

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

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let us know if your language choice is Welsh.*



#### Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 26 February 2021

Dear Councillor,

#### **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held remotely via Microsoft Teams on **Thursday, 4 March 2021 at 14:00.**

#### **AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Approval of Minutes 5 - 10  
To receive for approval the minutes of the 21/01/2021
4. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
5. Amendment Sheet  
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be accommodated.
6. Development Control Committee Guidance 11 - 14
7. P/20/552/RLX - South West Wood Products Site, Heol Llan, Coity, CF35 6BU 15 - 46

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- |     |   |           |
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| 8.  | <u>P/20/553/FUL - Lock Complex, South East Of South West Wood Products Site, Heol Llan, Coity. CF35 6BU</u>   | 47 - 66   |
| 9.  | <u>P/20/642/OUT - Carville Scaffolding, Station Road, Maesteg, CF34 9TF</u>   | 67 - 82   |
| 10. | <u>P/20/756/FUL - 31 Fulmar Road, Porthcawl, CF36 3PN</u>   | 83 - 96   |
| 11. | <u>P/20/99/FUL - Trinity Chapel, Penybont Road, Pencoed, CF35 5RA</u>   | 97 - 120  |
| 12. | <u>P/20/898/RLX - Aldi Unit, 1 Llynfi Walk, Llynfi Road, Maesteg, CF34 9DS</u>  | 121 - 126 |
| 13. | <u>Appeals</u>  | 127 - 134 |
| 14. | <u>Development Of National Significance - Application By Renewable Energy Systems Ltd At Upper Ogmored, Between Abergwynfi, Blaengarw And Nant-Y-Moel, In Bridgend And Neath Port Talbot - Local Impact Report On Behalf Of The Local Planning Authority</u>  | 135 - 176 |
| 15. | <u>Request For Scoping Direction By Natural Power Consultants Limited (Natural Power) On Behalf Of Y Bryn Wind Farm Limited - Y Bryn Wind Farm (Land At Bryn And Penhydd Forest, Located Between Port Talbot And Maesteg) - Up To 26 Turbines (6.6 Mw Per Turbine) And Battery Storage - Response To Scoping Report On Behalf Of The Local Planning Authority</u> | 177 - 202 |
| 16. | <u>Future Wales 2040 (National Development Framework) And Planning Policy Wales 11</u>  | 203 - 208 |
| 17. | <u>Training Log</u>   | 209 - 210 |
| 18. | <u>Urgent Items</u><br>To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.                  |           |

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet\_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

**K Watson**

Chief Officer, Legal, HR & Regulatory Services

Councillors:

SE Baldwin  
JPD Blundell  
RJ Collins  
SK Dendy  
DK Edwards  
RM Granville

Councillors

A Hussain  
MJ Kearn  
DRW Lewis  
JE Lewis  
JC Radcliffe  
JC Spanswick

Councillors

RME Stirman  
G Thomas  
MC Voisey  
KJ Watts  
CA Webster  
AJ Williams

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 21 JANUARY 2021

### MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS ON THURSDAY, 21 JANUARY 2021 AT 14:00

#### Present

Councillor G Thomas – Chairperson

JPD Blundell	RJ Collins	SK Dendy	DK Edwards
RM Granville	A Hussain	MJ Kearn	DRW Lewis
JE Lewis	JC Radcliffe	JC Spanswick	MC Voisey
KJ Watts	CA Webster	AJ Williams	

#### Apologies for Absence

SE Baldwin

#### Officers:

Rhodri Davies	Development & Building Control Manager
Craig Flower	Planning Support Team Leader
Mark Galvin	Senior Democratic Services Officer - Committees
Rod Jones	Senior Lawyer
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Democratic Services Manager
Philip Thomas	Principal Planning Officer

#### 440. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor G Thomas declared a prejudicial interest in Agenda items 7 and 8, P/20/552/RLX and P/20/346/FUL, respectively, as he had pre-determined these applications. Councillor Thomas left the meeting for these items and the Vice-Chairperson Councillor RM Granville took the Chair in his place.

Councillor D Lewis declared a personal interest in P/20/552/RLX and P/20/346/FUL as the BCBC representative on the Coity Wallia Board of Conservators.

Councillor JE Lewis declared a personal interest in the same applications as those specified immediately above, as the St. Brides Community Council representative on the Coity Wallia Board of Conservators.

#### 441. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Development Control Committee dated 10 December 2020, be approved as a true and accurate record.

#### 442. PUBLIC SPEAKERS

The following invitees at the meeting, exercised their right to speak as public speakers on the undermentioned application:-

Councillor Alex Williams – Ward Member – P/20/552/RLX  
Lucy Binnie – Applicant's agent – P/20/552/RLX

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 21 JANUARY 2021**

The Legal Officer also read out for the benefit of the Committee, representations received from St. Brides Minor Community Council, on the same planning application, in light of the fact that the Community Council were unable to be represented at the meeting.

443. AMENDMENT SHEET

RESOLVED: That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item, in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for the Committee to consider necessary modifications to the Committee report, so as to take account of late representations and revisions that are required to be accommodated.

444. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

RESOLVED: That the summary of Development Control Committee Guidance as detailed in the report of the Corporate Director - Communities be noted.

445. P/20/552/RLX - SOUTH WEST WOOD PRODUCTS SITE, HEOL LLAN, COITY, CF35 6BU

RESOLVED: That the above application be deferred, in order to allow for a virtual site visit to take place in the form of video footage of the site in question.

Proposal

Variation of conditions 1 (approved plans), 5 (stack heights) and 6 (authorised works) of P/16/659/RLX through the submission of amended plans and wording.

446. P/20/553/FUL - LOCK COMPLEX, SOUTH EAST OF SOUTH WEST WOOD PRODUCTS SITE, HEOL LLAN, COITY CF35 6BU

RESOLVED: That the above application be deferred, in order to allow for a virtual site visit to take place in the form of video footage of the site in question.

Proposal

Use of land for storage of end of life timber for a temporary period of 3 years.

447. P/20/346/FUL - LIDL REGIONAL DISTRIBUTION CENTRE, WATERTON INDUSTRIAL ESTATE, BRIDGEND, CF31 3PH

RESOLVED: That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities.

Proposal

Extension to warehouse and administration block; extend and reconfigure car park, service yard and associated works.

**Subject to the further following Condition being added to the consent so granted:**

12. No construction works shall take place outside the following times:

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 21 JANUARY 2021**

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:30 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

Reason: In the interests of safeguarding the amenities of the occupiers of the nearest residential properties.

448. APPEALS

RESOLVED:

1. That the Appeals received since the last Committee meeting as detailed in the report of the Corporate Director - Communities, be noted.
2. That the following Appeal Decisions as contained in the report of the Corporate Director - Communities as decided by the Inspector(s) appointed by the Welsh Ministers since the last report to Committee, be noted:-
  - a. A/20/3258047 (1990) – demolition of 1.5m high & 2.7m long stone wall on right hand side of house; formation of driveway & crossover; rebuild stone wall on left hand side of house at 6.29m in length & replace wooden gates with wrought iron gates:  
Tan y Bryn, Dinam Street, Nantymoel - DECISION – **Appeal be Dismissed** (see Appendix A to the report).
  - b. E/20/3258043 (1901) - conservation area consent for demolition of 1.5m high & 2.7m long stone wall on right hand side of house; formation of driveway & crossover; rebuild stone wall on left hand side of house at 6.29m in length & replace wooden gates with wrought iron gates:  
Tan y Bryn, Dinam Street, Nantymoel – DECISION – **Appeal be Dismissed** (see Appendix A to the report).
  - c. A/20/3259575 (1902) - demolition of existing garage and erection of a two bedroom single storey dwelling  
48 Park Street, Bridgend – DECISION – **Appeal be Dismissed** (see Appendix B to the report)
  - d. X/20/3259517 (1903) - certificate of lawfulness for an existing use of the garage as a nail salon  
19 Heol Stradling, Coity – DECISION – **Appeal be Dismissed** (See Appendix C to the report)
  - e. A/20/3259511 (1904) - garage conversion/change of use to nail salon:  
19 Heol Stradling, Coity – DECISION - **Appeal be Dismissed** (See Appendix C to the report)

449. EDUCATIONAL FACILITIES AND RESIDENTIAL DEVELOPMENT SPG

The Corporate Director – Communities submitted a report, the purpose of which, was to inform Members of the outcome of the consultation exercise on the draft Educational Facilities and Residential Development Supplementary Planning Guidance (SPG) document; to seek agreement for the proposed amendments to the draft document and to adopt it as SPG to the Bridgend Local Development Plan.

The Strategic Planning Policy Team Leader, advised that a 6-week period of public consultation was held in respect of the above, between 21<sup>st</sup> February and 3<sup>rd</sup> April 2020. The consultation had been advertised by the following methods:

- Statutory notices were placed in the Glamorgan GEM on the 27<sup>th</sup> February and the 5<sup>th</sup> March 2020;
- The consultation documents were made available for inspection with representation forms at the reception desk of the Civic Offices, Angel Street, Bridgend;
- Information on the consultation, including all the documentation, representation forms and how to make representations was placed on the Councils website; and
- A copy of the draft SPG was sent to approximately 300 targeted consultees including Community Councils, planning consultants, house builders and housing associations taken from the LDP database.

By the end of the consultation period, he confirmed that seven representations were received on the draft SPG. These representations were summarised in Appendix 1 to the report.

The primary issues raised during the consultation he explained, concerned the justification for the costs and pupil yield rates that were included in the draft SPG and the subsequent impact they would have on development viability. Having reviewed the methodology used at the time, a set of reasoned responses to each of the comments was also included in Appendix 1 (to the report.)

The Strategic Planning Policy Team Leader advised Members that the main reason for updating the SPG and seeking its adoption at this time, was so it could be taken into account in the viability appraisals BCBC have asked developers to undertake in support of the sites they are promoting through the candidate site process. Whilst the Local Planning Authority were not yet in a position to make any definitive judgements, the initial indications were that the contributions generated by the SPG could be provided without compromising the other infrastructural requirements the sites will need to deliver, such as, highway improvements, provision of open space and affordable housing.

Appendix 1 also set out a reasoned response, a suggested decision and, where appropriate, proposed changes to the SPG, for each representation received.

In summary, the main areas of change in the document arising from the public consultation responses were as follows:

- Clarification that the costs of school construction will be kept under review but only changed as part of a full revision of the SPG;
- Confirmation that the costs of temporary school accommodation will be determined on a case by case basis;
- An explanation as to how the build costs for refurbishing a school have been calculated to be 65% of the build costs of a new school

The Strategic Planning Policy Team Leader felt that the relatively minor nature of the proposed amendments reflects the amount of work that went into the draft SPG in the first place, and in that regard the Strategic Planning Policy Team Leader extended his thanks to the Council's School Modernisation team for their input and Cllr Amanda Williams for giving up her own time to contribute to that review and to ensure that Members had a voice in the process.

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 21 JANUARY 2021**

Following questions on the report that were responded to by the Strategic Planning Policy Team Leader, it was decided-

That Committee:

RESOLVED: (1) To approve the suggested reasoned responses and the consequential proposed changes to the draft Educational Facilities and Residential Development Supplementary Planning Guidance contained in Appendix 1 to the report.

(2) To recommend to Council that:

(a) SPG16 – Educational Facilities and Residential Development (as amended by the changes in Appendix 1 and highlighted in paragraph 4.3 of the report) should be adopted as Supplementary Planning Guidance (SPG) to the adopted Bridgend Local Development Plan.

(b) the SPG, in its adopted form, should be published on the Council's website.

450. URGENT ITEMS

None.

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I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

### **STANDARD CONDITIONS**

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

#### Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

#### Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

#### Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

### **STANDARD NOTES**

- a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.
- c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services

provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-  
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or [www.coal.gov.uk](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
  - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;
  - changes to the site area;
  - changes which conflict with a condition;
  - additional or repositioned windows / doors / openings within 21m of an existing building;
  - changes which alter the nature or description of the development;
  - new works or elements not part of the original scheme;
  - new works or elements not considered by an environmental statement submitted with the application.
- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).

- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

### **Request for a Site Visit**

#### **Ward Member request for Site Visit**

Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits cannot be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

### **Inappropriate Site Visit**

Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

### **Format and Conduct at the Site Visit**

#### **Attendance**

Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

## **Officer Advice**

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

## **Code of Conduct**

Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

## **Record Keeping**

A file record will be kept of those attending the site visit.

## **Site Visit Summary**

In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

**\*N.B. – Due to the Covid 19 pandemic, physical site visits will not be possible for the foreseeable future and virtual site visits will be provided where it is deemed necessary\***

## **Frequently Used Planning Acronyms**

AONB	Area Of Outstanding Natural Beauty	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan

**REFERENCE:** P/20/552/RLX

**APPLICANT:** South West Wood Products Limited,  
Clifton Moor, Clifton, Penrith CA10 2EY

**LOCATION:** **South West Wood Products site, Heol Llan, Coity CF35 6BU**

**PROPOSAL:** Variation of conditions 1 (approved plans), 5 (stack heights) and 6 (authorised works) of P/16/659/RLX through the submission of amended plans and wording

**RECEIVED:** 4 August 2020

**SITE INSPECTED: 1 October 2020**

## **UPDATE SINCE MEETING OF COMMITTEE ON 21 JANUARY**

This application was deferred from the Development Control Committee on 21 January 2021 to allow for a virtual site visit to be undertaken. This will be carried out via Teams on Wednesday 3 March 2021 at 2pm and will take the form of drone footage with commentary from the Officer.

Since the last DC Committee meeting, National Planning policy has seen the publication of two new documents - Future Wales – the National Plan 2040 and Planning Policy Wales (Ed 11) on 24 February 2021. The application has been re-considered under these new policy documents and the recommendation remains as per the original report.

Also, since the last Committee an issue has arisen on the former Bryncethin Nursery part of the site relating to a suspected leak in the 4m deep private gas pipe that serves Mount Pleasant Bungalow. Wales and West Utilities have investigated the leak and whilst they have not been able to identify the source of the leak to date, they will carry on with their investigations and have confirmed that due to the depth and thickness of the gas main and the individual gas service pipe supplying Mount Pleasant Bungalow being plastic, they have no current safety concerns for the gas network located in the former Bryncethin Nursery part of the site. A copy of the Wales and West Utilities letter to Huw Irranca-Davies MS is attached as an Appendix to this report.

There have been calls for the application to be deferred again until this issue has been resolved. However, Members will note that there will be no wood storage or processing in the Former Bryncethin Nursery part of the site (just parking and storage of machinery) and the applicant will not be able to gain control of this area from the Crown until the consent has been issued and the NRW permit has been amended to include this area. Members will also note that if the application was to be deferred again, it would not prevent any activity taking place on the main Lock's Yard part of the site or the former Bryncethin Nurseries part of the site as they are both the subject of extant consents.

If Members feel that Wales and West Utilities' advice is not sufficient to minimise the risk of future potential gas pipe damage in this area, there is scope to add a condition restricting use of HGVs on the former nursery site until the location of the leak and the private gas pipe has been established and resolved.

As explained at the previous Committee meeting and in the report, the application is a means of regularising and controlling the use of the wider site through the Planning process. The applications will define what operations are allowed to occur throughout the site so that they can be more easily enforced and in order to allow the applicant to remove the old polluting legacy wood from the Crown land. The main site has a planning

permission to continue operating as a waste wood processing plant and the use can continue to operate regardless of the outcomes of these applications and, as such, it is not possible, at present, to stop this use through the Planning process.

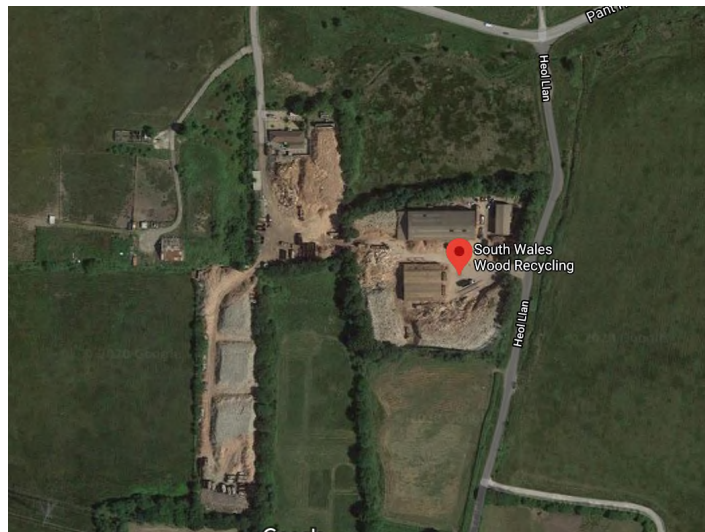
It is considered that there is no land use Planning benefit in deferring the application again as any further delay may prejudice the chances of achieving a satisfactory resolution to the issues on this site by stalling the removal of the historic waste wood from the Crown land. In addition, a deferral could also result in an appeal against non-determination. Furthermore, a delay could also prejudice any future enforcement action on these sites.

Reproduced below is the original report and recommendation:-

### **APPLICATION/SITE DESCRIPTION**

The application seeks to vary conditions 1, 5 and 6 of P/16/659/RLX which was itself an amendment to the original consent (P/14/711/FUL) for the change of use of the former Bryncethin Nursery & dwelling to vehicle storage, new buildings, access, wood fuelled boilers and a wood drying facility.

The consent to be varied was granted on 9 June 2017 and Conditions 1, 5 and 6 relate to the approved layout and plans for the site, the maximum stack heights and the range of works that are authorised on this site respectively.



**Fig. 1 - Aerial View of Site**

More specifically, condition 1 currently states:

*The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, 10914-000-E, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18th March, 2015).*

It is proposed that the condition will now read:

*The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, LMM/039/02 Rev A, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18th March, 2015).*

Condition 5 currently states:

*The height of all external stock piles shall not exceed 5m at any time.*

It is proposed that the condition will now read:

*The height of all external unprocessed stock piles shall not exceed 7m at any time.*

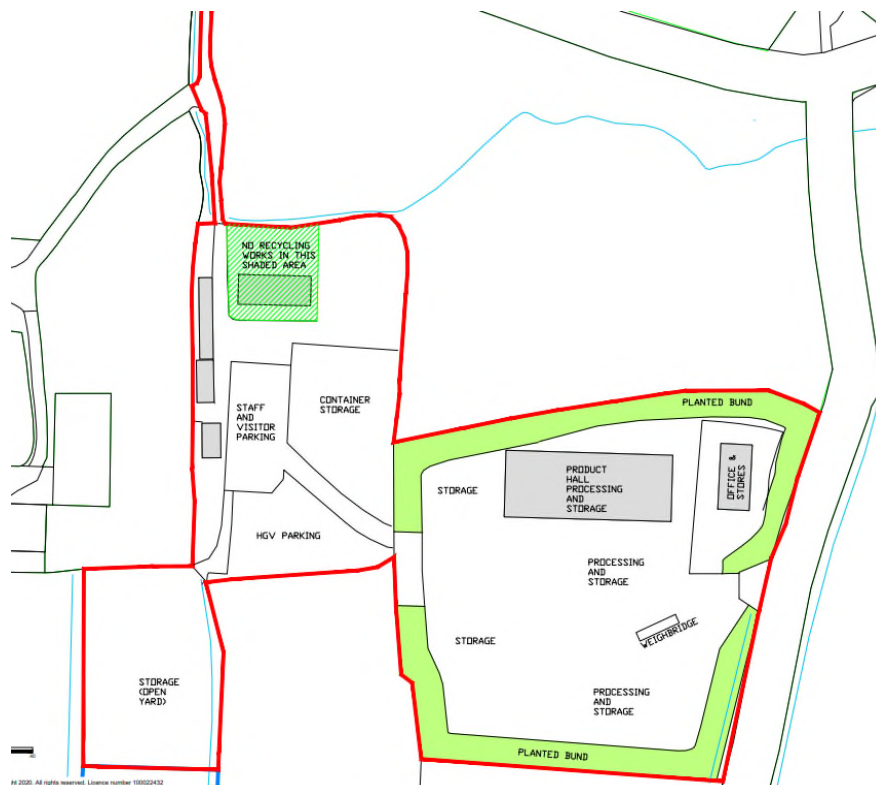
Condition 6 relates to the type of works that can be undertaken at the site and currently states:

*The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or any statutory instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain, in perpetuity, ancillary to the main use of the premises as defined within this condition.*

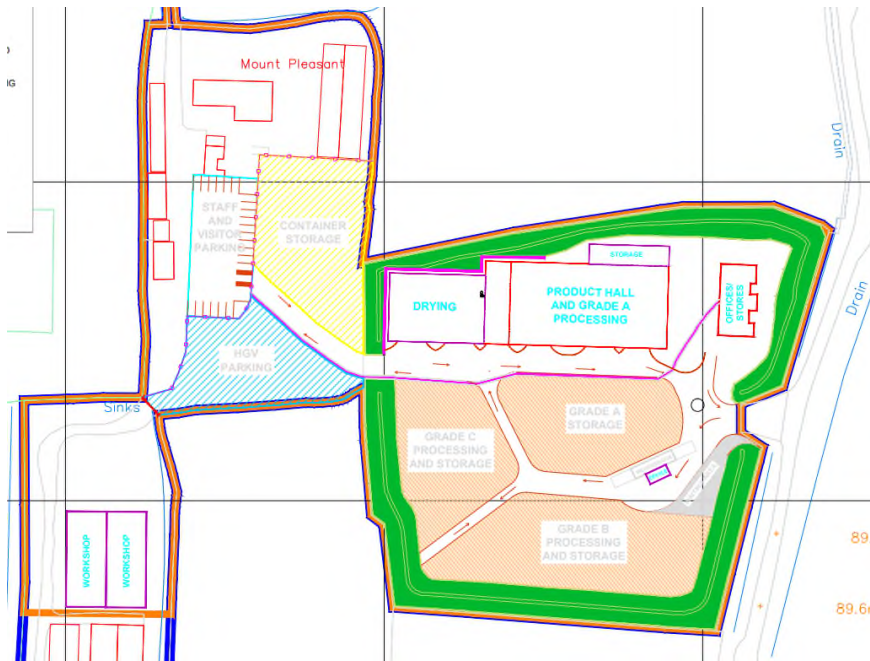
It is proposed to change the condition to include the seasonal preparation of domestic garden waste collected by BCBC/Kier so that the material can be shredded on site and prepared for bulk transfer to a site near Wells for composting. This element of the business is undertaken at the site under a T6 permit exemption from NRW held by the site. The condition will therefore be reworded as follows to regularise the Planning status of the works carried out on the site as follows:

*The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for the **preparation of garden waste/plant to be transferred to another site for composting** and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or any statutory instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain, in perpetuity, ancillary to the main use of the premises as defined within this condition.*

The operator must comply with the conditions within their permit including but not limited to those around maximum tonnage per annum. SWWP Ltd must also comply with all other relevant legislation as part of their operations on site such as any activities undertaken via an exemption.



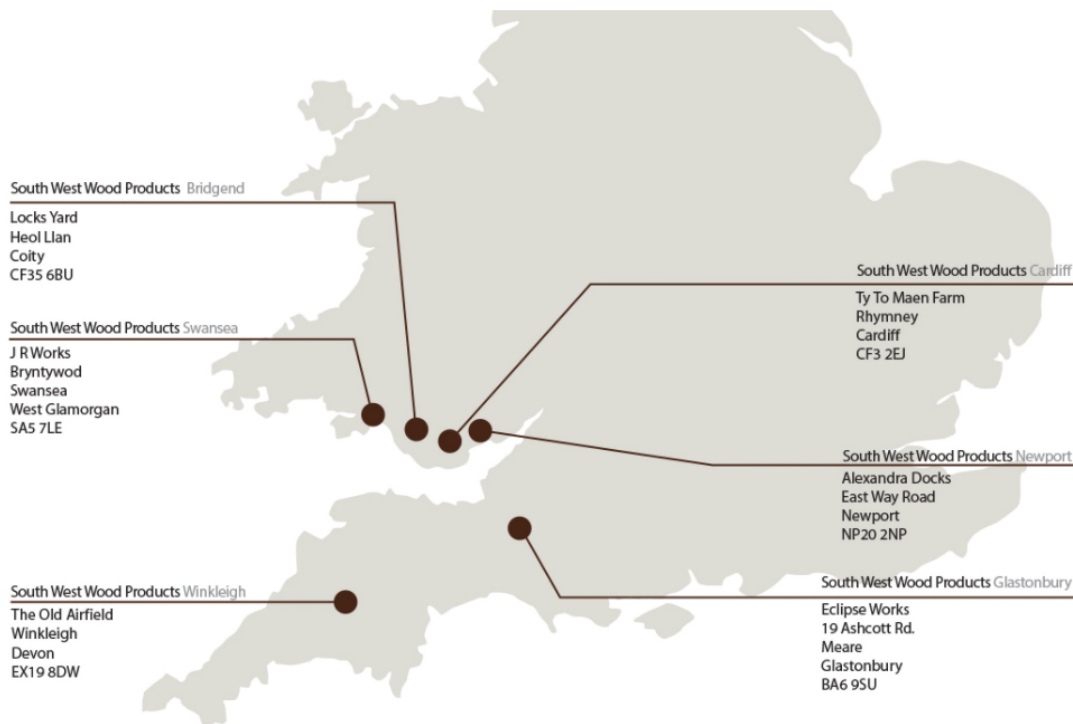
**Fig. 2 – Proposed Site Layout Plan**



**Fig. 3 – Previously Approved Site Layout Plan under P/16/659/RLX**

Lock's Yard (the front eastern part of the site) has operated as a wood recycling facility for a number of years and it was extended to include the adjacent former Bryncethin Nurseries site in 2014.

The applicant, South West Wood Products Ltd, has recently taken on the site as the previous operator (South Wales Wood Recycling Ltd) has gone into administration. This is one of several such sites that they control throughout the UK.



South West Wood Products Site Map

**Fig. 4 – South West Wood Products Locations**



There is a separate Planning application to regularise the use of additional land for the storage of end of life timber for a temporary period of 3 years (P/20/553/FUL). This area has been the subject of unauthorised storage of poor quality wood waste since a fire on the site in 2016 and it is intended to “blend” this wood with better quality wood to get it to a standard that can be accepted and used at Kronospan or Margam. Once a temporary consent is issued the applicant can formally apply for a permit from NRW to remove this historic end of life wood.

As it stands there is no requirement for the applicant to remove and process this end of life legacy timber as the company responsible for depositing the wood there has gone into administration and the land has reverted to the Crown.

### **RELEVANT HISTORY**

P/14/711/FUL - C/U former Nursery & Dwelling to Vehicle Storage, new buildings, access, wood fuelled boilers and wood drying facility - Approved with conds - 05/09/15

P/15/792/DOC - Discharge of Cond 14 - Drainage - Agreed 16/12/15

P/16/203/DOC - Discharge of Cond 12 - Not Agreed 04/05/16

P/16/276/DOC - Discharge of Conds 1 & 8 - Split Decision - 14/07/16

P/16/596/DOC - Discharge of Cond 8 - Agreed - 16/03/17

P/16/659/RLX - Relax condition 12 of P/14/711/FUL to extend the time period in which to submit the Noise Management Plan – Agreed – 09/06/17

P/17/706/DOC – Discharge of Conds 10 and 11 of P/16/659/RLX – Agreed – 23/08/17

P/20/553/FUL - Use of land for storage of end of life timber for a temporary period of 3 years – to be considered at DC Committee

### **PUBLICITY**

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the subsequent additional information. The period allowed for response to consultations/publicity has expired.

### **CONSULTATION RESPONSES**

**The Coal Authority** – No objection

**Public Protection** – No objection subject to conditions to preserve the residential amenities of the occupiers of Mount Pleasant Bungalow to the north of the site.

**Biodiversity/Ecologist** – no observations.

**St Brides Minor Community Council** - The Members of St Brides Minor Community Council wish to object to this application and make the following comments:

*Any expansion of wood deliveries and productivity in wood recycling at this site is harmful to the residents in the local environment and routes to and from the facility. With this in mind it would be appropriate that a Traffic Assessment and Environmental Impact Assessment is conducted to assess the impact upon the volume of traffic through Bryncethin along the A4061 to and from the M4 interchange at Sarn Services. In addition the impact upon the environment and local air quality as these vehicles are significantly*

larger than the normal heavy goods vehicle. We are also mindful that there was an incident in Pencoed where one such vehicle tipped over and it is concerning that these lorries will pass a Primary School in Bryncethin. See this link:

<https://www.walesonline.co.uk/news/wales-news/live-updates-road-closed-overtuned-14474149>

Over a 17 year period along the A4061 there has been a 18.9% increase in overall average daily traffic, with a 72.4% increase in Large Good Vehicles. A further increase of LGVs caused by an expanding wood recycling business will have an impact upon road safety, air quality and the general quality of life for people living alongside the road in Bryncethin and Bryncoch. Such tall and heavy vehicles should not be allowed to pass through residential areas.

