first floor attic bedrooms shall not be brought into beneficial use until the areas indicated for the parking of vehicles have been laid out in accordance with the approved Site Layout plan (drawing ref: AL(00)002 (no revision) and those areas shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
- 06) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:  
Site Layout - drawing no. AL(00)002(no revision), received 13.05.15.  
General Arrangement Proposed plans - drawing no. AL(00)004 no revision, received 13.05.15.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

1. Although bats were not known to occur in the building prior to development, the applicant should be advised that if bats are subsequently discovered during works associated with the development hereby approved, all works should stop immediately and Natural Resources Wales should be contacted for advice on any special precautions before continuing.

Cont....

2. There is potential for nesting birds on/within the dwelling at Newland 7 Warren Drive, Caerphilly, and that all British birds (while nesting, building a nest or sitting on a nest), 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 there are any birds nesting on/within the vicinity of the proposed development, then work should therefore be undertaken outside the breeding season for birds (typically between September and February) to ensure their protection. Further advice can be sought from the Local Planning Authority Ecologists.
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# Agenda Item 18

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0043/FULL 20.02.2015	Chemical Corporation Mr A Barkham Atlas House Unit 9 Bedwas Business Park Bedwas Caerphilly CF83 8DU	Erect industrial storage unit Land Between Units 4 & 10 Bedwas Business Centre Bedwas House Industrial Estate Bedwas Caerphilly

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The site is located on the Bedwas Business Park between units 4 and 10. To the rear of the site is a residential mobile home development.

Site description: The site comprises a vacant area of grassed land between Units 4 and 10 on the Bedwas Business Park. The site frontage is at the same ground level as the front access road but the ground then rises to form a mound and then falls to the rear of the site. The difference in levels between the site frontage and the rear boundary is around 1 metre.

Development: Full planning permission is sought in respect of the construction of an industrial storage building for the storage of non-hazardous lubricants. The location and design of the building has been amended from that originally submitted in order to address the local planning authority's concerns regarding the impact of the development upon the amenity of the neighbouring residential development at The Conifers to the rear of the site. In this respect the building has been brought further forward within the site and includes a lower roof section on the rear elevation. In addition planting of a hedgerow is proposed along the rear embankment in order to soften the impact of the development in terms of visual amenity.

Dimensions: The footprint of the building measures 22m in width and 10m in depth. The maximum height of the building is 7m but a rear element of the proposed building has a reduced height of 4m.

Materials: Profiled cladding sheets in goosewing grey with goosewing grey roller shutter door and Solent Blue aluminium gutters and grey downpipes.

Ancillary development, e.g. parking: Six parking spaces are proposed at the eastern end of the site.

Cont....

Application No. 15/0043/FULL Continued

### PLANNING HISTORY

No previous planning history.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: SP5 - within the settlement boundary and within the Bedwas House, Bedwas protected secondary employment site as identified by Policy EM2.33.

#### Policies:

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

#### Countrywide Policies

Policy CW2 - Amenity, CW3 - Design considerations - highways, CW13 - Use Class restrictions - Business and Industry and CW15 - General locational constraints.

#### NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, TAN 12 - Design, TAN 18 – Transport.

#### 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? Not an issue in respect of this planning application.

#### CONSULTATION

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent in respect of parking provision and operational space. He also provides a note to be conveyed to the developer regarding the formation of a vehicular crossover.

Cont....

Application No. 15/0043/FULL Continued

Head Of Public Protection - No objection subject to standard contamination conditions being attached to any consent together with a condition restricting hours of operation and outside storage.

Countryside And Landscape Services - Requests a condition is attached to any consent requiring bird breeding provision in the new unit as a biodiversity enhancement. A Bird Advisory Note is also provided to be conveyed to the developer.

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.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 15 neighbouring properties have been consulted.

Response: Three in respect of the original development but none in respect of the revised development.

### Summary of observations:

In respect of the original design submitted, concerns were raised regarding the close proximity of the unit to the residential bungalows at The Conifers, loss of light and outlook, noise pollution currently experienced particularly from the loading and unloading of skips will be exacerbated, light pollution from both delivery vehicles/lorries and buildings, depreciation in value of home, flying debris from industrial estate, will prevent quiet enjoyment of gardens by neighbouring bungalows, which were developed for people over 55 years of age.

### 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? Yes, but it is not chargeable in respect of this type of development.

Cont....

## ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues in the determination of this application are considered to be in terms of design, amenity and highway safety.

Policy SP6 - Placemaking of the LDP considers that 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 amongst other things, an efficient use of land, a high standard of design and a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all. The site is located on The Bedwas House protected secondary employment site as identified by Policy EM2.33 of the LDP and as such development will be permitted if it is within use class B1, B2, B8, or an appropriate sui generis use, to provide an ancillary facility or service to the primary employment use or an acceptable commercial service unrelated to Class B uses in accordance with Policy CW13 of the LDP. The stated proposed use of the building is for the storage of non-hazardous lubricants, which is a B8 use in planning terms and is in accordance with Policy CW13.

The design, form and external materials used in the proposed building is similar to other industrial units on the estate and is entirely in keeping with the industrial character and context and as such is in accordance with Policy SP6 of the LDP. The unit is located within the settlement boundary for Bedwas on an established industrial estate and is proposed between two existing units on the industrial estate with access provided directly off the adopted highway. Consequently, it is considered the site is in a sustainable location, both vehicle and pedestrian access is easy and safe for all and as such the development is in accordance with Policy SP6 of the LDP.

Policy CW2 of the LDP considers amenity issues. In this respect regard has to be given to the impact the development will have upon the privacy and amenity of the occupiers of neighbouring properties, particularly plots 2, 3 and 4 The Conifers located to the rear of the site. Objections were raised in respect of the original development, concerned that the close proximity of the building would be overbearing resulting in loss of light and their privacy and amenity being adversely affected. The distance between the rear elevation of Plot 4 The Conifers, (the nearest dwelling to the site) and the proposed building is 7.6 metres. The orientation of the bungalow is north facing and as such the rear of the property has the potential to be overshadowed by the proposed building.

Cont....



Application No. 15/0043/FULL Continued

The developer has aimed to address these issues by siting the proposed building further to the front of the site, further away from the properties and redesigning the building by reducing the height of the rear roof slope for a length of 11 metres, where it is immediately adjacent, particularly, to the rear boundary of Plot 4 The Conifers. The revised proposal also includes the planting of a hedgerow on the embankment to the rear of the site in order to provide an element of screening of the development. In this respect it is considered the building together with the planting will provide a screen to any activity occurring on the industrial estate and to the front of the building and as such issues of nuisance from lights from vehicles should be addressed.

Given the longstanding authorised industrial use of the site subject of this application, it is considered that residents of neighbouring dwellings will already experience an element of harm as a result of the industrial and commercial activities associated with an industrial estate. In this respect consideration has to be given to whether the proposed storage building would significantly increase the harm that may already be experienced. This Council's Head of Public Protection has raised no objection to the development subject to conditions being attached to any consent restricting hours of operation to between 7am and 5pm Monday to Friday as per their application, including deliveries; there being no external storage and that the unit can only be used for the storage of non-hazardous substances. In addition it is considered appropriate to attach conditions to any consent that no other openings are permitted in the building other than those indicated on the approved plan, no external plant to be fitted to the building and the use of the building to be restricted to a B8 storage use only and finally a landscaping plan be submitted for consideration and approval in writing with the Local Planning Authority. It is considered the modifications made to the original proposals together with the conditions referred to above will address the concerns raised by residents in terms of amenity issues. The storage of hazardous substances is controlled by other legislation and it would not be appropriate to impose a condition in that respect.

The objection raised regarding the devaluation of property is not a planning matter.

Policy CW3 of the LDP considers highway issues and objections have been raised that the proposed development will result in an increase in traffic to the detriment of highway safety. In this respect the Group Manager (Transportation and Highways) has raised no objection to the development subject to conditions being attached to any consent in respect of the provision and retention of operational space and parking provision.

Cont....

Application No. 15/0043/FULL 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: None.

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

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 only be used for B8 purposes as defined by the Town and Country Planning (Use Classes) Order 1987, or as defined by 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) No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 7.00am and 5.00pm Monday to Friday.  
REASON: In the interests of residential amenity.
- 04) No goods, materials, plant or machinery shall be stored outside the building hereby approved without the prior written agreement of the Local Planning Authority.  
REASON: In the interests of the amenity of the area.
- 05) 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 windows or other openings, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity.

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Application No. 15/0043/FULL Continued

- 06) 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 and Swift) in the new unit at Bedwas Business Centre, Bedwas shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new unit 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.
- 07) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.  
REASON: In the interests of residential amenity.
- 08) Prior to the commencement of development, details of the hedgerow to be planted along the rear, northern boundary of the site shall be submitted for consideration and approval in writing with the Local Planning Authority. The scheme shall include details of the size and species of plants to be planted. The agreed details shall be implemented in the first planting and seeding season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
REASON: In the interests of visual amenity.
- 09) 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.
- 10) 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.

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Application No. 15/0043/FULL Continued

- 11) 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.
- 12) 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.
- 13) The proposed parking area shall be completed in materials, details of which shall be submitted for consideration and approval 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.
- 14) Rainwater run-off shall not discharge into the highway surface-water drainage system.  
REASON: In the interests of highway safety.
- 15) The area fronting Units 4 and 10 shall be kept free of obstruction at all times to be used as operational space for both units, in order to facilitate deliveries and stock movements and for no other purpose.  
REASON: In the interests of highway safety.
- 16) 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.
- 17) The development hereby approved relates to the details received on 12th June 2015, drawing no: BBP01 revised scheme by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.

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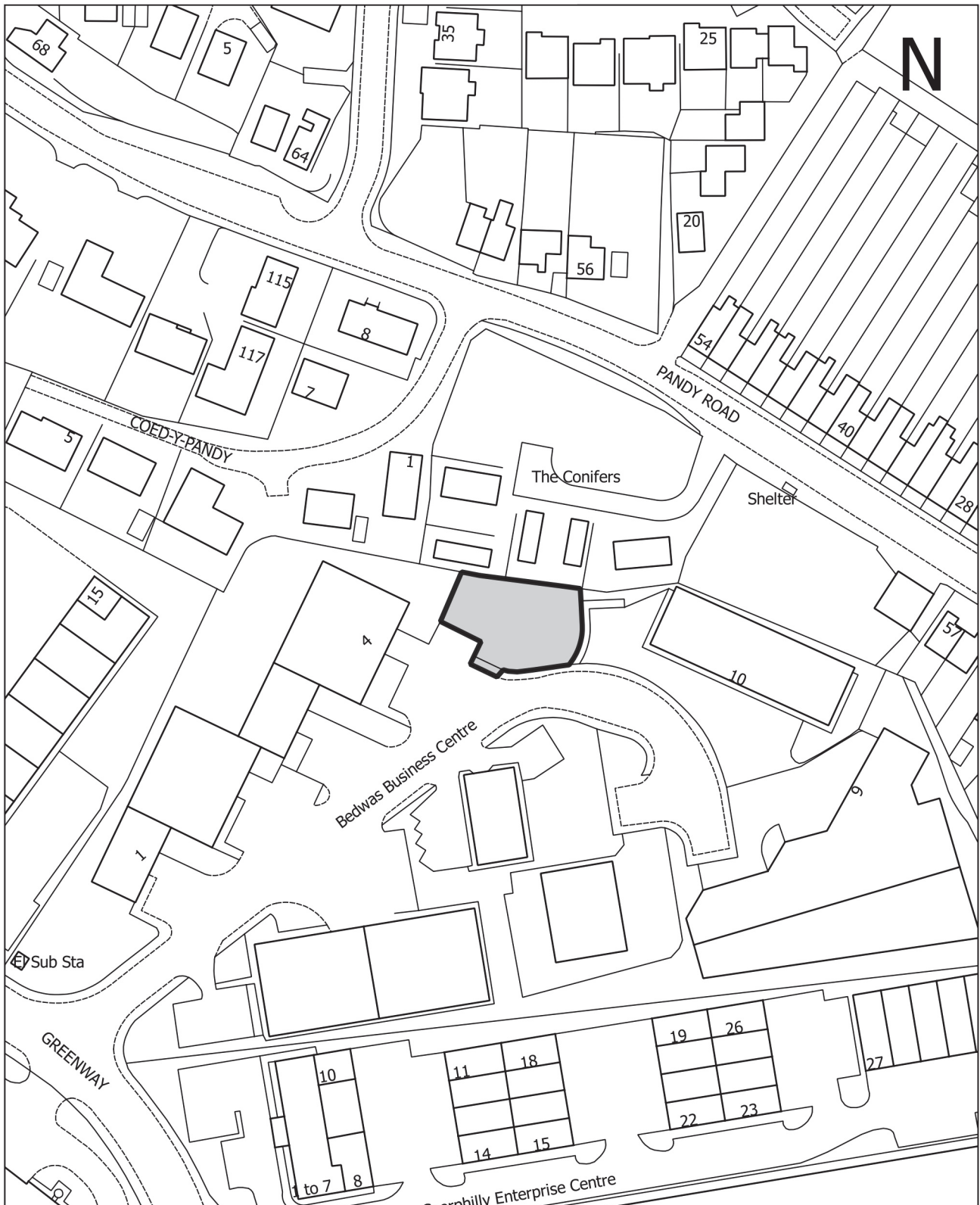
Application No. 15/0043/FULL Continued

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.

