

Planning Application 19/0868/FULL

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0868/FULL 28.10.2019	JPCE Ltd Mr J Perkins Bronhaul House Abernant Road Abedare CF44 0PY	Install 2 no. underground service ducts to transfer farm digestate from one side of the road to the other Land Adjacent To And Part Of B4254 Gelligaer Road Gelligaer Hengoed CF82 2FY

**APPLICATION TYPE:** Full Application

SITE AND DEVELOPMENT

Location: The application area is located on Gelligaer Road (B4254) located approximately 300 metres to the west of the entrance to the Legion's Way, Gelligaer.

Site description: Adopted highway.

Development: It is proposed to install two service ducts (one operational and one spare) beneath the highway to allow digestate from the Bryn Farm Anaerobic Digester to be pumped from Gelliargwellt Farm to Tir-Y-Rhen Farm. Both farms are within the Price family's ownership. The digestate spreading and associated pipework forms part of the agricultural operations at both farms.

Dimensions: The proposed ducts measure 9.6 metres in length and 225mm in diameter.

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

PLANNING HISTORY 2010 TO PRESENT

None.

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## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside of the settlement boundary.

Policies: Policy CW2 (Amenity) and CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales, 10th Edition - December 2018.

### 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

Transportation Engineering Manager - No objection.

CADW -

Landscape Architect - No objection subject to the retention/replacement of any hedgerows impacted by the development.

Ecologist - No objection subject to a condition to ensure that any hedgerows impacted by the works are retained, enhanced and managed.

Gelligaer And Merthyr Commoners Association - No comments.

The Coal Authority - No objection.

Principal Valuer - Provide advice to the developer regarding land within the control of the Local Authority.

Natural Resources Wales - No objection based on the further information submitted by the applicant.

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## ADVERTISEMENT

Extent of advertisement: Given the relatively isolated location of the application site the application was advertised by way of site notice.

Response: One response has been received.

Summary of observations: Site notice placed in remote location unlikely to be seen by the public.

## 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.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

## ANALYSIS

Policies: The application proposes to install two service ducts (one operational and one spare) beneath the highway at a point approximately 300 metres to the west of Legion's Way in Gelligaer. These ducts will facilitate digestate (fertiliser) from the Bryn Farm Anaerobic Digester being pumped from Gelliargwellt Farm to Tir-Y-Rhen Farm. Both farms are within the applicants ownership. The digestate spreading and associated pipework forms part of the agricultural operations at both farms.

The proposed works, which will be located beneath the highway, will have no impact on visual or residential amenity, and therefore are in accordance with Policy CW2 of the Caerphilly Local Development Plan. The works will require the removal of a short section of hedgerow, however, a condition will be attached to the permission requiring hedgerows impacted by the development to be replaced and maintained post development. On this basis the proposal is considered to be acceptable in regard to Policy CW6 (Trees, Woodland and Hedgerow Protection).

No objection has been raised by the Transportation Engineering Manager and the proposal is therefore considered to be acceptable in relation to Policy CW3 (Design Considerations - Highways).

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Comments from Consultees: No objection subject to conditions and advice.

Comments from public: The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 requires a notice to be posted on or near the land to which the application relates.

Other material considerations: None.

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

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 Number: 2019-B4254-001B - Survey and Proposed Sections, received 18.12.2019;  
Drawing Number: 2019-B4254-003 - Enlarged site location plan, received 25.10.2019.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of work on site details of hedgerow enhancement planting, and management of the existing roadside hedgerow, and creation of a new roadside hedgerow, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be strictly 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 Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).

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Advisory Note(s)

Please find attached the comments of Natural Resources Wales, The Transportation Engineering Manager, The Landscape Architect, The Council's Ecologist that are brought to the applicant's attention.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