**Coychurch Higher Community Council** – Members of Coychurch Higher Community are gravely concerned about this Planning application not least with the previous history from this site. Conditions have not been adhered to and the stacks are considered too high as it. Additionally, the dust this will create during the warm weather will be a hazard to both people and livestock. Members of Coychurch Higher object to this application in the strongest possible terms and comment:-

*Whilst this Planning Application lies outside the boundary of Coychurch Higher, because of its' close proximity to Heol-y-Cyw, any problems which may arise impact on the village of Heol-y-Cyw and its residents.*

*There have been serious problems in the past which is why Members of Coychurch Higher Community Council wish to make representation against the proposed variation. Assurances were given in March 2019 by the current operator that the fire damaged tree line and screens that surround the yard would be replaced to improve security and reduce the visual eyesore to neighbouring properties. This hasn't been done.*

*As recently as September 3rd 2020, NRW were in attendance following complaints of pollution from Locks Yard to Heol Llan and the local waterways. Members feel this matter needs to be considered as a matter of urgency and appropriate drainage installed at the site as well as increased dust level management. To date, debris continues to spill into the waterways adjacent to the main gates and onto surrounding agricultural land.*

*The volume and size of the lorries that service this site is totally unsuited to this rural area. There are several very dangerous "pinch points" that are causing huge safety concerns including the T-junction at the Heol y Cyw end of Panthirwaun, as well as the two cattle grids. The 40 mile per hour speed limit along this stretch of the B4280 is already considered to be inappropriate, but added to it the sheer enormity of these lorries, it is considered be a serious health and safety hazard. Also, despite assurances that all lorries are sheeted securely, there is a considerable amount of wood waste along the B4280 and the roads and pavements along Panthirwaun.*

*Members also feel clarification is needed regarding the access of "non-wood" vehicles to the nursery site via the driveway to Mount Pleasant bungalow. Previous instructions stated that the nursery land would be returned to grass, which was relevant at the time of purchase. This is a private residence which would be hugely affected by the use of this unfinished access onto Crown land. SWWP have previously stated that they would continue to assist with the clearing of the nursery site, but to date, this hasn't taken place.*

*Members feel strongly that, before any Planning Application is even considered, the*

*strictest safe-guards need to be in place, with particular emphasis on health and safety, to ensure that there are no more detrimental effects on the residents of Heol-y-Cyw and Coychurch Higher in general. The issues at this site have been ongoing for many years without resolve which is why Members of CHCC object to the application in the strongest possible way.*

*In response to additional information received from the agent the following comments were received:*

### **REPRESENTATIONS RECEIVED**

The following representations have been received in specific regard to this particular application:

**Cllr Alex Williams – Ward Member for Penprysg** – Objects to the development as follows:

*My understanding is that these applications will seek to vary the permission at the existing wood recycling operation to change the site layout and storage arrangements and, in tandem, to apply for an extension of existing yard for the storage of waste initially for a temporary 3 year period.*

*I kindly request that these applications are considered by the full Planning Committee on the following material planning grounds:-*

- *Site History*
- *Overlooking/loss of privacy*
- *Highway safety*
- *Access/Traffic*
- *Government Policy (Glastir)*
- *Potential implications of the Development Plan*
- *Previous planning decisions/enforcement*
- *Nature conservation*
- *Noise/Light/Visual Amenity*

*I would also like to request an opportunity to speak at the Committee.*

*While this site is located in the ward represented by Cllr. Gary Thomas, it is in close proximity to the community of Heol-y-Cyw which I represent. In this response, I am making representations on behalf of my constituents, and also offer my own observations as County Borough Councillor for Penprysg.*

*I attended a site visit on 1st October 2020, in the company of Cllr. Gary Thomas and BCBC Planning Officers, during which the applicant proceeded to say that unless this application was approved, they would cancel the contract which Bridgend County Borough Council and Kier currently have with them.*

*The applicant's agent has also previously said in writing: "On securing appropriate planning and permitting amendments, SWWP are prepared to take on the liabilities left on the site by the previous operator. Otherwise, as things currently stand, these costs and liabilities will be for the crown/taxpayer to pay."*

*I believe that combined, these statements are tantamount to blackmail and I have informed the Leader of the Council of my concerns. As a result, I do not believe that the applicant is fit and proper to operate this site under the planning conditions which it seeks in such close proximity to residential properties.*

*I would encourage all members of the committee to insist upon the opportunity to undertake a site visit before coming to a decision on these applications.*

### **Compliance History**

*The site has a long history of non-compliance and the previous operators of the site were to be prosecuted for several incidences of non-compliance, maladministration and negligence, all of which have been averted due to going into administration.*

*However, in spite of assurances to the contrary from the applicant and current operators of the site, South West Wood Products, there has been no effort to comply with current planning restrictions and NRW regulations since SWWP started managing the site since February 2019.*

*They have been responsible for many of the breaches of current conditions and enforcement notices issued by NRW and BCBC. It is simply not acceptable that the restrictions are changed because they are unable to comply with them.*

*The applicant's assertion that the site has had a challenging compliance history is somewhat of an understatement. There has been a flagrant disregard for planning control, environmental permits and (as a result of the number of fire incidents which have occurred), there is a great deal of scepticism within the public domain about the management of the site. The applicant has been managing the site for some time, during which there have been a number of breaches of the conditions. The applicant has provided insufficient assurances that these breaches will not continue under its operational management and, in my view, is simply trying to relax the conditions to ensure future compliance.*

*Both BCBC planning enforcement and Natural Resources Wales (NRW) have previously written to me to say that "when a site is non-compliant, we work to bring them back into compliance."*

*In the case of the South West Wood Products site, it would appear that compliance is achieved by increasing their permit conditions rather than enforcing current conditions.*

*For example, their permitted tonnage has been increased from 25,000 tonnes per annum of Grade B/C/D wood to 125,000 tonnes per annum because they were found to be in non-compliance as they had been accepting well in excess of their permitted limits. This increase had no relationship whatsoever to the new site area and was only done due to their infringement.*

*The way of bringing operators back into compliance would appear to be to amend their permits so that they no longer have a problem.*

### **Site Boundaries & Surroundings**

*The site boundaries are not well defined at present. Processing has taken place within 20m of the boundary and the dust suppression netting has long since disintegrated through the stockpiling of waste wood against it.*

*The boundary has been breached by waste wood and is clearly visible from Heol Llan. One area of the boundary fence between the Locks Yard Complex and the common land has been overwhelmed and buried by waste wood stored on site causing farmers to enter the site on several occasions to recover livestock.*

*Additional landscaping and tree planting is required. The site is not well screened for a stack height of 5m not alone 7m. This boundary is not well enough landscaped and if stack heights are to increase, there is an additional need to improve the long term screening. There ought to be commitment that the boundary to the site will be repaired and maintained.*

*As far as I am aware, the applicant has not consulted Coity Wallia Board of Conservators and Coity Wallia Commoners Association on the proposals. Both organisations have an interest in the land to the North and East of the site and should be formally consulted.*

*It would also be prudent to check with the current owners of the site that they have negotiated and agreed access to the site from the B4280. It is my understanding that no access has been granted.*

### ***Proximity to Residential Premises – Overlooking/Privacy***

*I would dispute the applicant's assertion that there are few residential properties in the immediate vicinity which are affected by the operations at the site. Given the traffic movements through the village of Heol-y-Cyw, the opinions of residents of Mount Pleasant and other residents in the vicinity should be a material consideration.*

*The 7 metre high (over 21ft) wood piles will completely overwhelm the bungalow, Mount Pleasant, preventing light and visual amenity as well as causing noise and dust pollution. I would kindly suggest that a new and up to date dust and noise management plan should be provided and that the Health & Safety Executive should be consulted.*

### ***Throughput, Height of Stacks & Storage of Waste Wood***

*Given the applicant's assurance that there will be no increase in throughput at the site, I question why the applicant is seeking to change the height of the stockpiles from 5m to 7m and seeking to increase the site area for stockpiling of unprocessed wood.*

*This increase in height should be accompanied by a new Fire Prevention and Mitigation Plan.*

*There is currently inadequate information in the planning statement as to why additional storage capacity is necessary or why the increase in height of stacks is justified. Furthermore, there is inadequate information about how the proposed amendment will meet the previous reason for the condition i.e. visual amenity and the prevention of pollution.*

*The applicant indicates that pre-selected wood would be brought to site for storage. I believe that it is essential that conditions are placed on the applicant which prevents any grade C or D hazardous wood to be processed at the site.*

*It is also my view that any unassessed wood should be stored in a dedicated quarantined area for the storage of waste wood deemed to be unacceptable.*

*The applicant states that site throughput is not limited by planning restrictions but that environmental permitting has allowed up to 195k tpa. My understanding was that the original throughput of 25k tpa was amended to 120k tpa and agreed by Natural Resources Wales.*

*The applicant should clarify its understanding regarding permitted throughput; provide the documentation to support this; and make a statement about what is the current annual throughput at the site.*

*If the applicant does not intend to increase historic levels of production at the site, will the applicant voluntarily set a condition on annual throughput at its current level?*

*If waste wood deteriorates over time, will the applicant voluntarily set a condition on planning consent; within its environmental permit; and fire prevention and mitigation plan on the length of time that waste wood will be stored to prevent a repeat of the storage issues which have occurred historically at the site.*

*NRW's own guidance 'Fire Prevention and mitigation plan guidance – Waste' states that "this guidance document represents the minimum appropriate measures required to be put in place by waste operators to ensure that fires are prevented." The first line of the Summary section states: "You must follow this guidance if you are storing combustible waste at permitted sites." This guidance clearly states that unprocessed wood should be stored at a maximum height of 5m and processed wood at a maximum of 3m (page 10).*

### **Transport/Highways**

*There have been a number of occasions whereby vehicles have left the highway and vehicles continue to regularly deposit woodchip on the highway causing a risk to damaging vehicles and risk seriously injuring pedestrians.*

*This raises questions about the suitability of the highway for such HGVs. This was previously raised following the successful planning application from Rockwool to expand its site. It is therefore a moot point about whether or not traffic is "accommodated" on the local highway network.*

*The applicant notes that there is no need to undertake a Transport Plan because the operation of the site will not be materially altering but by definition, the extra storage allowed by the increased stack height to meet the varying demands from Margam power station through the year implies a change to the pattern of operation of the site which would impact on the movement of vehicles. This, coupled with an intention to amend the NRW permit, should surely require a revisit of the Transport Plan.*

*Furthermore, if the applicant has no intention to "increase traffic movements over and above that generated by the existing operations, will it voluntarily submit to a traffic monitoring assessment and commit to an agreed level of traffic flow which can be inserted as a condition of planning approval?*

### **Pollution of Waterways/Conservation**

*Natural Resources for Wales has recently attributed the pollution of the waterways to the site at the Locks Yard Complex. A heavy, dark brown discharge, has entered the waterways which flows directly into the Nant Crymlyn, a tributary of the Ewenny river. The Ewenny river and its tributaries have populations of brown trout and sea trout, both of which spawn in the headwaters during winter months. In March, tiny fry hatch and rely on clean water and insect life to survive for 12 to 14 months, before they migrate downstream to continue their respective life cycles.*

*I have received representations which suggest that no insect or fry have survived along approximately 2 miles of the Nant Crymlyn this year due to the pollution which can be directly attributed to the Locks Yard Complex.*

*Furthermore, the common land to the East and North of the Locks Yard Complex has, for the last 5 years, been subject to a Welsh Government Environmental scheme (Glastir Advanced) with an emphasis of promoting biodiversity by mechanical means and careful*

management with grazing livestock. Several graziers were advised during this period by NRW to remove livestock, in particular sheep and cattle suckling young from this area of common land.

*While this may not be the direct responsibility of the applicant, it does not suggest that the application to increase capacity for the storage of waste wood will improve the risk of further pollution to our local waterways and to our livestock. This is not a potential pollution, it is actual pollution occurring right now, and is a criminal offence.*

*The applicant fails to address all of these environmental concerns so it is requested that the applicant present a drainage plan as a condition of planning consent to prevent a reoccurrence of this pollution and minimise the environmental impact by isolating the source of leachate.*

*Site drainage does not currently comply with the recommendations set out in application P/16/659/RLX Para 14 d) e) and f) regarding foul and surface water drainage. All run-off is to be prevented from entering the natural drainage system by removal through discreet drainage system or bulk removal. The applicants should be required to produce detailed plans to mitigate pollution as the current measures are insufficient.*

### **Health & Safety**

*I have received representations from constituents who suffer from respiratory and other health conditions which are exacerbated by the dust from the Locks Yard Complex. I would welcome the applicant's assurance that it will further review the monitoring findings, but the applicant should also confirm that dust suppression will take place at this site as there is some scepticism about whether this is actually occurring at present with regular complaints of dust on vehicles along Pant Hirwaun.*

*Has the applicant taken notice of the gas main which runs across the proposed area? Please ask for confirmation as a Civil Engineer has advised against any HGV passage.*

### **Hours of Operation**

*Previous operators of the site have failed to comply with the hours of operation. There are numerous recent examples which have shown that the operator of the site (the applicant) is continuing to flout these operating conditions.*

*The applicant states that it does "not anticipate a fundamental change to throughputs that would generate any significant changes to traffic generation." The applicant should be obliged to provide more detail on what it considers as "significant changes" and it should provide more detail on what changes (if any) it foresees in traffic movement including the frequency of lorries travelling on the B4280 through Heol-y-Cyw.*

*Residents and I would contend that "loads" are not always fully enclosed. This results in waste wood, some of which have metallic debris, deposited on Pant Hirwaun and the B4280. This has caused damage on numerous occasions to people's tyres and vehicles and is also a potential hazard to pedestrians, many of whom are elderly or children. There should be an assurance from the applicant that it will seek to address this and the applicant should commit to sweeping the street on a regular basis, something which hasn't occurred as regularly as was previously promised.*

*The applicant should consider diverting all site traffic so that articulated trailers do not travel through Heol-y-Cyw at all. I understand that a similar voluntary arrangement is in place with Rockwool avoiding any traffic movement through the village of Heol-y-Cyw. This would be a welcome development.*

*The applicant should be obliged to resolve the issue of stationary traffic on the highway at Heol Llan. Lorries wait to access the site before hours of operation. This has caused numerous road blockages in recent times.*

*I'm grateful for the opportunity to contribute my own views and that of my constituents.*

**Coity Wallia Common Conservators** – the comments can be summarised as follows:

- Errors in the supporting planning statement – the site is surrounded by common land and there is only one approved access point to the site – the one from Heol Llan. There is no agreement to allow the applicant to use the access to the B4280.
- The second access only serves the bungalow and is on land owned by Dunraven Estates and controlled by Coity Wallia Board of Conservators and no permission has been granted to the applicant to use the land as a secondary access.
- Object to storage at the site – there is no commitment to the sort of waste wood being brought to and stored on site – will it be classified as hazardous or non-hazardous or treated or untreated or graded into one of four categories?
- Will there be a quarantine area for wood deemed unacceptable?
- What is the pre-contract specification agreement?
- Over the last 5 years surface water has flowed off the main yard over a cattle grid and onto Heol Llan and into a tributary of the Nant Crymlyn.
- More concerning is a heavy dark liquid flowing from the site into another watercourse close to the B4280 across common land affecting the Nant Crymlyn and brown trout, sea trout and salmon – a criminal offence under the Salmon and Freshwater Fisheries Act 1975.
- From 31<sup>st</sup> January 2021 new regulations in England and Wales will classify waste wood as unassessed or hazardous so any planning application should be considered with this in mind.
- Object to BCBC considering this application as the Council is a customer/supplier to this facility. Does this place Bridgend Council in a compromised position and unable to act independently??
- The whole wood recycling premises has an adverse impact on the locality.
- Whilst there are no public rights of way through the site it is surrounded by public access common land and areas of common land that have been subject of two major environmental projects over the last 10 years.
- The commoners association were not been directly consulted on the applications.
- The recycling plant dependent on the wind, deposits wood dust in parts of the highway and common.
- The large vehicles are too large for the road system, some have tipped and there is not always enough room for them to pass.

In addition to the Commoners' comments, their agent, Cooke and Arkwright, has provided the following advice:

*The plans attached to the application show the access in the case of application 553 as being within the control of the applicant and in application 552RLX as being the applicant's boundary. This is incorrect. The entire access from the B4280 to the enclosed site is owned by the Trustees of Dunraven Estate (myself and Mr Stephen Walsh) and forms part of Coity Wallia common. There is no legal right of way over the land for the proposed purpose and no right will be granted. In this connection I would draw your attention to the Court of Appeal decision in Jones v Secretary of State for Wales and Ogwr Borough Council (5 June 1990). Notwithstanding my objection to the unauthorized use of the property on behalf of the Trustees I wish to object to the application and I am also authorized to object on behalf of the Coity Wallia Board of Conservators, the statutory regulators of the common on the following grounds –*

1. *The access track is incapable of use for the proposed purpose without significant*



*improvement. The applicant has no authority to use the access for the purpose and to use common land for unauthorized vehicular access is contrary to Highways Acts.*

- 2. There have been several incidents where lorries have overturned onto my clients property in the vicinity of the plant, the latest occasion being within the last month. There is clearly a highways problem. Details of the latest incident can be provided. There is little attempt to properly reinstate the damage caused to the common.*
- 3. The "Dust Report" in support of the application makes light of the problems. A cursory visit to the common opposite the main entrance to the site from Heol Llan demonstrates the presence of sawdust on the grassland which is not only any area open to grazing stock but is also an area of statutory public access.*
- 4. The proposal is identified as "temporary" but my clients are concerned at the sporadic extension of industrialisation created by the proposed development in what is essentially an agricultural area.*

**The occupier of Heol y Llan, Heol Llan** objects to the proposal as follows:

"The site is not fit for purpose/size of operation, no dust management, never has been, stack heights are never adhered to, just another excuse to take in more rubbish that they can't get rid of and stockpile until it catches fire or they move on and leave it for someone else to sort out at tax payers expense, no more heavy traffic is needed in our rural area, area used as dumping ground, fences damaged, debris all over roads, working hours never adhered to, same issues with new contractors as with previous contractors, how can local authority support any application by this outfit of cowboys, history of site should tell you enough and nothing has changed, roads cannot handle vehicles using site, they are blocking lanes, reversing out onto main highway until someone is killed or seriously hurt, nothing will be done about it, total shambles."

**The occupier of 90 Pant Hirwaun** objects to the proposal as follows:

"Further development will impact on my health and welfare, extra noise pollution, extra air pollution, at present the traffic is beyond putting up with, the highway infrastructure is not able to sustain the traffic, the constant droning from the sight is 24/7, dust and dirt are an issue, windows and doors cannot be left open, the fire risk at the sight still relevant height of mountains of wood!!!"

**The occupier of Ty Du Farm, Pant Hirwaun** objects to the application as follows:

- The proposed use is not suitable for the area since original planning only allowed for vehicle storage and welfare facilities under P/14/711/FUL and previous to that as agricultural glasshouses and poly tunnels (latest approval P/02/459/FUL).
- The current applicant has abused the appearance, scale and use of the site.
- Our residence is impacted by both noise, traffic coming and going and wood waste along the entire length of our boundary.
- The development will have an adverse effect on the area as a whole, in particular noise levels of processing machinery, pollution of waterways and dust and wood chip debris hazardous to road users particularly cyclists and motor bikes.
- Original planning was granted to SWWR, now in receivership, and in 2019 the land originally known as Yeomans Nursery was repossessed by Lloyd's Bank PLC and apart from Mount Pleasant which was auctioned as a private dwelling, then became Crown Escheat.
- Challenge whether BCBC has the authority to approve a variation to conditions on an existing permission when that land is not in private ownership but overseen by the Crown.
- The site does not have 2 access points. The driveway to the North of B2480 comes under the authority of the Coity Wallia Board of Conservators and in ownership of the Dunraven Estate who must be consulted.
- Why does SWWP accept greenery? Do they have a separate licence for storing

- green waste and if so why has it not been mentioned in this application?
- The volume of heavy vehicles that currently use the B4280, and any increased waste wood throughput would create unacceptably high risk of traffic accidents, on a bus-route and, for the majority of its length, without any pavement for pedestrians.
  - Only vehicle storage, staff car parking and container storage is allowed on the former nursery site.
  - 7m high stacks will prevent light and visual amenity to the Mount Pleasant Bungalow.
  - Stockpiling on Crown Land not under control of the applicant.
  - Proposed buildings should not be constructed - the entire site is not under control of applicant.
  - An out-of-date dust management plan cannot be accepted because the new operator will be utilising different machinery and therefore new dust management and noise management plans need to be provided.
  - Both processed and unprocessed wood piles should not exceed the current approved height for the site of 5m.
  - They should remove all waste wood - it was previously covered by removable polytunnels over soil/compost.
  - Throughputs are too vague.
  - Will the applicant undertake to replace the trees that were killed by stockpiling far too close to the perimeter resulting in ripped meshing and tree collapse?
  - Has the applicant taken notice of the Gas Main which runs across the proposed area?
  - Can it be that excavators, loading shovels and 360 degree movement machinery will be allowed to operate within inches of the private dwelling Mount Pleasant?? Would that be allowed within inches of your home or mine??
  - I have provided BCBC with images of bedding, upholstered chairs and also green waste entering and being accepted by this operator which completely rubbishes the claims made by the applicant. Which are you going to believe??
  - There are other wood processors and hauliers in Bridgend area and waste is being brought by SWWP from Dyfed in west and parts of England.
  - The throughput cannot be allowed to exceed the current 120,000 tons per annum. This amount already causes excessive traffic and transportation menace.
  - Confirmation is needed from the operator that no processed wood will be stored on the central area.
  - This site should be closed (or used for lorry storage only) and a larger area of brownfield site away from rural villages offered to SWWP instead.
  - What plans does the applicant have to store and quarantine wood rejected by Margam?
  - When will this FPM Plan be submitted and why hasn't it presented to the local authority for scrutiny?
  - The operator SWWP has had 18 months to achieve this 'blending' of historic waste, moved to the Nursery to manage fire outbreak Sept 2016. This has not happened and the waste wood onsite has increased under this management.
  - Heavy Goods Vehicles and other vehicles enter and leaving the site on Bank Holidays.
  - Site drainage does not comply with the recommendations set out in application P/16/659/RLX. All run-off is to be prevented from entering the natural drainage system by removal through discreet drainage system or bulk removal.
  - Loads are crammed to the top and spillages are common even from sheeted lorries as can be evidenced anywhere along the B4280.
  - The applicant needs to seek permission for access to the Northern part of the site from the Board of Conservators overseeing the Dunraven Estate.
  - The Noise Management Plan is out of date, and since different machinery will be

employed by this operator a relevant NMP will be required and clarification of how the applicant will meet the conditions.

- Dust Management Plan is out of date and the operator has had 18 months to assess the needs of this site.
- I urge the Council to insist that a Traffic Management Plan is submitted for consideration by BCBC Highways Dept.
- Processing is currently taking place within 20m of the boundary
- The dust suppression netting has long since disintegrated through piling of waste wood against it. Will this be replaced by the applicant?
- How will applicant restrict loading to Locks Yard when the storage is in central area (Nursery)?
- The site is NOT remote from residences.
- The area has planning permission for vehicle storage but not wood
- The applicant needs to provide details of a 'Complaints Procedure' for transparency
- The new Bridgend Development Plan is due September 2020, please can the application wait until a new plan can incorporate a suitable venue (e.g. Stormy Down, nearer Margam), which will save Planning & Enforcement a huge amount of time and stress into the future.
- The details of the Well Being Act referred to are not being implemented in this application and therefore, it should be rejected.
- Waste development should minimise adverse environmental impacts, protect designated landscapes and nature conservation sites and protect the amenity of residents, land uses and users affected by waste development. The Marsh Harriers which enjoyed the immediate surrounding area, are now absent, but I'm given to understand, could return if lights and activity are reduced. The impact on residents cannot be over-stated.
- The Margam plant will continue to provide Green energy without this development
- The scheme is contrary to policies contained within the LDP,
- This application constitutes new development on a green nursery site which only had planning permission for vehicle storage. Whilst the principal of wood recycling is accepted, the contravention of all controls and conditions is not. There is sufficient proof that the applicant does not regard Conditions with respect, and these can be produced if appeal processes are triggered.
- Both SWWR and IWR have tried to make this a viable waste wood business, and failed. Over 12 years this site has lurched from over £2,500,000.00 bankruptcy to having serious fires and numerous Enforcement Notices for breaches of Conditions.
- It is not a suitable venue, a dockside or Industrial Estate would ensure the sustainability for SWWP.
- The site is not on 'previously developed land' since removable Polytunnels and plants hardly constitute development in any real sense.
- This site under Locks Enterprise had 'light engineering' status not Heavy Goods Vehicles and Articulated lorries of the size and frequency now impacting the site.
- There is no screen between the residential bungalow and the proposed wood storage area.
- Litter has been an issue for this site being blown across neighbouring gardens and on the roads leading to the site.
- NRW is currently investigating not only water course pollution but the re-directing of water courses by blockages which threatened the nearby bungalow during 2020.

**The occupier of Perrington Bungalow** objects to this application and their comments are summarised as follows:

- This application was to turn the nursery site into vehicle storage, wood dryer and boiler non of these have ever been built.
- This application was only for more time for noise management to be put in place, at

- the time this application was made by TEP.
- This application does not make clear the separate planning on Locks Yard and the former Bryncethin nursery, eg stock pile height refers to Locks yard only as NO WOOD was permitted in the former nursery site.
  - The most recent application shows no clear or accountable complaints procedure, this needs to be addressed.
  - The noise management plan is absent and the fire prevention and mitigation plan are also absent.
  - There seems to be a major communication problem within the planning approval and PC16658/ RLX it is worded in such a way that it's been abused in the most recent application made by SWWP.
  - I have previously stated that this is an environmental mine field, a disaster waiting to happen.
  - This / these companies pay no heed to rules and regulations.
  - We have evidence of vehicles arriving on site without being sheeted, this explains why the highways are littered with debris, some of these pieces of wood are large enough to cause damage to innocent motorists causing damage to their vehicle, if this should happen to a cyclist or even a pedestrian it could cause a fatal injury.
  - As I have stated previously the piles are too high there are insufficient fire breaks, the weather will exacerbate this situation and there will be another fire on this site, causing damage to the close community, not to mention the animals and wildlife found thereabouts.
  - The many LGV vehicles fully loaded or empty are unable to pass each other without toppling over as was the case on 23/9/20, the edge of the road is being destroyed and the verges are soft hence the toppling , causing chaos on this busy road whilst the fallen vehicle is rited, whilst on the subject of LGV's the road is not suitable for queuing vehicles, on one occasion an artic lorry was seen to be reversing onto the main road from the site entrance on HEOL LLAN.
  - I should stress that SWWP have been operating on this site for almost two years and clearly have done little to adhere to the rules and regulations, so giving them permission to expand their practices is detrimental and dangerous.
  - They pay no heed to rules/regulations.
  - The rivers and waterways are polluted, when we have heavy rain this is clearly visible, the wood that they have stacked has had numerous chemical treatments for whatever it's original use was and this is washed into the waterways, as I say this s an environmental hazard for sure.
  - The many LGV vehicles spill lumps of timber and debris on the highway
  - Basically the site has already outgrown itself, the highway is not suitable for the traffic, the operators past and present care not for rules and regulations, they care not a jot for the environment or those living nearby.

**The occupiers of Mount Pleasant Bungalow** object to the development and their comments can be summarised as follows:

- The proposed use is not suitable for the area since original planning only allowed for vehicle storage and welfare facilities under P/14/711/FUL and previous to that as agricultural glasshouses and poly tunnels (latest approval P/02/459/FUL) NEVER for wood storage (legally).
- The current application is not suitable due to the size and scale of the site.
- The local main road, the B480, is totally unsuitable for the existing amount of traffic.
- The roads are narrow and the edges of the tarmac are being destroyed by the heavy wide lorries.
- On several occasions SWWP lorries have left the main road and have toppled onto the common in front of our bungalow.
- There are no pavements between Heol Y Cyw and Bryncethin.
- Our residence is impacted daily by both noise, traffic coming and going and wood

- waste along the entire length of our boundary.
- The constant noise and dust is insufferable.
  - We have spent considerable money to purchase our home and would not have done so if we thought there was any chance of a planning application being submitted to use the old nursery site behind us to continue to run recycling business with lorries in and out at all hours of the morning and evening.
  - The development will have an adverse effect on the area as a whole, in particular noise levels of processing machinery, pollution of waterways and dust and wood chip debris hazardous to road users particularly cyclists.
  - There have been two wood chipping machines left to rot at the back of our driveway - oil has leaked out of these and other machinery flowing directly in to our garden and the stream at the front of the bungalow thus polluting the waterway and garden.
  - I would challenge whether BCBC has the authority to approve a variation to conditions on an existing permission when that land is not in private ownership and is actually owned and overseen by the Crown. Furthermore the planning that is in place was granted to a now insolvent company. Surely the planning does not pass to anyone who then moves onto the land?
  - The original planning consent allowed vehicles to park behind our bungalow with the actual bungalow being used as a canteen for drivers. Neither of these uses actually took place – no visitors ever parked behind and we moved in to the property in March 2016 so we know that this was never used as a canteen.
  - Surely this planning application should be refused on the grounds that it is too near our existing residential property.
  - The site does not have 2 access points. The driveway to the North of B2480 comes under the authority of the Coity Wallia Board of Conservators and in ownership of the Dunraven Estate who must be consulted before any industrial usage of that driveway can be authorised. I have been advised that they have not been contacted regarding this planning application.
  - The driveway which passes our boundary wall is only 8 feet from our bedroom and lorries and other vehicles would have a direct view meaning that we would have no privacy!
  - It is obvious that the agents have never visited the site: there are in excess more than twelve mounds of waste wood within feet of our home with only a six foot high fence between us.
  - This fence has been damaged by machinery.
  - There is no fire break and some of this is already higher than the regulatory height of 5 metres.
  - Over the years the southern boundaries have been affected adversely by stockpiling wood products without appropriate distances being left unused. Subsequently a number of trees that formed part of a natural boundary have been damaged.
  - The central area currently has thousands of tonnes of wood and has not been used to store vehicles for more than three years.
  - Why do the current licence holders, SWWP accept green waste and mattresses?
  - Whilst 2 environmental permits were granted historically, one for 120K tpa and a second for 75K tpa, the latter was rescinded at a later date. This is mentioned in Section 2.12 of the application and although the statement in this section is technically correct that at one time “environmental permitting has allowed up to 195Ktpa throughput at the site” only one permit is current, ie 120Ktpa. The applicant’s statement that “...it does not propose to exceed historic levels of production” is therefore ambiguous and needs to be amended.
  - To say that the site is “relatively remote from residential properties” does not reflect the true siting of the operation - in fact there are 7 properties within 400 metres of the current facility and many more are directly affected by the activities of this

business.