The applicant is advised of the comments of the Transportation Engineering Manager, Council's Ecologist and Senior Engineer (Land Drainage).

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# Agenda Item 19

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0038/OUT 19.01.2015	Land Matters Limited C/O Savills Mrs M Lewis 12 Windsor Place Cardiff CF10 3BY	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 Land North Of Pandy Road Bedwas Caerphilly

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The site is an irregularly shaped area of land located on the north-western boundary of the village of Bedwas. It lies approximately three-quarters of a mile from the centre of the village and around a mile and a half from Caerphilly Town centre.

Site description: The site falls outside the settlement limit identified in the Adopted Caerphilly County Borough Council Local Development Plan (i.e. the LDP). The land is currently undeveloped and appears to be primarily agricultural in nature. Whilst it is locally referred to as land at Glan Rhymney Farm the applicant indicates that the three parcels of land involved are not currently used for farming or grazing purposes. The three fields are separated by hedgerows, with trees being located mainly around the boundaries.

The fields, as a result of their earlier agricultural use, are comprised of improved grassland with marginal areas of dense bramble scrub and bracken. The site is bound to the south by Pandy Road, beyond which is Bedwas House Industrial Estate. To the east of the site runs Pandymawr Road beyond which are the existing residential properties off Dol-y-Pandy Road and Dan-y-Deri Road.

The site rises from Pandy Road, which runs along its southern boundary, and continues upwards as it climbs the mountainside to the north.

Cont....

Application No. 15/0038/OUT Continued

Development: The proposal is an outline application which seeks to reserve all detailed matters for subsequent approval, although indicative proposals for the site access have been submitted with the application (included in the Transport Assessment) to establish basic principles at this outline stage.

The application proposes a housing scheme with capacity to accommodate up to 300 new homes. The DAS prepared in support of the application sets out the evolution of Indicative Masterplan, considering the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings. Whilst the application is for "up" to 300 dwellings the applicant has indicated that site constraints will probably yield around 270 units. However the consideration of the proposal will be in respect to the higher number.

The applicant indicates that the "proposed housing will reflect a wide range of size, types and tenures in order to cater for the needs and demands of the local population and market place. The final mix of housing (in terms of type and tenure) is to be determined through reserved matters applications and in consultation with the Council".

The description of the development also includes reference to associated open space, landscaping, and highways and service infrastructure.

Indicative layout: The DAS submitted with the application seeks to set out the evolution of the Indicative Masterplan which forms part of that document. It attempts to show how it has considered the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings. It also indicates the provision of public areas of open space.

Indicative access points: The development is accompanied by a preliminary design showing a priority junction from Pandy Road into the south-eastern area of the site. Whilst this is indicative it would appear to be the logical point bearing in mind the alternatives.

In respect to footpath provision there are two Public Rights of Way in the immediate vicinity of the site; FP26 runs east-west towards the northern boundary of the site and FP24 runs opposite on the southern side of Pandy Road through to the Industrial Estate onto Greenway.

Dimensions: The site measures 8.3 hectares in area (i.e. 20.5 acres). The indicative housing layout shows 300 properties which gives an overall density of development of 35.3 dwellings per hectare (i.e. 14.6 dwellings per acre).

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Application No. 15/0038/OUT Continued

Materials: Not Applicable.

Ancillary development, e.g. parking: Not Applicable.

### PLANNING HISTORY

5/5/92/0040 - Reorganise 11kv lines - Granted 10.06.92.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located in the open countryside adjacent to, but outside the settlement limit contained in the Adopted Caerphilly County Borough Council Local Development Plan (i.e. the LDP). The site lies in a Special Landscape Area (NH1.4, North Caerphilly) and also in a Minerals Safeguarding Area (MN2.9, The Southern Outcrop, Caerphilly/Lower Islwyn,- Coal).

Policies: There are a wide range of policies of relevance to the consideration of this application contained in the Local Development Plan. These are as follows;

Strategy Policies.

1. Policy SP3 Development Strategy.
2. Policy SP4 Settlement Strategy.
3. Policy SP5 Settlement Boundaries.
4. SP6 Place Making.
5. Policy SP7 Planning Obligations.
6. Policy SP10 Conservation of Natural Heritage.
7. Policy SP14 Total Housing Requirements.
8. Policy SP15 Affordable Housing Target.

Countywide policies.

- A. Policy CW1 Sustainable Transport, Accessibility and Social Inclusion.
- B. Policy CW2 Amenity.
- C. Policy CW3 Design Considerations Highways.
- D. Policy CW4 Natural Heritage Protection.
- E. Policy CW6 Trees, Woodland and Hedgerow Protection/LDP 4:Trees and Development.
- F. Policy CW10 Leisure and Open Space Provision
- G. Policy CW11 Affordable Housing Provision.
- H. Policy CW15 General Locational Constraints.
- I. Policy CW22 Locational Constraints Minerals.

Cont....

Application No. 15/0038/OUT Continued

NATIONAL POLICY The Proposal should be considered in line with National Planning Policy and Guidance and in particular the requirements of:

Planning Policy Wales (Edition 7, July 2014);

Technical Advice Note 1: Joint Housing Land Availability Studies (2015);

Technical Advice Note 2: Planning & Affordable Housing (2006);

Technical Advice Note 11: Noise (1997);

Technical Advice Note 12: Design (2014);

Technical Advice Note 15: Development and Flood Risk.

Technical Advice Note 18: Transport (2007).

There are also other policy related matters which require to be considered in respect to this submission. Such matters could constitute material considerations in respect to the determination of this proposal. They are;

The 5 year Housing Land Supply,  
The Annual Monitoring Report,  
The Local Development Plan Revision,  
The Community Infrastructure Levy (i.e. CIL).

#### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The proposal exceeded the threshold of 0.5 hectares for such developments.

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 were requested on this application.

#### CONSULTATION

Outdoor Leisure Development Officer - comments that as the application is in outline there are a limited number of comments that could be made. However it is considered that some formal play equipment in the form of a NEAP, a LEAP and possibly a Multi Utility Games Area (i.e. a MUGA) as well as open space should be considered for inclusion in the layout.

Cont....

Application No. 15/0038/OUT Continued

Bedwas, Trethomas & Machen Community Council - "strongly object" to this application on the basis of traffic congestion and the loss of "green-belt" land.

Glam/Gwent Archaeological Trust - made no comment on this application.

Gwent Wildlife Trust - issued a holding objection relating to the need for additional information regarding wildlife habitats. This information was received and considered by the NRW and the County Ecologist and was found to be acceptable.

The Coal Authority - raises no objection to this application on the basis of the information submitted.

Countryside And Landscape Services - the Landscape Architect objects to the application on the basis of its visual impact and the effect on the Special landscape Area.

The Council's Ecologist is satisfied with the information submitted however she requires a range of conditions to be imposed which protect various species.

Senior Arboricultural Officer (Trees) - raises no objection to this application subject to conditions being imposed relating to tree protection measures and an arboricultural method statement.

CCBC - 21st Century Schools - whilst no formal comment has been received the provision of schools is a matter being addressed by way of the Local Development Plan review. Also the financial contribution towards such education provision will come through the Community Infrastructure Levy (i.e. CIL) monies when the detailed application is determined.

Head Of Public Protection – No objection subject to conditions.

CCBC Housing Enabling Officer - has been party to a number of discussions with the developer on the level of affordable housing at the site. Agreement between the parties was subsequently reached and the application, if approved, will be subject to a S106 agreement designed to secure the affordable element of the scheme.

Senior Engineer (Land Drainage) - raises no objection but requests a condition be imposed which requires a comprehensive drainage scheme to be submitted. as part of the detailed scheme.

Cont....

Application No. 15/0038/OUT Continued

Head Of Public Services - does not oppose the application but wishes the applicant to be advised of the need to provide on-site refuse storage facilities.

Transportation Engineering Manager – No objection subject to conditions and a Section 106 Agreement in respect of off-site highway improvements.

Dwr Cymru - raises no objection to the application but request conditions and advice to be included on any permission granted.

Police Architectural Liaison Officer - comments that the Designing Out Crime Unit has no objections to make however the Traffic Management Advisor comments on the need to restrict vehicle parking to only one side of the road to ensure the safe movement of vehicles along this highway.

Wales & West Utilities - comments that a gas main crosses the site and they must be contacted with regard to its apparatus prior to any work commencing on site.

Natural Resources Wales - originally objected to the proposal on the basis of the lack of information relating to the potential bat usage at the site. Additional information in this regard was subsequently submitted and the objection was removed. There were no objections received in respect to flooding or surface water issues.

Rights Of Way Officer - Footpath 26 in the Community of Bedwas crosses the site and must be protected at all times, or alternatively the applicant may seek to temporarily close the path during the works (contact this office to discuss if necessary). Should any part of the proposed development conflict with the footpath a suitable Diversion or Stopping up Order must be in place prior to works affecting the Public Right of Way.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site, press and direct neighbour consultation letters with 99 properties.

Response: The response to this public consultation exercise is as follows:-

80 individual letters of objection have been received including one from the Local Assembly Member.

3 petitions objecting to the application totalling 607 signatures.

1 letter of support.

Cont....

Application No. 15/0038/OUT Continued

It should be noted that a number of the letters were submitted in respect to the Local Development Plan review process which was undertaken at the start of this year and ran for a time in parallel with the submission of this application. Officers have included both sets of letters in the processing of this application as they both refer to the principle of the site's development and consequently deal with similar concerns.

Summary of observations: The basis of the objections received are as follows;

1. The development would result in serious road traffic congestion, which would exacerbate the already poor situation in the road system that serves this area and thereby impact on road safety. Pandy Road is currently a "rat-run" used to avoid the main roads during peak times.
2. It would cause pollution/noise.
3. It would result in the loss of agricultural land.
4. The implementation of such a scheme would put pressure on local services such as education and health.
5. The drainage arrangements in the area will be overloaded.
6. The land should be retained for farming, which would maintain the pastoral view and assist wildlife.
7. The application is outside the current settlement limits.
8. There are enough "brown-field sites" within settlement limits to develop without looking to use up "green-field" sites in the countryside.
9. It would adversely affect existing water supply/pressure.
10. It would result in the additional use of Pandy Mawr Rd, which is a single track road and not meant for such additional use.
11. The proposed link between the site and the existing playground on the Manor Park estate will result in danger to children crossing the lane and damage to boundary fences.
12. The increased use of Pandy Lane, to the north of the site will be hazardous.
13. The current level of traffic using Pandy Road has increased over recent times and merging into the lane is dangerous due to the capacity and speed of vehicles driving along it.
14. The character of Bedwas has changed over recent times, from a village to a "dormitory" of Caerphilly.
15. On street parking along Pandy Rd. is already an issue.
16. There is "very little space left in the village" as the open countryside is disappearing.
17. Other options should be explored (e.g. loans/grants/compulsory purchase of properties/redevelopment of derelict sites) before agricultural fields are built upon.
18. This proposal will result in further applications in this area for housing.
19. The impact of Manor Park has already "robbed" the area of countryside.

