

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/1056/LA 22.02.2018	CCBC Mr N Edmunds Engineering Projects Group Tredomen House Ystrad Mynach CF82 7WF	Construct a vehicular track down a steep embankment to gain access to an existing intake structure on an un-named watercourse; the works will involve the demolition of the existing intake which will be replaced by a reinforced concrete structure and new debris screen Land At Grid Ref 317543 196321 Blackwood Road Pontllanfraith Blackwood

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: The application site is located on the western side of Blackwood Road (B4251), Pontllanfraith.

Site description: Designated Site of Importance for Nature Conservation known as Penllwyn Woodland.

Development: Full planning permission is sought to construct a vehicular access track and platform for the maintenance of the existing culvert intake structure.

Dimensions: The access track will measure 4.0 metres in width by approximately 36.0 metres in length.

Materials: Reinforced concrete and new galvanised steel debris screen and guard rail.

Ancillary development, e.g. parking: The construction of gabion and reinforced concrete cantilever retaining structures along the southern watercourse channel boundary measuring 2.4 metres and 2.1 metres in height to form a 7.4 metres wide reinforced concrete maintenance platform. The construction of a new realigned larger intake structure and debris screen.

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PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits.

Policies: SP5 (Settlement Boundaries), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection) and CW15 (General Locational Constraints).

NATIONAL POLICY Planning Policy Wales Edition 9 (November 2016) and TAN 12: Design (March 2016).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a high risk coal mining area, however the conclusion and recommendations of the Coal Mining Risk Assessment indicates that there is a low to moderate risk of ground instability as a result of recorded/unrecorded mining and mining geology beneath the site.

CONSULTATION

Transportation Engineering Manager - No objection.

Countryside And Landscape Services - No objection subject to the imposition of conditions in relation to replacement planting.

Natural Resources Wales - It is not considered that the proposed development affects a matter listed on the Natural Resources Wales and Planning Consultations Checklist but provides advice to the developer.

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Senior Engineer (Land Drainage) - This application is related to land drainage works commissioned by this department acting in capacity as Land Drainage Authority. Based on the above, no comments are offered from a drainage/flood risk perspective.

Principal Valuer - No comments are offered in respect of this application.

Head Of Public Protection - No adverse comments are offered in respect of this application.

The Coal Authority - No comments have been received at the time of writing the report following the submission of the required Coal Mining Risk Assessment Report.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and five neighbours were notified by letter.

Response: Two representations were received by letter.

Summary of observations: The following issues were raised:

1. Concerned about the conservation of wildlife within the SINC and how wildlife will remain undisturbed.
2. Wants to know the location and maturity of the trees to be replanted.
3. The occupier of Lilly Stock relies on the trees for privacy.
4. Requests that a wooden fence is erected to alleviate the resultant privacy issues as a result of the amount of trees being removed.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

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COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable.

ANALYSIS

Policies: The application has been considered in accordance with national plan guidance and local plan policies. The proposed works are considered necessary as there is currently no vehicular/ plant access which prevents the removal of accumulated debris from the intake structure. Vehicular access would remove the risk of intake blockage potentially creating a flooding hazard to the junction and surrounding area.

The main issues in the determination of this planning application are considered to be the effect that the development has upon the amenity of the surrounding area and whether the proposed works will have an adverse impact upon habitats and other features of ecological interest that have been identified in the designated Penllwyn Woodland Site of Importance for Nature Conservation (SINC) within the application site.

In terms of amenity, whilst the proposed vehicular track will introduce a man-made feature into this natural woodland area, it is not considered that the proposed works will affect the character of the surrounding area as they will not be particularly visible from Blackwood Road once replacement planting has been introduced and established. In terms of the neighbouring properties, there is potential for the privacy currently enjoyed by the neighbouring occupiers to be affected as a result of the tree felling, however a condition will be imposed to secure replacement planting and details of the proposed boundary treatment to be erected to minimise any neighbouring amenity impact.

In terms of the ecological impacts as a result of the proposed works, the Council's ecologist and landscape architect are satisfied that the proposed works can proceed out of bird breeding season and a comprehensive response from the consultees have been provided to the concerns raised by the public below. Therefore it is not considered that the proposal would conflict with policy CW2 or policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021 (adopted November 2010) and is therefore acceptable in planning terms.

Comments from consultees: No objection have been raised by the statutory consultees at the time of writing the report, any further comments will be reported to members verbally during planning committee.

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Comments from public: The following concerns were raised:

1. Concerned about the conservation of wildlife within the SINC and how wildlife will remain undisturbed.
2. Wants to know the location and maturity of the trees to be replanted.
3. The occupier of Lilly Stock relies on the trees for privacy.
4. Requests that a wooden fence is erected to alleviate the resultant privacy issues as a result of the amount of trees being removed.

In response to the ecological concerns raised, the Council's ecologist has confirmed that an otter and spawning fish survey has been undertaken on the stream within the above site and no evidence of either was confirmed during the surveys. The area where the works are to be undertaken is currently heavily shaded so this area would be unsuitable for reptiles. However, the opposite bank (sunny side) does have potential to be used by reptiles but this area will not be disturbed by the proposed works. It is noted that there are several mature trees that will need to be removed as part of the proposed works, those trees have subsequently been checked for possible bat roosts but no evidence was found. It is also noted that the trees have the potential to be used by breeding birds and therefore such clearance works will need to be undertaken outside of the breeding bird season and new tree planting will be provided once the works are complete to compensate for the habitat loss.

In response to the privacy concerns raised, the Council's landscape architect has confirmed that it is proposed to erect a timber post and four rail fence and will run from the existing highway fence to a point where the existing vegetation is to be retained. Additional tree and shrub planting is proposed to provide screening for the properties beyond; however, it will take time for any planting to establish. However, as an interim measure, to mitigate the loss of the existing planting, a series of hazel or willow hurdles will be attached to the inner side of the new fence to be erected. In the absence of any landscaping details to accompany the application, these details will be secured by condition.

Other material considerations: The construction works in terms of the gabion and reinforced concrete cantilever retaining structures and the new realigned larger intake structure and debris screen would constitute permitted development in accordance with the requirements of Schedule 2, Part 14, Class A of The Town and Country Planning (General Permitted Development) Order 1995.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing No. PL01 Proposed General Arrangement received on 07.12.2017;
Drawing No. PL03 Proposed General Arrangement received on 07.12.2017;
Drawing No. PL05 Miscellaneous Details (Sheet 1 of 3) received on 07.12.2017;
Drawing No. PL06 Miscellaneous Details (Sheet 2 of 3) received on 07.12.2017;
Drawing No. PL07 Miscellaneous Details (Sheet 3 of 3) received on 07.12.2017.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected, and a timetable for its implementation. The boundary treatment shall be completed in accordance with the approved details and timetable.
REASON: In the interests of the visual amenity of the area.
- 04) 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 commencement 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.

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- 05) No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, any existing trees and hedgerows to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

REASON: In the interests of the visual amenity of the area.

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, CW5 and CW6.

Please find below the comments of Natural Resources Wales that are brought to the applicant's attention:

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

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.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity.

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These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