- the application has no credibility and should therefore be rejected by the BCBC planning committee without further consideration.

**The occupier of 41 Heol y Groes, Pencoed** has objected to the application as follows: “I write regarding the above application as a concerned resident of Pencoed. Sometime ago there was a fire at this company and thus tied up a vital service i.e. South Wales fire Service. The smoke caused problems for residents of the various communities surrounding them. I feel that this would be a mistake to allow this application to be granted. In strange and unprecedented times where people are already afraid and concerned i think that BCBC should not add to these concerns. So i am asking you to decline this application on those grounds.”

**The occupier of Glyntawel** objects to the development on the following grounds: “We object to the proposed variation of conditions due to a direct contravention to protect and enhance the local environment including sites of SSI, wildlife habitat, trees , Common Land/waterways and the impact on wildlife corridor. The variations will add to the existing affect on the local community; the constant dust clouds/air pollution having a damaging affect on human (& animal) wellbeing; add to existing on going problems or severe and increased traffic pollution including heavy loaded vehicles leaving/tipping over the Highway; constant threat of fire, water pollution / flooding ; regular costs to motorists with regard to tyre punctures and constant danger to cyclists, horse riders, Pedestrians and livestock using roads and pavements. The Infrastructure problems are not solvable due to ongoing total disregard and lack of respect towards the community and environment. The proposed variation of conditions will only compound and add to existing problems we as a community face every day. Not working with the community and all of the above reasons have, contributed to a negative affect on our environment and community, culminating in an opposing objection and non support of SWWR. The Occurrence of these problems impose detrimental effects upon our environment and living standards. It should be the councils responsibility to protect our ever decreasing rural areas for the future generation.”

**The occupiers of Nos 1 and 2 Pant Cottages** object to the development and their comments can be summarised as follows:

- The operator has not been true to word and cleared the area of wood chip. How can we trust them moving forward? The additional space makes them greedy not work cleaner or more efficient. Whilst the operation was contained within Locks yard the size of the yard governed throughput, throughput governed lorry movements on the B4280. The management of the site was problematic however was more acceptable to the local residences and there was less impact on the environment. The main issue at the time was farmers collecting wood chip and transporting it in uncovered trailers littering the roads and verges.
- We have been told that the Margam Biomass unit requires 6000 tonnes per week, if this were to be supplied from this site, wood would be sourced from all across south wales, increasing traffic on the already inferior infrastructure. The B4280 is not sufficient for the size and numbers of these vehicles that are used to transport the wood to and from site.
- There have been two occasions recently where one of their lorries has veered off onto a soft verge and been stuck.
- There are no pavements between Bryncethin and Heol-y-Cyw this makes it really dangerous for walkers, joggers and cyclists.
- Us local residences feel if these large vehicles are to continue then the B4280 ought to be widened with pavements and reduced to 40mph
- We feel particularly uneasy with SWWP taking over as through the company

secretary Patricia Elsie Watson they have direct links with 6 other recycling/logistics companies from across the UK.

- The B4280 is littered with wood chip, evidence is being reported to the council on a regular basis. This is collected every couple of weeks from the couple of meters of pavement outside 1 and 2 Pant Cottages.
- We have an issue with rodents in this area, this is to be expected living alongside common land but we feel that this problem will increase with the storage of waste timber.

In response to additional information received from the agent the following supplementary comments were received:

### **The Occupier of Mount Pleasant Bungalow -**

“As you may remember we are the closest and most immediate neighbours and our property adjoins the land relating to the planning applications. The point they raise about not using the access across the common, and immediately passed our property, the access road is less than 10 feet away from our bedroom window, is very vague and we believe will be misused by visitors, deliveries etc. The owner / management company for the owner of the land has denied all access across the common, except to us as a family to get to our home. It is not ever to be used for business use or for visitors and vehicle to visit the site. Unfortunately, the previous owner used it without permission and we only bought the property on the understanding that Dunraven Estates would never grant permission for a business or their visitors to have access to this driveway. In fact we were told that the land behind us on the site of the former Yeomans nursery would be returned to grass and that no business would be permitted to work there as the land belongs to the Crown. Lorries and machinery have damaged our fence and gates and this damage has never been fixed. Additionally our fence is only 7 foot high and the wood piles currently at the back of our property are in places in excess of 20 feet. We are constantly worried and, before Christmas, we along with neighbours, witnessed smoking piles of wood adjacent to our property. A machine had been hired to move and rotate all of the chipped wood to cool it and reduce the internal temperature of these smouldering wood piles which consist of thousands of tonnes of rotting wood. The smoke was very worrying and the internal temperature was extremely high. SWWP obviously realised the potential catastrophe with the wood being adjacent to our wooden fence so took some preventative measures. South West Products, since using the land after South Wales Wood Products went into liquidation, have continued to flout laws and rules put in place by BCBC. They work outside of hours and we have camera footage to prove this. They were allowing green waste in to the yard PRIOR to being given a temporary permit. Again we have evidence. If planning is granted they will not stick to the rules imposed.”

**Occupier of Ty Du** – “I believe Point 4 regarding access across the Common Land needs to change, it is currently too vague and might be abused by visitors or non-HGV traffic. As I’m sure you are aware, Commons Law states that access across its land ‘can only be for agricultural purpose or by virtue of residential access’ required, i.e. to get to your home. I suggest the wording of the application acknowledges that the applicant cannot use the access at all since clearly the only permissible criteria do not apply.”

### **The Coity Wallia Commoners –**

1. I object to any green waste being treated or stored at the plant unless this is done totally within permit conditions.
2. Storage of vehicles and machinery at the old nurseries site unless the area has a sealed surface and a drainage plan to contain any oil or fuel spillage or loss within this area.
3. Any access for vehicles over common land – not just vehicles being used for wood recycling operations. There is no agreed access to the site over common land.

4. The southern boundary is not the only boundary that allows waste materials to pour off the site causing fencing to collapse and allowing livestock to enter the site. All boundaries need to be maintained and rebuilt before any further activities are agreed on site.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

It is acknowledged that a number of the objections are a result of the recent history of the site by way of poor management, breaching conditions, the fact that the previous operator has gone into administration and incidents such as a fire. The majority of the matters raised above are addressed in the Appraisal section of the report however, it is worth reiterating that the Planning consent will stipulate that the site cannot produce more than 120,000 tonnes per annum (in line with the permit from NRW), there will be no wood storage or processing in the central part of the Former Nurseries part of the site (just parking and storage of machinery) and there will be no requirement to use the access to the north of the site via common land.

In response to other matters raised by the Ward Member for Penprysg, local residents and the Commoners Association, the grading/quality of the wood being brought to site is not a Planning matter and is controlled via other legislation and the permit issued by NRW. As stated in the Planning Statement that accompanied the application, the waste wood is sourced from the construction, demolition, commercial, industrial and municipal waste sectors and all suppliers are given pre-contract stipulations to specify the types of wood that will be accepted so only preselected wood is accepted on this site. Therefore, any waste wood that fails to meet this set criteria is 'rejected' and will not be accepted at this site. This avoids any contaminated wood or general waste being deposited at the site.

The issue of wood fragments being deposited on the surrounding highway network is a result of delivery vehicles not being sheeted or covered. The Planning process can only control what the applicant does and the processed wood is transported from the site in enclosed containers in compliance with the wording of condition 2 of the consent. Whilst the operator does undertake periodic sweeps of the adjoining highways, any incidents of this nature are beyond the control of the Local Planning Authority as it is on the public highway and covered by separate legislation through the Driver and Vehicle Standards Agency (formerly VOSA).

With regard to the pollution of nearby waterways, this is being perpetuated by the old historic wood on the Crown Land (which is the subject of a separate application P/20/553/FUL). Specifically related to this application as part of the works and permit, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway. A condition will be attached to the recommendation requiring the submission of the agreed drainage scheme for the Lock's Yard part of the site to minimise the environmental impact of the site.

The Dust Management Plan as approved under P/16/659/RLX will still need to be adhered to by the current occupiers, including the monitoring of dust emissions, throughout the duration of the operation of the site as a wood recycling facility. The applicant has committed to replacing/repairing the mesh fencing to the south of the Lock's Yard part of the site and to planting additional trees around the boundary of the site to soften the visual impact of the site and these will be the subject of Planning conditions.

The site is not crossed by a Gas Main – the Gas Main is approximately 1.3km to the west of the site.

The suggestion that all traffic to and from the site should be diverted to avoid Heol y Cyw is not feasible as the delivery vehicles come from all parts of South Wales and it is



considered that any impact should be shared between Junctions 35 and 36 of the M4 and the conurbations of Pencoed/Heol-y-Cyw and Bryncethin respectively.

Whilst it has been an historic issue with this site, the applicant cannot stop delivery drivers from waiting on the highway along Heol Llan until the site opens at 8.00am (Monday to Saturday) and it would not be possible to enforce however, the applicant will promote the use of Sarn Services as a parking venue for suppliers to avoid a long line of lorries on Heol Llan and potential blockages.

One objector suggests that BCBC should not be considering this application as the Council is a customer/supplier to this facility. The Local Planning Authority acts independently and impartially when this scenario arises and will consider each application on its own merits.

Officers accept that the entire access from the B4280 to the enclosed site is owned by the Trustees of Dunraven Estate and forms part of Coity Wallia Common and it has been confirmed that this access will not be used by the Operator.

A pre-requisite for acquiring the Crown Land is Planning permission and the Local Planning Authority can consider this application under S73 of the Town and Country Planning Act 1990 as any consent runs with the land not the operator.

The removal of wood deposited on common land as a result of a lorry overturning recently is not a material Planning consideration and is civil matter for the relevant parties.

The fact that the bungalow has now been purchased by the occupier via an auction (despite the fact that it should have been used as a canteen/staff welfare unit for the employees on the site) has been considered by the Local Planning Authority and Shared Regulatory Services in the determination of this application.

Whilst the two Community Councils have lodged strong objections to the application, there is no requirement for a Traffic Assessment or an Environmental Impact Assessment as this application seeks to vary conditions on a consented site and the permitted throughput/productivity will not increase beyond existing levels (120,000 tonnes per annum) i.e. there is no expansion. Likewise, whilst it is regrettable that there have been incidents of lorries overturning on the surrounding roads, these are the result of driver error and cannot be resolved through Planning controls.

With regard to the boundaries of the site, the applicant has committed to enhancing the level of screening and dust suppression through additional tree planting and repairs to the mesh fencing. This will be secured by suitably worded conditions attached to the recommendation.

In terms of the pollution of watercourses, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway and beyond. An updated Fire Prevention and Mitigation Plan is also being prepared with NRW and the Fire Service.

## **PLANNING POLICIES**

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021 which was formally adopted by the Council in September 2013 and within which the following Policies are of relevance:

Strategic Policy SP2 Design and Sustainable Place Making

Policy ENV1 Development in the Open Countryside  
Policy ENV7 Natural Resource Protection and Public Health  
Policy ENV9 Development in Mineral Safeguarding Areas

### **National Planning Policy and Guidance**

National Planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application. It states that the Planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly (Paragraph 2.3 of PPW refers).

For Planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to Planning policy (Paragraphs 5.4.1 and 5.4.2 refer).

In terms of sustainable waste management facilities such as this one, PPW advises that Local Planning Authorities, other relevant Local Authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to Planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for Local Planning Authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the Local Planning Authority in establishing this position through the provision of appropriate advice. The parallel tracking of Planning and environmental permitting applications should be the preferred approach, particularly where proposals are complex, so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence (paragraph 5.13.3 refers).

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to 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 (Section 5). The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives because of the proposed changes to the relevant conditions.

### **APPRAISAL**

The application is referred to the Development Control Committee due to the number of objections received from local residents and the Coity Wallia Commoners, a call in request by a local Ward Member and objections from St. Brides Minor and Coychurch Higher Community Councils.

As indicated in the description of development, the application seeks to vary conditions 1, 5 and 6 of P/16/659/RLX which was itself an amendment to the original consent (P/14/711/FUL) for the change of use of the former Bryncethin Nursery & dwelling to vehicle storage, new buildings, access, wood fuelled boilers and a wood drying facility.

Conditions 1, 5 and 6 relate to the approved layout and plans for the site, the maximum stack heights and the range of works that are authorised on this site respectively. The remainder of the conditions will still remain in force.

Under the provisions of Section 73 of the Act, the Local Planning Authority when considering applications to develop land without complying with conditions previously imposed on a Planning permission, can grant such permission unconditionally or subject to different or amended conditions or they can refuse the application if it is considered that the original condition should continue. The original Planning permission will continue to subsist whatever the outcome of this application under Section 73 although this application is necessary to acquire the relevant land from the Crown and to ensure a satisfactory form of development.

Section 73A of the Act provides for retrospective Planning permission to be granted in respect of development which has already been carried out without Planning permission or without having complied with one or more of the Planning conditions to which it was subject. Special consideration may need to be given to conditions imposed on Planning permissions granted under Section 73A so that standard time limiting conditions would not be appropriate where development has begun before consent has been granted.

The site layout has been reconfigured from the original consent as a result of the need to concentrate the processing and storage operations around the Lock's Yard part of the site, away from the bungalow which originally formed part of the wider site but is now in private ownership. It is also proposed to maintain an open yard for the storage of wood without the erection of the workshop buildings on the western part of the site.

In terms of the stack heights, whilst the current consent allows all external stock piles up to 5m there is a requirement to increase this to 7m as the current height restriction limits the scope for the business to accommodate seasonal fluctuations of unprocessed wood which leads to breaches of Planning control.

There is also a requirement to separate the stock piles to form fire breaks as required by the Fire Prevention and Mitigation Plan (FPMP). Higher arisings naturally happen during the Spring and Summer months. Storage capacity is required to accommodate the Spring/Summer peak ensuring there is sufficient material available for processing during the Autumn and Winter months. This translates into a storage peak in the Summer with the converse in the Winter.

There is no requirement to increase the stack heights of processed wood as there is a high turnover of processed wood with only limited amounts being stored on site at any one time. As processed wood can deteriorate quickly due to moisture levels it will be stored in the refurbished product hall building at Locks Yard.

Waste wood storage is strictly controlled by environmental permitting which requires a Fire Prevention and Mitigation Plan (FPMP) to detail storage arrangements to prevent fire incidents and a revised FPMP will be submitted to NRW and the Fire Service. As this is controlled by separate legislation as part of the permit, there is no requirement to condition the submission of this document as part of the Planning process.

With regard to the range of works that can be undertaken at the site, it is proposed to formalise the seasonal preparation of domestic garden waste as part of a contract with BCBC/Kier. The material is shredded on site using the same equipment and prepared for bulk transfer to a site near Wells for composting. This element of the business is undertaken at the site under a T6 permit exemption from NRW held by the site. The condition will therefore be reworded to regularise the Planning status of the works carried out on the site.

The operator must comply with the conditions within their permit including but not limited to those around maximum tonnage per annum. SWWP Ltd must also comply with all other relevant legislation as part of their operations on site such as any activities undertaken via an exemption.

The site has the benefit of historic Planning consents and permits from NRW but there have been numerous incidents and failures to comply with conditions since then. However, it should be noted that the consent runs with the land and any other wood recycling company could operate from this site even if the current company stops operating from here.

The applicant, South West Wood Products Ltd, has recently taken on the site as the previous operator (South Wales Wood Recycling Ltd) has gone into administration. This is one of several such sites that they control throughout the UK.

The current operator is processing wood more efficiently than the previous company as there is now more demand for processed wood particularly from Kronospan in Chirk (a company that manufactures and distributes wood-based panels) and Margam Green Energy Plant in Port Talbot (a 40 MW Biomass Power Station) and there is less pressure or any economic incentive to take on and store wood on-site without having to process it for onward transmission.

The applicant has secured the transfer of the environmental permit from NRW for the Lock's Yard part of the site and they are also aiming to acquire the former nursery part of the site from the Crown in order to use the 'middle yard' behind the bungalow for parking vehicles, containers, plant and as a quarantine area for fire (as required by the NRW permit to keep an open area of ground clear at all times available in the event of fire). There will be no wood storage or processing in this central area.

As part of the works and permit, it is proposed to upgrade the drainage system at the front access to trap water before it leaves the site and enters the highway. This will be subject to a condition requiring the submission of the drainage scheme as well as a timetable for its implementation.

In response to the objections raised by various parties, the applicant has confirmed that:

- the domestic garden waste is processed with the same mobile plant so there are no new or additional impacts and the overall volume of the green waste is very small,
- the maximum production from this site is 120,000 tonnes per annum (as controlled by the NRW permit),
- there will be no wood storage or processing in the Former Nurseries central part of the site (just parking and storage of machinery),
- there will be no use of the second access onto the common, and
- they will seek to replace the damaged netting and bolster the boundaries with additional planting.

Having regard to the above, conditions will be attached to the consent to secure an orderly form of development by way of dust suppression netting and a landscaping scheme to screen the site and to improve the visual amenities of the area. Conditions will also be added to the recommendation to ensure that the access to the north will not be utilised by the operator and that the central part of the site behind the bungalow will not be used to store or process wood.

The Noise Management Plan as agreed and discharged under P/17/706/DOC will be updated to take into account the different layout of the site, any new/modern machinery to be used on the site and the proximity of the bungalow which is now in separate ownership. Condition 10 will be reworded to secure the submission of an updated Noise Management Plan.

The conditions relating to the Dust Management Plan will be updated to clarify what is expected of the operator in terms of the measures to control and monitor dust pollution from the site as well as the adoption of the agreed complaints procedures.

In this instance and for the reasons outlined above, it is considered reasonable to vary the wording of the conditions, to attach additional conditions and to re-word existing conditions to control the operation of this site.

For the avoidance of doubt and in compliance with the above mentioned provisions under Section 73 of the Act, the recommendation will re-impose, add to and update all of the conditions attached to the original Planning permission. In reviewing this site, it is also appropriate to amend the wording of some conditions, namely conditions 2 and 8 relating to the sheeting of lorries leaving the site and the timing of vehicles entering and leaving the site respectively, in order to respond to the situation on site and to meet the tests as laid out in the Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management (October, 2014).

In light of the foregoing and the particular characteristics of the site and business, it is considered that there are no overriding reasons to refuse the variation of conditions 1, 5 and 6.

Additionally, it is appropriate to revise conditions 2, 3, 4, 8 and 10 in the manner suggested above in the interests of clarity, precision and enforceability and to add conditions relating to landscaping/additional boundary treatments, dust suppression netting and surface water drainage scheme at the front of the site and to preclude the use of the access across common land and the processing or storage of wood in the central area of the site, as shown on the approved plan.

## **CONCLUSION**

Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes 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.

Factors to be taken into account in making Planning decisions (material considerations) must be Planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest towards the goal of sustainability. In this case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having due regard to the above, weighing up of all material considerations and objections/representations relevant to this application, in Planning terms, supported by the terms of the permit issued by NRW, it is considered that the proposed changes to the wording of the conditions to allow a reconfigured site, flexibility in stack heights and clarification on the range of operations able to be carried out at the site together with the application of updated and additional conditions, is acceptable in this instance in the interests of achieving a satisfactory and appropriate form of development that will limit the impacts on the environment and neighbouring residents by way of visual impact, noise and air quality.

Consideration has also been given to the Planning fall back position for this site and the requirement to safeguard existing jobs. As the site will be operated on the same basis as what is currently allowed under the permit from NRW (maximum of 120,000 tonnes produced per annum) any additional impact on the adjoining highway network will be limited.

The application is therefore recommended for approval subject to the following conditions and informative notes.

### **RECOMMENDATION**

(R53) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers 10914-000B, 10914-00-C, 10914-00-D, LMM/039/02 Rev A, 10914-001-A and 10914-001-B and the Dust Management Plan (dated 18 March 2015).

Reason: For the avoidance and confusion as to the nature and extent of the approved development.

2. All vehicles including trailers which are carrying any woodchip, processed garden waste or wood dust processed on the site away from the site shall be securely sheeted prior to leaving the premises.

Reason: In the interests of safeguarding the environment, preventing pollution and highway safety.

3. All works which form part of the Dust Management Plan (dated 18 March 2015) as approved under P/16/659/RLX shall be maintained and undertaken in accordance with the approved details.

Reason: In the interests of safeguarding the environment and preventing pollution.

4. Apart from the measures identified in Condition 3 above, all other measures detailed in the Dust Management Plan (dated 18 March 2015) including the complaints procedures (Section 4.1.4) which are in place to control and monitor dust shall be maintained in accordance with that Plan throughout the duration of the operation of the site as a wood recycling facility.

Reason: In the interests of safeguarding the environment and the prevention of pollution.

5. The height of all external unprocessed stock piles shall not exceed 7m at any time and the height of all external processed stock piles (where relevant) shall not exceed 5m at any time.

Reason: In the interests of visual amenity and the prevention of pollution.

6. The premises shall be used for the storage and processing of wood, drying the wood within the drying shed with associated boiler and for the preparation of garden waste/plant to be transferred to another site for composting and for no other purpose including any wood pelleting processing or any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any Statutory Instrument revoking or re-enacting that Order and the staff, visitor and HGV parking areas, workshops and container storage shall remain in perpetuity ancillary to the main use of the premises as defined within this condition.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the site in the interests of general amenity.

7. No more than two external shredders shall be operated at the site at any one time.

Reason: In the interests of preventing noise nuisance and safeguarding the amenities of neighbouring occupiers.

8. The arrival and departure of lorries and vehicles with trailers entering and leaving the site shall only be permitted between the following times:

0800 hours and 1800 hours Mondays to Saturdays  
and not at all on Sundays, Bank and Public Holidays

nor shall there be loading/unloading of HGVs outside the above mentioned times.

Reason: To ensure that the Local Planning Authority retains effective control over the operation of the premises.

9. Shredding operations and processing of waste shall only be carried out between the following times:-

0800 hours - 1800 hours Mondays to Fridays;  
0800 hours - 1300 hours Saturdays;

and not at all on Sundays, Bank or Public Holidays.

Reason: To ensure that the Local Planning Authority retains effective control over the operation of the shredders in the interests of safeguarding the amenity of neighbouring occupiers.

10. Within 6 months of the date of this consent, an updated Noise Management Plan containing a scheme of works to minimise the noise being experienced at existing residential receptors from site operations including the use of the shredders and investigation of complaints shall be submitted to and agreed in writing by the Local Planning Authority. The Noise Management Plan shall include the following:-
  - \* A scheme of work to reduce the noise from the shipping/shredding and screening operations and all plant associated with the movement, loading and stockpiling of materials;
  - \* If barriers are to be used as a form of noise mitigation, the design/height and construction of the barriers together with the noise reduction it is intended to achieve. Stockpiles shall not be used as suitable mitigation measures as the height and location of these will vary depending on the inputs and outputs of the site;

- \* For permanent bunds that are being used as a barrier, the location, height and materials used for the bund. It is understood from the last Noise Management Plan that the height of the bund has been increased but it is not stated to what height or what noise reduction this has achieved;
- \* A complaints investigation procedure and the action that will be taken if complaints are found to be justified e.g. details of the current noise being emitted from this plant when it is operating inside the building and outside in the yard, the predicted or measured noise levels at the nearest residential receptor and the expected noise reduction that is expected from any mitigation measures.

Reason: In the interests of safeguard the amenities of neighbouring occupiers.

11. The Noise Management Plan referred to in Condition 10 above shall include a programme and time scale for the implementation of mitigation works which shall be agreed in writing by the Local Planning Authority. All mitigation works which form part of the agreed Noise Management Plan shall be completed in accordance with the agreed programme and time scale and thereafter maintained in accordance with the agreed details.

Reason: To ensure the timely provision of the noise management plan's mitigation measures in the interests of safeguarding neighbouring occupiers.

12. Prior to installation, a lighting design strategy for biodiversity for the site shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall:-
  - \* Identify those areas/features on and surrounding the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
  - \* Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding or resting places.

All external lighting shall be installed in accordance with the agreed specification and locations set out in the agreed strategy and thereafter maintained in accordance with the strategy. No other external lighting shall be operated without the prior written consent of the Local Planning Authority.

Reason: In the interests of safeguarding a European Protected Species, the environment and the amenities of neighbouring occupiers.

13. No construction works shall commence on site until the intrusive site investigation works identified in the Coal Mining Risk Assessment have been undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the development, these remedial works shall be undertaken prior to the development being brought into beneficial use.

Reason: In the interests of safety and to mitigate potential adverse impacts from any coal mining legacy present on the site.

14. Only unprocessed wood waste shall be stored on the new extension area named 'Storage Open Yard' on the submitted layout plan LMM/039/02 Rev A on the former Bryncethin Nursery Site. No unprocessed wood waste shall be stored on the



extension area named 'Storage Open Yard' on the new layout plan LMM/039/02 Rev A until all processed wood waste has been removed from this extension area and the former Bryncethin Nursery Site. Thereafter, no processed wood shall be stored anywhere on the former Bryncethin Nursery Site.

Reason: To ensure a satisfactory form of development and to preserve the amenities of neighbouring residential properties.

15. No wood processing operations (other than the movement of unprocessed wood to and from the 'Storage Open Yard' area marked on layout plan LMM/039/02 Rev A) shall be carried out anywhere on the former Bryncethin Nursery site at the rear of Mount Pleasant Bungalow.

Reason: For the avoidance of doubt as to the extent of this permission and to preserve the residential amenities of the occupiers of that property.

16. The depositing or movement of unprocessed wood through the former Bryncethin Nursery site and the movement of any vehicles within the former Bryncethin Nursery Site are only permitted between the times:

0800 hours – 1800 hours Mondays to Fridays;  
0800 hours – 1300 hours Saturdays;

and not at all on Sundays, Bank or Public Holidays.

Reason: To ensure that the Local Planning Authority retains effective control over the operations in this area in the interests of safeguarding the residential amenities of the neighbouring occupier.

17. Within 3 months of the date of this consent, a surface water drainage scheme for the Lock's Yard part of the site, designed in conjunction with Natural Resources Wales, showing how site water will be dealt with including future maintenance requirements shall be submitted to the Local Planning Authority. The approved scheme shall be implemented within 6 months of the date of this consent.

Reason: To ensure that effective drainage facilities are provided for the proposed development and to avoid potentially contaminated water from leaving the site and entering the highway and watercourses.

18. Notwithstanding the approved plans, within 3 months of the date of this consent, details of supplemental and replacement boundary landscaping/screening by way of infill tree planting and dust suppression netting shall be submitted to the Local Planning Authority. The scheme shall include an indication of identified gaps in the natural boundary features of the site, the proposed areas of planting, the species to be planted and the extent and finish of the netting to be erected around the site.

Reason: To ensure a satisfactory form of development and to preserve the residential and visual amenities of the surrounding area.

19. All planting, seeding or turfing comprised in the approved boundary landscaping scheme as well as the replacement netting shall be carried out in the first planting and seeding seasons following approval. Any trees, plants and netting which within a period of 5 years are removed or become damaged or diseased shall be replaced in the next planting season as per the approved details.

Reason: To ensure an orderly form of development.

20. All vehicles associated with the site shall access and egress the site via the existing site access at Locks Yard onto Heol Llan to the west of the site only - the former second access to the north of the site over common land shall not be used at all in any circumstances.

Reason: To ensure a satisfactory form of development in the interests of neighbouring residential amenities and highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

- a. This application is recommended for approval because the development complies with Council policy. When assessing the application against the relevant national Planning policy advice, there are no reasons why the Planning conditions cannot be varied in the manner indicated in the preceding Appraisal Section of the Report.
- b. The developer is reminded of their responsibilities in respect of the management of non-native invasive plant species such as Himalayan Balsam and Japanese Knotweed under the provisions of the Wildlife and Countryside Act, 1981.
- c. Foul and surface water discharges shall be drained separately from the site.
- d. No surface water shall be allowed to connect either directly or indirectly to the public sewerage system.
- e. Land drainage run off shall not be permitted to discharge either directly or indirectly into the sewerage system.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None

Huw Irranca-Davies MS  
[Andrea.Algar@senedd.wales](mailto:Andrea.Algar@senedd.wales)

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[www.wwutilities.co.uk](http://www.wwutilities.co.uk)

18 February 2021

**Our reference: 8180412814**

Dear Andrea

Thank you for your email received on 17 February 2021, for the attention of our Chief Executive. Graham Edwards has requested that I investigate and respond to you as the Engineering Manager responsible for Wales.

This morning, our local area managers, Gareth Thomas, Sarah Burgess, and Philip Whitear, attended Heol-y-Cyw/Bryncethin to investigate this matter in more detail.

The gas main in question was previously a high pressure gas main supplying gas to all of south Wales. It is approximately 4m deep and is made of 2 inch thick steel. This gas main has since been down graded to low pressure and is only responsible for supplying gas to a handful of properties in the area.

An escape of gas was reported in the area on 7 February 2021 however no escape of gas has been found on this main. A monitoring station has been setup in the neighboring field. Due to the depth and thickness of the gas main and the individual gas service pipe supplying Mount Pleasant Bungalow being plastic, we have no current safety concerns for the gas network located in the former Bryncethin Nursery.

A camera survey has taken place inside of the gas main and individual service pipes, where no water has been found. It is completely dry. Due to the currently high water table, this would indicate there are no fractures letting gas out or water in. The water found in the gas meter at the bungalow could be residual from many years ago when work was undertaken to isolate a section of the main. However, we will return to site on Tuesday 23 February 2021 to reassess the area and will continue to do so on a fortnightly basis until the weather is drier. When the weather is drier, we will also arrange a survey along the route of the gas main with sensitive gas detectors to check for any possible signs of escapes.

It is important to stress that if any gas is smelt in the area that it is reported to the gas emergency line immediately on 0800 111 999.

Smell gas? Call us!  
Arogli nwy? Ffoniwch ni!  
**0800 111 999**

All calls will be recorded and may be monitored  
Bydd yr holl alwadau'n cael eu cofnodi ac  
fe allant gael eu monitro

If you have any further questions, please do not hesitate to contact my colleague, James Sharrem, directly on 07976 562 901, or by email at [James.Sharrem@wwutilities.co.uk](mailto:James.Sharrem@wwutilities.co.uk), where I will be happy to help you.