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20. The adverse effect on the farming industry in the area, especially at harvest time, will be considerable, especially in respect to transport and relocate produce.
21. Pandy Lane is subject to flooding, this will worsen the situation.
22. There needs to be a new access road to serve this site or it should be refused.
23. Pandy Rd. is not suitable for wheelchair users and this development will make it worse.
24. It will result in the loss of wildlife habitats, along with trees and hedgerows.
25. Disruption will be caused to existing dwellings during the construction phase. Who will bear the cost of this disruption?
26. Such a development will demonstrate that it is a "bad policy" to build such a large site.
27. Inadequate notice has been given to the publication of this application.
28. Loss of view.
29. The litter nuisance in Pandy Lane will increase.
30. The development is a speculative operation which will benefit only a few (i.e developer, estate agents and the landowners).
31. Contrary to the applicant's contention the land is used for agricultural purposes.
32. The site should have its own play area and not rely on the one located within Manor Park.
33. The site has poor public transport links.
34. The Council is charged with protecting and enhancing the countryside.
35. An Environmental Impact Assessment under the relevant Regulations should have been submitted.
36. Inadequate ecological information has been submitted.
37. Vandalism is currently being experienced by industrial uses on the estate to the south. This may worsen as a result of more people using Pandy Lane.
38. A site of this size will be to the detriment of the remainder of the village due to its impact on existing facilities.
39. Loss of walkways and amenity/countryside land.
40. Cycling in this area is too dangerous at present. To suggest additional cycling activity with more vehicles on the road would be reckless.
41. Loss of light, privacy and residential amenity to existing dwellings.
42. There are no local facilities or community buildings shown within the site layout.
43. Householders are being given £250 in an attempt to "buy-off" opposition.

Cont....

Application No. 15/0038/OUT Continued

## 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 determination of this application will impact adversely on the issues of crime and disorder in this area.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The application was accompanied by an extended phase 1 survey, which considered the site's suitability for protected species. This was supplemented with additional surveys for reptiles and bats between April and June 2015. These were assessed by the county Ecologist and Natural Resources Wales. Their comments are considered later in this report.

Is this development Community Infrastructure Levy liable? No. The application is in outline only. If it is granted it will be at the approval of reserved matters stage, that the amount of CIL contribution will be calculated. This will be assessed on the floor area created. In the south of the County this is payable at a rate of £40 per square metre. This amount will exclude the affordable housing element contained in the scheme.

## ANALYSIS

Policies: Development Strategy - As can be seen from the policy section above there are a range of policy considerations applicable to this site. In view of the location of the site, being outside the settlement limit, it is evident that there are policies which the application is clearly contrary to. However in a plan led system the legislation states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise" (Planning and Compulsory Purchase Act 2004, Section 38 (6)). As such this section will give an overview of the policy considerations and seek to provide a conclusion based on all the relevant considerations.

Strategy Policies, these are designed to deliver wider aims and objectives of the plan's Development Strategy.

Cont....

Application No. 15/0038/OUT Continued

The first of these policies is SP3 which addresses the development strategy in the Southern Connections Corridor (i.e. SCC). This policy 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 greenfield 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 ways, by bus and is located relatively close to a number of railway stations and it therefore has the potential to be serviced by sustainable modes of transport in line with Criterion B.

In terms of the role and function of the area, the Strategy defines Bedwas as a Local Centre within the SCC, based on its role as a provider of local services and as an area that provides significant employment opportunities. The Local Centres 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 Bedwas to the Bedwas Colliery Site. To date this site has not been developed and consequently Bedwas has experienced very little housing growth over the plan period. The development of housing to serve the Bedwas area would have regard to the social and economic function of the area in line with the provisions of Criterion D of Policy SP3.

Policy SP3 also requires development in the SCC to protect the natural heritage from inappropriate forms of development. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Criterion E of Policy SP3. The majority of such mitigation will be in the form of conditions requiring landscaping and tree protection schemes. These are however issues for the reserved matters application as landscaping is a detailed matter.

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.

Cont....



Application No. 15/0038/OUT Continued

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 greenfield and falls outside but immediately adjacent to the settlement boundary of Bedwas. Therefore the application is clearly contrary to Policy SP5 of the Adopted LDP.

Notwithstanding the existing delineation of the settlement boundary the southern portion of the application site is relatively flat and would constitute a logical rounding off of the existing settlement limit at this location, extending the built form in a westerly direction, which would be partly in line with the development at Bedwas House Industrial Estate, which currently projects further west than the houses on the northern side of Pandy Road.

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 300 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 Bedwas and close to the Principal Town 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. The indicative master plan indicates that good permeability can be achieved to integrate the site with the existing development in the area providing safe pedestrian access into and from the site.

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.

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Application No. 15/0038/OUT Continued

Given the location of this site on the edge of settlement, it is suggested that the introduction of a comprehensive 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.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The proposed layout should be assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of SP6 are fully met.

Proposals in the SCC are also required to incorporate mitigation measures that serve to improve and maintain air quality. It is worth noting that no comments in respect to air quality are raised in the response of the Head of Public Protection. The site itself is in open countryside and is unlikely to be one where air quality will be an issue.

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, it is considered that the main issues requiring to be secured within such an agreement are those relating to the deliverability of the correct level/tenure/type of affordable housing and also highway improvements that require financial contributions towards off-site traffic light improvements and a number of other highway requirements.

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 as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP10.

In this regard the comments of the Council's Landscape Architect and Tree Specialist have been sought. The former was concerned about the impact on the Special Landscape Area and the coalescence of communities which may result from the approval of this development. He concludes with the following comment, " I am therefore of the opinion that unless there is an overwhelming need for residential development in this part of the borough the site should not be developed". It is this phrase which encapsulates the issue relating to this proposal and is discussed further in this report.

Cont....

Application No. 15/0038/OUT Continued

The Tree Officer raises no objections in principle to this application subject to the imposition of a condition attached to any consent granted.

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 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.

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Application No. 15/0038/OUT Continued

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. The most recent figures, which are due to be published shortly, confirm that the figure is now 1.9 years of available supply.

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. The 2014 AMR recognises the need to address this issue and recommendation R2 of the report states: "that limited greenfield release be considered on sites that are acceptable in planning terms in order to address the lack of a 5- year supply in the short term." Council approved the 2014 AMR for submission to Welsh Government in October 2014.

The final strategic policy of relevance is Policy SP15 "Affordable Housing Target". This 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. The application proposes 300 dwellings in an area of acute housing pressure and in an area with considerable housing need.

Within the SCC the plan seeks to secure a maximum of 40% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 120 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. In this regard a number of meetings have been undertaken with the developer and officers of the Planning and Housing Departments to achieve a sustainable and justifiable level of affordable housing at this site. In assessing this level due regard has to be paid to the sites viability. As such an exercise was undertaken which was designed to achieve a deliverable element of affordable housing, which was acceptable to both the applicant and the Authority and could be secured by way of a Section 106 Agreement.

The following Local Development Plan policies are area wide ones which set out general criteria against which planning applications are assessed.

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Application No. 15/0038/OUT Continued

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 design process contained in the DAS, has made good provision for pedestrians, however it should also ensure that adequate provision has been made for ease of cycling. In this regard the former railway line to the north of the application site is safeguarded in the LDP for the development of a cycle route as part of the Rhymney Valley Linear Cycle Route, whilst the Caerphilly Basin Radial Routes Project (Policy TR1.13 and TR1.14 refers) lies to the south of the site. If granted a condition could be imposed which provides links to these routes.

Policy CW2 "Amenity" recognises that proposals for development have the potential to constrain the development of neighbouring sites for their identified use. Careful consideration has therefore been given to the relationship of the proposed housing site with the existing employment to the south of the application site. This consideration has been given by the Head of Public Protection who has also given further consideration to the likely impact of any potential nuisance that could arise from the existing Bedwas House Industrial Estate and how that might impact on the residential amenity of properties on the application site. This consideration has resulted in the Head of Public Protection raising no objection to the application subject to conditions being imposed on any consent granted.

Policy CW3 "Design Considerations Highways" requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Traffic Impact Statement has been submitted with the application which has been assessed by the Transportation Engineering Manager. A subsequent series of meetings have resulted in a highways position that the Council's highway engineers find acceptable, subject to the imposition of conditions and the completion of a Section 106 Agreement which secures financial contributions to improvements and arrangements on and off site.

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. The application site lies within a Special Landscape Area (Policy NH1.4 refers) and as such the policy test needs to be applied to the proposal.

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Application No. 15/0038/OUT Continued

The site can be divided into two portions as indicated in the DAS. The southern portion is relatively flat and could constitute a logical rounding off of the existing settlement limit. The northern portion is considerably steeper and will extend the settlement northward into the countryside. Whilst development on the steeper part of the site will afford properties with an excellent outlook, it will also inevitably have a greater landscape impact than the southern portion of the site. The applicant has advised that there are constraints in respect to the development of the upper northernmost land on the site. These are the presence of a gas main and more particularly the steeply sloping nature of the site and the presence of rock close to the surface there. With the required cut and fill exercise and the sloping road alignments, they contend, it is highly likely that there would be a loss in net developable land on these higher slopes.

As indicated in the consideration of Policy SP10 above the Council's Landscape Architect objects to the proposal but concedes that if the need for the residential development outweighs the need to protect the heritage features then the proposal could proceed.

It should also be borne in mind that the Special Landscape Area concerned covers the North Caerphilly area and as such is extensive in size. Whilst the development of the application site would inevitably erode part of the Special Landscape Area, it is none the less a small incursion into the SLA on the edge of the Settlement of Bedwas, and on balance would be acceptable in view of the current housing shortfall.

Trees and Hedgerows make a positive contribution to both the natural and built environment. They enhance the character and diversity of the landscape and offer substantial environmental benefits. Policy CW6 "Trees, Woodland and Hedgerow Protection" therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. This policy is supplemented by LDP 4: Trees and Development. It is noted that a tree survey has been undertaken for the site, which indicates those trees that should be retained and those that would be adversely impacted by the development of the site. In this context the Council's Arboricultural Officer has considered the information submitted and responded to the effect that the development is acceptable subject to conditions relating to the submission of a Tree Protection Plan and a related Arboricultural Method Statement.

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Application No. 15/0038/OUT Continued

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".

There are four main areas of public open space shown on the Indicative Masterplan. Whilst these are necessary for the proposal's open space provision they do not in themselves provide any formal leisure facilities, such as a Local Equipped Area of Play (i.e a LEAP) or a Neighbourhood Equipped area of Play (i.e. NEAP). It is acknowledged that there is a play area within the adjacent estate, however a site of this size would usually be expected to make provision for a NEAP. Leisure Services have commented that additional formal play equipment is required to satisfy this policy.

The application is currently in outline, with all matters reserved. It is considered that it could be condition to ensure that formal play provision is required to be provided in the detailed application, thereby satisfying the policy.

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. This target is indicative and regard should be had for the up to date Local Housing Market Assessment, the information from the Housing Division in terms of the affordable housing waiting list and critically the viability of the development.

This policy dovetails with Strategic SP15 (Affordable Housing Target) which also addresses the provision of affordable dwellings. The consideration applied in respect to policy SP15 is also applicable to this countrywide policy. As indicated above the Chief Housing Officer raise no objection to the application subject the completion of a S106 Agreement designed to secure the number and form of the affordable element.

Policy CW15 "General Locational Constraints" specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of Policy CW15. This mirrors the position relating to Strategic policy SP3, criterion A, discussed above. This policy requirement must therefore be considered against other material considerations. These are discussed below under the heading of "Other Matters."

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Application No. 15/0038/OUT Continued

Policy CW22 Locational Constraints Minerals requires proposals for permanent development that impact on minerals safeguarding areas to meet specified tests as laid out in the policy. The south-eastern corner of the site is a coal safeguarding area (Policy MN2.9 refers) and the whole site is also within a safeguarded sandstone area. The Minerals Officer has verbally commented on the potential sterilisation of the minerals resource by the proposed permanent development of the application site, by confirming that whilst the proposal is generally contrary to the policy, there is a criterion which provides for an exemption should there be an overriding need for the development. Again this is a matter to be assessed against the other material considerations relevant to this matter.

Other Matters.