Yours sincerely

Andrew Gwilym  
**Area Engineering Manager**

Smell gas? Call us!  
Aroglï nwy? Ffoniwch ni!

**0800 111 999**

All calls will be recorded and may be monitored  
Bydd yr holl alwadau'n cael eu cofnodi ac  
fe allant gael eu monitro



Wales & West Utilities Limited  
Registered Office:  
Wales & West House, Spooner Close, Celtic Springs,  
Coedkernew, Newport NP10 8FZ  
Registered in England and Wales number 5046791

**REFERENCE:** P/20/553/FUL

**APPLICANT:** South West Wood Products Limited  
Clifton Moor, Clifton, Penrith CA10 2EY

**LOCATION:** Lock Complex, south east of South West Wood Products site,  
Heol Llan, Coity CF35 6BU

**PROPOSAL:** Use of land for storage of end of life timber for a temporary period of 3 years

**RECEIVED:** 31 July 2020

**SITE INSPECTED: 1 October 2020**

## **UPDATE SINCE MEETING OF COMMITTEE ON 21 JANUARY**

Before it could be considered, this application was deferred from the Development Control Committee on 21 January 2021 to allow for a virtual site visit to be undertaken. The Virtual Site visit will take place via Teams on Wednesday 3 March 2021 at 2pm in the form of drone footage with commentary from the Officer. The Speakers that would have commented on this application at the last meeting will be allowed to speak at the start of this meeting.

Since the last DC Committee meeting, National Planning policy has seen the publication of two new documents - Future Wales – the National Plan 2040 and Planning Policy Wales (Ed 11) on 24 February, 2021. The application has been re-considered under these new policy documents and the recommendation remains as per the original report.

Also, since the last Committee an issue has arisen on the former Bryncethin Nursery part of the site relating to a suspected leak in the 4m deep private gas pipe that serves Mount Pleasant Bungalow. Wales and West Utilities have investigated the leak and whilst they have not been able to identify the source of the leak to date, they will carry on with their investigations and have confirmed that due to the depth and thickness of the gas main and the individual gas service pipe supplying Mount Pleasant Bungalow being plastic, they have no current safety concerns for the gas network located in the former Bryncethin Nursery part of the site. A copy of the Wales and West Utilities letter to Huw Irranca-Davies MS is attached as an Appendix to this report.

There have been calls for the application to be deferred again until this issue has been resolved however, Members will note that this particular application relates to the southernmost part of the site away from the Former Bryncethin Nursery area and is therefore far removed from the location of the private gas pipe. In addition, the applicant will not be able to access this area of Crown land until the consent has been issued and the NRW permit has been amended to include it.

As explained in the report, this application will define what operations are allowed to occur on this part of the site so that they can be more easily enforced and in order to allow the applicant to remove the old, polluting legacy wood from the Crown land. In effect, the applicant cannot lawfully deal with the stockpiles without the temporary consent.

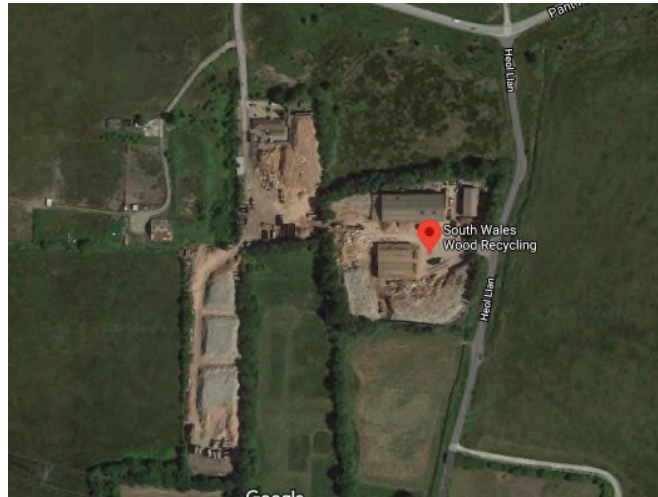
It is considered that there is no benefit in deferring the application again as any further delay may prejudice the chances of achieving a satisfactory resolution to the issues on this site by stalling the removal of the historic waste wood from the Crown land. In addition, a deferral could also result in an appeal against non-determination.

Reproduced below is a copy of the original report:-

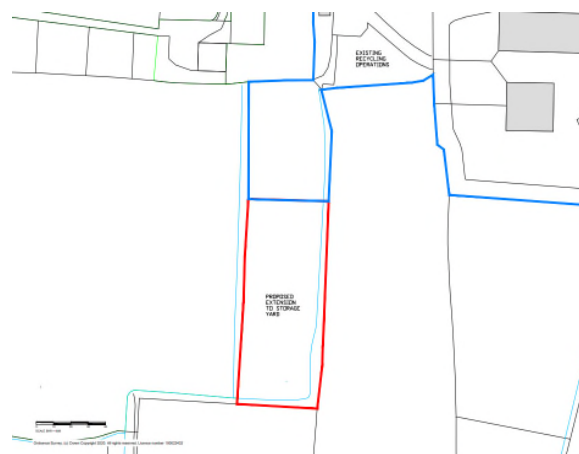
## APPLICATION/SITE DESCRIPTION

The application seeks Planning consent to regularise the use of this land for the storage of end of life timber for a temporary period of 3 years (P/20/553/FUL). This area has been the subject of unauthorised storage of poor quality waste wood and it is intended to mix or blend this wood with better quality wood in order to get it to a standard that can be accepted and used at Kronospan or Margam.

As it stands there is no requirement for the applicant to remove and process this end of life timber as the company responsible for depositing the wood there has gone into administration and the land has reverted to the Crown.



**Fig. 1 – Aerial View of Site**



**Fig. 2 – Proposed Site Plan**

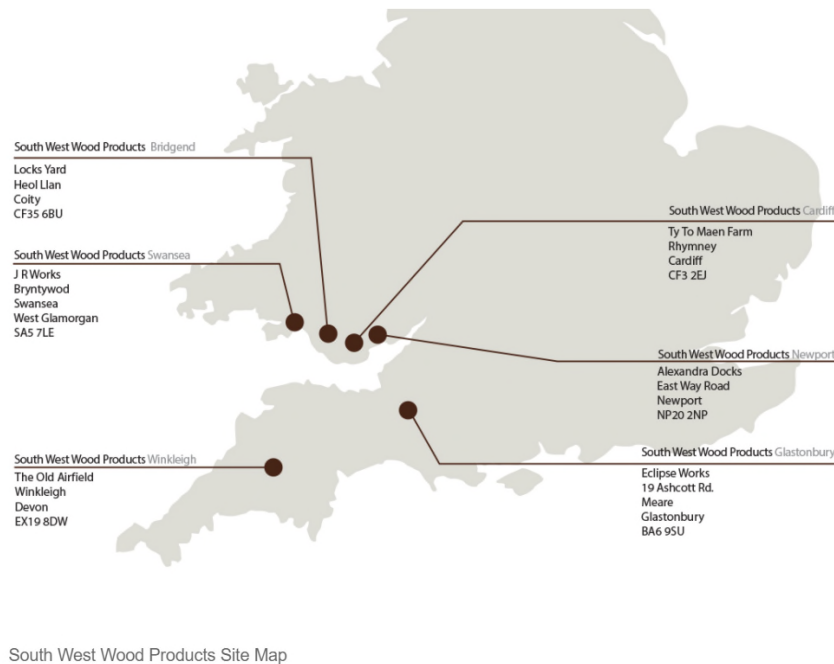
The extended storage area lies outside the historic extent of the waste wood processing plant in the open countryside. Lock's Yard (the front part of the site) has operated as a wood recycling facility for a number of years and it was extended to include the adjacent former Bryncethin Nurseries site in 2014. Following a fire in 2016, the previous operator moved the unprocessed waste wood from Lock's Yard to this unauthorised site in order to save the wood and to stop the spread of the fire.

Planning permission is a pre-requisite for acquiring the Crown Land and to obtain a permit from NRW. NRW have confirmed that no new waste wood shall be deposited on this part of the site until an appropriate permit is in place and the historic wood has been removed from the site. This historic wood is currently having an impact on the adjacent water courses due to contaminated run-off similar to compost leachate.

NRW is currently assessing the impact that this is having on the local water course as well as assessing the on-going fire risk with support from South Wales Fire & Rescue Service.

The applicant, South West Wood Products Ltd, has recently taken on the wider site as the previous operator (South Wales Wood Recycling Ltd) has gone into administration. This is one of several such sites that they control throughout the UK.

The current operator is processing wood more efficiently than the previous company as there is now more demand for processed wood particularly from Kronospan in Chirk (a company that manufactures and distributes wood-based panels) and Margam Green Energy Plant in Port Talbot (a 40 MW Biomass Power Station) and there is less pressure and economic incentive to take on and store wood on-site.



**Fig. 3 – South West Wood Products Locations**

There is a separate Planning application to vary conditions 1, 5 and 6 of P/16/659/RLX (P/20/552/RLX refers) for the consented part of the site covering the former Bryncethin Nursery and Lock's Yard.

### RELEVANT HISTORY

Whilst this particular part of the wider site has not benefitted from Planning permission or been the subject of any applications in the past, the following Planning history is of relevance:

P/14/711/FUL – Change of use former nursery & dwelling to vehicle storage, new buildings, access, wood fuelled boilers and wood drying facility - Approved with conds - 05/09/15

P/15/792/DOC - Discharge of Cond 14 - Drainage - Agreed 16/12/15

P/16/203/DOC - Discharge of Cond 12 - Not Agreed 04/05/16

P/16/276/DOC - Discharge of Conds 1 & 8 - Split Decision - 14/07/16

P/16/596/DOC - Discharge of Cond 8 - Agreed - 16/03/17

P/16/659/RLX - Relax condition 12 of P/14/711/FUL to extend the time period in which to submit the Noise Management Plan – Agreed – 09/06/17

P/17/706/DOC – Discharge of Conds 10 and 11 of P/16/659/RLX – Agreed – 23/08/17

P/20/552/RLX - Variation of conditions 1 (approved plans), 5 (stack heights) and 6 (authorised works) of P/16/659/RLX through the submission of amended plans and wording – to be considered at DC Committee

## **PUBLICITY**

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the subsequent additional information. The period allowed for response to consultations/publicity has expired.

## **CONSULTATION RESPONSES**

**Public Protection** – No objection subject to conditions to preserve the residential amenities of neighbouring properties.

**Principal Officer Highways Development Control** – No objections subject to conditions that will ensure highway safety in and around the site.

**Natural Resources Wales** – We have no objection to the proposed development and provide the following advice.

The activity on site is regulated under an Environmental Permit under The Environmental Permitting (England and Wales) Regulations 2016. We are satisfied any changes on site will be dealt with by the permit:

1. Any proposed changes to increase/vary operational areas will require a variation of the Environmental Permit for the site.
2. Any proposed changes to activities undertaken on site that are related to the storage and treatment of waste, will require a variation of the Environmental Permit.
3. Areas incorporated into the Environmental Permit, where storage/treatment of waste is proposed, must comply with the infrastructure requirements detailed in the Environmental Permit.
4. Waste cannot be accepted and/or treated in any area that does not benefit from an Environmental Permit.
5. Any proposed changes to waste storage practices (height of proposed waste stacks etc.) will need to be in line with current Fire Prevention and Mitigation Plan Guidance, and the Environmental Permit, unless otherwise agreed in writing by Natural Resources Wales.
6. Waste generated from any works undertaken on site, such as landscaping and demolishing of buildings, will need to be taken to an authorised facility by a registered waste carrier.

**Dwr Cymru/Welsh Water** – No objections subject to an informative note

**The Coal Authority** – No objections subject to an informative note.

**Land Drainage Section** – No objections subject to conditions and informatives.

**St Brides Minor Community Council** - The Members of St Brides Minor Community Council wish to object to this application and make the following comments:

Any expansion of wood deliveries and productivity in wood recycling at this site is harmful to the residents in the local environment and routes to and from the facility.



**Coychurch Higher Community Council** - As recently as September 3rd 2020, NRW were in attendance following complaints of pollution from Locks Yard to Heol Llan and the local waterways. Members feel this matter needs to be considered as a matter of urgency and appropriate drainage installed at the site as well as increased dust level management.

The issues at this site have been ongoing for many years without resolve which is why Members of CHCC object to the application in the strongest possible way.

## **REPRESENTATIONS RECEIVED**

**Cllr Gary Thomas – Ward Member for Bryncethin** – Comments that he wishes to speak at the Committee meeting and advises as follows:

*There are some conditions I wish to make in relation to south wales wood planning P/20/553/ful, I make the requests and observations as a ward member for Bryncethin. I am aware that a number of my constituents have concerns over this planning application. Storage is a huge concern for me on this site, your documents refer to raw wood storage on the sealed surface and away from watercourses. This does not work on the site. More concerning, a heavy dark brown discharge is leaving the site, entering a watercourse that flows over common land to the north close to the b4280.*

*An area of boundary fence between SWW and common land has been overwhelmed and buried by waste wood stored on site causing farmers to enter the site on several occasions to recover livestock.*

*There have been several incidents where lorries have overturned on the common land, there is clearly a highways problem, and frequent flouting of the permitted hours of opening and operation.*

*I would ask the committee members to give support to my conditions listed below:-*

- 1. To ensure all processed waste wood is cleared from the crown site before raw waste wood can be stored.*
- 2. To ensure the operator takes responsibility for checking cleanliness of the watercourses*
- 3. To grant planning for a period of 1(one) year with a review of progress at end of this time.*

**Cllr Alex Williams – Ward Member for Penprysg** – Objects to this particular application as follows:

*My understanding is that these applications will seek to vary the permission at the existing wood recycling operation to change the site layout and storage arrangements and, in tandem, to apply for an extension of existing yard for the storage of waste initially for a temporary 3 year period.*

*I kindly request that these applications are considered by the full Planning Committee. I would also like to request an opportunity to speak at the Committee.*

*I see no reason why the applicant is seeking temporary planning permission for a period of three years. Temporary planning permission should be granted for one year to demonstrate operational compliance and acceptability before seeking a longer extension.*

*Residents are also concerned about the potential increase in rodents as a result of storing end of life timber alongside common land. I would be grateful for an environmental impact assessment on the increased storage of end of life timber and the increase of stack heights.*

*I'm grateful for the opportunity to contribute my own views and that of my constituents.*

The **Cats Protection Centre** has objected as follows:

Cats Protection object to the proposal as the increased storage area will increase the risk to our centre. The increased area will mean more wood being stored at the facility, and therefore increase the fire risk and further effects from fire such as smoke damage and smoke inhalation.

We appreciate the company in control of the facility now are different to the company who were in control during the fire in 2016, but the storage of wooden materials always means a risk of further incidents occurring, and more wood means more risk.

Another factor of the increased site area will be more heavy lorries on the roads. There are relatively narrow roads around the local area and large heavy lorries cause issues.

Our facility is located only a short distance from the subject premises, and we have cats who are housed in external pens. The centre has a fire alarm and sprinkler system that we installed at our own expense, but another fire incident could have catastrophic consequences.

We therefore object to the planning application on the grounds of increased fire and smoke risk, due to the extension of the storage area.

**Coity Wallia Common Conservators** – the comments can be summarised as follows:

- The whole wood recycling premises has an adverse impact on the locality.
- The commoners association were not been directly consulted on the applications.

In addition to the Commoners' comments, their agent, Cooke and Arkwright, has provided the following advice:

*The proposal is identified as "temporary" but my clients are concerned at the sporadic extension of industrialisation created by the proposed development in what is essentially an agricultural area.*

The occupier of **Heol y Llan, Heol Llan** objects to the proposal as follows:

The site is not fit for purpose/size of operation, no dust management, never has been, stack heights are never adhered to, just another excuse to take in more rubbish that they can't get rid of and stockpile until it catches fire or they move on and leave it for someone else to sort out at tax payers expense, no more heavy traffic is needed in our rural area, area used as dumping ground, fences damaged, debris all over roads, working hours never adhered to, same issues with new contractors as with previous contractors, how can local authority support any application by this outfit of cowboys, history of site should tell you enough and nothing has changed, roads cannot handle vehicles using site, they are blocking lanes, reversing out onto main highway until someone is killed or seriously hurt, nothing will be done about it, total shambles

The occupier of **90 Pant Hirwaun** objects to the proposal on the following grounds:

Further development will impact on my health and welfare, extra noise pollution, extra air pollution, at present the traffic is beyond putting up with, the highway infrastructure is not able to sustain the traffic, the constant droning from the sight is 24/7, dust and dirt are an issue, windows and doors cannot be left open, the fire risk at the sight still relevant height of mountains of wood!!!

The occupier of **Ty Du Farm, Pant Hirwaun** objects to the application as follows:

- From a legal point of view I would challenge whether BCBC has the authority to approve a variation to conditions on an existing permission when that land is not in

- private ownership but overseen by the Crown.
- Stockpiling on Crown Land not under control of the applicant.
- They should remove all waste wood - it was previously covered by removable polytunnels over soil/compost.
- The operator SWWP has had 18 months to achieve this `blending' of historic waste, moved to the Nursery to manage fire outbreak Sept 2016. This has not happened and the waste wood onsite has increased under this management.
- NRW is currently investigating not only water course pollution but the re-directing of water courses by blockages which threatened the nearby bungalow during 2020.

The occupier of **Perrington Bungalow** objects to the application as follows:

- The site has outgrown its original footprint and this application according to the maps shows that it intends to spread into the land which is in escheat to the Crown, however this area is already being used by the applicant presumably without permission.
- I understand that during the fire they were advised to move smouldering piles to elevate further hazards, but since that time they have continued to use the nursery site, the stacks are already 5 meters if not even higher, there are no fire breaks.
- I have previously stated that this is an environmental mine field, a disaster waiting to happen.
- As I have stated previously the piles are too high there are insufficient fire breaks, the weather will exacerbate this situation and there will be another fire on this site, causing damage to the close community, not to mention the the animals and wildlife found thereabouts.
- The rivers and waterways are polluted when we have heavy rain, this is clearly visible the 'end of life timber' has had numerous chemical treatments and this is washed into the waterways, as I've said this is an environmental hazard for sure.

The occupiers of **Mount Pleasant Bungalow** object to the development on the following grounds:

- The development will have an adverse effect on the area as a whole, in particular noise levels of processing machinery, pollution of waterways and dust and wood chip debris hazardous to road users particularly cyclists.
- South West Wood Products (SWWP) have previously promised to clear the site as a gesture of good will however they are still dumping and tipping daily which I believe constitutes fly tipping.

The occupiers of **1 and 2 Pant Cottages** object to the development as follows:

We do not feel that this company should be given access to the land for 3 years to store wood, the bungalow [Mount Pleasant] formally owned by SWWR is now privately owned, that was purchased on the understanding that the site would be cleared as a gesture of good will. As this is now a privately-owned residence - would it not be correct to say that the proposed "industrial" site would now be too close to a privately owned residence? Also, at the time when the site was approved it was for use as a car park / lorry park which is less detrimental than a wood storage area. I also understand this was one of the reasons for rejecting a planning application made by T Morris when he made an application to demolish a fire damaged dwelling and construct a new detached dwelling – south side of Pant Hirwaun, Bryncethin, CF32 9UJ. [P/16/69/FUL].

In response to additional information received from the agent the following relevant comments were received:

Occupier of **Ty Du** - I ask that BCBC Planning Dept take aerial and ground photographs to enable accurate measurement of the "progress towards clearance of historic waste" as

described in the Condition imposed.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

It is acknowledged that a number of the objections are a result of the recent history of the site by way of poor management, breaching conditions, the fact that the previous operator has gone into administration and incidents such as a fire breaking out on Lock's Yard. The majority of the matters raised above are addressed in the Appraisal section of the report.

However, it is worth reiterating that the permit for the wider site allows a maximum production of 120,000 tonnes per annum and the processing of this end of life timber will form part of that and will not result in any expansion in terms of production.

In response to other matters raised by the local Ward Members and local occupiers, the applicant has confirmed that they will accept a condition requiring an annual review and report on the progress in removing the old wood from this site. The temporary period of 3 years is considered to be reasonable bearing in mind the amount of waste wood on this site and the need to blend it with better quality wood to achieve the standards required by the customers for this processed wood (mainly Kronospan and Margam).

They will also create a gap/access route between the old wood and the watercourses to limit contamination until the end of life timber has been removed from this site.

With regard to the pollution of nearby waterways, this issue is being mainly perpetuated by this old historic wood. A condition will be attached to the recommendation requiring the submission of the drainage scheme that has been agreed with NRW for this part of the site to minimise the environmental impact of this end of life waste wood.

With regard to the boundaries of this site, the applicant has committed to enhancing the level of screening through additional tree planting in order to improve the visual amenities of the site and surrounding area. This will be secured by a suitably worded condition.

An updated Fire Prevention and Mitigation Plan is also being prepared with NRW and the Fire Service.

## **PLANNING POLICIES**

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021, which was formally adopted by the Council in September 2013 within which the following Policies are of relevance:

Strategic Policy SP2 Design and Sustainable Place Making  
Policy ENV1 Development in the Open Countryside  
Policy ENV7 Natural Resource Protection and Public Health  
Policy ENV9 Development in Mineral Safeguarding Areas  
Policy ENV16 Commercial and Industrial Waste

Supplementary Planning Guidance Notes (SPG):

SPG07: Trees and Development

SPG19: Biodiversity and Development: A Green Infrastructure Report

As stated above, the extended storage area lies outside the historic extent of the waste wood processing plant in the open countryside.

**Policy ENV1** (Development in the Countryside) states:

*Development in the countryside of the County Borough will be strictly controlled. Development may be acceptable where it is necessary for:*

- 1) Agriculture and/or forestry purposes;*
- 2) The winning and working of minerals;*
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;*
- 4) The implementation of an appropriate rural enterprise/ farm diversification project;*
- 5) Land reclamation purposes;*
- 6) Transportation and/or utilities infrastructure;*
- 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;*
- 8) The direct replacement of an existing dwelling;*
- 9) Outdoor recreational and sporting activities; or*
- 10) The provision of Gypsy Traveller accommodation.*

*Where development is acceptable in principle in the countryside it should where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.*

The supporting text to this Policy advises that:

4.1.9 Development in the countryside should benefit the rural economy whilst maintaining or enhancing the environment. Therefore, new building in the countryside outside defined settlements or areas allocated for development in the LDP will be strictly controlled.

4.1.11 It is accepted that certain developments may be appropriate in the countryside provided that they will encourage rural enterprise and bring wider community benefits to the County Borough or region. Examples are mineral extraction or improvements to transportation or essential utility service infrastructure where these developments could not be located in neighbouring designated settlements. However these developments will still need to meet other policies in the Plan particularly those in relation to nature and environmental protection.

4.1.12 Policy ENV1 therefore represents the starting point for the assessment of all future development proposals for development in 'the countryside' of the County Borough. The Policy will not be set aside lightly, in the interests of maintaining the integrity of the countryside.

### **National Planning Policy and Guidance**

National Planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application. It states that the Planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly (Paragraph 2.3 of PPW refers).

For Planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to Planning policy (Paragraphs 5.4.1 and 5.4.2 refer).

In terms of sustainable waste management facilities such as this one, PPW advises that Planning authorities, other relevant Local Authority departments and Natural Resources Wales must work closely together to ensure that conditions attached to Planning

permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for Local Planning Authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the Local Planning Authority in establishing this position through the provision of appropriate advice. The parallel tracking of Planning and environmental permitting applications should be the preferred approach particularly where proposals are complex so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence (paragraph 5.13.3 refers).

Technical Advice Note (TAN) 21 provides guidance on sustainable waste management and resource efficiency. Paragraph 4.2 of TAN 21 states that to enable proper consideration of the principles contained within the TAN, a Waste Planning Assessment should be submitted with applications for a waste facility classified as a disposal, recovery or recycling facility. The Waste Planning Assessment submitted in support of this application is broadly in accordance with Annex B of TAN 21.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to 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 (Section 5). The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives because of the proposed temporary development.

## **APPRAISAL**

The application is referred to the Development Control Committee due to the number of objections received from local residents/businesses and the Coity Wallia Commoners, objections from and a call in request by local Ward Members and objections from St. Brides Minor and Coychurch Higher Community Councils. The application is also closely related to another application on this wider site that is also referred to Members.

As indicated in the description of development, the application seeks to regularise the use of this land for the storage of end of life timber for a temporary period of 3 years (P/20/553/FUL). This area has been the subject of unauthorised storage of poor quality waste wood and it is intended to mix or blend this wood with better quality wood in order to get it to a standard that can be accepted and used at Kronospan or Margam.

The site is located outside of any settlement boundaries and is therefore, located in the countryside where Policy ENV1 Development in the Countryside of the LDP ensures that development is strictly controlled.

The proposed development is not located within and does not form part of a specified employment allocation however, the proposed development seeks an extension for the storage of waste wood which will form part of an existing wood recycling facility and which is considered a long established industrial use. The development will also help meet the objectives of national policy in respect of Zero Waste, the waste hierarchy, meet targets to reduce the amount of waste disposed of by landfill and increase the amount of waste recovered, composted and recycled.

Whilst the site is located within a 'Primary Coal Resource Safeguarding Area', the proposed development will be temporary in nature and Policy ENV9 states that development proposals within mineral safeguarding areas must demonstrate that the mineral can be extracted prior to the development and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource. In this case, the form, scale and location of the development would be unlikely to have a significant impact on the possible working of the resource. Therefore, it is considered that the development will have no adverse impacts upon the Resource Safeguarding Area.

Section 72(1)(b) of the 1990 Act gives power to impose conditions requiring that a use be discontinued or that buildings or works be removed at the end of a specified period. Welsh Government Circular 016/2014 on The Use of Planning Conditions Temporary for Development Management advises that in deciding whether conditions on a temporary permission are appropriate, the following should be taken into account:

- it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the Development Plan;
- it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent, and
- the material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one.

The Circular goes on to state that a temporary permission will normally only be appropriate either where the applicant proposes temporary development or when a trial run is needed in order to assess the effect of the development on the area. Where a proposal related to a use which the applicant is expected to retain or continue only for a limited period whether because they have specifically volunteered that intention or because it is expected that the Planning circumstances will change in a particular way at the end of that period then a temporary permission may be justified.

In this instance, the temporary period is required to remove the end of life timber from this part of the site in order to take ownership of the site from the Crown and to allow NRW to issue an extended Permit to cover this previously unauthorised area of land.

Policy ENV7 of the LDP states that development proposals will only be permitted where it can be demonstrated that they would not cause a new or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to

- 1) Air pollution;
- 2) Noise pollution;
- 3) Light pollution;
- 4) Contamination (including invasive species);
- 5) Land instability;
- 6) Water (including groundwater) pollution; and
- 7) Any other identified risk to public health or safety.

It should be noted that significant environmental benefits are to be gained in the removal of this end of life wood (pollution control, reduced fire risk, visual amenity etc.) and if the applicant does not obtain the necessary agreements from the Local Planning Authority, NRW and the Crown to do so then it would more than likely be left to public bodies to remove it.

A period of 3 years is required due to the sheer volume of waste wood on this part of the wider site and the need to blend it with better quality wood to achieve the relevant standards set by the customers of the enterprise. It is considered that this is a reasonable approach bearing in mind the Circular advises that the period should be set so that it is sufficient to achieve the intention of the application and to allow reinstatement of the land when the permission expires.

NRW has confirmed that no new waste wood shall be deposited on the site until an appropriate Permit is in place and the historic wood has been removed from site. This historic wood is currently having an impact on the adjacent water course due to contaminated run-off similar to compost leachate. NRW is currently assessing the impact that this is having on the local water course as well as assessing the on-going fire risk with support from South Wales Fire & Rescue Service.

In order to ensure that good progress is being achieved in reducing the amount of end of life timber on this site, no new waste wood will be allowed to be deposited in this area and a condition will require the submission of a progress plan/annual review and report.

The operation of re-structuring this wood into stock piles (in compliance with the FPMP) and then moving it from that area to the processing side will inevitably emit noise and there is a residential bungalow located to the north of the site. Therefore, a Noise Assessment (combined with the updated Noise Management Plan for the authorised part of the site as required under P/20/552/RLX) will be required to determine whether additional mitigation is needed due to the close proximity of the existing bungalow to this new site.

The Public Protection Officer has no objection to the proposal provided that only unprocessed wood waste is stored in this area, there is a restriction as to the height of the stock piles, no additional storage should take place until all processed wood which is currently on the site is removed and dealt with appropriately and an updated Noise Survey is undertaken to determine whether additional mitigation is required for the extension site and a Noise Management Plan submitted. These requirements will be secured through the application of conditions.

In terms of the highway impacts of this specific part of the wider site, it is noted that it lies adjacent to current operations and the timber is already on site. It is acknowledged that this timber could potentially remain on the site as the applicant does not have any legal requirement to remove it without the benefit of Planning permission, a transfer from the Crown and a Permit via NRW. The way in which the material is removed has different implications for the transport network. The removal of the quantity of material which has been deposited over a short timeframe has the potential to generate highway concerns in respect of significant intensification of large heavy vehicles along the B4280.

Whilst such an increase would only be for a temporary short period it is noted that concerns have been raised in respect of HGVs meeting on the B4280 and incidents of vehicles rolling over onto the adjacent common. It should be clarified that the B4280 serving the site is a classified highway which does not have any restrictions in vehicle sizes or weights and whilst these representations are noted and understood these vehicles are legally able to access the site.



The operators are limited in the quantity of material that can be produced on site. The proposed method of removal of the material from this site is over a more prolonged period (3 years) as it will have to be blended with existing product. It is therefore considered that this would result in a lower quantum of material needing to be imported to the wider operation to generate the same output whilst the output from the site will be limited in any event. If however, the material is not removed in a progressive way the result would be that the removal of the material in the proposed timescale may not be achievable. Accordingly, the proposal is considered to be reasonable and acceptable from a transportation perspective.