(A). 5 year Housing Land Supply: TAN 1 (January 2015) seeks to ensure that there is a genuine 5 year land supply available. 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. as indicated above the most recent figures, which are due to be published shortly, confirm that the figure is now 1.9 years of available supply.

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.

(B). Annual Monitoring Report: The 2014 AMR recognises the need to address this issue and recommendation R2 of the report states: "that limited greenfield release be considered on sites that are acceptable in planning terms in order to address the lack of a 5- year supply in the short term.". Council approved the 2014 AMR for submission to Welsh Government in October 2014.

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Application No. 15/0038/OUT Continued

(C). LDP Revision: The First Revision of the Adopted LDP is underway. The six-week Preferred Strategy public consultation period has been completed and the Department is now in the process of preparing the Deposit Plan which itself will be the subject of a six-week public consultation period commencing in February 2016. As part of the revision of the plan, there is recognition that there is a need to release greenfield sites in the Caerphilly Basin area to allow for housing development in an area of acute housing pressure.

#### Community Infrastructure Levy

The application is for residential development and whilst this Outline proposal is not CIL liable at the reserved matters stage it would be liable to pay the Community Infrastructure Levy. Bedwas 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.

#### Overall Conclusions in respect to the Local Development Plan Policies.

Whilst the application is contrary to the provisions of Criterion A of Strategy Policy 3, 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 Bedwas and is clearly contrary to the provisions of Policy SP5. Notwithstanding the existing delineation of the settlement boundary the southern portion of the application site is relatively flat and would constitute a logical rounding off, of the existing settlement limit at this location, extending the built form in a westerly direction which would be partly in line with the development at Bedwas House Industrial Estate, which currently projects further west than the houses on the northern side of Pandy Road.

The development of the application site would inevitably erode part of the Special Landscape Area (i.e. the SLA). The Landscape Architect's professional view was sought to determine if this small incursion into the SLA on the edge of the Settlement of Bedwas, would have an unacceptable impact on the wider SLA. His response was " I am therefore of the opinion that unless there is an overwhelming need for residential development in this part of the borough the site should not be developed".

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.

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Application No. 15/0038/OUT Continued

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 greenfield 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 housing, including 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. The Council in its consideration of the 2014 AMR accepted the need for limited greenfield release to address the land supply shortfall.

The development of this site would therefore 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.

With regard to the applicable National Policies the response are as follows;

Planning Policy Wales (PPW) forms the overarching national planning policy document within Wales, providing guidance to Local Planning Authorities (LPAs) for the preparation of development plans and the determination of planning applications through their development management functions.

National policy requires LPAs to demonstrate a 5-year housing land supply. PPW contains advice in Chapter 9 on the requirement to provide a 5-year supply of land for housing. Paragraph 9.2.3 states that LPAs must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. TAN 1 (June 2006) provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS) which identify the level of housing land supply. It states that the purpose of these studies is to:

- (i) Monitor the provision of market and affordable housing;
- (ii) Provide agreed Statements of Residential Land Availability for development planning and control purposes; and

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Application No. 15/0038/OUT Continued

(iii) Set out the need for action in situations where an insufficient supply is identified.

Paragraph 2.2 states that LPAs must ensure that sufficient land is genuinely available to provide a 5-year supply of land for housing. This land supply must inform the strategy contained in the LDP. It goes on to state that LPAs should have regard to the requirement to prepare and provide timely housing land supply figures to satisfy the requirements of the Wales Programme for Improvement Core Planning Indicators and LDP Annual Monitoring Reports (AMR).

As indicated above in respect to the LDP policies, the Authority currently has less than 2 years housing land supply. This therefore represents a material consideration in respect to this application.

This point is further reinforced by Technical Advice Note 1: Joint Housing Land Availability Studies (2015), which considers the demand for housing at a national level across Wales and sets out issues relating to land availability and action that should be taken by Local Planning Authorities where insufficient land is identified. Importantly, Paragraph 2.2 identifies the need for such Authorities to provide for a 5-year supply of genuinely available land for housing.

Paragraph 5.1 continues and states that:

"The results of the Joint Housing Land Availability Studies should be treated as a material consideration in determining planning applications for housing. 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 national planning policies."

This Authority is currently seeking to address the land supply through the local development plan review.

Technical Advice Note 2: Planning & Affordable Housing (2006) provides guidance to Local Planning Authorities on matters relating to the provision of affordable housing.

During the processing of this application much consideration has been given by your officers, to the level, tenure and type of affordable dwellings required at this site. The Chief Housing Officer has required the completion of a S106 Agreement to secure the requirement at this site.

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Application No. 15/0038/OUT Continued

Technical Advice Note 11: Noise (1997). The application was accompanied by a Noise Survey, which was considered by the Head of Public Protection. The assessment determines any potential impact concerns that may exist from the existing industrial and commercial units and other existing and future noise sources, including road traffic, on the proposed development.

The Head of Public Protection's response in respect to the information received was positive. As a result no objection was raised on the basis that conditions were imposed which related to double glazing on certain properties and fencing details on all gardens facing Pandy Rd.

Technical Advice Note 12: Design (2014) has been addressed by way of the preparation of a detailed Design and Access Statement (i.e. a DAS). This worked through the relevant elements applicable to this outline submission, in order to demonstrate that the site could be designed in accordance with the advice contained in TAN 12.

Technical Advice Note 15: Development and Flood Risk. The application falls within an area defined in the TAN as having little or no risk from fluvial flooding (i.e. its in Zone A). The proposal was accompanied by a Flood Consequences Assessment which was found to be acceptable by Natural Resources Wales. They requested that the recommendations of the report be incorporated into the detailed design of the scheme. This can be done by the use of a suitably worded condition.

Technical Advice Note 18: Transport (2007), this document is one that links into the Council's own policies on highway access and safety which were discussed above (namely CW1 and CW3). As indicated there a Traffic Impact Statement has been submitted with the application which has been assessed by the Head of Engineering Services. A subsequent series of meetings have resulted in a highways position that the council's highway engineers find acceptable, subject to the imposition of conditions and the completion of a Section 106 Agreement which secures financial contributions to improvements and arrangements on and off site.

In respect to national guidance it is considered that this proposal raises no issues which overturn the conclusion reached in the assessment of the Local Development Plan policies presented above.

Therefore there are no policy objections being raised to this development.

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Application No. 15/0038/OUT Continued

Comments from Consultees: As can be seen from the consultation responses the majority received do not object to the proposal but do require conditions/agreements to be entered into which will control the proposal to an acceptable level. The Council's Landscape Architect did oppose the application as being contrary to policy, however it is felt that there are material planning considerations in existence which, on this occasion, out-weigh the policy position.

Comments from public: The response to the points raised by the general public are as follows;

1. The Transportation Engineering Manager considers that this proposal can be acceptable subject to conditions and the S106 Agreement provisions contained in the report.
2. The Head of Public Protection raises no objection in this regard.
3. The agricultural nature of the land is not a material consideration which could preclude this development.
4. The infrastructure provision in Bedwas is a matter that will be assessed via the Local Development Plan review. If considered to be necessary sites for schools and health facilities will be identified. The Education Department and the area health board contribute to this process.
5. A condition has been imposed in respect to the provision of a comprehensive drainage scheme to serve the development.
6. The applicant is entitled to apply for residential consent on this green-field land. The proposal is thereafter assessed against policies and all relevant material considerations. If it is successful permission will be forthcoming.
7. There is no dispute that the application is outside settlement limits. However as the report discusses land-use circumstances are changing and have impacted on the situation relating to the adequacy of the supply of housing land.
8. There are indeed "brown-field" site within settlement limits however many of these sites (such as Bedwas Colliery) have complex land use issues involved in their delivery. and cannot readily be brought to the housing market.
9. This would be a matter to be addressed by Dwr Cymru/Welsh Water.
10. See point 1 above.
11. The "Masterplan" submitted with the application is indicative only. The detailed Reserved Matters application will provided the actual linkages between the site and its surroundings. It should be noted however that pedestrian connections between existing settlements is an acceptable arrangement.
- 12, 13 and 15. See point 1 above.
14. This is an opinion expressed by the objector which requires no response
16. This site is private land and is on the extreme western edge of the village. Bedwas will remain bounded to the north by open countryside.

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Application No. 15/0038/OUT Continued

17. The planning committee is being asked to assess this application on this site. As indicated above the proposal is considered against policies and all relevant material considerations. If it is successful permission will be forthcoming.

18. Any future submissions will be assessed as this one has been. However it must be acknowledged that the Local Development Plan review, when completed, will provide an up-to-date plan better placed to make decisions in respect to prevailing land-use pressures.

19. This is an opinion expressed by the objector which requires no response.

20. This point is not sufficient to justify a refusal of planning permission.

21. Natural Resources Wales do not consider flooding an issue in respect to this development.

22. The application is being considered on the details provided. There is a new access into the site, however it will be from Pandy Road. The Transportation Engineering Manager finds this acceptable subject to the imposition of conditions and the relevant terms of a S106 Agreement.

23. Pandy Road is similar to the majority of roads and streets in this Borough. If however there are particular problems for wheelchair users along this stretch of highway the matter should be taken up independently with the Council as the Highway Authority.

24. It will result in the loss of open fields however the Council's Ecologist and those of Natural Resources Wales consider that conditions can be imposed which would protect wildlife interests to an acceptable level.

25. There will be a level of disturbance/disruption during the construction phase. This is common with all such developments. However conditions can be imposed at the detailed stage which would be designed to control matters such as noise, dust, odour, wheel-washing, working hours etc to acceptable limits during that phase. The issue of any compensation payable is one that must be taken up as a private matter.

26. This is a personal opinion expressed by the objector which requires no response.

27. The application was advertised in the press, on site and by way of 99 letters sent to surrounding properties. In view of the response, in terms of letters and petitions, it is considered that the advertisement process provided members of the public adequate notice to comment on this proposal.

28. Loss of view is not a planning consideration.

29. The issue of litter control is dealt with under different legislation and therefore should be pursued separately to this matter.

30. This is a personal opinion which can form no part of the determination of this application.

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31. The current use of the land is not the over-riding factor in respect to this proposal. It is evident that the fields are comprised of improved grassland, however it is their development for future use which is being considered at this time. All built development would have been undertaken on countryside at some point in the past.

32. A condition will be imposed in respect to the provision of on-site play facilities to serve the development.

33. There are 4 bus stops within 500m distance of the site, two of which are located within 300m of the site on Greenway and the other two stops are located on Pandy Road itself to the east of the site. The Highway Department along with Bus Operators look at new sites with a view to providing additional services. This could lead to improvements in the public transportation position once the development is occupied.

There is no train service in Bedwas itself, although there are stations approximately 2.5km and 2.7km respectively from the application site.

34. The Council is charged with undertaking a range of land-use functions which invariably involve competing pressures. As such it must make a balanced decision in respect to the merits of the competing uses. In this instance the land supply deficiency is considered to out-weigh the potential loss of this limited area of countryside.

35. The threshold for screening for the need of an Environmental Statement (i.e. and ES) under the Environmental Impact Regulations has been exceeded in this instance. However this does not mean that an ES is automatically required. The proposal was "screened" to assess the need for an ES but it was found that the development did not require such this process to be followed. It should be noted however that the majority of the information required for an ES has been submitted with the current proposal.

36. This is incorrect. Both NRW and the Council's Ecologist are satisfied with the ecological reports provided.

37. This is a current matter for the Police but would not have much weight as a material consideration in respect to the determination of this proposal. There is no evidence that the current proposal would aggravate vandalism.

38. The impact of this development on the village will be taken into account in the Local Development Plan review. This will assess the need for additional allocations to be identified to serve the village.

39. The footpaths near and across the site will remain usable by the public. There will however be a loss of countryside should the site be developed.

40. The aim of the promotion of cycling is to link the development with the cycle routes that exist around the site. This will allow cyclists to have their own defined routes. A condition is proposed to this effect.

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41. It is impossible to say when considering an outline application what the impact will be on privacy and residential amenity. However it is evident that there is scope to develop this site without causing significant harm in those respects from a planning point of view. It is at the Reserved matters stage that these detailed considerations can be closely looked at and mitigation measures provided.