The OS database identifies watercourses draining within the proposed site area and therefore the applicant will be required to provide an updated site plan identifying the location of the timber storage areas and the location of the watercourses.

The historic wood deposit is understood to be causing pollution to local watercourse due to the deterioration of material over time. The proposal will remove this waste and by so doing will remove the root cause of the pollution from the site. The supporting information advises that the site is subject to an Environmental Permit from the NRW which includes preventing pollution to the adjacent watercourses. As well as this, the applicant will be required to provide a site-wide maintenance plan identifying how the existing watercourses/ditches will be maintained. The applicant has liaised with NRW to seek agreement for a variation to the existing Environmental Permit based on the current application and this will include measures to stop pollution from entering the watercourses.

As the temporary timber storage will be located on existing ground (with no formal hardstanding) a sustainable drainage application will not be required in this instance.

Having considered the objections to this particular application, the particular characteristics of the site, the pressing need to remove this legacy wood from the site, the advice from consultees and having assessed this application against relevant Planning policies, it is considered that there are no overriding reasons to refuse the application for a temporary permission of 3 years, subject to conditions.

## **CONCLUSION**

Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes 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.

Factors to be taken into account in making Planning decisions (material considerations) must be Planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest towards the goal of sustainability. In this case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having due regard all material considerations and the objections/ representations relevant to this application in Planning terms, supported by guidance contained within WG Circular 016/2014 and the terms of the Permit to be issued by NRW, it is considered that the proposed temporary consent to regularise the use of this site for waste wood storage and to allow the operator to dispose of this end of life wood from this site over the next 3 years together with the application of detailed conditions is acceptable in this instance in the interests of achieving an appropriate form of development that will limit the impacts on the environment and neighbouring residents by way of visual impact, pollution, noise and air quality. As this part of the site will be operated in conjunction with the existing business with no expansion to the amount of processed wood produced at the site (maximum of 120,000 tonnes per annum) any impact on the adjoining highway network will be limited.

The application is therefore recommended for approval subject to the following conditions and informative notes.

### **RECOMMENDATION**

(R11) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: Plan Numbers and LMM/040/01 and LMM/040/02 (received on 31 July 2020).

Reason: For the avoidance and confusion as to the nature and extent of the approved development.

2. Notwithstanding the plans as hereby approved, within 3 months of the date of this consent a detailed site layout plan shall be submitted to the Local Planning Authority which identifies the exact location of the timber storage stock piles and the location of the watercourses together with the proposed access to this land. The scheme shall be implemented as approved.

Reason: To ensure a satisfactory form of development and to minimise the risk of pollution.

3. No wood processing operations shall be undertaken on the area outlined in red on plan LMM/040/02 and the use shall be discontinued and the associated end of life waste wood shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 31 January 2024.

Reason: For the avoidance of doubt as to the extent of this permission and to ensure a satisfactory reinstatement of the land.

4. All works which form part of the Dust Management Plan (dated 18 March 2015) as approved under P/16/659/RLX shall be maintained and undertaken in accordance with the approved details for this part of the wider site.

Reason: In the interests of safeguarding the environment and preventing pollution.

5. Apart from the measures identified in Condition 4 above, all other measures detailed in the Dust Management Plan (dated 18 March 2015) including the complaints procedures (Section 4.1.4) which are in place to control and monitor dust shall be maintained in accordance with that Plan throughout the duration of the operation of the wider site as a wood recycling facility.

Reason: In the interests of safeguarding the environment and the prevention of pollution.

6. The height of the stock piles on this site shall not exceed 5m at any time.

Reason: In the interests of visual amenity and the prevention of pollution.

7. Within 6 months of the date of this consent, an updated Noise Management Plan containing a scheme of works to minimise the noise being experienced at existing residential receptors from site operations shall be submitted to and agreed in writing by the Local Planning Authority. The updated Noise Management Plan shall include:

- the rating noise level from the operation of the extension area being used for the storage of unprocessed wood to determine the noise impact on the closest residential receptors (including the residential bungalow at the entrance of the former Bryncethin Nursery Site) in accordance with the assessment methodology in BS4142:2014. This assessment shall include the noise arising from the movement of vehicles entering and leaving into this part of the site, tipping of the unprocessed wood, profiling the stock piles and movement of the wood back into the processing area and any necessary mitigation measures that are required to reduce the noise to below an adverse impact. The Noise Management Plan shall also include details of how the rating level was obtained.

Any necessary agreed mitigation measures that are identified in the noise assessment and Noise Management Plan shall be implemented in full within one month of the updated Noise Management Plan being agreed with the Local Planning Authority and shall be retained for the lifetime of the development.

Reason: In the interests of safeguard the amenities of neighbouring occupiers.

8. The Noise Management Plan referred to in Condition 7 above shall include a programme and time scale for the implementation of mitigation works which shall be agreed in writing by the Local Planning Authority. All mitigation works which form part of the agreed Noise Management Plan shall be completed in accordance with the agreed programme and time scale and thereafter maintained in accordance with the agreed details.

Reason: To ensure the timely provision of the Noise Management Plan's mitigation measures in the interests of safeguarding neighbouring occupiers.

9. The movement of unprocessed wood from this site through the former Bryncethin Nursery site to the processing area and the movement of any vehicles within the former Bryncethin Nursery Site is only permitted between the times:

0800 hours and 1800 hours Mondays to Fridays;

0800 hours and 1300 hours Saturdays;

and not at all on Sundays, Bank or Public Holidays.

Reason: To ensure that the Local Planning Authority retains effective control over the operations in this area in the interests of safeguarding the residential amenities of the neighbouring occupier.

10. Within 3 months of the date of this consent a surface water drainage scheme for this site designed in conjunction with Natural Resources Wales showing how the polluted site water will be dealt with including future maintenance requirements, shall be submitted to the Local Planning Authority. The approved scheme shall be implemented within 6 months of the date of this consent.

Reason: To ensure that effective drainage facilities are provided for the proposed development and to avoid potentially contaminated water from leaving the site and entering the adjacent watercourses.

11. Notwithstanding the approved plans, within 3 months of the date of this consent details of supplemental and replacement boundary landscaping/screening by way of infill tree planting shall be submitted to the Local Planning Authority. The scheme shall include an indication of identified gaps in the natural boundary features of the site, the proposed areas of planting and the species to be planted.

Reason: To ensure a satisfactory form of development and to preserve the residential and visual amenities of the surrounding area.

12. All planting, seeding or turfing comprised in the approved boundary landscaping scheme, shall be carried out in the first planting and seeding seasons following approval. Any trees and plants which within a period of 5 years are removed or become damaged or diseased shall be replaced in the next planting season as per the approved details.

Reason: To ensure a satisfactory form of development and to preserve the residential and visual amenities of the area.

13. All vehicles associated with the site shall access and egress the site via the existing site access at Locks Yard onto Heol Llan to the west of the site only - the former second access to the north of the site over common land shall not be used at all in any circumstances.

Reason: To ensure a satisfactory form of development in the interests of neighbouring residential amenities and highway safety.

14. Within three months of the date of this consent, a Waste Wood Removal Plan shall be submitted to the local Planning Authority. The Plan shall include a programme, measures and initiatives relating to the removal of the end of life material from the site. The progress shall be monitored on an annual basis and the Plan shall be reviewed every year to include details such as site visits notes, photographs and estimates of how much waste wood remains on site at the end of each year. Annual reports shall be prepared by the operator and submitted to the Local Planning Authority in accordance with the approved Waste Wood Removal Plan.

Reason: To ensure a satisfactory and timely form of development and in the interests of highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

- (a) This application is recommended for approval because the development complies with Council policy. When assessing the application against the relevant national planning policy advice, there are no reasons why the temporary planning permission cannot be issued in the manner indicated in the preceding Appraisal Section of the Report.

- (b) The developer is reminded of their responsibilities in respect of the management of non-native invasive plant species such as Himalayan Balsam and Japanese Knotweed under the provisions of the Wildlife and Countryside Act, 1981.
- (c) No surface water is allowed to discharge to the public highway.
- (d) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- (e) To satisfy condition 2, the applicant must:
- Provide an updated site plan identifying the location of the timber storage areas and the location of the watercourses;
  - Provide a site-wide maintenance plan identifying how the existing watercourses/ditches will be maintained;
  - Provide an agreement in principle from NRW for the revised environmental permit;
  - Submit an ordinary watercourse consent application associated with works to the existing watercourses, if required.
- (f) The applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- (g) 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. 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.

If any coal mining feature is 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/coalauthority](http://www.gov.uk/coalauthority)

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

Huw Irranca-Davies MS  
[Andrea.Algar@senedd.wales](mailto:Andrea.Algar@senedd.wales)

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[www.wwutilities.co.uk](http://www.wwutilities.co.uk)

18 February 2021

**Our reference: 8180412814**

Dear Andrea

Thank you for your email received on 17 February 2021, for the attention of our Chief Executive. Graham Edwards has requested that I investigate and respond to you as the Engineering Manager responsible for Wales.

This morning, our local area managers, Gareth Thomas, Sarah Burgess, and Philip Whitear, attended Heol-y-Cyw/Bryncethin to investigate this matter in more detail.

The gas main in question was previously a high pressure gas main supplying gas to all of south Wales. It is approximately 4m deep and is made of 2 inch thick steel. This gas main has since been down graded to low pressure and is only responsible for supplying gas to a handful of properties in the area.

An escape of gas was reported in the area on 7 February 2021 however no escape of gas has been found on this main. A monitoring station has been setup in the neighboring field. Due to the depth and thickness of the gas main and the individual gas service pipe supplying Mount Pleasant Bungalow being plastic, we have no current safety concerns for the gas network located in the former Bryncethin Nursery.

A camera survey has taken place inside of the gas main and individual service pipes, where no water has been found. It is completely dry. Due to the currently high water table, this would indicate there are no fractures letting gas out or water in. The water found in the gas meter at the bungalow could be residual from many years ago when work was undertaken to isolate a section of the main. However, we will return to site on Tuesday 23 February 2021 to reassess the area and will continue to do so on a fortnightly basis until the weather is drier. When the weather is drier, we will also arrange a survey along the route of the gas main with sensitive gas detectors to check for any possible signs of escapes.

It is important to stress that if any gas is smelt in the area that it is reported to the gas emergency line immediately on 0800 111 999.

Smell gas? Call us!  
Arogli nwy? Ffoniwch ni!  
**0800 111 999**

All calls will be recorded and may be monitored  
Bydd yr holl alwadau'n cael eu cofnodi ac  
fe allant gael eu monitro



Wales & West Utilities Limited  
Registered Office:  
Wales & West House, Spooner Close, Celtic Springs,  
Coedkernew, Newport NP10 8FZ  
Registered in England and Wales number 5046791

If you have any further questions, please do not hesitate to contact my colleague, James Sharrem, directly on 07976 562 901, or by email at [James.Sharrem@wwutilities.co.uk](mailto:James.Sharrem@wwutilities.co.uk), where I will be happy to help you.

Yours sincerely

Andrew Gwilym  
**Area Engineering Manager**

Smell gas? Call us!  
Aroglï nwy? Ffoniwch ni!

**0800 111 999**

All calls will be recorded and may be monitored  
Bydd yr holl alwadau'n cael eu cofnodi ac  
fe allant gael eu monitro



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Coedkernew, Newport NP10 8FZ  
Registered in England and Wales number 5046791

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**REFERENCE:** P/20/642/OUT

**APPLICANT:** Mr D Jeal: Woodlands, 36 Abergarw Road, Brynmenyn, CF32 9LF

**LOCATION:** Carville Scaffolding, Station Road, Maesteg CF34 9TF

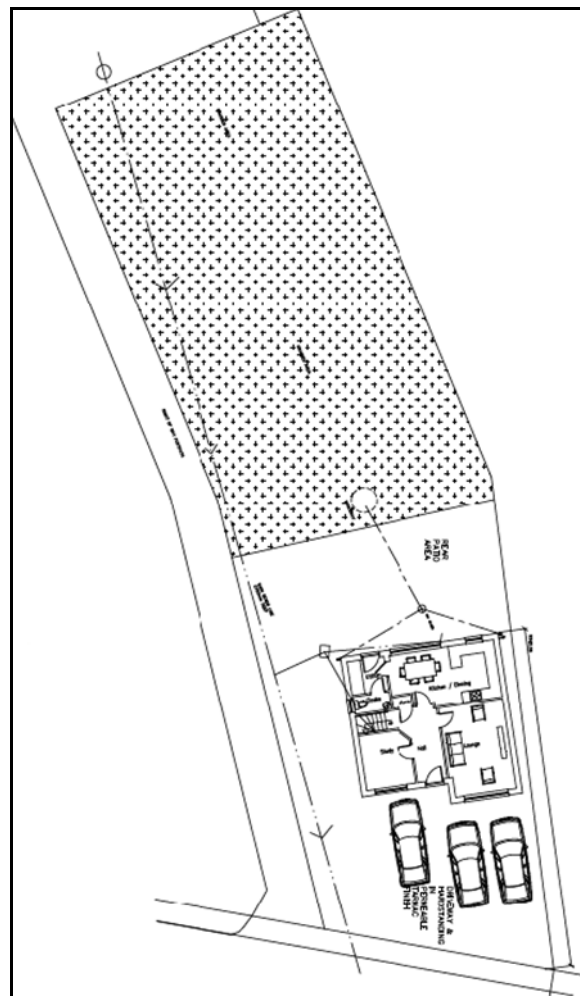
**PROPOSAL:** Outline application for demolition of existing scaffolding premises and development of one 3 bedroom house.

**RECEIVED:** 24 August 2020

## DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks Outline planning permission for the demolition of the existing scaffolding premises and the erection of one 3 bed dwelling at Carville Scaffolding, Station Road, Maesteg. The application seeks to establish the principle of development with all matters reserved. Thus, all other matters including access, appearance, landscaping, layout and scale will be assessed at the subsequent Reserved Matters stage.

The Site Layout Plans as Proposed (drawing number 1ASR/4/21 Jan 2021) received on 11 January 2021 illustrates the dwelling as being positioned in the southern area of the proposed residential plot with the principal elevation facing southwards and secondary fenestrations and openings on the northern and western elevations. The drawing submitted in support of the application is shown below:



*Proposed Site Plan*

The property is proposed to measure 8.65 metres in width, 8.8 metres in depth and 8.6 metres in maximum height. Indicatively, it will comprise a hallway, lounge, kitchen/dining room, utility room, cloakroom and study at ground floor level with four bedrooms, one with

ensuite bathroom, and a family bathroom at first floor level. Indicatively the dwelling is also shown to have red facing-brick elevations, a plain grey/black tiled roof with white uPVC windows, external doors, fascia/barge boards and soffits with black rainwater goods.

The dwelling will sit in the relatively large residential plot and will benefit from a large amenity space at the rear. It will be accessible from the existing access point on the southern boundary of the site adjacent to Station Road.

### SITE DESCRIPTION

The application site lies within the Local Settlement of Pont Rhyd y Cyff as defined by Policy PLA1 of the adopted Local Development Plan (2013):



**Application Site Identified in Red**

It lies on the northern side of Station Road and was occupied by a scaffolding storage yard and premises (vacated on 1 November 2019) to the north western/rear part of the application site. The existing access point lies along the southern boundary of the site off Station Road which runs eastwards off Maesteg Road (A4063). The scaffolding premises is set back from the highway by around 30 metres and is positioned to face the south east on land which is level. Whilst the site itself is relatively flat, there is a difference in land levels within the vicinity of the site as the land slopes downwards from Maesteg Road towards the east. The site is therefore slightly elevated above the residential properties to the east along Darren View and is set below the properties to the west on Maesteg Road.



**Google Street View Image (2011)**

The surrounding area is residential in nature and is characterised by properties of a traditional appearance. The site is wholly within the Low Risk Development Area as defined by The Coal Authority.

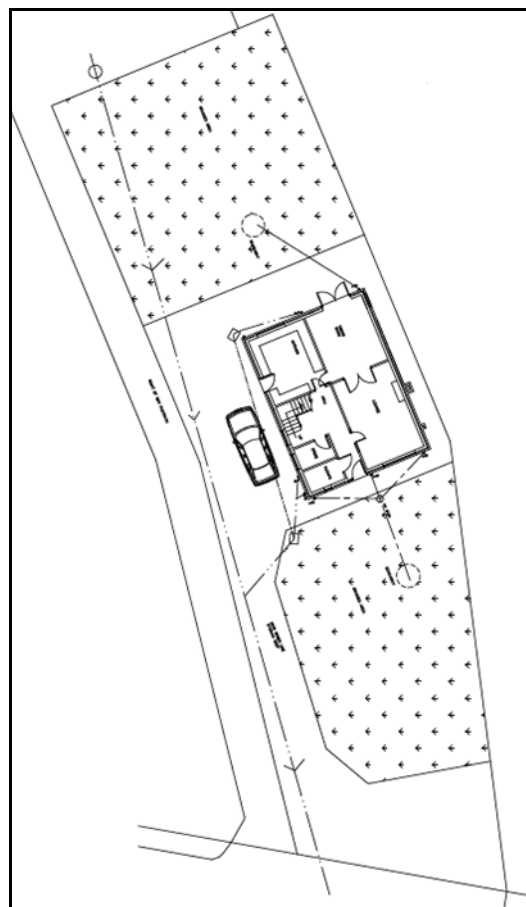
### **RELEVANT HISTORY**

No relevant planning history.

### **INITIAL REPRESENTATIONS RECEIVED**

This application has been advertised through the erection of a site notice dated 22 October 2020 and direct notification to fourteen of the closest properties to the application site. The initial period for consultation expired on 10 November 2020.

When the application was initially submitted, the proposed two-storey dwelling was positioned centrally within the application site, as demonstrated below:



*Initially Proposed Site Plan*

Five replies were received from residents of Darren View, Maesteg in response to the consultation undertaken, generally objecting to the proposed development for the following reasons:

- The existing building is single storey and the introduction of a two storey building would overlook and overbear properties on Darren View which will be exacerbated by the difference in land levels;
- The two storey property will overshadow properties on Darren View;
- Concerns are raised about the safe demolition of the existing building and maintenance of the existing retaining structure which forms the eastern boundary of the application site, shared with some properties located on Darren View;
- The development will detrimentally impact the levels of privacy and amenity currently afforded to the residents of Darren View;
- The shared Party Wall which forms the eastern boundary of the application site and

the western boundary of properties along Darren View will be damaged through the demolition of the existing building;

- The positioning of the proposed soakaway at the rear of the property could cause flooding and water damage to the properties in Darren View due to the difference in ground levels

Several of the letters of objection stated that a bungalow or single storey property would be preferred by the residents and would alleviate some of the concerns raised which relate to overlooking, overbearing and overshadowing.

In order to address some of the objections received, amended drawings were received on 11 January 2021 and the proposed dwelling was repositioned towards the southern boundary of the application site to be in keeping with the established building line of Station Road.

Since receiving amended plans, a second consultation was undertaken and all properties initially consulted were sent a follow up letter requesting further views on the proposed changes. Five further responses were received from residents of Darren View and Maesteg Road who raised the same concerns as those mentioned above. Whilst some of the responses referred to the change in the position of the proposed dwelling and stated that the objections relating to overbearing were addressed. However, the concerns raised which related to the instability of the existing Party Wall and demolition of the existing building still remained.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

Factors to be taken into account in making Planning decisions must be Planning matters that is, they must be relevant to the proposed development and use of land in the public interest. The matters raised in the objections received are addressed below:

- *Overlooking, Overbearing and Overshadowing*  
The impact of the development on the amenities of neighbouring properties and occupiers will be considered in the Appraisal Section of the report.
- *Demolition of Existing Building*  
Concerns are raised about the safe demolition of the existing building and maintenance of the existing retaining structure which forms the eastern boundary of the application site which is shared with some properties located to the west of the application site in Darren View. To address the concerns of local residents, it is considered reasonable to request the submission of a demolition method statement through the use of a Planning condition prior to the commencement of development.
- *Privacy and Amenity*  
The impact of the development on the levels of privacy currently afforded to neighbouring occupier(s) will be considered in the Appraisal Section of the report.
- *Party Wall*  
Although the objections received express concern about the impact of the development on the shared boundary between the application site and properties on Darren View, this is considered to be a private matter. Whilst the concerns of local residents are noted, the Planning system should not be used to secure objectives which are more appropriately achieved under other legislation such as The Party Wall Act 1996. It is therefore considered that the Local Planning Authority has addressed the concerns raised from a Planning perspective and any subsequent need to obtain consent that may be necessary is the responsibility of

the developer and/or land owner. An informative note will be imposed to remind the developer and/or land owner of their responsibility to ensure development is safe and secure.

- *Use of Soakaways*

The drainage impact of the scheme is addressed in the Appraisal Section of the report.

## **RESPONSE TO INITIAL CONSULTATION UNDERTAKEN**

### **CONSULTEE**

### **COMMENTS**

Public Protection:  
Environment  
28 October 2020

No objection subject to the inclusion of the recommended planning conditions and informative notes.

Land Drainage  
28 October 2020

Recommends the inclusion of planning conditions and informative notes.

Dwr Cymru Welsh Water  
2 November 2020

No objection.

Cllr M James  
3 November 2020

Having met with the residents of Darren View, Cllr James reiterates their concerns that the house proposed is too high and will intrude on their property in terms of privacy. Cllr James also raises concern about the soakaways, as the land has previously been used as a Bus Depot and Workshop.

Llangynwyd Middle  
Community Council  
12 November 2020

No objection subject to the windows being installed suitably to avoid overlooking and to maintain the privacy for neighbouring properties.

## **RESPONSE TO SECOND CONSULTATION UNDERTAKEN FOLLOWING RECEIPT OF AMENDED PLANS**

### **CONSULTEE**

### **COMMENTS**

Public Protection:  
Environment  
20 January 2021

Comments as per previous memo dated 28 October 2020.

Land Drainage  
18 January 2021

No objection subject to the inclusion of the recommended planning conditions and informative notes.

Dwr Cymru Welsh Water  
26 January 2021

No objection subject to the inclusion of the recommended informative notes.

Cllr M James  
27 November 2020

Acknowledges that the property has been relocated to have less of an impact on the residents in Darren View, but notes that the house will still cause overlooking to some of the properties.

Llangynwyd Middle  
Community Council  
12 February 2021

The house would be built on raised ground and the windows would overlook other properties on three sides. This should be taken into consideration when deliberating.

## **RELEVANT POLICIES**

The relevant policies and supplementary planning guidance are highlighted below:

**Policy PLA1** Settlement Hierarchy and Urban Management

<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP12</b>	Housing
<b>Policy COM3</b>	Residential Re-Use of a Building or Land

<b>Supplementary Planning Guidance 02</b>	Householder Development
<b>Supplementary Planning Guidance 17</b>	Parking Standards

In the determination of a planning application regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan.

The following Welsh Government Planning Policy is relevant to the determination of this planning application:

<b>Future Wales – the National Plan 2040 (Feb. 2021)</b>	
<b>Planning Policy Wales (Ed 11, Feb. 2021)</b>	
<b>Planning Policy Wales TAN 12 -</b>	Design

### **APPRAISAL**

This application is referred to the Development Control Committee due to the number of objections received from local residents.

### **PRINCIPLE OF DEVELOPMENT**

The application site lies within the Small Settlement of Pont Rhyd y Cyff as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013).

Policy COM3 of the Local Development Plan (2013) states that “residential developments within settlement boundaries defined in Policy PLA1 on ‘windfall’ and ‘small scale’ sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.”

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle however, whilst the area of land is accepted as an area which is capable of redevelopment in principle in accordance with Policy COM3 of the Local Development Plan (2013), consideration must be given to the importance of placemaking and detailed design considerations in decision making.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

Therefore, whilst it is acknowledged that the application is in Outline, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking and considers the development and its associated benefits as a whole rather than as a physical boundary.

### **SITE LAYOUT & DESIGN**

Policy SP2 of the Local Development Plan (2013) stipulates “all development should contribute to creating high quality, attractive, sustainable places which enhance the

community in which they are located, whilst having full regard to the natural, historic and built environment". "Design should be of the highest quality possible, and should be appropriate in scale, size and prominence".

The application site is occupied by a vacant scaffolding premises which comprises a single storey building positioned centrally within the application site, shown below:



*Google Street View Image*

The proposal to demolish the existing building and re-use the application site for residential purposes is welcomed. In general terms, the surrounding area is residential in nature and the removal of the existing commercial building and associated infrastructure will enhance the visual amenities of the area. Therefore, the proposed development is considered to be in keeping with the predominant land uses within the vicinity of the site and is considered to be a visual improvement when compared to a vacant scaffolding premises.

The proposed dwelling will be readily visible from the streetscene and public vantage points. Whilst visible, it is considered that the scaled parameters of the dwelling proposed are modest and of a scale which is proportionate and complimentary to the surrounding residential area. The proposed dwelling will not appear as an overly prominent addition to the streetscene and is not considered to be overly excessive in terms of its size.

The developer is seeking to maximise the potential of the land by increasing the density of the wider site and it is considered that the addition of one dwelling is appropriate within the site's wider context. The proposal is not considered to result in the overdevelopment of the existing plot and the proposed positioning of the dwelling is considered to be acceptable.

Indicatively, the dwelling is shown to have red facing-brick elevations with a plain grey/black tiled roof. In reviewing the pallet of materials in the surrounding area, it is considered that these may be less in keeping with other residential properties than the use of render, stone or yellow facing-brick elevations. As the application is in Outline, it is considered reasonable in this instance to impose a Planning condition which requires the submission of a detailed specification of the materials to be used in the construction of the dwelling.

Overall, the dwelling is considered to be an addition which respects the character of the surrounding area and will not result in the addition of an incongruous feature within the streetscene. It is compliant with criterion (3) of Policy SP2 of the Local Development Plan (2013) and is therefore considered to be an appropriate addition.

## NEIGHBOUR AMENITY

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals and, in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance. Note 1 of SPG02 states that no development should “unreasonably dominate the outlook of an adjoining property”. The application site and its relationship to residential dwellings bordering the site is shown below:



**Application Site OS Map**

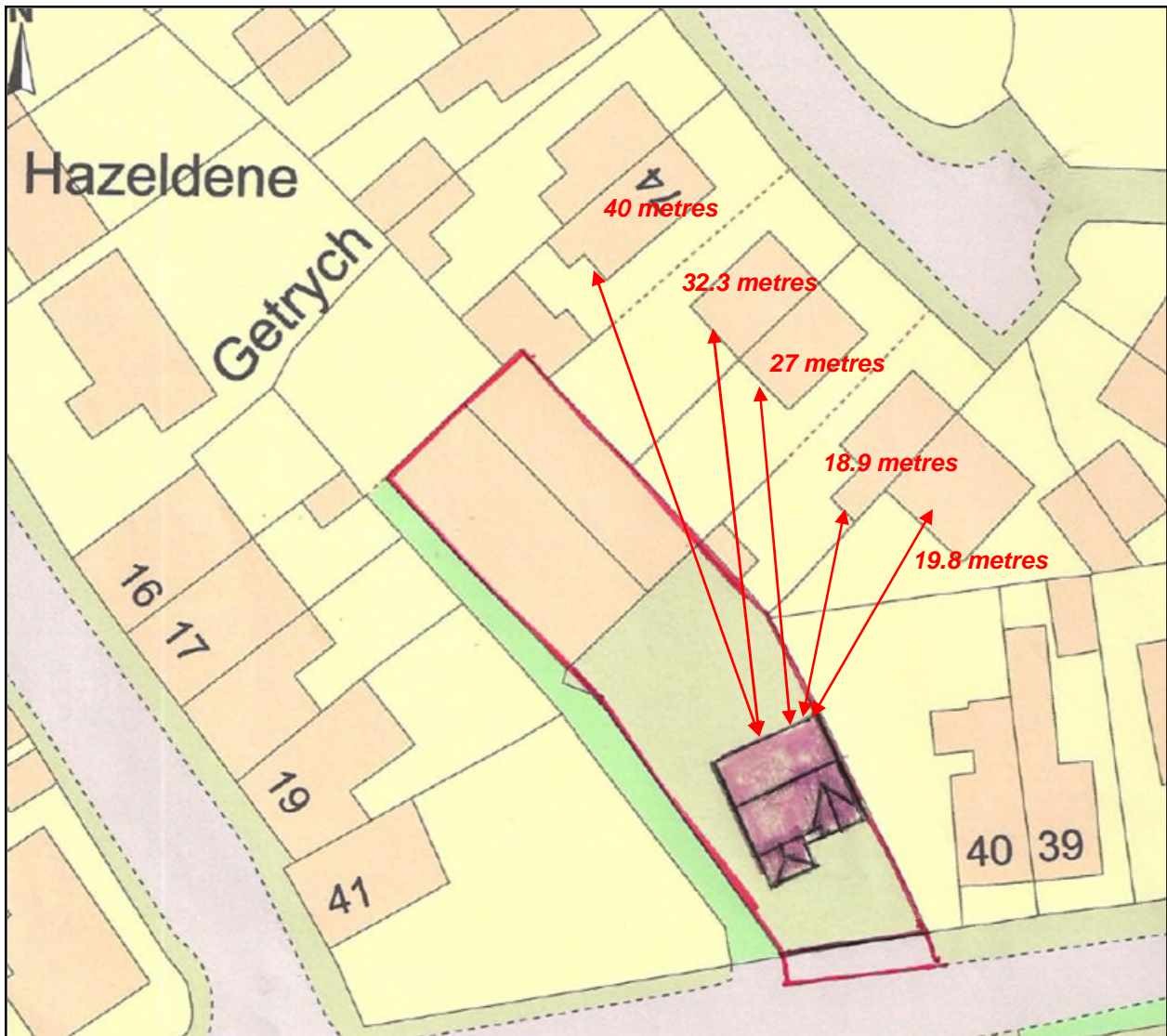
Whilst few gardens are entirely private, some features can cause unacceptable levels of over dominance. Whilst the objections initially raised by local residents referred to overbearing, the repositioning of the dwelling within the application site has alleviated these concerns. The position of the proposed dwelling in the southern area of the site ensures that it is set back from the northern boundary of the site by 35 metres which satisfies guidance contained within Note 1 of SPG02. The Local Planning Authority does not consider that the position of the dwelling will result in any overbearing impact on neighbouring properties in Darren View and it is therefore considered to be acceptable in this regard.