42. As indicated above there is a condition attached which will seek to ensure that formal play provision is included at the reserved matters stage. The development does not however propose any community buildings. It should be noted however that if the site is developed then the Community Infrastructure Levy will be payable on the majority of dwellings at a rate of £40 per square metre. This money is used to provide leisure, education and highway improvements in the County. As such it will contribute to infrastructure facilities general. With regard to facilities such as a public house or a post office, these are matters for the market to decide.

43. The reference to "£250 per dwelling" is one that has been agreed between the Highway Department and the developer to provide this amount in travel vouchers for each new dwelling to be used towards the cost of bus fares, bicycle purchase or cycling/walking equipment/clothing. This will be secured by way of a requirement in a Section 106 Agreement.

Other material considerations: The recommendation is to require the applicant to enter into a S106 Agreement in respect to Affordable Housing provision and Highway Improvements/Arrangements. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

These are as follows;

- (a) the financial contribution, arrangements and works contained in the obligation are required.
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to the first of these the arrangements required in respect to affordable housing are to comply with Local and National policy. The contributions relating to highways matters are necessary to allow the application to proceed to an approval.

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Application No. 15/0038/OUT Continued

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the Bedwas area. It is considered essential that this proposal will provide a substantial allocation of such properties for the benefit of residents.

The access highway safety improvements are related to this site and are not being requested to resolve/improve matters unrelated to the development.

The third point relates to fairness of scale and kind. In this regard discussions with regard to site viability have resulted in an affordable provision of 25%, up to 270 houses and 30 % up to 300 houses. In view of the projected financial position for this site these levels were considered to be reasonable.

Likewise with the highway contributions to traffic light provision and Travel Plan initiatives are set at levels which the applicant has accepted as reasonable

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement. This will relate to two elements, firstly Affordable Housing provision, the general headings of which are as follows;

1. 25% affordable housing plus an overage on 270 units
2. 30% affordable housing provision on any units above 270 up to 300 units.
3. The affordable units will need to be transferred at the values contained within the Council's current SPG dated July 2015.
4. The social rented units will be delivered to DQR and the low cost home ownership delivered to the developer's standard specification.
5. The affordable units will be transferred to the Council's nominated Housing Association, United Welsh Housing Association.
6. The affordable units will be delivered in an agreed arrangement of units.

Secondly the Highways element. The financial contributions will be as follows;

£30k for traffic signal improvements to A468/B4600 Bedwas Road junction payable upon the 150th occupation of a dwelling.

£50k towards Travel Plan initiatives in the locality.

A sum as necessary to fund the alteration to the speed limit traffic and parking regulation order on Pandy Road.

The Travel Plan includes financial incentives such as:-

£5k Travel Plan reserve fund.

£75K towards sustainable travel vouchers for new residents.

£5k per annum to fund a Travel Plan Coordinator for 3 years.

Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

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Application No. 15/0038/OUT Continued

RECOMMENDATION (A) that the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) 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) 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.
- 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) 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.
- 05) The details submitted in respect to Condition 01 above shall allow for a suitable connection to the proposed cycleway TR1.13 Rhymney Valley Linear Cycle Route.  
REASON: To allow cycle access to a prescribed route.

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Application No. 15/0038/OUT Continued

- 06) 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 4 metres x 5 metres. No obstruction or planting when mature exceeding 0.9 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.
- 07) Prior to the commencement of work on site, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.  
REASON: To encourage the use of a variety of transport options.
- 08) Pandy Road shall be improved, in a manner to be agreed in writing with the Local Planning Authority before any works commence and be completed in materials as approved by the Local Planning Authority before the development is brought into beneficial use.  
REASON: In the interests of Highway safety.
- 09) Off street parking must be provided in accordance with the standards contained in the Local Planning Authority's Adopted Supplementary Planning Guidance contained in LDP5 Car Parking Standards.  
REASON: In the interests of highway safety.
- 10) The details required in Condition 1 above shall include a Tree Protection Plan (TPP) that details in full all measures necessary to protect the canopy spreads above ground and root systems below ground of those trees highlighted for retention, shall be submitted and agreed in writing with the Local Planning Authority. The TPP shall include an illustrated plan showing clearly the positioning of the tree protection barrier (as previously detailed within the Survey doc - 15\_0038\_OUT-TREE\_SURVEY-4288968 ), and any other measures necessary to avoid damage to the retained trees (e.g. ground protection measures). Thereafter the development shall be undertaken in accordance with these agreed details.  
REASON: To ensure that the trees on site are protected during construction.

Cont....

Application No. 15/0038/OUT Continued

- 11) The details required in Condition 01 above shall include an Arboricultural Method Statement (AMS) which shall detail fully the implementation of the Tree Protection Plan and include all site instructions or prohibitions necessary to the success of the Tree Protection Plan, and shall include a programme for arboricultural supervision and monitoring, and a programme for any pre-development access facilitation works and the requirements for any contractors engaged to provide such services. This plan shall be agreed in writing with the Local Planning Authority and thereafter all works shall be undertaken in accordance with these agreed details.  
REASON: To protect the trees on site during construction works.
- 12) 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.
- 13) All properties located below (south of) the blue line shown on the map in Appendix C of the Environmental Noise Survey submitted with the application subject of this consent shall be fitted with double glazed windows and acoustic trickle vents on windows facing Pandy Road prior to the occupation of those properties.  
REASON: To protect residential amenity.
- 14) The details required in Condition 01 above shall include the means of enclosure of all gardens backing onto Pandy Road. They shall be submitted and agreed in writing with the Local Planning Authority and thereafter implemented concurrently with the development.  
REASON: In the interests of residential amenity.
- 15) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.

Cont....

Application No. 15/0038/OUT Continued

- 16) Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme including at least 75% native and local provenance tree, shrub and wildflower species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management, etc.  
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 Government's Planning policy Wales TAN 5 Nature Conservation and Planning.
- 17) No development or site/vegetation clearance shall take place until a detailed methodology for the capture and translocation of reptiles on site including details of any proposed remedial measures including details of the receptor site, has been submitted to and agreed in writing with the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.  
REASON: To ensure that reptiles are protected.
- 18) In the event that development commences after September 2015, no site clearance work shall be undertaken unless an updated Badger survey has been undertaken, and the results and any necessary mitigations measures, submitted to and agreed in writing with the Local Planning Authority. The clearance works shall be undertaken in accordance with the agreed details.  
REASON: To ensure that badgers are protected.
- 19) 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.

Cont....

Application No. 15/0038/OUT Continued

- 20) 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 the new development at land north of Pandy Road, Bedwas, 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.
- 21) 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 and Swift) in the new development at land north of Pandy Road, Bedwas, 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.
- 22) The details required in Condition 01 shall include a scheme for the drainage of foul, land and surface water at the site. These details 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.
- 23) The details submitted in compliance with condition 01 shall incorporate into the design the recommendations contained in the Flood Consequences Assessment prepared by Marsden Associates, Dec. 2014, which was submitted with this application subject of this consent.  
REASON: To protect the development from flooding.

Cont....

Application No. 15/0038/OUT Continued

- 24) Tree B, identified on the Bat and Reptile Survey Report dated 16th June 2015, should be retained and an updated survey undertaken if felling/pruning is required at a date more than 12 months from the current report. If felling or removal of Tree B is undertaken in 2015, the following precautionary approach should be followed, based on the Bat Mitigation Guidelines (2004):
- The felling contractors briefed on the limited possibility that bats could be present and if a bat were encountered, all work would cease immediately and Natural Resources Wales (NRW) be contacted for advice;
  - Section felling of tree limbs, and lowering of felled limbs to ground and left for 48hrs to allow any bats to escape;
  - Timing of demolition works to avoid the period when likelihood of use by bats (or nesting birds) was greatest. Felling works in Sept/October or March/April would be recommended if practicable.
- REASON: To ensure there will be no detriment to the maintenance of the Favourable Conservation Status of bats, European Protected Species, as a result of the proposals.
- 25) The details submitted in respect to Condition 01 shall include the provision of formal play equipment within the site area. This shall be submitted and agreed with the Local Planning Authority and thereafter implemented prior to the occupation of any dwellings that adjoin or overlook those areas of formal play equipment.
- REASON: To ensure that the site is provided for in respect to formal play provision.
- 26) Prior to the development commencing the intrusive site investigation works should be undertaken in accordance with the recommendations of the Desk Study and Preliminary Geotechnical Report submitted with the application. In the event of the site investigation confirming the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development these works shall be undertaken prior to the commencement of the residential elements of the scheme hereby approved.
- REASON: To protect the dwellings from effects of previous mine workings.

Advisory Note(s)

Please find attached the comments of Western Power Distribution, Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Natural Resources Wales, Council's Ecologist, Gwent Police Traffic Management and The Coal Authority that are brought to the applicant's attention.

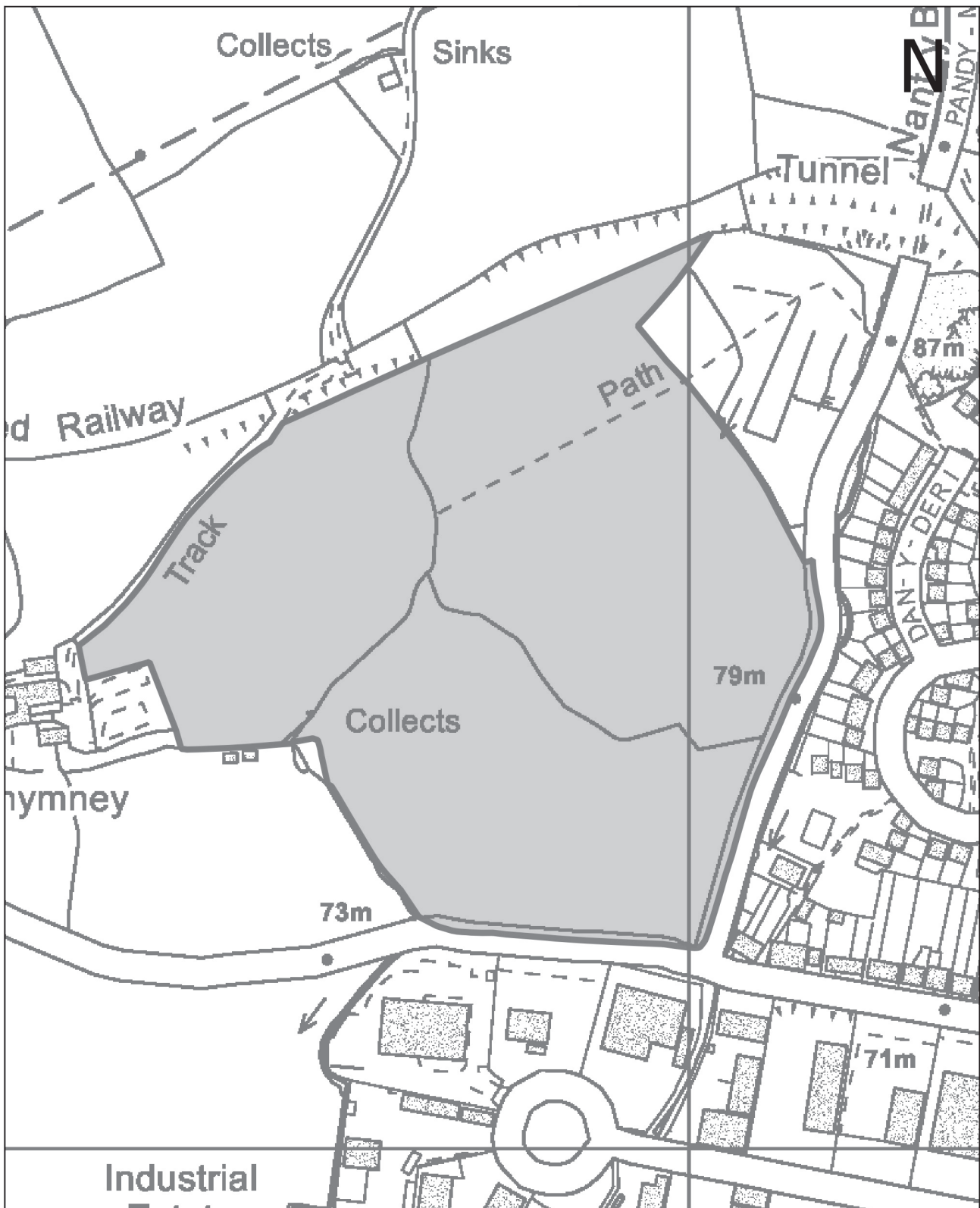
Cont....

Application No. 15/0038/OUT Continued

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: SP3, Sp7, SP14, SP15, CW3, CW6, CW10 and CW11.

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## PLANNING COMMITTEE – 5<sup>TH</sup> AUGUST 2015

**SUBJECT: DEVELOPMENT OF NATIONAL SIGNIFICANCE**

**REPORT BY: INTERIM CHIEF EXECUTIVE**

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1 Welsh Government (WG) has consulted on developments of national significance (DNS). It is seeking the LPA's views by 12 August 2015 on:

- the thresholds and criteria of what qualifies as an application for DNS
- which secondary consents may be submitted for consideration and determination alongside an application for DNS
- their proposals as to how pre-application notification, advice and consultation is undertaken
- the procedure for considering and determining an application for DNS
- their proposed fee structure for DNS applications
- the role of local planning authorities throughout the process.

Some 23,000 planning applications per year are submitted in Wales. WG evidence highlights concerns about LPAs' ability to make timely decisions on some of the most challenging applications, including those that raise complex technical issues and are of a contentious nature. Some of these applications already fall to the Welsh Ministers to decide, either as a result of being called in, or on appeal following refusal by the LPA. This is regarded as an inefficient approach. It is WG's intention to ensure that in future these applications are submitted directly to, and determined by, the Welsh Ministers.

2. The proposals are summarised below, and answers are suggested to the questions raised by WG.

3. The types of development defined as DNS are those that will be of greatest significance to Wales because of their potential benefits and impacts, although they are likely to be few in number. The list of development types is summarised below; it is not complete, but is an indication of the scale of development under consideration:

- underground gas storage (with a working capacity of at least 43 million standard cubic metres or a maximum flow rate of at least 4.5 million standard cubic metres per day)
- liquefied natural gas facilities (with a storage capacity is expected to be at least 43 million standard cubic metres or have a maximum flow rate of at least 4.5 million standard cubic metres per day)
- gas reception facilities (maximum flow rate of the facility is expected to exceed 4.5 million standard cubic metres per day)
- airports (with a with a capacity of at least 1 million passengers per annum or at least 5,000 air transport movements of freight per annum)
- railways (of more than 2km in length)
- rail freight interchanges (capable of handling at least 2 goods trains per day)
- dams and reservoirs (where the volume of water to be held back is expected to exceed 10 million cubic metres of water)

- transfer of water resources (where the plant is expected to have a capacity exceeding a population equivalent of 500,000)
- hazardous waste facilities (land fills or deep storage facilities which have a capacity of more than 100,000 tonnes per annum; in any other case, facilities able to handle more than 30,000 tonnes per annum)
- pipelines not constructed by a gas transporter, or overground pipelines constructed by a gas transporter (over 2km in length)
- onshore energy stations (the generating station has the capacity to generate energy at a rate of between 25MW and 50MW)

**WG question:** Do you agree with the proposed thresholds and categories of development? These schemes are of a significant scale, rare, and not of a type regularly seen in Caerphilly borough. These thresholds appear sensible and realistic.

4. In addition to planning permission, other, what are referred to as ‘secondary’ consents are required such as those under the Ancient Monuments Act, Commons Act, Highways Act, Listed Buildings and Conservation Areas Act, and section 257 of the Town and Country Planning Act in respect of footpaths and bridleways. To minimise the number of separate applications required to enable a DNS to proceed and to provide greater clarity for all parties, an applicant for DNS will have the option of submitting certain connected applications, licences, orders, notices and consents to the Welsh Ministers at the same time and following the same process as the main application for DNS.

**WG question:** Do you agree with this proposed approach for determining secondary consents? Yes, this would appear to be a sensible approach in terms of providing an efficient and comprehensive service to developers.

**WG question:** Do you agree that the Inspector may determine the procedure for secondary consents? Yes, again this seems sensible in terms of providing a one-stop shop.

**WG question:** Do you agree with the proposed list of secondary consents? Yes, provided LPA’s and local communities are given sufficient opportunity to present their views on those consents.

5. The Planning Inspectorate (PINS) will provide a pre-application advice service that will give:
- Advice on the form and content (including technical reports) of the application for DNS;
  - Advice on information to include within any technical document submitted by the applicant;
  - Advice on the relevant policy;
  - Non-binding advice on the merits of a proposed scheme; and
  - Guidance on the amount and type of community consultation required.

LPA’s would have a role to play in this process and would be expected to provide, where requested:

- Relevant planning history;
- Advice on whether any section 106 or Community Infrastructure Levy contributions are likely to be sought and an indication of the scope and amount of these contributions;
- An indication of whether a Statement of Common Ground (“SoCG”) would be invited;
- An indication of local issues, baseline conditions or designations which require consideration;
- Advice on the local planning policy framework;
- Likely mitigation or conditions requested as a result of the proposals; and
- Suggestions of local individuals, groups or societies who should be consulted as part of the applicant’s requirement to consult with the community.

The response period for PINS will be 28 days unless an extension is agreed. LPA’s will be able to recover their costs on the basis of a standard national fee for pre-application services, whilst PINS will charge an hourly fee.

6. Developers will be expected to provide PINS with early notification of their intention to submit an application for a DNS, following which the application must be submitted within 12 months. They will also be expected to carry out pre-application consultation with the communities close to the development and produce a 'pre-application consultation report'. The consultation will include:
- (a) The display of site notices within the vicinity of the site;
  - (b) Notification letters to neighbouring properties, all local ward members and any Town or Community Councils; and
  - (c) The publication of a press notice in a local newspaper.

Communities will be given 28 days to comment.

**WG question:** Do you agree with the minimum requirements for the notification of a DNS? Yes, although this is more a matter for PINS than the LPAs.

**WG question:** Is 12 months from the date of acceptance of the notification to the submission of the application for DNS a sufficient period in which the notification of a DNS remains valid? Yes, but there should be a quick way of extending the period if there have not been any substantial changes to the application.

**WG question:** Do you agree with the publicity and consultation requirements that developers must undertake prior to the submission of an application for DNS? Yes, but the emphasis should be on the applicants making all arrangements for the provision and accommodation of the consultation material, the provision of supporting personnel to give advice to the public, and the reception of all comments. None of the burden should fall on the LPA.

7. With regard to the procedure for dealing with DNS applications, this report will concentrate on the LPAs' involvement. They will be expected to engage with the developers in respect of statements of common ground (to be completed within 5 weeks where required), and the need for section 106 obligations. PINS will organise the publicity but Guidance and advice will be required from the LPA to ensure that the correct stakeholders are reached. This is likely to be obtained by PINS prior to the submission of an application. PINS may direct that LPAs provide them with the required information in relation to consultation where it is not supplied in the first instance. WG propose a partnership approach in targeting publicity in the correct way and LPAs will be responsible for putting up site notices. There will be a requirement of the applicant to deposit a physical copy of an application for DNS with the LPA(s) and the Planning Inspectorate. Any placement of copies in other public deposit locations will be entirely at the discretion of the applicant, as they consider appropriate.
8. Following the completion of consultation on the application, PINS will make a decision within 10 working days on the basis of the information before them whether further exploration by way of written representations, a hearing or inquiry is required. Only those persons specifically invited to participate in a hearing or inquiry by the Inspector will be able to do so. Amendments of more than a minor nature may be allowed to schemes during the process, and further consultation will be at the discretion of PINS on the basis of publically available guidance. PINS may invite further submissions from interested parties, but limited to no more than 3000 words. Decisions would be made within 36 weeks.

**WG question:** Do you agree with our proposals for the advertisement of an application for DNS? Yes.

**WG question:** Do you agree with our proposals regarding statements of common ground? Yes, but as this will involve the use of resources by the LPAs, it should be subject to a fee.

**WG question:** Do you consider that 5 weeks is an appropriate period within which statutory consultees and third parties must submit their full representations in response to an application for DNS? Yes

**WG question:** Do you agree with our proposals for the amendment of schemes for DNS? Yes.

**WG question:** Do you agree that 10 working days following the closure of the representation period is an appropriate time in which the Planning Inspectorate must determine the appropriate procedure to examine an application for DNS? Yes.

**WG question:** Do you agree that further representations required as part of the examination of an application for DNS should be subject to a word limit of 3,000 words per topic? Yes.

**WG question:** Do you agree that the applicant is only required to submit paper copies of applications for DNS to the Planning Inspectorate and LPA within which the DNS is located? Yes, but this will have resource implications for the LPAs: those who choose to view the plans at the LPAs' offices will inevitably expect information and support from their staff.

9. The LPAs will be expected to register the applications, produce a local impact report (LIR), and if permission is granted, monitor and enforce conditions, and deal with applications for:

- The removal or variation of conditions (which are not related to the extension of time limit or renewal of a permission);
- Minor material amendments;
- Non-material amendments; and
- The discharge of conditions.

A major material amendment would attract a further DNS application. The LIR will be the most onerous aspect of the process, which will have to be provided within 5 weeks and will contain:

- The planning history of the site in question;
- Any details of local site designations;
- An explanation of the local planning policy framework;
- A topic based technical assessment of the impacts that the development will likely have on the local area;
- Any draft conditions or obligations which may mitigate the impacts arising from the proposal, should the Welsh Ministers choose to grant permission for the application for DNS;
- Evidence that the application has been advertised in accordance with requirements.

LPAs will receive a portion of the application fee in meeting the statutory requirement to provide an LIR.

**WG question:** Do you agree with the minimum requirements for Local Impact Reports? Yes

**WG question:** Would you consider 5 weeks an appropriate timescale within which to provide a local impact report? Yes, initially, but whilst respecting the need to comply with a timetable, there should be scope for discussion between PINS and the LPAs to allow flexibility where required.

10. As stated above, LPAs would receive a fee in respect of pre-application discussions, and in respect of the LIR. The latter would be contingent upon the LPA meeting the minimum requirements and timescale for submission. If they miss the timescale without good reason they may only receive part of the fee or no fee at all.

**WG question:** Do you agree that the DNS fee structure should consist of fixed and daily or hourly rate fees that recover the Welsh Ministers' (and the appointed person, the Planning Inspectorate) costs in carrying out the work? This is a matter for the development industry.

**WG question:** Do you agree that the relevant LPA should receive a fixed fee for producing a Local Impact Report? This requires further discussion between LPAs and WG. PINS will charge on an hourly rate, and so their fee will reflect the complexity of the proposal. The fee paid to the LPAs should reflect that variability; a percentage of the PINS fee would be more equitable.

**WG question:** Do you agree that the LPA should receive a reduced payment, or no payment, if they do not submit the Local Impact Report within the timescale and minimum requirements? No. LPAs should be committed to fulfilling the appropriate deadlines, but even if they don't, they will still have to carry out the work involved. Withholding fees will set a precedent for other fee regimes.

**WG question:** Do you agree that the applicant should not receive a full refund if their application is invalid? This should be considered with LPAs in the context of other fee regimes. LPAs have to validate planning applications on a daily basis. If it is intended to effectively charge for that work during the DNS process, consideration should be given to introducing it for all planning processes.

RECOMMENDATION: That WG be advised of the comments set out in the above report.