The dwelling has been designed so that no windows are proposed in the eastern elevation which will protect the amenities of neighbouring occupiers in 40 Station Road, Maesteg. It is considered that this alleviates any concerns in respect of overlooking into the property to the immediate east of the application site in accordance with Note 6 of SPG02.

The objections received from local residents who reside in the properties to the north east of the application site also referred specifically to overlooking. Note 6 states that development “should respect the privacy of neighbouring houses” and a sense of privacy within the house and a freedom from overlooking in at least part of the garden area can be expected by neighbouring occupiers.



It is acknowledged that whilst the application site itself is relatively flat, the topography of the area is such that land slopes from west to east and therefore the site is elevated above the residential properties to the east along Darren View and is set below the properties to the west on Maesteg Road. In terms of the impact of overlooking on properties to the north east, namely 70 to 75 Darren View, the distance between the proposed dwelling and rear elevations of the properties is demonstrated below:



***Distance Provided between Proposed Dwelling and Properties on Darren View***

Paragraph 4.6.2 of SPG02 stipulates “the minimum distance between directly facing habitable room windows...should normally be 21 metres” however, reductions may be acceptable. As shown above, the distance provided between the rear elevation of the proposed dwelling and the rear elevations of properties 72-74 Darren View exceeds the 21 metres recommended and therefore the dwelling will not overlook the rear garden areas of the properties in accord with Note 6 of SPG02.

The distance provided between the rear elevation of the proposed dwelling and the properties known as 70 and 71 Darren View is 19.8 metres and 18.9 metres respectively. Whilst the distance provided does not strictly meet the guidance, given the orientation of the proposed dwelling, it is considered that its introduction would not be so harmful to the levels of privacy currently afforded to the occupiers of the properties to warrant a refusal on such grounds. The introduction of a dwelling would not worsen overlooking into the properties to the north east to the extent that would warrant a refusal on such grounds, and its proposed introduction is therefore considered to be acceptable.

Whilst the proposed dwelling is not considered to overlook the properties to the north east, regard must also be given to properties positioned to the west of the application site along Maesteg Road. Owing to the topography of the land, the properties known as 16 to 19 Maesteg Road will be set above the application site and at their closest will be set 11.9 metres away from the western boundary of the application site.

Paragraph 4.6.3 of SPG02 states that “the rear of houses can affect privacy if first floor habitable room windows overlook the back of adjacent properties” and to reduce the loss of privacy the minimum distance to the boundary should be 10.5 metres. It is considered that the minimum distance between the properties to the west of the site and the western boundary of the application site is sufficient to respect the privacy of the future occupiers of the proposed dwelling. Owing to the position of the proposed dwelling, it is considered that properties to the west will not unreasonably overlook the rear garden area of the future dwelling to warrant a refusal on such grounds and, for this reason, the development is considered to be compliant with Note 6 of SPG02.

Given the above, the proposal is considered acceptable from an amenity perspective. Whilst the comments from the occupiers of the neighbouring properties to the north-east are noted, it is not considered that the dwelling would be so detrimental to the levels of privacy and amenity currently afforded to the properties to an extent which would warrant a refusal of the Planning application on such grounds. Therefore and on balance, the proposed development is considered to be acceptable in accord with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

### **RESIDENTIAL AMENITY SPACE**

Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 “while an individual may accept a window box as sufficient garden space, the County Borough Council believes that generally there should be a reasonable private outdoor area for enjoyment of the present and future households”.

In this instance, the position of the proposed dwelling in the southern area of the application site provides a significant private amenity space for future occupier(s) at the rear of the dwelling. The proposed development is therefore considered to be compliant with Note 8 of SPG02 and is acceptable in this regard.

### **DRAINAGE**

Whilst this proposal is in Outline and only seeks to establish the principle of development with access, it is important to note that the Land Drainage Section and Dŵr Cymru Welsh Water have provided comments in support of the application.

The Land Drainage Section has recommended the inclusion of the following condition:

*No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including the future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use of the dwelling hereby approved, in accordance with the details agreed and shall be retained in perpetuity.*

*Reason: to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.*

Dŵr Cymru Welsh Water has recommended the inclusion of informative notes provided that no surface water and/or land drainage connects directly or indirectly with the public

sewer network.

Subject to the imposition of the recommended Planning conditions the scheme is considered to be acceptable from a land drainage perspective.

### **PUBLIC PROTECTION**

Again, whilst it is noted that this proposal is in Outline, the Public Protection section have raised no objection subject to the inclusion of the recommended conditions and informative notes. The proposal is considered to be acceptable from a contaminated land perspective.

### **HIGHWAYS**

Whilst the highway implications of the scheme are not the subject of this Outline application, Policy PLA11 is still considered to be relevant and it must be demonstrated that appropriate levels of parking and safe access are capable of being achieved at the development site.

Policy PLA11 of the Local Development Plan states “all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards”. Supplementary Planning Guidance Note 17 Parking Standards denotes that off-street car parking spaces should measure 4.8 metres in depth and 2.6 metres in width at a minimum. It also states that 1 off-street car parking space per bedroom should be provided (up to a maximum requirement of 3 spaces).

The Highway Authority raised a number of concerns with the original layout which related to access and parking provision. As a result, the applicant has submitted further revisions (received on 11 January 2021) which are now considered to provide suitable access without impacting the off-street parking provision.

It is considered that a residential dwelling on Station Road is acceptable from both a highway network capacity and sustainability viewpoint as it is close to public transportation and local services. In addition, the change of use from a scaffolding business to a residential dwelling will significantly reduce the number of vehicular trips from the site onto Station Road which is a highway betterment. The proposal is therefore acceptable in terms of traffic generation and highway safety terms.

In order to encourage walking and cycling from the proposed dwelling, it is considered that the footway which stops adjacent to 40 Station Road to the east should be re-instated to a full height kerb (with dropped kerb for the new driveway) and constructed to meet the footway at the point where it commences in the west in place of the commercial vehicle access that is currently on site. This is a requirement which can be achieved through the imposition of a Planning condition.

The Highway Authority considers that the proposal is compliant with Policy PLA11 of the Local Development Plan (2013) and subject to the imposition of the recommended planning conditions and informative notes, considers that the proposal is acceptable from a highway safety perspective.

### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

## **CONCLUSION**

Having regard to the above, and after weighing up the merits of the revised scheme against the reiterated objections and concerns of neighbouring occupiers, it is considered that, on balance, the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location, will replace a potentially unneighbourly form of development close to residential properties and can be designed (at the subsequent Reserved Matters stage) to ensure that there the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers.

Therefore, the application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds.

## **RECOMMENDATION**

(R05) That permission be GRANTED subject to the following conditions in addition to the standard Outline conditions:-

1. The consent hereby granted shall be limited to the construction of a single two storey dwelling with a maximum ridge height of 8.6 metres and shall be carried out in accordance with the Site Location Plan received on 12 January 2021 and drawing numbers 1ASR/4/21 Jan 2021, 1ASR/1/20A Jan 2021 and 1ASR/2/21a Jan 2021 received on 11 January 2021.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. Notwithstanding the requirements of Condition 1 above, no development shall take place until a detailed specification for or samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

3. No development shall commence until details of the method of demolition have been submitted to and approved in writing by the Local Planning Authority. The demolition of the existing scaffolding building shall be carried out in accordance with the approved details prior to the erection of the dwelling hereby approved.

Reason: To ensure the existing building is removed safely and in the interests of

residential amenity.

4. No development shall commence until a scheme for reinstating the commercial vehicular crossing as footway with dropped kerb to join with the existing footway to the east and west of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

5. The access drive shall be completed in permanent materials in accordance with the approved details prior to the development being brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

6. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas of the site frontage and 1m either side at any time.

Reason: In the interests of highway and pedestrian safety.

7. No development shall take place until details of the proposed floor levels of the dwelling in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

8. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul, road and roof/yard water will be dealt with including future maintenance requirements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

9. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

10. Construction works shall not take place outside the following hours:

08:00 hours to 18:00 hours Mondays to Fridays  
08:30 hours to 13:00 hours on Saturdays  
and not at any time on Sundays and Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which comes within Parts 1 (Classes A, B, C and E) of Schedule 2 of this Order.

Reason: To enable the Local Planning Authority future control over the scale of development in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*
- The application is recommended for approval because it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds. The scheme is considered to be acceptable from a highway safety perspective and is considered overall, to be an appropriate form of development in this location.

To satisfy Condition 8, the applicant must:

- Provide an agreement in principle from DCWW for foul water and surface water (if required) disposal to the public sewer;
- Submit a sustainable drainage application form to the BCBC SAB ([SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk))

To satisfy Condition 9, the following supplementary information is required:

- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365;
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location;
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

As of 7 January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a Statutory Consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Any topsoil [natural or manufactured] or subsoil to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.

The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the

Highway Maintenance Inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.

The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the parking area although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the parking area should not be considered as a first option.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None



**REFERENCE:** P/20/756/FUL

**APPLICANT:** Mr Colin Donovan  
28 Penyrallt Avenue, Litchard, Bridgend CF31 1QG

**LOCATION:** 31 Fulmar Road, Porthcawl CF36 3PN

**PROPOSAL:** Remodelling of bungalow to provide first floor accommodation by demolishing existing garage, constructing two storey extensions to either side of the existing dwelling incorporating new integral garage and new roof structure to provide 3 en-suite bedrooms

**RECEIVED:** 6 October 2020

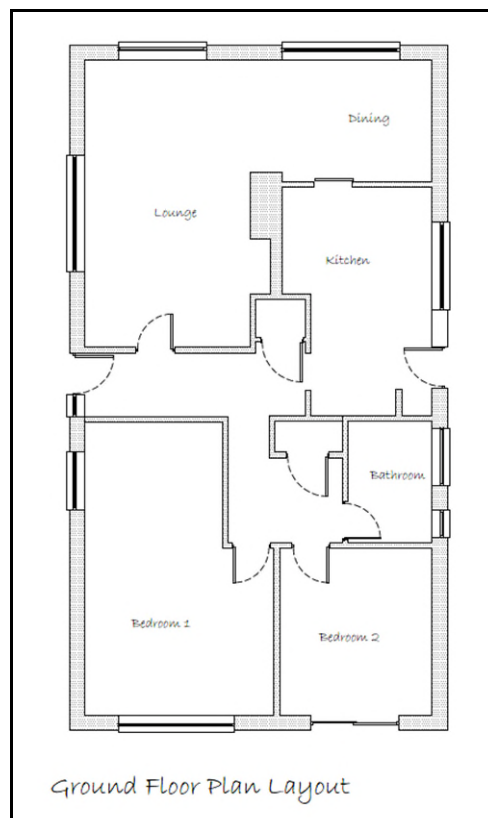
## DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the remodelling of the dwelling known as 31 Fulmar Road, Porthcawl. This includes the demolition of the existing garage, the construction of a two-storey extension to either side of the existing dwelling and the raising of the roof to create a first floor habitable living space.

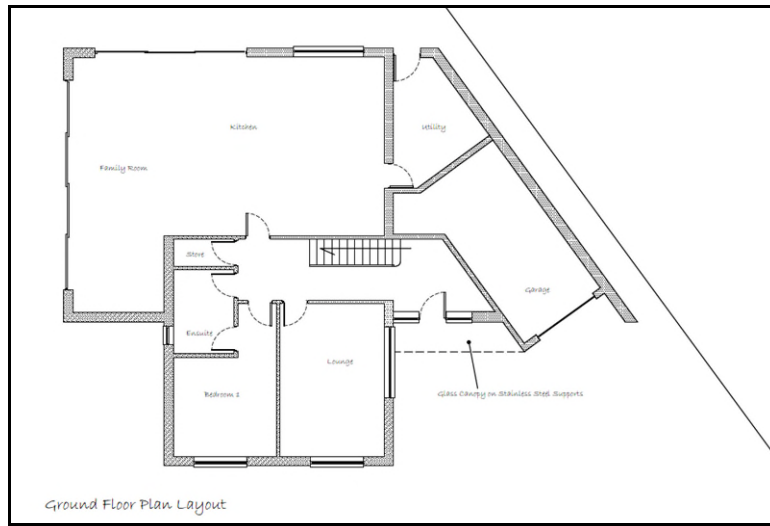
The side extension which will project from the eastern elevation of the existing dwelling will be triangular in shape and will measure 8 metres in maximum width, 9 metres in depth and 6.15 metres in maximum height.

The side extension, which will project from the western elevation of the existing dwelling, will measure 3.3 metres in width, 9 metres in depth and 6.15 metres in maximum height.

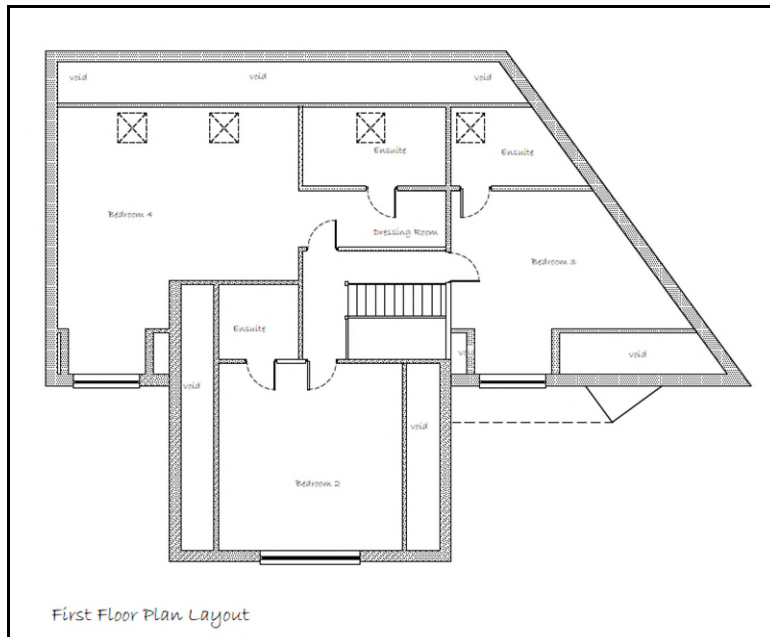
Together, the extensions will create a four bedroom dwelling which will comprise a hallway, lounge, bedroom with ensuite bathroom, kitchen/family room and utility room at ground floor level with an integral garage and three bedrooms at first floor level each with an ensuite bathroom, as shown below:



**Existing Ground Floor Plan**

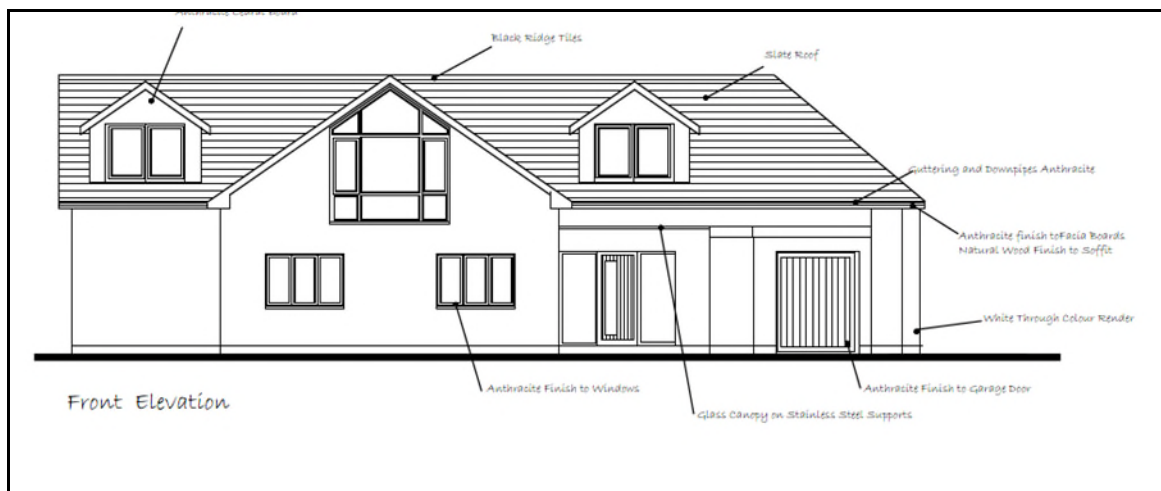


**Proposed Ground Floor Plan**



**Proposed First Floor Plan**

The existing roof of the dwelling will be raised by 1.3 metres to a maximum height of 6.15 metres in order to accommodate the first floor living space. It will comprise a pitched roof structure with gable ends and a large glazed panel positioned centrally to serve one of the proposed bedrooms at first floor level. Two front projecting dormer windows will be installed to serve the other two bedrooms at first floor level, as shown below:



**Proposed Front Elevation (south west)**

The dwelling will have white coloured render elevations with a slate roof and anthracite coloured windows and doors.

The proposal also includes provision for three off-street parking spaces within the residential plot.

### **SITE DESCRIPTION**

The application site is located within the Main Settlement of Porthcawl as defined by Bridgend County Borough Council's Local Development Plan (2013). It comprises a rectangular-shaped residential plot positioned on the northern side of Fulmar Road which provides access to the dwelling, as shown below:



The dwelling is centrally positioned within the plot and faces south-west. It has roughcast render and clad elevations with a concrete tiled roof and it lies within an established residential area that is dominated by single storey detached bungalows finished in a mixture of brick and render elevations.

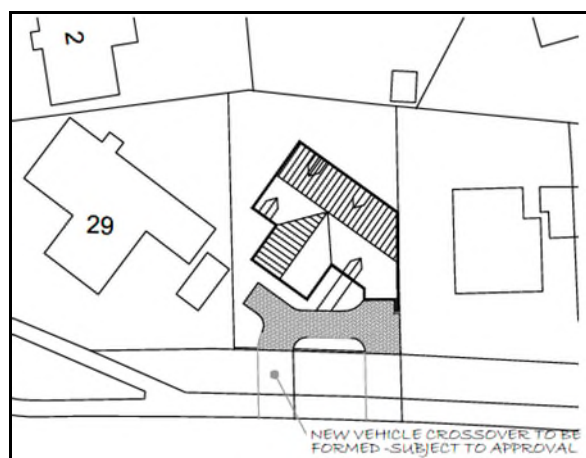
### **RELEVANT HISTORY**

None relevant.

### **REPRESENTATIONS RECEIVED**

This application has been advertised through direct notification to seven of the closest residential properties. The initial period for consultation expired on 26 November 2020.

When the application was submitted, the proposal comprised a scheme which was larger in floor space than what is currently under consideration, as shown below:



***Initial Site Layout Proposed***

One letter of support was received on 2 December 2020 from the occupiers of 6 Merlin Close, Porthcawl.

Three letters of objection were received from the occupiers of the neighbouring properties known as 29 Fulmar Road, 33 Fulmar Road and 2 Sandpiper Road generally objecting to the proposed development on the following reasons:

- The extension will be built up to the boundary with 33 Fulmar Road and to complete and maintain the proposed extension, access will need to be provided on the adjacent residential plot;
- The proposal would reduce the amount of light afforded to neighbouring properties;
- The proposed extension will overlook neighbouring properties and is less than 21 metres away from directly facing habitable room windows in neighbouring properties;
- The extensions and remodelling of the dwelling are out of keeping with the area;
- Disruption caused by ongoing construction works.

To alleviate the concerns of local residents, the scheme was amended in that the overall ridge height of the remodelled dwelling has been reduced and the side extension is set in from the boundary with the neighbouring property known as 33 Fulmar Road, Porthcawl.

Since receiving the amended plans, a second consultation was undertaken and all properties initially consulted received a second letter requesting further views on the proposed changes. Three responses were received from the occupiers of the properties who initially objected to the scheme. The amendments were noted and the reduction in size of the extension, which projects from the eastern elevation of the existing dwelling, and the setting in from the boundary with 33 Fulmar Road were welcomed. However, concerns were still raised which relate to the impact of the development on the streetscene and its impact on the privacy and amenity of neighbouring occupiers.

#### **COMMENTS ON REPRESENTATIONS RECEIVED**

Factors to be taken into account in making Planning decisions must be Planning matters that is, they must be relevant to the proposed development and use of land in the public interest. The matters raised in the objections received are addressed below:

- *Built up to the boundary with number 33 Fulmar Road*  
The extension has been reduced in width and is now proposed to be set in from the boundary with 33 Fulmar Road by 1.35 metres. The objection raised is therefore considered to be addressed through the submission of amended plans.
- *The extension reduces the amount of light afforded to neighbouring properties*  
The impact of the development on the amenities of neighbouring properties and occupiers is addressed in the Appraisal Section of the report.
- *Overlooking*  
The impact of the development on the amenities of neighbouring properties and occupiers is addressed in the Appraisal Section of the report.
- *Disruption Caused by Construction Works*  
In order to protect the amenities of local residents, it is considered reasonable in this instance to impose a Planning condition which limits the hours of operation to ensure that works are not undertaken between the hours of 18:00 and 08:00.

#### **RESPONSE TO INITIAL CONSULTATION UNDERTAKEN**

##### **CONSULTEE**

Cllr M Clarke  
9 November 2020

##### **COMMENTS**

Concerns raised about accessing the neighbours land to complete works as the extension is proposed to be built up to the boundary.

Land Drainage  
13 November 2020

No objection subject to the imposition of the recommended Planning conditions and informative notes.

Porthcawl Town Council  
30 November 2020

The mass and scale of the proposed development is overbearing and not in keeping with the neighbouring properties. The gable wall shown on the boundary is not buildable or maintainable without permission from the neighbours to place foundation footings within their property.

Highways  
8 December 2020

The Highways Authority does not support the proposal in its current form as the additional vehicular access is not acceptable from a highway and pedestrian safety perspective.

## **RESPONSE TO SECOND CONSULTATION UNDERTAKEN FOLLOWING RECEIPT OF AMENDED PLANS ON 14 DECEMBER 2020**

### **CONSULTEE**

Cllr M Clarke  
24 December 2020

### **COMMENTS**

The proposed increase in roof height is incongruous in the streetscene. The proposal would result in the loss of sunlight. If permitted, a condition should be imposed which requires the dwelling to be covered in plastic sheeting to prevent dust blowing into neighbouring properties and a limit should be placed on the construction hours in the interests of neighbour amenities.

Land Drainage  
4 January 2021

No objection subject to the imposition of the recommended Planning conditions and informative notes.

Porthcawl Town Council  
14 January 2021

Over-intensification of the site and the mass and scale of the extensions are out of keeping with other neighbouring properties.

Highways  
7 January 2021

The secondary access has been removed which is welcomed however, the parking is now to the front of the dwelling rather than at 90 degrees to the footway. Therefore, a revised parking arrangement is required to be submitted.

## **RESPONSE TO THIRD CONSULTATION UNDERTAKEN FOLLOWING RECEIPT OF AMENDED PLANS ON 12 JANUARY 2021**

### **CONSULTEE**

Cllr M Clarke  
2 February 2021

### **COMMENTS**

The previous concerns raised are still relevant and should be considered.

Land Drainage  
18 January 2021

No objection subject to the imposition of the recommended Planning conditions and informative notes.

Porthcawl Town Council  
19 January 2021

No objections.

Highways  
23 February 2021

No objection subject to the inclusion of the recommended planning conditions and informative notes.

## **RELEVANT POLICIES**

The relevant policies and supplementary Planning guidance are highlighted below:



Whilst it is acknowledged that the dwelling as proposed would exceed the ridge heights of the properties immediately adjoining the application site, it is considered that the difference would not be so significant that the dwelling would appear as a dominant feature within the streetscene. The proposed development is considered to be in keeping with the context of the site in relation to neighbouring properties and the streetscene in general.

In reviewing the surrounding area, it is noted that Planning permission was granted on 15 January 2020 at 2 Merlin Close for the remodelling of the dwelling which included the erection of a two storey addition with a maximum height of 6.6 metres (P/19/863/FUL refers). Planning permission was also granted on 14 August 2020 for the remodelling of the dwelling known as 6 Merlin Close which includes the erection of a two storey extension which measures 6.5 metres in height (P/20/344/FUL refers).

This demonstrates that there are properties within the immediate vicinity of the application site which will have a higher ridge line than that of the proposed dwelling once the remodelling has been completed.

In view of this, it is considered that the proposed increase in ridge height does not detract from the overall character or appearance of the area in which properties that have recently undergone modernisation and refurbishment have extended their ridgeline higher than the development currently under consideration.

In light of the fact that properties within the immediate vicinity of the application site have undergone modernisation works which have slightly altered the character and appearance of the area, it is considered that this proposal is not so detrimental to the visual amenities of the area to warrant a refusal on such grounds. Whilst the objections received are noted, it is considered in this instance that the extended height of the dwelling would not damage the visual amenities of the area to a harmful extent and it is therefore considered to be an acceptable form of development in this location.

Note 11 of Supplementary Planning Guidance Note 02 Householder Development (SPG02) states “the form, materials, and details of extensions and alterations should match or harmonise with those of the existing house”. The remodelled dwelling is proposed to have white coloured render elevations with a slate roof covering. Properties within the vicinity of the site which have recently undergone renovation works have white colour rendered elevations and as such the proposed finish of the dwelling is not out of keeping with other properties within the vicinity of the application site. The pallet of materials proposed does not detract from the character or appearance of the area and is therefore considered to be acceptable from a design perspective.

Given the above, the proposed development is considered acceptable as the scale, design and materials are in keeping with the character and appearance of the existing dwelling and are not considered to have an unacceptable impact on the existing street scene or surrounding area. The proposal is therefore considered to be compliant with Policies SP2(2) and SP2(3) of the Local Development Plan (2013) and the Council’s Supplementary Planning Guidance SPG02: Householder Development.

### **NEIGHBOUR AMENITY**

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers are not adversely affected by development proposals and, in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development and Note 6 states that development “should respect the privacy of neighbouring houses”. The application site and its relationship to residential dwellings bordering the site is shown below:



**Application Site OS Map**

Whilst few gardens are entirely private, some features can cause unacceptable levels of over dominance and overlooking. The objections raised by the occupiers of 29 Fulmar Road, 33 Fulmar Road and 2 Sandpiper Road relate to privacy and generally refer to the lack of distance provided between the extended property and the existing properties resulting in a loss of privacy for neighbouring occupiers.

Paragraph 4.6.2 of SPG02 stipulates that the minimum distance between directly facing habitable room windows...should normally be 21 metres but reductions may be acceptable where a permanent screening can be provided between facing ground floor windows.

The two storey side extensions are orientated principally to face north-east and south-west. No first floor windows are proposed to be installed on the western elevation of the extension and, therefore, the development is considered to be designed appropriately to alleviate overlooking into the outdoor spaces of 29 Fulmar Road and 2 Sandpiper Road, Porthcawl. Whilst a set of windows will be installed at ground floor level, the existing boundary treatments between the properties are considered to protect the privacy of neighbouring occupiers and, therefore, the proposal is considered to be acceptable in this respect.

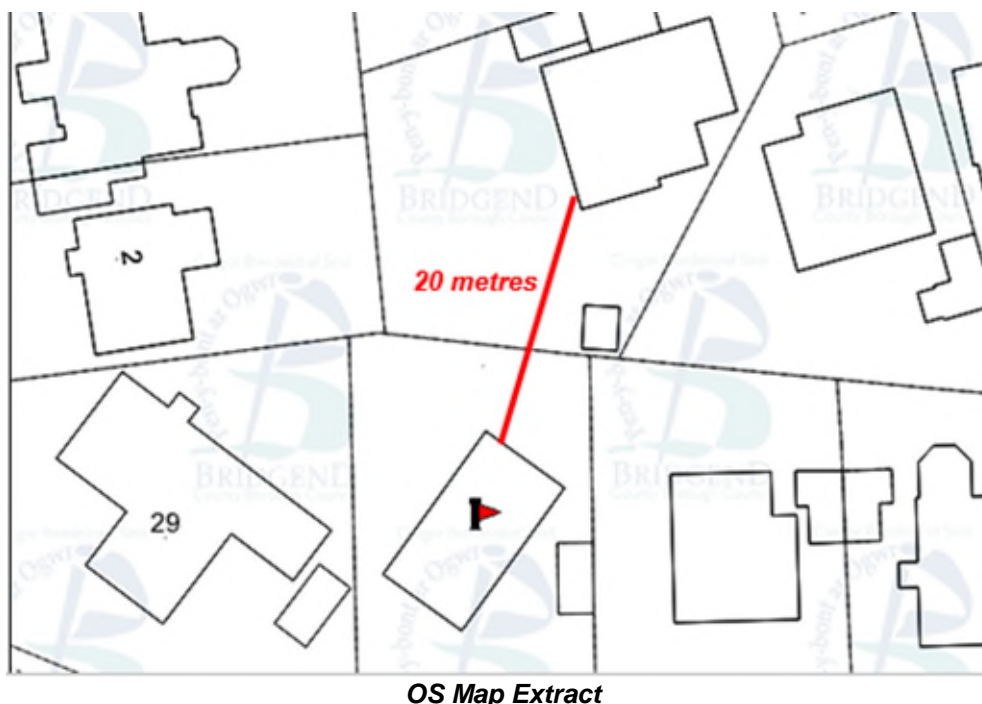
This is also true of the north easterly facing elevation, as the existing boundary treatments on the northern boundary of the application site will prevent overlooking from the ground floor windows serving the family room and kitchen into the property known as 10 Teal Close, Porthcawl.

No windows are proposed to be installed to the eastern elevation of the side extension at ground or first floor level and therefore the proposal is not considered to overlook neighbouring occupiers to the immediate east of the site at 33 Fulmar Road, Porthcawl.

Again, the existing boundary treatment along the eastern side of the application site will protect the privacy of occupiers.



There are four roof lights proposed to be installed on the rear north easterly facing roof slope. The windows will serve two of the ensuite bathrooms and bedroom four. Note 6 of SPG02 advises that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres. In this instance, the distance currently provided between the dwelling and the property known as 10 Teal Close is 20 metres (see below):



In addition, paragraph 4.6.3 of SPG02 states that to reduce the loss of privacy, it is recommended that the minimum distance from the new habitable room window to the boundary should be 10.5 metres. The existing property lies 7.2 metres away from the northern boundary.

It is considered that the introduction of roof lights would not overlook the garden and property to the north to the extent which would warrant a refusal on such grounds. The OS Map Extract demonstrates that the property to the north, known as 10 Teal Close, is orientated principally to face east and west and as such any windows in the southern elevation of the property are secondary windows.

To ensure that the introduction of roof lights is not detrimental to the privacy and amenity of the occupiers of the property to the north, it is considered reasonable to impose a Planning condition which requires the roof lights to be relocated in the roof slope to prevent any form of direct overlooking when an occupier is stood within the roofspace. The roof lights should be positioned within the roof slope above the eye line of the occupiers to prevent overlooking.

It is considered that any form of overlooking can be prevented by repositioning the proposed roof lights. Whilst not strictly compliant with the guidance which states that a minimum distance of 21 metres should be provided, the guidance refers to the windows being directly facing and the orientation of these properties is such that they are not directly facing. As such, it is considered that the proposed development does not result in any unreasonable overlooking to the extent that would warrant a refusal on such grounds and is therefore acceptable in this regard.

Neighbouring occupiers also raised objections to the scheme on the grounds that it would overshadow neighbouring properties. Given the orientation of the dwelling and the route

of the sun, it is considered that the extensions proposed would not cause excessive overshadowing, mainly as they are not to the south of the existing dwellings. The development is considered to be acceptable from an amenity perspective and accords with advice contained within SPG02 and with criterion (12) of Policy SP2.

### **RESIDENTIAL AMENITY**

Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 that while an individual may accept a window box as sufficient garden space, the County Borough Council believes that, generally, there should be reasonable provision of private outdoor space for present and future occupiers.

Whilst the remodelling of the dwelling will result in a larger dwelling, it is considered that sufficient private amenity space is retained at the rear of the dwelling and the proposed development therefore complies with Note 8 of SPG02.

### **HIGHWAYS**

Policy PLA11 of the Local Development Plan states that all development will be required to provide appropriate levels of parking which should be in accordance with the adopted parking standards.

Supplementary Planning Guidance Note 17: Parking Standards states that off-street car parking spaces should measure 4.8 metres in depth and 2.6 metres in width as a minimum. It also states at page 18 that 1 off-street car parking space per bedroom should be provided (up to a maximum requirement of 3 spaces).

The Highways Authority initially raised concerns as an additional vehicular access was proposed. There is a general presumption against further individual accesses to “principal” roads which could create additional vehicular hazards to the detriment of the safety and free flow of traffic. The introduction of an additional vehicular access point onto the classified road known as Fulmar Road was considered to be detrimental to highway safety and the increase in vehicles crossing the pedestrian footway could result in dangerous vehicle pedestrian conflicts.

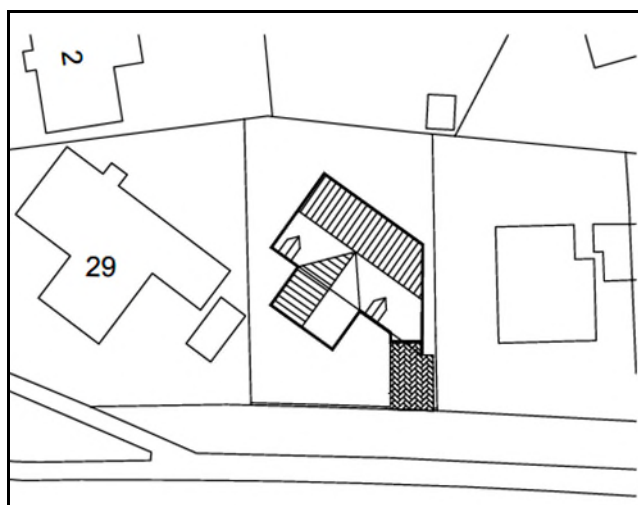
To overcome the initial concerns, amended plans were submitted which omitted the secondary access point and proposed off-street parking provision which was at the front of the dwelling rather than at 90 degrees to the footway, as shown below:



*Site Layout (received on 14<sup>th</sup> December 2020)*

Again, the Highways Authority raised concerns that the proposed parking arrangement would be difficult to manoeuvre in and out of and vehicles would not be able to perform a three point turn to assist in that manoeuvre.

To alleviate the concerns, the position of the integral garage has been set back and off-street parking has been provided at 90 degrees to the footway, as recommended by the Highway Authority.



*Proposed Site Layout Plan*

The Highway Authority considers that the amended arrangement ensures that the off-street parking is easy to use and does not present a tortuous angle of entry from the highway. Subject to the imposition of the recommended conditions, the proposal is considered to be acceptable from a highway safety perspective and sufficient off-street parking provision is provided in accord with guidance contained within SPG17 and Policy SP3 of the Local Development Plan (2013).

#### **LAND DRAINAGE**

Criterion (13) of Policy SP2 of the Local Development Plan (2013) states that developments should incorporate “appropriate arrangements for the disposal of foul sewage, waste and water”.

The Land Drainage Section has recommended the inclusion of Planning conditions and informative notes. Subject to the imposition of the recommendations, the proposed development is considered to comply with criterion (13) of Policy SP2 of the Local Development Plan (2013) and is acceptable from a land drainage perspective.

#### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

## **CONCLUSION**

Having regard to the above and the revisions to the scheme together with the objections received, it is considered that, on balance, the scheme is acceptable in planning terms.

The proposed development is considered to be appropriate in terms of its size, scale and prominence in accord with Policy SP2 of the Local Development Plan (2013) and does not detract from the character or appearance of the wider residential area.

The development is acceptable in highway safety terms and, further to the submission of amended plans, does not result in unreasonable overlooking or overshadowing into the neighbouring properties.

The proposal therefore complies with Policy PLA11 of the Local Development Plan (2013), criterion (9) of Policy SP3 of the Local Development Plan (2013) and the guidance contained with SPG02 and SPG17. The application is therefore recommended for approval subject to the following Planning conditions.

## **RECOMMENDATION**

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with drawing numbers 004 Rev B, 003 Rev B and 002 Rev B received on 12 January 2021.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. Notwithstanding the plans hereby approved, the roof lights to be installed on the north easterly facing roof slope which serve 2 ensuite bathrooms and bedroom 4, as shown on drawing numbers 002 Rev B and 003 Rev B received on 12 January 2021, shall be relocated on the roof slope in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. The roof lights as agreed shall be fitted prior to the beneficial use of the remodelled dwelling hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

3. The driveway and parking area shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

4. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

5. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved

scheme shall be implemented prior to beneficial use.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

6. Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays and not at any time on Sundays and Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

7. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

The proposed development is considered to be appropriate in terms of its size, scale and prominence in accord with Policy SP2 of the Local Development Plan (2013) and does not detract from the character or appearance of the wider residential area. The development is acceptable in highway safety terms and does not result in unreasonable overlooking or overshadowing into the neighbouring properties. The proposal is therefore compliant with Policy PLA11 of the Local Development Plan (2013), criterion (9) of Policy SP3 of the Local Development Plan (2013) and the guidance contained with SPG02.

To satisfy Condition 4, the applicant must:

- Provide a foul and surface water drainage;
- Provide an agreement in principle from DCWW for foul water and surface water (if required) disposal to the public sewer.
- Submit a sustainable drainage application form to the BCBC SAB ([SAB@bridgend.gov.uk](mailto:SAB@bridgend.gov.uk)).

In order to satisfy Condition 5 the following supplementary information is required:

- Provide a surface water drainage layout including the location of a soakaway;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365;
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location;
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

From 7 January 2019, new developments over 100m<sup>2</sup> of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link: <https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the parking area although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmacadam extending across the full width of the parking area should not be considered as a first option.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

**REFERENCE:** P/20/99/FUL

**APPLICANT:** Wales & West Housing Association  
c/o C2J Architects, Unit 1A Compass Business Park, Pacific Road,  
Ocean Park, Cardiff CF24 5HL

**LOCATION:** Trinity Chapel, Penybont Road, Pencoed CF35 5RA

**PROPOSAL:** Demolish existing chapel; construct 3 storey residential development of 12 self-contained apartments with on-site amenity, cycle and refuse stores; widen existing lane and provide turning head

**RECEIVED:** 29 January 2020

**SITE INSPECTED:** 10 March 2020

## DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the demolition of Trinity Chapel on Penybont Road, Pencoed and the erection of a new three-storey building containing twelve one bedroom apartments with a shared amenity space at the rear. In addition, the proposal comprises the provision of cycle and refuse stores together with the widening of the existing rear access lane for the provision of a turning head.

All of the residential units proposed will be affordable as the scheme will be progressed with a local social housing provider (Wales and West Housing Association). Access to the site will be obtained from the existing access points on the north western boundary, adjacent to Penybont Road and on the south western boundary off the rear access lane which leads from Penybont Road to the south of the site.



**Proposed Site Plan**

The site layout plan shows that the proposed new building will be relatively centrally located between the existing buildings on Penybont Road and will principally face north west. There will be a 3m gap between the south western (side) elevation of the building and the side elevation of 26 Penybont Road and a 1m gap between the north eastern (side) elevation of the building and 28 Penybont Road.

The building will be set back from the north western boundary of the site by a distance of between 3.5 and 4.5 metres, creating a forecourt area enclosed by a dwarf wall with railings positioned between the building and the pavement. In this position the building will be set 2 metres behind the front building line of 26 Penybont Road and 3 metres behind the front of the building line of 28 Penybont Road.

The building itself is proposed to measure 15 metres in width, 17 metres in depth and 10.1 metres in maximum height. It will comprise interlocking mono-pitched roofs as shown below:



**Proposed Elevations**

The main entrance is located on the south western side elevation of the building. It provides access to a central hall/stairway providing access to the four apartments on each of the three floors. Each apartment will comprise a kitchen/dining/living room with separate bedroom and bathroom. The first and second floors have an identical layout. The units in the eastern half of the building will have a floor area of 55m<sup>2</sup> whilst the units in the western half of the building will have a floor area of 48m<sup>2</sup>, as shown below:



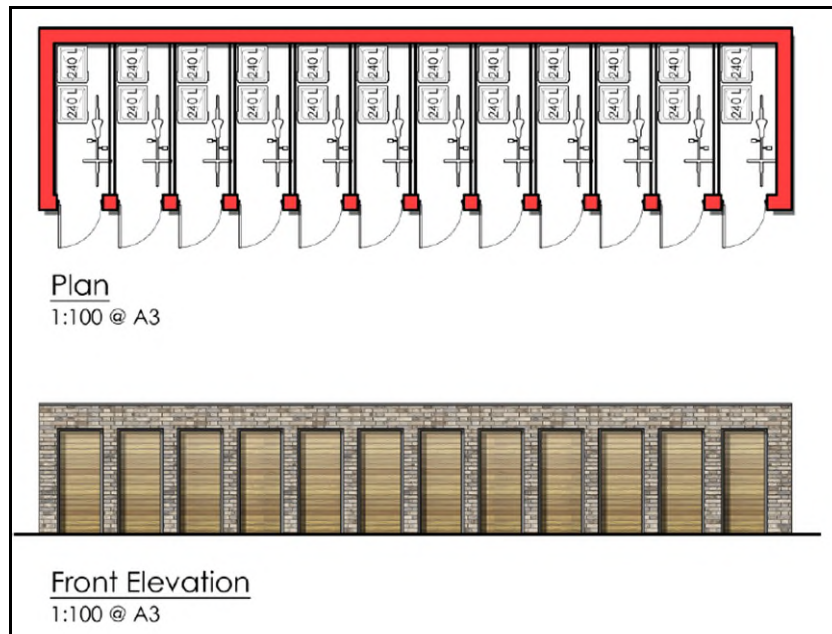
**Proposed Floor Plans**

Externally the building will have a combination of facing-brickwork elevations and rock panel cladding in white with window and door openings framed in grey powder coated aluminium. A grey flashing reveal is also included.

An amenity area is proposed to the southern part of the site which measures 16 metres in depth and 15 metres in width. The amenity area will be shared for communal use by the future residents of the apartments.



To the south west of the shared amenity space it is proposed to erect a detached storage building for each apartment to have an area to store rubbish, recyclables and bicycles. The building will measure 15 metres in width, 3.5 metres in depth and 2.6 metres in maximum height. It will be a flat roof structure split into twelve separate units, as shown below:



**Proposed Floor Plan & Proposed Front Elevation (north east)**

Again, the building will be finished in facing brickwork.

The layout also shows that the lane running to the rear of the premises on the southern side of Penybont Road is to be widened and a turning head created towards the south eastern corner of the site.

### **SITE DESCRIPTION**

The application site is centrally located within the Main Settlement of Pencoed as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013).

It lies on the south eastern side of Penybont Road, Pencoed and is currently occupied by a substantial and vacant two to three storey Chapel which occupies the central part of the application site. The existing access points lie along the north western and south western boundaries of the site, off the vehicular access lane leading from Penybont Road which provides access to the rear of surrounding properties (see below).



**Application Site Identified in Red**

The Chapel is set back from the highway and is positioned to face the north west on land which slopes from east to west. The site is therefore slightly elevated above the hairdressing salon at 26 Penybont Road but slightly below the levels of the block of commercial units starting at 28 Penybont Road. This section of Penybont Road is generally commercial in character although there are a number of residential properties to the east and south. The site lies in close proximity to the traffic light controlled junction of Penybont Road and Penprysg Road and there are parking restrictions in the form of double yellow lines along this side of the road.



*Google Street View Image (May 2018)*

The site lies wholly within the District Centre of Pencoed as defined by Policy SP10 of the Local Development Plan (2013) and identified as being a focus for retailing, cultural and leisure activities within the County Borough.

There is a mix of land uses, architectural styles and pallets of materials within the immediate vicinity of the application site. These include the use of stone and render together with both flat and pitched roofs.

### RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/04/736/FUL	Extension to church comprising hall kitchen and toilets	Conditional Consent	26/07/2004

### REPRESENTATIONS RECEIVED

This application was initially advertised through the erection of a site notice dated 10 March 2020, an advertisement in the local press published on 26 March 2020 and direct notification to thirty one of the closest properties to the application site. The initial period for responses expired on 16 April 2020.

Twenty one replies were received from Pencoed residents in response to the consultation undertaken, generally objecting to the proposed development for the following reasons:

1. Loss of an architecturally impressive building that has historic links to the community and is valued by local residents who considered it should be converted not demolished;
2. Replacement building is considered to be a bland modern design which is out of keeping with the area;
3. Disruption caused during the demolition and construction phases of the proposed development;
4. Lack of parking provision for future occupiers;
5. Rear lane is a narrow muddy lane which is not suitable to serve as an access;

6. Loss of a community facility;
7. Infrastructure in Pencoed in terms of Doctors, Dentists, Schools etcetera cannot support this additional development;
8. Traffic congestion in the area is already significant and the proposed development particularly during the demolition and construction phases will exacerbate traffic problems and increase air pollution;
9. Proposal contains too many units;
10. Sale of the building was not advertised and locals were unaware of its availability.

On receiving amended plans, a second consultation was undertaken and all properties initially consulted were sent a second letter requesting further views on the proposed changes. Three further responses were received from the occupiers of 29 Lletai Avenue, 6 Gwalia Road and 29 Beechwood Grove who objected to the changes on the following grounds:

1. The use of the building for residential properties is not suitable for the area;
2. The widening of the rear access lane and creation of a turning head will cause further traffic congestion;
3. Overshadowing and loss of light caused by the proposed building and invasion of privacy and overlooking from the rear elevation of the building;
4. Rear access lane is unstable and in a state of disrepair;
5. No adequate parking for the provision of twelve flats.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

Factors to be taken into account in making Planning decisions must be Planning matters, that is, they must be relevant to the proposed development and use of land in the public interest. The matters raised in the objections received are addressed below:

- Loss of Existing Building  
Whilst the community highlight their historic links to the facility, the Chapel has not been used for a significant period of time (at least two years). In addition, the existing building does not lend itself readily to conversion to a residential use in terms of the existing internal floor space being difficult to subdivide, window positions, heating and drainage facilities.
- Design of New Building  
It is noted that the objectors consider the proposed replacement building to be out of keeping with the area and further consideration of the design and its contribution to sustainable place making is addressed in the Appraisal section of the report.
- Disruption from Demolition and Construction Phases  
Objectors concerns regarding the disruption during these phases of the development particularly on traffic congestion and highway safety are noted. In the event that the Council were minded to approve the development then it would be necessary to impose a condition requiring a method statement to control hours of operation, vehicle movements, traffic management and routes, arrangements for construction workers etc. to address the concerns raised and to ensure the amenities of neighbouring properties are protected.
- Lack of parking provision  
The objectors have highlighted that the submission does not include any parking facilities to serve the proposed development and this issue is addressed in the Appraisal section of the report.
- Rear Lane and its junction onto Penybont Road  
The use of the existing rear lane and its junction onto the main road is addressed in the Appraisal section of the report.
- Loss of a Community Facility  
Many of the objections received raise concern about the loss of a community facility, however, on the basis that the Chapel has been vacant for a lengthy period

of time, its loss as a community asset is not so significant as to warrant a refusal for this reason.

- Infrastructure in Pencoed

Local residents consider that there is insufficient capacity in schools, GP practices and dentists to serve the proposed additional development. It is considered that as the proposed development relates to 12 x one bedroom apartments, it will be unlikely to accommodate families with children requiring school places. A development of 12 units would also be unlikely to overwhelm existing health practitioners and therefore this matter is not relevant to the determination of the Planning application.

- Traffic Congestion

Although objectors have expressed a concern that the proposed development will generate traffic congestion to the detriment of air quality in the area, it is clear that the impact of works would be of a temporary nature during a limited time period when the demolition and construction phases are undertaken. It is considered that the previously mentioned condition controlling the methodology for these phases of the development will largely address concerns if the Authority are minded to approve the application. Similarly, a condition requiring details of servicing and delivery arrangements post occupation would satisfactorily control these issues.

- Number of Units Proposed

Some of the objectors consider that the number of apartments proposed is too many to be adequately accommodated on the site. Consideration of the appropriateness of the scale, site layout and amenities for future occupiers is addressed in in the Appraisal section of the report.

- Sale Not Advertised

The respondents have expressed disappointment that the sale of the building was not advertised. However, this is not a material Planning consideration.

- Use of the Building for Residential Purposes

The objectors consider that the proposed building should not be used for residential purposes. This issue is addressed in the Appraisal section of the report.

- Overshadowing and Overlooking

The impact of the development on the amenities of neighbouring properties and occupiers is addressed in the Appraisal Section of the report.

**RESPONSE TO INTIAL CONSULTATION UNDERTAKEN**

**CONSULTEE**

**COMMENTS**

Public Protection:  
Contamination  
6 March 2020

No objection subject to the inclusion of the recommended planning conditions.

Pencoed Town Council  
10 March 2020

Highlights the lack of pre-application advertising and considers the correct procedures have not been followed. The aesthetics and design of the proposed building are considered unsuitable and provision should be made for the building to include some commercial premises which would benefit the town centre and its commercial emphasis. There should be a change of use of the building and there are no defined parking spaces.

Land Drainage  
13 March 2020

No objection subject to the inclusion of the recommended Planning conditions and informative notes.

Dwr Cymru Welsh Water  
25 March 2020

No objection subject to the inclusion of the recommended conditions.

Ecology  
17 August 2020

Subject to the inclusion of the recommended Planning conditions, the conclusion and recommendations of the Protected Species Report by Wildwood Ecology (dated June 2020) are considered to be acceptable.

In response to Pencoed Town Council, the Town Council is correct in noting that The Town and Country Planning (Development Management Procedure) (Wales) (Order) 2012 requires pre-application consultation (PAC) to be undertaken as set out in Part 1A of the Order. In this case, however, as the proposal relates to 12 one bed apartments, the development is not for dwellings and cannot be defined as a 'Major Development'. As such, the developer is not required to undertake a PAC. The proposed development does not meet the criteria set out in Article 2 of Town and Country Planning (Development Management Procedure)(Wales) Order 2012 and the developer has followed the correct procedures prior to submitting a Planning application.

## **RESPONSE TO SECOND CONSULTATION UNDERTAKEN FOLLOWING SUBMISSION OF AMENDED PLANS**

### **CONSULTEE**

Pencoed Town Council  
22 October 2020

### **COMMENTS**

Strongly object to the demolition of the existing Chapel - the existing building should be remodelled. The original concerns raised in respect of the development are reaffirmed which include the aesthetics and design of the building, access issues and lack of parking provision.

Land Drainage  
28 October 2020

No objection subject to the inclusion of the recommended Planning conditions and informative notes.

Glamorgan-Gwent  
Archaeological Trust  
3 November 2020

Recommends the inclusion of a Planning condition which requires the submission of an appropriate programme of historic building recording and analysis prior to the demolition of the building.

Dwr Cymru Welsh Water  
6 November 2020

No further comments since the initial response provided on 25 March 2020.

## **RELEVANT POLICIES**

The relevant policies and supplementary Planning guidance are highlighted below:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy SP10</b>	Retail and Commercial Hierarchy
<b>Policy REG7</b>	Non A1, A2 and A3 Uses Outside of Primary Shopping Frontages
<b>Policy SP12</b>	Housing
<b>Policy COM3</b>	Residential Re-Use of a Building of Land
<b>Policy COM5</b>	Affordable Housing
<b>Policy SP13</b>	Social and Community Facilities
<b>Policy COM7</b>	Protection of Social and Community Facilities
<b>Policy SP14</b>	Infrastructure

<b>Supplementary Planning Guidance 8</b>	Residential Development
<b>Supplementary Planning Guidance 13</b>	Affordable Housing
<b>Supplementary Planning Guidance 15</b>	Community Facilities and Residential Development
<b>Supplementary Planning Guidance 17</b>	Parking Standards
<b>Supplementary Planning Guidance 19</b>	Biodiversity & Development

In the determination of a Planning application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

<b>Future Wales – the National Plan 2040</b>	<b>(24 Feb. 2021)</b>
<b>Planning Policy Wales Edition 11</b>	
<b>Planning Policy Wales TAN 2</b>	Planning and Affordable Housing
<b>Planning Policy Wales TAN 5</b>	Nature Conservation and Planning
<b>Planning Policy Wales TAN 12</b>	Design
<b>Planning Policy Wales TAN 18</b>	Transport
<b>Planning Policy Wales TAN 23</b>	Economic Development

## **APPRAISAL**

This application is presented to the Development Control Committee to consider the objections received from local residents and Pencoed Town Council.

## **PRINCIPLE OF DEVELOPMENT**

The application site lies within the Main Settlement of Pencoed as defined by Policy PLA1 of the Local Development Plan (2013). Policy PLA1 states that development will be permitted within settlement boundaries at a scale commensurate with the role and function of that settlement.

Policy COM3 of the Local Development Plan (2013) states “residential developments within settlement boundaries defined in Policy PLA1 on ‘windfall’ or ‘small scale’ sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use”. The policy is intended to support the re-use of buildings and land to maximise housing opportunities within the identified settlements and re-use underutilised land in urban areas to reduce the need to develop greenfield sites.

In this case, whilst it is acknowledged that the application is seeking to maximise the potential of the land by increasing the density of the wider site and providing affordable housing within the existing community, the application site lies wholly within the District Centre of Pencoed, as defined by Policy SP10 of the Local Development Plan (2013). Policy SP10 states “all new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor”.

The Local Development Plan (2013) recognises that the town and district centres have been and will continue to be the focus for retailing, cultural and leisure activities within the County Borough. District Centres usually contain a small supermarket and offer a range of convenience and comparison goods as well as services such as sub-branches of banks, newsagents, sub-post offices etc.

Policy REG7 of the Local Development Plan (2013) refers to ‘Non A1, A2 and A3 Uses Outside of Primary Shopping Frontages’ and states that development will only be permitted for residential purposes if:

1. The premises/floorspace has been vacant for at least two years and has been actively marketed over that time; and
2. The premises/floorspace does not form part of a purpose-built retail environment or a continuous frontage of three or more existing commercial units.

To support the application, the applicant has provided confirmation that the building has been closed for religious services since 2016 and since then the owners have explored opportunities to provide affordable housing before reaching agreement with Wales and West Housing Association in 2018. The building has remained vacant and unused for the past five years.

Whilst it is noted that the immediately adjoining premises are commercially occupied, the application site itself has never formed part of the retail frontage and, therefore, the proposed development does not result in the loss of a retail or commercial unit. The supporting text to Policy REG7 refers to developing criteria by which **retail units** outside of the primary shopping areas can be converted to more viable uses such as residential and in these circumstances, it would need to be demonstrated that the property has been actively marketed for at least 2 years prior to the submission of an application.

However, this ecclesiastical building has never been utilised as a retail unit (and is unlikely to be suitable as a retail unit) so there is no loss of retail accommodation and there is no justification to seek evidence that the building has been actively marketed for retail purposes.

It is therefore considered that the proposal is compatible with Policy REG7 as the property does not result in the loss of a retail unit, has been vacant since 2016 and does not result in the loss of a continuous retail frontage.

Policy COM7 of the Local Development Plan (2013) seeks to protect all existing social and community facilities that provide a valuable role in their communities and proposals which result in their loss will only be permitted if:

1. An alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site; or
2. In the view of the Local Planning Authority the existing facility is no longer required for the current use or any other social and community uses or there is already an excess of such provision in the area.

In this case, it is clear that the building has been vacant for a period of at least five years which can be evidenced by both Wales and West Housing Association and the Presbyterian Church. Therefore, it is considered that the Chapel is no longer required for its current use due to a lack of demand and the proposal complies with criterion (2) of Policy COM7 of the adopted Local Development Plan (2013).

The site classifies as a small site which will make an important contribution to the overall housing supply and which will introduce an important element of choice and flexibility into the housing market in accord with Policy COM3 of the Local Development Plan (2013). On the basis that the proposal would not result in the loss of any existing retail development and will not result in the loss of an existing community facility, it is considered that the redevelopment of the site is acceptable and accords with Policies REG 7 and COM7 of Local Development Plan (2013).

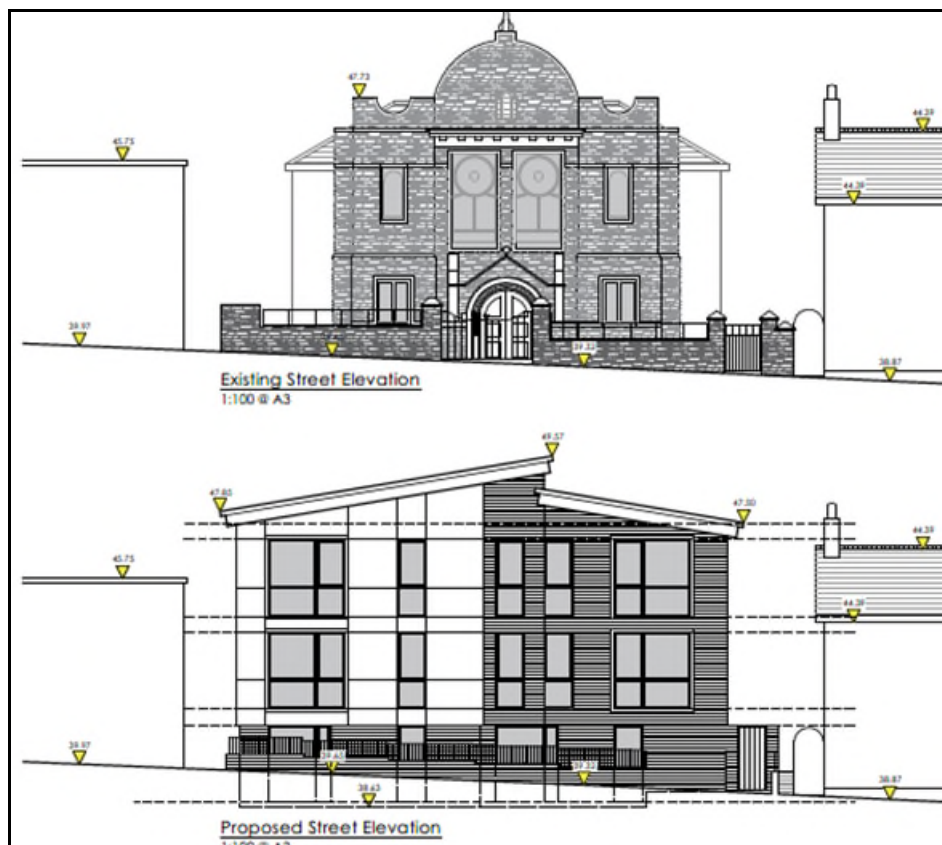
The proposal provides twelve affordable residential units on brownfield land providing much needed accommodation within the vicinity of the site and reducing the need to develop on greenfield land. Therefore, it is concluded that, in principle, the provision of

twelve affordable units is considered to be acceptable.

## **VISUAL AMENITY**

Policy SP2 of the Local Development Plan (2013) states “all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment”. “Design should be of the highest quality possible, and should be appropriate in scale, size and prominence”.