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## APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
15/0259/COU 25.03.2015	Mr K Lewis 71 Lewis Street Aberbargoed Bargoed CF81 9DZ	Extend curtilage to create parking area and erect detached garage Land To The Rear Of 71 Lewis Street Aberbargoed Bargoed CF81 9DZ	Granted 29.06.2015
15/0237/COU 13.04.2015	Mrs D Gwerreiro 1 Britannia Walk Pengam Blackwood NP12 3TQ	Change of use from office use to A1 use (cake decoration and party favours shop) 225 High Street Blackwood NP12 1AL	Granted 29.06.2015
15/0284/FULL 13.04.2015	Kenton Floors Mr N Ker Woodpecker House 29 Pantglas Industrial Estate Bedwas Caerphilly CF83 8DR	Erect extension to existing warehouse and internal alterations to offices Kenton Floors Woodpecker House 29 Pantglas Industrial Estate Bedwas	Granted 29.06.2015
15/0210/RET 17.04.2015	Forgebank Properties LTD Bryn Heulog House Old Parish Road Hengoed CF82 7HU	Retain two dwellings 1 & 2 Viaduct View Court Former Carlton Heights Nursing Home Victoria Road Maesycwmmmer	Granted 29.06.2015
15/0372/NMA 01.06.2015	Mr J West 4 Woodcroft Terrace Woodcroft Lane Woodcroft Chepstow Monmouthshire NP16 7QA	Seek approval of non-material amendment to planning consent 14/0539/FULL to change roof from dual pitch to mono pitch 54 Tredegar Street Crosskeys Newport NP11 7PP	Granted 29.06.2015
15/0234/LA 13.04.2015	CCBC (Building Consultancy) Directorate Of The Environment Unit 1 Woodfieldside Business Park Woodfieldside Pontllanfraith Blackwood	Erect single-storey classroom extension Rhiw Syr Dafydd Primary School Maes-Y-Garn Road Oakdale Blackwood	Granted 30.06.2015

15/0244/FULL 05.05.2015	Mr D Richards 47 Woodbine Road Blackwood NP12 1QF	Erect a two storey rear extension, a side extension and a new detached garage 47 Woodbine Road Blackwood	Refused 30.06.2015
15/0254/FULL 05.05.2015	Mr G Spiller 19 Brynheulog Street Penybryn Hengoed CF82 7GD	Erect second storey rear extension and new detached workshop 19 Brynheulog Street Penybryn Hengoed	Refused 30.06.2015
15/0220/COU 11.03.2015	Mr A Morse CISWO Unit 5 Maritime Offices Woodland Terrace Maesycoed Pontypridd CF37 1DZ	Change the use of the building to a mixed use club and cafe Pengam And Fleur-de-lis Working Mens Institute And Club High Street Fleur-de-lis Blackwood	Granted 01.07.2015
15/0183/FULL 27.03.2015	Mr J Roberts 15 Rees Terrace Llanbradach Caerphilly CF83 3NQ	Erect single detached domestic garage Land Rear Of 15 Rees Terrace Llanbradach Caerphilly	Granted 02.07.2015
15/0302/COU 28.04.2015	Mrs J James Evans 23 Woodland Drive Trinant Crumlin NP11 3LP	Change of use from A2 to a Beauty Salon/Nail Salon sui generis use 73 Newport Road Cwmcarn Newport NP11 7LZ	Granted 02.07.2015
15/0033/FULL 16.01.2015	Mr S Spillane Cartref Duffryn Road Abertillery NP13 1HJ	Erect residential development (3 No. units) Land Off Duffryn Road Brynawel Wattsville Newport	Granted 03.07.2015
15/0303/FULL 28.04.2015	Mr A Townsin 16 Drum Tower View Caerphilly CF83 2XY	Erect conservatory 16 Drum Tower View Caerphilly	Granted 03.07.2015
15/0306/FULL 01.05.2015	Mrs B Howells 9 Llyswen Penpedairheol Hengoed CF82 7TP	Construct a two storey side extension 9 Llyswen Penpedairheol Hengoed	Granted 03.07.2015
15/0229/FULL 29.04.2015	Mr A Evans 25 Attlee Road Blackwood NP12 1QD	Erect detached garage to rear 25 Attlee Road Blackwood	Granted 06.07.2015

15/0297/FULL 11.05.2015	Mr J James 26 Shannon Close Pontllanfraith Blackwood NP12 2FW	Erect a single-storey extension to side and rear of property 6 Manorbier Close Cefn Fforest Blackwood NP12 1GQ	Granted 06.07.2015
15/0317/FULL 11.05.2015	Mr & Mrs J Curtis-Jones The Links Golf Club Drive Lon Pennant Cwmgelli Blackwood NP12 1BR	Erect a first floor and a two-storey side extension The Links Golf Club Drive Lon Pennant Cwmgelli	Granted 06.07.2015
15/0230/RET 13.04.2015	Geoff Griffiths Plumbing & Heating Ltd Mr M Griffiths 54 Ruth Street Bargoed CF81 8PE	Retain the change of use from a residential dwelling (C3) to an office (B1) and associated works Geoff Griffiths Plumbing & Heating Ltd 54 Ruth Street Bargoed CF81 8PE	Granted 07.07.2015
15/0285/FULL 15.04.2015	Mr J Riva-Jones 20 Celyn Avenue Caerphilly CF83 3FL	Erect single-storey rear extension 20 Celyn Avenue Caerphilly	Granted 07.07.2015
15/0298/FULL 27.04.2015	Mr N Lee 8 Lon-Y-Llwyn Nelson Treharris CF46 6HU	Remove existing conservatory and erect a single storey extension on same footprint 8 Lon-Y-Llwyn Nelson Treharris	Granted 07.07.2015
15/0309/FULL 05.05.2015	Mr C Jones 44 Brynheulog Street Penybryn Hengoed CF82 7GD	Construct a single-storey double garage 44 Brynheulog Street Penybryn Hengoed CF82 7GD	Refused 07.07.2015
15/0369/FULL 01.06.2015	Mr C Jones 24 Park Place Gilfach Bargoed CF81 8LZ	Erect rear domestic garage 24 Park Place Gilfach Bargoed CF81 8LZ	Granted 07.07.2015

15/0381/NMA 04.06.2015	Mr C Parry Ty Coch Watford Road Watford Caerphilly CF83 1NE	Seek approval of a non-material amendment to planning consent 13/0551/FULL (Erect extension incorporating garage to ground floor, stair access to first floor bedroom, en-suite, sitting area and storage with the provision of two dormers and four roof lights) to change window on south elevation to French doors with Juliet balcony Ty Coch Watford Road Watford Caerphilly	Granted 07.07.2015
15/0404/NMA 18.06.2015	Mr S Titley The Gables Southend Terrace Pontlottyn Bargoed CF81 9RL	Seek approval of a non-material amendment to planning consent 14/0315/FULL (Erect two-storey extension to rear of property) to reduce the original footprint The Gables Southend Terrace Pontlottyn Bargoed	Granted 07.07.2015
15/0435/NMA 19.06.2015	Mrs L Dray 78 St David's Way Watford Caerphilly CF83 1EZ	Seek approval of a non-material amendment to planning consent 14/0676/FULL (Erect a single-storey extension) to reduce size and change roof 78 St David's Way Watford Caerphilly	Granted 07.07.2015
13/0869/OUT 19.12.2013	Llanover Estate Mr M Lennon 23A Gold Tops Newport NP20 4UL	Erect housing development (6 no. 3 bedroom dwellings) Former Newbridge Clinic Ashfield Road Newbridge Newport	Granted 08.07.2015
15/0255/FULL 23.03.2015	Mrs L James 50 Pendinas Avenue Croespenmaen Newport NP11 3GP	Convert integral garage to living accommodation 50 Pendinas Avenue Croespenmaen Newport NP11 3GP	Granted 08.07.2015

15/0305/COU 01.05.2015	Mr L Hurley Ty Webb Pen-Rhiw Avenue Oakdale Blackwood NP12 0EW	Change the use of the ground floor from use within class A1 of the Town and Country Planning (Use Classes) Order 1987 to one within class A2 of that order, and associated works including the replacement/upgrading of the shop front 206 High Street Blackwood NP12 1AJ	Granted 08.07.2015
15/0312/FULL 06.05.2015	Mr M Bowden 4 Ty Nant Penyrheol Caerphilly CF83 2RA	Construct a single-storey side extension and over-clad the existing dwelling with facing brickwork including associated external works 4 Ty Nant Penyrheol Caerphilly	Granted 08.07.2015
15/0161/OUT 12.03.2015	Mr & Mrs D Davies Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY	Erect a dwelling house and associated external works Chez Nous 26 Sunny Bank Terrace Machen Caerphilly	Refused 09.07.2015
15/0299/FULL 27.04.2015	Mr R John 11 Garth Close Rudry Caerphilly CF83 3EN	Erect a first floor extension above the existing garage 11 Garth Close Rudry Caerphilly CF83 3EN	Granted 09.07.2015
15/0334/FULL 15.05.2015	Mrs J Jones 16 The Avenue Wyllie Blackwood NP12 2HJ	Erect an extension to the existing bedroom over the utility/shower room 16 The Avenue Wyllie Blackwood NP12 2HJ	Granted 09.07.2015
15/0385/FULL 05.06.2015	Mrs Evans 61 The Avenue Ystrad Mynach Hengoed CF82 8AF	Renew detached garage to rear of property 61 The Avenue Ystrad Mynach Hengoed CF82 8AF	Granted 09.07.2015
15/0337/FULL 15.05.2015	Mr W Hughes 1 Gellihaf Road Fleur-de-lis Blackwood NP12 3UY	Erect garage Land Opposite 1 Gellihaf Road Fleur-de-lis Blackwood	Granted 10.07.2015

15/0343/FULL 19.05.2015	Mrs S Morgan 29 Acorn Lane Glyn-gaer Gelligaer Hengoed CF82 8FS	Erect a two storey side extension 29 Acorn Lane Glyn-gaer Gelligaer Hengoed	Granted 10.07.2015
15/0380/FULL 03.06.2015	Mr Field 9 Goshawk Rise Penallta Hengoed CF82 6BG	Erect conservatory to rear elevation 9 Goshawk Rise Penallta Hengoed CF82 6BG	Granted 10.07.2015
14/0688/LA 28.10.2014	Caerphilly County Borough Council Head Of Public Services Ty Pontllanfraith Blackwood Road Pontllanfraith Blackwood NP12 2YW	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 Ty Dyffryn, 5A & 5B Alder Avenue Dyffryn Business Park Ystrad Mynach	Granted 13.07.2015
14/0828/FULL 11.12.2014	Mr N Morris 1 Church View Bedwellty Road Aberbargoed Bargoed	Erect a three-storey five bedroom house with detached garage Plot 1 Church View Bedwellty Road Aberbargoed	Granted 13.07.2015
15/0157/NOTA 12.03.2015	Mr G Michalatos 1 Ridgeway Avenue Newport NP20 5AJ	Erect a barn Derwen Farm Twyn Sych Farm Lane Rudry Caerphilly	Prior Approval Not Required 13.07.2015
15/0222/FULL 13.04.2015	Mr M Cornish 7 Beechwood Close Newbridge Newport NP11 4NX	Erect single-storey rear and side extension 7 Beechwood Close Newbridge Newport NP11 4NX	Granted 13.07.2015
15/0324/LA 12.05.2015	CCBC Mr S Couzens Ty Croeso - The Reception Centre Victoria Terrace Newbridge NP11 4ET	Erect timber fence panel to the top of the existing boundary wall Caerphilly County Borough Council Ty Croeso - The Reception Centre Victoria Terrace Newbridge	Granted 13.07.2015

15/0339/FULL 18.05.2015	Mr G Santos 11 Llys Y Coed Ystrad Mynach Hengoed CF82 7FD	Erect single-storey side and rear extension and enclose porch to front 11 Llys Y Coed Ystrad Mynach Hengoed CF82 7FD	Granted 13.07.2015
15/0270/FULL 07.04.2015	Mrs M Barrar Banc-y-felin High Street Trelewis Treharris CF46 6AD	Erect dormer extension to roof 95 Heol Fawr Nelson Treharris CF46 6NP	Refused 14.07.2015
15/0318/FULL 11.05.2015	Mr S Plank 17 Cefn Fforest Avenue Cefn Fforest Blackwood NP12 3NN	Erect a single-storey extension to the rear of the property 17 Cefn Fforest Avenue Cefn Fforest Blackwood NP12 3NN	Granted 14.07.2015
15/0120/FULL 23.02.2015	Seren Group Mr M Trounce Exchange House The Old Post Office High Street Newport NP20 1AA	Demolish existing Fire Station and re-develop site to provide 6 x one bedroom flats, 2 x two bedroom houses and 2 x three bedroom houses with ancillary parking Former Cefn Fforest Fire Station Pwllglas Road Cefn Fforest Blackwood	Granted 16.07.2015
15/0228/NMA 29.04.2015	AlphaGen Projects Ltd Mr R Tipping 31 Chase Park Road Yardley Hastings Northamptonshire NN7 1HD	Seek approval of non-material amendments to planning permission 09/0444/FULL (Install electricity generator plus ancillary equipment in a fenced compound to recover and utilise landfill gas from the Trehir Landfill for the generation of electricity) to reduce the size of the compound, provide a paved pedestrian access, remove vehicle access gates and separate the compound from the existing gas flare compound Civic Amenity And Recycling Site Trehir Landfill Site Pandy Lane Llanbradach	Granted 16.07.2015

15/0288/LA 12.05.2015	Caerphilly County Borough Council Mr B Hopkins 21st Century Schools Ty Penallta Parc Tredomen Tredomen Ystrad Mynach Hengoed CF82 7PG	Erect single-storey breakout room Plasyfelin Primary School Lewis Drive Caerphilly CF83 3FT	Granted 16.07.2015
15/0344/ADV 20.05.2015	Whitbread Plc Mr S Lancaster Whitbread Court Houghton Hall Business Park Porz Avenue Dunstable Bedfordshire LU5 5XE	Erect building mounted and free standing signs Land At Crossways Park Parc Pontypandy Caerphilly	Granted 16.07.2015
14/0756/NCC 24.10.2014	Monnow Group Mr A Harwood 27 Windsor Place Cardiff CF10 3BZ	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) Lyndaryn Court Cliff Road Blackwood NP12 0AF	Granted 17.07.2015
15/0262/NCC 26.03.2015	Mr A Davies Belmont House 7 Mount Pleasant Ynysddu Newport Gwent NP11 7JQ	Remove conditions 15, 16 & 17 (Code for Sustainable Homes conditions) from planning consent 13/0412/NCC Land Adjacent To 7 Mount Pleasant Ynysddu Newport NP11 7JQ	Granted 17.07.2015
15/0199/NMA 01.04.2015	Mr C Wall 7 Newton Close Penpedairheol Hengoed CF82 8HR	Seek approval of a non- material amendment to planning consent 10/0701/FULL (Erect rear single-storey extension and two-storey side extension with associated internal alterations) to increase the first floor area to that of the approved ground floor (side extension only) and omit the first floor windows to the rear 7 Newton Close Penpedairheol Hengoed CF82 8HR	Granted 17.07.2015



15/0296/RET 24.04.2015	Mr W Powell Old Station House Old Station Yard Bedwas Caerphilly CF83 8QZ	Retain the change of use from a railway to a residential garden Old Station House Old Station Yard Bedwas Caerphilly	Granted 17.07.2015
15/0416/NMA 22.06.2015	Mr S Cullinane Ty Onnen School Street Deri Bargoed CF81 9GY	Seek approval of a non-material amendment to planning consent 15/0154/FULL (Erect ground floor store with games room above and dog kennels) to move the footprint by 2.5m Ty Onnen School Street Deri Bargoed	Granted 20.07.2015
15/0064/FULL 27.01.2015	Starburst Ltd Glandwr Industrial Estate Aberbeeg Newport NP13 2LN	Erect Class B1/B2/B8 units together with associated parking and landscaping Dyffryn Business Park Ystrad Mynach Hengoed CF82 7RJ	Granted 21.07.2015
15/0307/FULL 01.05.2015	Mr B O'Leary 55 Ashgrove Terrace Nelson Treharris CF46 6LS	Remove existing single-storey sun room extension and build new larger single-storey kitchen/diner extension 55 Ashgrove Terrace Nelson Treharris CF46 6LS	Granted 21.07.2015
15/0336/RET 15.05.2015	Drug Aid (SWAPA) Ltd Integra House Cleppa Park Newport	Retain the change of use class from B1 Business to D1 Non-residential institution Drugaid (SWAPA) Ltd 1-4 St Fagans House St Fagans Street Caerphilly	Granted 21.07.2015
15/0411/NMA 16.06.2015	Jehu Project Services C/o Tony King Architects Mr M Moss 97A Glebe Street Penarth CF64 1EE	Seek approval of a non-material amendment to planning consent 13/0784/FULL (Demolish former primary school and develop site for 26 affordable residential units, access arrangements and associated works) to raise the finished floor level of plot 14 by 450mm Land At Former Aberbargoed Infants School 2 Heol Ysgol Newydd Aberbargoed CF81 9DD	Granted 21.07.2015

15/0243/FULL 05.05.2015	Mr P Howell-Jones 23 Newport Road Pontymister Risca NP11 6LW	Remove existing conservatory and replace with a single storey extension to provide kitchen and dining room 23 Newport Road Pontymister Risca Newport	Granted 22.07.2015
15/0323/FULL 13.05.2015	Dr S Scott Smudge's Hollow 75 Heol Ysgubor Caerphilly CF83 1SR	Provide canopy to the side of property Smudge's Hollow 75 Heol Ysgubor Caerphilly CF83 1SR	Granted 22.07.2015
15/0340/FULL 18.05.2015	Mr S Miah 17 Alexander Road Newport NP20 2JB	Extend the roof to provide an outdoor shelter area/smoking area, create access from the street to the garden area and erect a storage shed for the garden area, separated from the public garden area by a high fence Risca House Inn Commercial Street Pontymister Risca	Granted 22.07.2015
15/0341/FULL 18.05.2015	Mr L Hemms 19 Montclair Avenue Blackwood NP12 1EE	Erect single-storey extension to rear of property 19 Montclair Avenue Blackwood NP12 1EE	Granted 22.07.2015
15/0332/FULL 15.05.2015	Mike Williams Project Management Mr M Williams Glasfryn Queens Road Merthyr Tydfil CF47 0HE	Erect extension to existing building Tab Life Centre Tram Road Pontllanfraith Blackwood	Granted 23.07.2015

## 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	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.
12/0511/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.
14/0136/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.
14/0328/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	Awaiting structural calculations.
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 14.10.14	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.
14/0725/FULL 18.11.14	Erect two 50Kw vertical axis wind turbine generators at Penyfan Caravan And Leisure Park Manmoel Road Manmoel Blackwood	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.
14/0781/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.
14/0830/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.
15/0054/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.
15/0100/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	Subject to further discussion and consideration.
15/0148/LA 05.03.15	Provide public realm improvement works including hard and soft landscape works to the 'Village Green', footpath and the creation of a viewing platform with associated interpretation and artwork at Land At Bute Town Rhymney Tredegar	Subject to further discussion and consideration.
15/0163/FULL 06.03.15	Erect an extension to existing cafe to provide additional seating area at 24 Penallta Road Ystrad Mynach Hengoed	Awaiting additional information.
15/0177/OUT 08.03.15	Erect a detached dwelling at 66 Bryn Road Markham Blackwood	Awaiting appropriate certification.

15/0197/LA 10.03.15	Carry out re-roofing and associated roof repairs including taking down and rebuilding of all the chimney stacks, the provision of new regularised roof lights to rear elevation, the replacement of fascia and soffit, the replacement of rainwater goods and repairs and reinstatement works to the side and rear masonry boundary walls at 1 - 13 Middle Row & Windsor Arms, 14 - 28 Lower Row, 1-14 Collins Row & St Aidan's Church Bute Town Rhymney Tredegar	Subject to further discussion and consideration.
15/0198/LBC 09.03.15	Carry out re-roofing and associated roof repairs, replace fascias, soffits and rainwater goods and provide repairs and reinstatement works to the side and rear masonry boundary walls at 1 - 13 Middle Row & Windsor Arms, 14 - 28 Lower Row, 1-14 Collins Row & St Aidan's Church Bute Town Rhymney Tredegar	Subject to further discussion and consideration.
15/0214/COU 18.05.15	Change use to form a nursery at The Goldmine Bar And Grill Bridge Street Newbridge Newport	Subject to further discussion and consideration.
15/0218/FULL 22.05.15	Erect a residential development of four units at Land At Old Brewery Lane Rhymney Tredegar	Awaiting views of consultees.
15/0246/FULL 18.03.15	Erect a new building consisting of four apartments and associated car parking and a private and communal amenity space at 5A Commercial Road Abercarn Newport	Subject to further discussion and consideration.
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	Awaiting further information.
15/0252/OUT 20.03.15	Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access at Land At Cwmgelli Blackwood	Subject to further discussion and consideration.
15/0279/FULL 09.04.15	Erect two industrial units at Knight Court (Block A) St Davids Industrial Estate Pengam Blackwood	Awaiting contamination information.



15/0308/FULL 15.05.15	Erect a first floor to the rear ground floor at 5 Greenmeadow Machen Caerphilly	Awaiting views of consultees.
15/0310/COU 14.05.15	Change the use of derelict land to garden use including the filling to new levels and boundary enclosures at Land To The Rear Of 13 - 17 Glyn Derwen Llanbradach Caerphilly	Awaiting flood consequences assessment.
15/0314/RM 15.05.15	Seek approval of the reserved matters regarding access, appearance, landscaping, layout and scale in connection with planning consent 13/0810/OUT for residential development at Former Blackwood Junior School Pentwyn Road Blackwood	Awaiting further information about levels and retaining structures.
15/0321/FULL 21.05.15	Convert existing stables into 2 No. holiday cottages at Highfields Barn Heol Fawr Nelson Treharris	Awaiting access to the site.
15/0325/COU 21.05.15	Convert existing first floor storage into two apartments, and sub-divide existing ground floor retail area into two independent shops at 127 - 129 Commercial Street Pontymister Risca Newport	Awaiting wildlife survey.
15/0330/FULL 26.05.15	Demolish existing dwelling (Honeysuckle), erect two-storey extension to existing dwelling (Hillside) and erect a three-storey structure to house a double garage, domestic office space, storage and glasshouse served by new entrance driveway at Hillside And Honeysuckle The Graig Cwmcarn	Awaiting wildlife survey.
15/0331/RET 14.05.15	Retain the change of use to a horse riding school at Gelligoediog Farm Gelligoediog Farm Lane Manmoel	Subject to further discussion and consideration.

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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. No further update.
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. Solicitors say they are having problems with mortgage company. Chased again.
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. Planning will contact applicant again.

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. Chased.
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. Solicitors waiting for the approval of the mortgage company.
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.	Sent engrossments for signing.
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.
14/0841/OUT 17.12.14	Erect a residential development of eleven houses on Land South of Glendale, Van Road, Caerphilly	Circulated draft and chased internally.

## 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	04.03.15
15/0006/REF 14/0559/FULL	Mrs C O'Shea 14 Plymouth Road Penarth CF64 6LR	Demolish lean-to outbuilding and construct a single-storey rear extension at 28 Penallta Road Ystrad Mynach Hengoed	03.06.15
15/0007/REF 11/0594/OUT	Ms V Veale Fernbank 34 Lon-Y-Llyn Caerphilly	Erect residential development at Land Adj To Groeswen Farm Groeswen Road Groeswen Cardiff	16.06.15

**OUTSTANDING APPEALS (CONT..)**

15/0008/REF 14/0518/NCC	Au Trust SIPP - DM Watts ISS0295 C/o Au Trust Ltd Imperial House Imperial Way Newport	Vary Condition 01 of planning permission 09/0197/NCC (Remove condition (1) from planning application P/04/0219 to erect residential development) to extend the time limit within which development can commence for a further five years at Land North Of Glan-Yr-Afon Glan-Yr-Afon Lane Fleur-de-lis Blackwood	16.06.15
15/0009/REF 14/0801/FULL	Mr S Owen Lwyncelyn Central Avenue Oakdale Blackwood	Drop kerb to public footpath and provide drive access at Lwyncelyn Central Avenue Oakdale Blackwood	19.06.15
15/0010/REF 14/0689/RET	Mr A Blackwell 76 Abernant Road Markham Blackwood NP12 0QJ	Retain conservatory to the front of the house at 76 Abernant Road Markham Blackwood NP12 0QJ	21.07.15

**APPEALS DECIDED**

<b>APPEALS DECIDED APPEAL REF/ PLANNING APP NO.</b>	<b>PROPOSAL &amp; LOCATION APPEAL</b>	<b>DECISION/ DATE</b>	<b>COMM/ DEL</b>
15/0003/REF 14/0794/RET	Retain the installation of a parcel locker at Premier Stores 1 Newbridge Road Pontllanfraith Blackwood NP12 2LB	Allowed 01.07.15	DEL
15/0005/REF 14/0441/FULL	Erect detached dwelling at Land At Nantyglesiad Cottage 14 White Hart Machen Caerphilly	Allowed 17.07.15	DEL