The application site is currently occupied by a vacant Chapel building with a landscaped area to the rear (south). The substantial stone fronted Chapel has architectural embellishments which are symmetrically balanced either side of the central entrance. The scheme results in the demolition of the existing Chapel and its replacement with a slightly taller building of modern design, as demonstrated below:



***Existing and Proposed Street Elevation***

In general terms, and with commercial properties to the east and west of the site and the existing residential properties to the south west, the introduction of residential development in this location is considered to be in keeping with the general mix of land uses in the vicinity of the site.

The visual context of the site varies in style and age. Properties to the south west are primarily set over two storeys whilst the commercial properties to the north east vary from single storey to three storeys. The pallet of materials also varies from traditional stone fronted buildings to smooth painted render and facing brick.

As per the above drawing and the photomontages below, the proposed residential building will be readily visible from the streetscene and from public vantage points:





Whilst visible, it is considered that the building is not excessive in terms of its size or scale and is considered to be in keeping with the general architectural character of the area.

Whilst its introduction would result in a more prominent feature being added to the street, the building is set back from its north eastern boundary by 4.5 metres and it is therefore considered that it would not result in an overly obtrusive or incongruous addition to the streetscene. The building and its intended position is considered to be appropriate in terms of its prominence and scale.

The proposed building takes reference from, and generally reflects, the character and appearance of the surrounding area. The finishes will mimic the properties to the south of the site by incorporating facing brick and the scheme will complement the properties to the north east by incorporating white rock panel cladding on the front and side facing elevations. This is considered to be an appropriate finish and will not detract from the visual amenities of the area.

The established character of the wider area varies and whilst the proposed building represents a modern new addition to the streetscene, it does not detract from its character. The pallet of materials and variation in the size, scale and age of the existing buildings results in a mixed character and the introduction of the proposed building will not detract from this or cause harm to the visual amenities of the area.

It is considered that the proposed scale of the scheme has been designed to integrate with the existing context of the street scene and does not appear to be overbearing due to the proposed orientation and position of the building. Any form of development proposed at the site would affect the visual setting of the area, however, it is considered that the overall design and layout of the scheme seeks to enhance the appearance of the wider area and is therefore considered to be acceptable in design terms.

The introduction of a detached storage building in the south western corner of the site is considered to be a modest addition which, given its position at the rear of the proposed building and its limited prominence from public vantage points, will not detract from the overall character or appearance of the area. Its introduction is considered to be appropriate and of an acceptable design.

Accordingly, it is considered that whilst the introduction of the proposed development will have an effect on the visual appearance of the street scene, it will not have such a significantly adverse impact to warrant refusal on these grounds due to its sensitive overall design, scale, materials and layout. When viewed within the context of the street the proposed development accords with Policy SP2(2) and SP2(3) of the LDP (2013) and does not detract from the established character of the area.

### **NEIGHBOUR AMENITY**

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely

affected by development proposals and, in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance. Note 6 of SPG02 states that development “should respect the privacy of neighbouring houses”.

The building has been designed so that no windows are proposed in the north eastern elevation of the building and the only windows proposed in the south western elevation are those which serve the entrance hall/stairway and the living areas of the flats at first and second floor level. Given that the property to the immediate south west has no windows in the side elevation, the introduction of the windows which serve the flats at first and second floor levels will not result in any direct overlooking and, therefore, it is considered that the impact of the development on the amenities of the adjoining properties is negligible.

In terms of the impact upon properties on the opposite side of Penybont Road, the introduction of a building which incorporates more glazing than the existing Chapel will inevitably result in an increase in perceived overlooking particularly given that the Chapel has been vacant for a long period of time.

Again, the properties to the north are predominantly commercial and owing to the separation distance with the properties along the northern side of Penybont Road by a main highway, it is considered that the building will not result in unacceptable overlooking or privacy issues on the existing residential amenities of the properties as a result of the proposed development.

In respect of the rear south east facing elevation, an objection has been received from the occupier(s) of 29 Lletai Avenue. The letter specifically refers to overshadowing of the rear garden area caused by the proposed building and direct overlooking from residents of the proposed units. Paragraph 4.6.2 of SPG02 states “the minimum distance between directly facing habitable room windows...should normally be 21 metres”. As shown below, the distance provided between the rear elevation of the proposed building and the rear elevation of 29 Lletai Avenue is circa 40 metres:



***Distance Provided between Rear Elevation and 29 Lletai Avenue, Pencoed***

Given the distance between the rear elevation of the proposed building and the rear gardens of the properties to the south east of the application site and the difference in orientation, it is considered that the building is positioned to limit any sense of overlooking into the rear garden areas of properties in Lletai Avenue. The rear elevation of the building

is also separated from the dwellings to the south east of the site by the rear access lane and as such, will be located over 21 metres away from any habitable room windows, in accordance with the guidance contained within SPG02.

Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 “while an individual may accept a window box as sufficient garden space, the County Borough Council believes that generally there should be a reasonable private outdoor area for enjoyment of the present and future households”. In this instance there is a relatively large amenity space proposed at the rear of the building albeit communally shared by all occupiers of the building. Whilst it could be argued that the level of amenity space provided for each residential unit is minimal, it is considered that this provision would not be so impractical for the future occupier(s) of the flats as to warrant a refusal on such grounds. To encourage a sense of well-being and promote placemaking, it is considered necessary to impose a planning condition which requires the submission of details for a hard and soft landscaping plan. The hard landscaping element of the scheme should include small patio areas for the residents of the ground floor flats so that they can access outdoor space from the proposed living areas. This will improve the occupiers interaction with the outdoor space and promote a sense of well-being. The soft landscaping element should demonstrate areas which promote social inclusion and health protection, such as a communal growing area or greenhouse, where residents can grow their own fruit and vegetables, and encourage a sense of community and social cohesion among future occupiers.

The provision of a storage building ensures that there is adequate space for each apartment to house rubbish externally in between collections, as well as safe and secure cycle storage, and the amenity space provided is therefore considered to be reasonable given the context of the application site.

It is considered that the proposed scheme will not have a significant adverse impact on the amenities of the existing neighbouring properties nor the future occupiers of the residential units and the scheme therefore accords with criterion (12) of Policy SP2 of the Local Development Plan (2013) and SPG02.

### **HIGHWAY SAFETY AND PARKING PROVISION**

Policy PLA11 of the Local Development Plan (2013) stipulates that “all development will be required to provide appropriate levels of parking...[which]...should be in accordance with adopted parking standards”.

The proposal seeks to demolish an existing Chapel and construct 12 one bedroom flats. The site does not currently have any formal off-street parking and the opportunity to provide any is severely limited by the frontage with Penybont Road and the substandard private lane serving the rear of the site.

The highway network within the immediate vicinity of the site does not offer many opportunities to park in an on-street location without being in contravention of waiting and loading restrictions. Whilst it is noted that the existing building has been vacant for a period of five years, the extant use as a Chapel could generate parking demand not only as a place of worship but also if it were operated as another community facility within the same Use Class (Class D1) such as a crèche, day nursery, a public library or a museum.

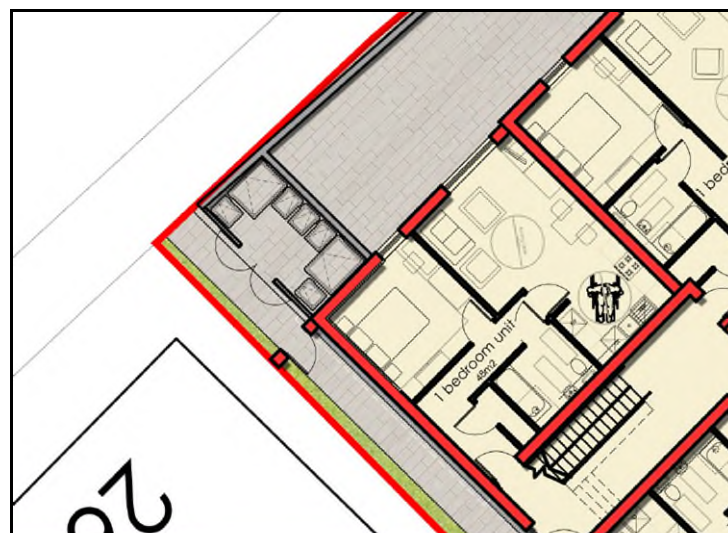
Supplementary Planning Guidance Note 17 Parking Standards (SPG17) states that for residential development, one off-street car parking space should be provided per bedroom. The floorspace of the existing chapel has been calculated and it would generate an off-street parking requirement of 14 spaces. This is equivalent to the parking requirement for the proposed residential units (one space per unit plus two visitor spaces).

Accordingly, the parking demand of the proposal is not considered to generate any additional demand when compared to the existing Chapel and the proposed development is therefor considered to result in a 'nil detriment'.

In addition it should be noted that the application site is highly sustainable in terms of its pedestrian, cycling and public transport linkages owing to its location within the centre of Pencoed. It is readily accessible by regular buses and trains and benefits from having community facilities within walking distance. In addition, the fact that the development will offer entirely affordable housing where it is acknowledged that the levels of car ownership are less than a private residential development, leads the Highways Authority to consider that the proposed development is acceptable in terms of off-street parking provision.

Notwithstanding the above, the proposed development is considered to generate an increased number of delivery vehicles and a significant quantity of household waste and recycling. The Transport Statement suggests that these will be collected by BCBC residential waste vehicles. Initially, the Highways Authority raised concern that the collection model operated by BCBC for collection of such waste would generate up to 60 individual recycling receptacles to be collected every week. On alternate weeks this would be supplemented with up to 24 waste sacks, equating to a total of 84 collectables. Given the quantity that would need to be collected, concerns were raised about the waiting time of the collection vehicles within close proximity of a signalised junction which would impact on the safety and free flow of traffic.

The Waste Contracts Manager for BCBC has confirmed that in such circumstances, it is possible to have a communal waste and recycling arrangement provided that suitable waste receptacles storage areas are provided. In these instances, larger receptacles are used to store the individual categories of recycling and waste and these are collected by several different vehicles. To address the concerns raised, amended plans were received on 23 February 2021 which show the provision of a bin storage facility at the front of the site for the storage of larger communal waste bins, as shown below:



*Extract of Site Layout Plan showing Bin Store*

The bin storage facility will measure 2.5 metres in width and 4.5 metres in depth and will be finished in facing-brick elevations to match the proposed building.

Whilst the introduction of a communal bin store alleviates the concerns initially raised by the Highways Authority (as the collection of larger receptacles significantly reduces the time period for the collection of waste and subsequently reduces the delay to traffic on the highway network within close proximity to the signalised junction) it is considered that it would be too prominent in this location and should be relocated to the rear of the site

alongside the individual storage areas. The communal wheelie bins could still then be moved to the edge of the highway in time for the communal waste collections which would further reduce the impact of the development on the highway network and at the same time improve the appearance of the building in the streetscene. A condition will be attached to the recommendation requiring a revised scheme for the communal bin store as well as landscaping proposals for the front and rear courtyards.

The communal bin storage facility is considered to be a necessary addition to the development to overcome the initial concerns raised by the Highways Authority and to ensure that the impact of the development on the highway network is reduced to the extent that it would not be harmful or detrimental to highway safety.

For the reasons outlined above, the proposed development is considered to be acceptable from a highway and pedestrian safety perspective in accord with Policies SP3 and PLA11 of the Local Development Plan (2013).

## **BIODIVERSITY**

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. This follows the approach identified in Section 40 of the Natural Environment and Rural Communities Act 2006, which states 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development 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. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

In reviewing the Planning application, the Countryside Management Officer considered that due to the proximity of the application to suitable bat habitat and the likelihood of bat roost features being found within the existing Chapel, it was reasonable to request the submission of an initial bat survey and report.

Criterion (3) of Policy ENV6 of the Local Development Plan (2013) states "proposals for development or redevelopment will be required to avoid or overcome harm to nature

conservation assets and/or species of wildlife which may be either resident, in-situ or which can be demonstrated to have frequented habitats within the site on a migratory basis". Its aim is to achieve a balance between the location, design and layout of development or redevelopment and the need to conserve that site's biodiversity interest whilst also taking into account the interests of any adjacent nature conservation resources.

The applicant provided a 'Protected Species Survey Report' by Wildwood ecology Limited, dated 16 June 2020, which was reviewed by the Countryside Management Officer. It was concluded that the both the on-site structure and neighbouring properties do support bat roosts and therefore the development would have an impact on protected species. A licence from Natural Resources Wales (NRW) will be needed for any works to be undertaken at the site in order to mitigate the proposed development.

It is recommended that Section 5 of the aforementioned report be the subject of a condition to ensure that the developer complies with the report's findings. Therefore, subject to the inclusion of the recommended Planning condition and informative notes, the proposal is considered to be acceptable from an ecology perspective and compliant with Policy ENV6 of the Local Development Plan (2013) and criterion (10) of Policy SP2.

### **DRAINAGE**

Subject to the imposition of the recommended drainage conditions, the application is considered to be acceptable in land drainage terms and is therefore compliant with criterion (8) of Policy SP2 of the Local Development Plan (2013).

### **PUBLIC PROTECTION; CONTAMINATION**

Policy ENV7 of the Local Development Plan (2013) states "development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity. Criterion (4) refers to contamination (including invasive species).

In order to comply with the requirements of Policy ENV7 conditions are recommended to ensure that should there be any importation of soils to develop the garden/landscaped areas of the development or any site won recycled material or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Thus, subject to the inclusion of the recommended Planning conditions, the proposed development is considered to be compliant with criterion (4) of Policy ENV7 of the Local Development Plan (2013).

### **ARCHAEOLOGY**

The application site is recorded by the Royal Commission on the Ancient and Historical Monuments of Wales and is stated as being built in 1897 and rebuilt in 1907 with its present form "built in the Lombadic style with a gable entry plan and small pane flat headed windows".

Whilst the building has no statutory designation, as a place of worship it is of historic importance by having value in the streetscene of the area and reflecting the socio-cultural patterns of the late 19<sup>th</sup> and early 20<sup>th</sup> century.

Many of the objections received refer to the demolition of the Chapel building and they consider that the conversion of the building would be more acceptable in this instance. Whilst it is acknowledged that the Chapel has historic links to the community and is valued

by local residents, its internal layout does not readily lend itself to conversion to a residential use in terms of the subdivision, window positions, heating and drainage facilities. The high ceiling voids, lack of openings to the side and rear elevations and other architectural characteristics of the Chapel create difficulties in achieving Building Regulations compliance in terms of access, circulation, fire escapes and thermal efficiency.

Therefore, whilst it is acknowledged that the community are concerned about the demolition of the Chapel building, its conversion would be unlikely to satisfy Building Regulations, particularly owing to the deterioration of the building over the five years that it has been vacant.

In order to preserve this structure by record, the Glamorgan-Gwent Archaeological Trust recommend that a Level 3 survey is undertaken prior to works commencing. The survey will include a measured scale in the photographs and a directional plan and a supporting descriptive analysis.

The Glamorgan-Gwent Archaeological Trust has therefore recommended the inclusion of a Planning condition which requires the submission of a programme of historic building recording and analysis to the Local Planning Authority. Subject to the imposition of the recommended condition, the proposed demolition of the Chapel is considered to be acceptable in accord with Policy SP5 of the Local Development Plan (2013).

### **PLANNING OBLIGATIONS**

The following refers to the applicant's obligation to enter into a Section 106 Agreement in accord with Policy SP14 of the Local Development Plan (2013). Policy SP14 states:

*Applications for development should include material proposals which deal with the fair and reasonable infrastructural requirements of the development, and which help to mitigate any negative impacts that may arise as a consequence of the development. Where appropriate, such proposals will be secured by means of planning agreements/obligations.*

Policy COM5 of the Local Development Plan (2013) refers to Affordable Housing, and stipulates "the Council will expect an appropriate element of 'affordable housing' to be provided on sites capable accommodating 5 or more dwellings". The Council seeks a 20% affordable housing contribution in Pencoed which is implemented through a Section 106 Agreement.

Whilst it is acknowledged that the proposal comprises the introduction of twelve affordable residential units, it is the practice of the Authority to seek an obligation to ensure that at least 20% of the units are retained as affordable in perpetuity.

Policy COM11 requires the provision of a satisfactory standard of outdoor recreation space for all new housing developments. The 'Proposed Site Plan' (drawing number AL(90)10 Rev E received on 23 February 2021) includes an amenity area to the south of the existing building to serve the future occupiers of the residential units. Whilst this space is to be shared, it is considered sufficient to satisfy the requirements of Policy COM11 of the Local Development Plan (2013) given that the apartments are one bedroom and do not generate the need for a contribution towards the provision of a play area.

As a proposal for twelve one bedroom flats, the proposal does not trigger the threshold indicated in the Council's Supplementary Planning Guidance Note 16 Education Facilities and Residential Development (SPG16) and therefore, the developer is not required to contribute towards the provision of education.

## **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

## **CONCLUSION**

Having regard to the above and notwithstanding the objections raised, in this case, it is clear that the former Chapel has been vacant for a period of at least five years, is therefore no longer required for its current use due to a lack of demand and does not result in the loss of a retail unit within the retail centre.

The small site will make an important contribution to the overall housing supply within Pencoed and will introduce an important element of choice and flexibility into the housing market in accord with Policy COM3 of the Local Development Plan (2013).

The proposal will provide twelve affordable residential units on brownfield land providing much needed accommodation within the vicinity of the site and reducing the need to develop on greenfield land. It is concluded that, in principle, the provision of twelve affordable units outweighs the preference for retail, community or commercial floorspace at ground floor level under Policy SP10 and does not result in the loss of retail space within a retailing centre under Policy REG7 of the Local Development Plan (2013) and, therefore, in this instance, the development is considered to be acceptable in principle and in accordance with the development plan.

The building itself is considered, in general terms, to be in keeping with the mix of land uses within the vicinity of the site and, whilst it will be visible, the building will not be excessive in terms of its size or scale. Its introduction is considered to be in keeping with the general architectural character of the area and the palette of materials proposed takes reference from buildings within the immediate vicinity of the site. On balance, whilst the building is modern in nature, it is considered that it will not detract from the overall character of the streetscene and is considered to be acceptable in this regard.

The highway impact of the scheme is considered to be mitigated through the introduction of a communal bin store which provides space for the storage of larger bins for a communal collection to take place. The communal collection results in waste collection vehicles stopping on the highway for a minimum period and reduces the impact of the scheme on the highway network to an extent which is, on balance, considered to be acceptable.

No concerns are raised in respect of the impact of the development on neighbour amenity,



drainage or biodiversity and subject to the imposition of the recommended Planning condition, the scheme is acceptable from an archaeological perspective.

The application is recommended for approval subject to the following Planning conditions and informative notes:

### **RECOMMENDATION**

(A) The applicant enters into a Section 106 Agreement to provide a minimum of 2 units as affordable units, which shall be transferred to a Registered Social Landlord or by payment of an equivalent financial contribution in lieu of on-site provision.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting conditional consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement as follows:-

1. In accordance with drawing number AL(90)01 received on 29 January 2020, drawing number AL(00)11 received on 20 October 2020 and drawing numbers AL(00)10 Rev E, AL(00)15 Rev G, AL(00)20 Rev D, AL(90)10 Rev E, received on 23 February 2021.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. Notwithstanding Condition 1, the development shall be undertaken in accordance with Section 5 Conclusions and Recommendations of the 'Protected Species Survey Report' by Wildwood ecology Limited, dated 16 June 2020.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

3. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial use commencing of the residential units hereby approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

4. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

5. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: As the building is of architectural and cultural significant the specified records are required to mitigate the impact.

6. Construction works shall not take place outside the following hours:

0800 hours and 1800 hours Mondays to Fridays,  
0830 hours and 1300 hours on Saturdays and not at any time on Sundays and Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. No development shall take place, including any works of demolition/site clearance, until a demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
- The routing of HGV construction traffic to/from the site in order to avoid Penprysg Road supplemented with a scheme of temporary traffic management;
  - The parking of vehicles of site operatives and visitors;
  - Loading and unloading of plant and materials;
  - Storage of plant and materials used in demolition and construction of the development;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during demolition and construction;
  - The provision of temporary traffic and pedestrian management on Penybont Road;
  - The phasing of the demolition and construction.

Reason: In the interests of highway safety.

9. The private cycle parking and storage units shall implemented before the development is brought into beneficial use and retained for cycle storage purposes thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site.

10. The proposed set back of the eastern site boundary and provision of a widened rear lane and turning facility shall be implemented in permanent materials in accordance with the agreed details before the development is brought into beneficial use.

Reason: In the interests of highway safety

11. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing a continuous boundary treatment along the eastern site boundary to restrict vehicular access to the rear lane. Such a scheme shall be fully implemented in accordance with the agreed details before the development is brought into beneficial use and shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety.

12. No development shall commence until a revised scheme for the proposed Communal Refuse Store and a Waste & Delivery Plan has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and all servicing and delivery vehicle movements to the site shall be made in accordance with the approved Waste & Delivery Plan following first beneficial use and shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety.

13. Notwithstanding the plans as hereby approved, no development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping for the front and rear communal spaces which shall at a minimum, provide for:

- A hard landscaped area for ground floor residents to access outdoor amenity areas from the proposed living rooms;
- A soft landscaped area at the rear of the property which provides for a communal growing area;
- An appropriately landscaped amenity area at the rear of the building with demarcated seating areas, a patio and grassed areas.

The development shall be implemented in accordance with the approved scheme and shall thereafter be maintained in perpetuity.

Reason: To ensure a satisfactory form of development.

14. \*THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS\*
- a. No surface water is allowed to discharge to the public highway.
  - b. No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
  - c. As of 7 January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. Please note Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
  - d. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more

than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

- e. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- f. The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for Building Recording" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa) ) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro) ) or an accredited Member.
- g. Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- h. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- i. Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.
- j. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.
- k. The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:
  - o obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
  - o indemnify the County Borough Council against any and all claims arising from such works;
  - o give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

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**REFERENCE:** P/20/898/RLX

**APPLICANT:** Aldi Stores Limited  
c/o Planning Potential Ltd, 13-14 Orchard Street, Bristol BS1 5EH

**LOCATION:** Aldi Unit 1, Llynfi Walk, Llynfi Road, Maesteg CF34 9DS

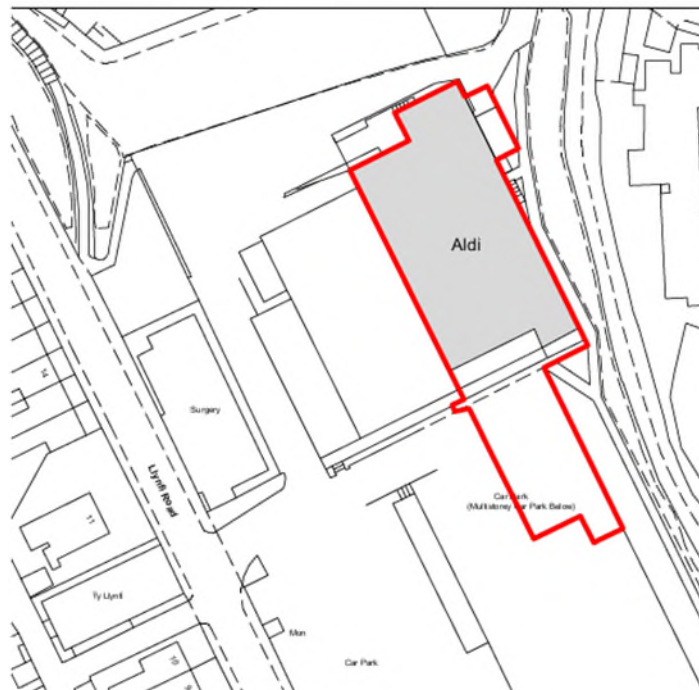
**PROPOSAL:** Vary condition 1 of P/14/65/RLX to allow the store to unload deliveries for a longer period

**RECEIVED:** 12 November 2020

## APPLICATION/SITE DESCRIPTION

This application seeks to vary condition 1 of P/14/65/RLX to allow the store to unload deliveries between the hours of 05:00 and 22:00 daily at Aldi, Unit 1 Llynfi Walk, Llynfi Road, Maesteg.

**Figure 1 - Site Location Plan:**



Condition 1 of P/14/65/RLX states:

*The unloading of delivery vehicles to the Aldi store shall not take place outside the following times:-*

*07:00 hours and 20:00 hours*

*Reasons: In the interest of residential amenities and for the avoidance of doubt as to the scope of the consent.*

The applicant's agent has advised that in response to the demand for greater operational flexibility in the hours of unloading deliveries at the store and to meet the needs of the customer, the application now seeks permission to vary condition 1 to allow the store to unload deliveries between the hours of 05:00 and 22:00 daily.

The application site is located within the settlement boundary of Maesteg as defined by Policy PLA1 of the BLDP(2013) and is located within the retail and commercial centre of Maesteg as defined by Policy REG 9 of the BLDP(2013). The application site is located within a retail area surrounded by other similar uses which are served by a large car park

with a number of residential properties located opposite the site along Llynfi Road.

### **RELEVANT HISTORY**

P/20/217/FUL Approved (with conditions) – 14/07/2020.

Minor extension to food store; a reconfiguration of the car park; new replacement plant and minor external works and alterations

P/14/65/RLX Approved (with conditions) – 07/03/2014

Amend Condition 11 of 95/215 to read no unloading between hours of 20.00 and 07.00.

P/12/671/RLX Approved (with conditions) – 11/01/2013

Vary Cond 11 of P/95/215/FUL to permit unloading times of delivery vehicles between 07:00 & 20:00 hours.

P/95/215/FUL Approved (with conditions) – 11/04/1995

Erection of retail stores and associated service yard and car park deck

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 22 December 2020.

### **CONSULTATION RESPONSES**

Cllr R Thomas (Local Ward Member) – Objects to the proposal due to the detrimental impact on local residents.

Maesteg Town Council – Objects to the proposed development due to the close proximity to the residential area where there are current issues with noise and traffic.

Transportation Officer (Highways) – No objection.

Head of Public Protection (Noise) – Raises concerns regarding the proposal for a variation in the times to start at 05:00 however states that a temporary permission for a 12-month period for deliveries between the hours of 06:00 to 22:00 to assess the impact on the existing amenities of the neighbouring properties would be acceptable.

### **REPRESENTATIONS RECEIVED**

10 Llynfi Road, Maesteg – objects due to the close proximity to bedroom window and damage to walls due to number of heavy vehicles entering the car park.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of concerns raised have been addressed within the appraisal section of this report however, damage to walls and property is a private matter and not a material Planning consideration.

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021 which was formally adopted by the Council in September 2013 and within which the following Policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy REG9 – Development Sites in Retailing and Commercial Centres



## **National Planning Policy and Guidance**

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW) and Future Wales – the National Plan 2040 (Feb. 2021) is of relevance to the determination of this application.

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes and Technical Advice Note 11 – Noise (1997) is relevant to the determination of this application.

### **Wellbeing of Future Generations (Wales) Act 2015**

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to 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 (Section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

## **APPRAISAL**

The application is referred to Committee to enable consideration of the objections received from the Town Council, local Ward Member and local resident.

The main issues to consider in this application are the impact on the neighbouring amenities and highway safety.

### Impact on neighbouring amenities

With regard to the impact of the proposed change in delivery times on the existing residential amenities of the neighbouring properties, the application was supported by a Noise Report prepared by Sharps Redmore Acoustic Consultants. The Council's Noise Officer has assessed the Report and requested further information. In view of this, a technical note was submitted by Sharps Redmore demonstrating that Aldi has regularly been having deliveries to the store between 05.00 and 07:00 hours during the relaxation period permitted by Welsh Government because of the current pandemic, between 14 November and 12 December 2020. Whilst this has not resulted in any noise complaints to date, the absence of complaints does not necessarily mean that the deliveries as early as 05:00 hours would not cause any disturbance to the residents. It should be noted that during the winter months it would be reasonable to assume that the residents at Llynfi Road are likely to have had their windows closed and therefore may not have been disturbed by the noise from those deliveries during that time. As a result, the Council's Noise Officer requested the delivery schedule between April and July to determine how often Aldi may have been having early morning deliveries during the warmer weather. Unfortunately, this information was unavailable as Aldi has not kept the records going back that far and they were only able to advise that *Whilst deliveries may not have been regularly received as early as they are at present, deliveries were made to the store*

*before 0600 hours on occasions.*

Although the Acoustic Report shows that the noise levels from the deliveries themselves should not cause an adverse impact during the arriving and unloading of goods at the rear of Aldi, it does not take into account the impact that the deliveries would have on the residential property located on Llynfi Road opposite the turning into Aldi as a result of a delivery vehicle pass-by. In the additional technical note that was submitted by Sharps Redmore however, the Consultant acknowledges that *it is accepted that there will be peak noise levels associated with the delivery vehicle passbys on Llynfi Road as they approach and depart from the Aldi store. Although not directly assessed at this store, delivery vehicle passby noise could be expected to be in the region of 70 to 75 dB LAmax at the properties on Llynfi Road. This is above the WHO peak noise guideline value of 60 dB LAmax.* The Public Protection Noise Officer agrees with these predicted levels.

The Consultant goes onto say *'although it is worth noting that the WHO guideline noise value of 60 dB LAmax is the level at which sleep disturbance may occur.. this does not mean that a person may awake when the noise level reaches this level, rather the process of restorative sleep may be affected, for example, the depth of sleep varies or eyelids may move'*. Whilst the Public Protection Noise Officer does not disagree with this statement, she indicates that the fact remains that the vehicle pass-by could be in the region of 70 to 75 dB LAmax so there could be an impact. It should be noted that whilst the Council's Public Protection Department would have jurisdiction over noise from deliveries taking place at a premises which is causing a nuisance, the Department cannot take action for statutory nuisance when it is from a vehicle pass-by going to or leaving from Aldi when it is on a public road in a residential area. Therefore, this matter has to be considered at the Planning stage as if the delivery itself does not impact on this property, statutory nuisance legislation could not be used to resolve any complaints received in relation to delivery vehicles passing and turning into the premises if it only disturbs the occupants at that point.

The Noise Officer considers that deliveries until 22:00 hours (as long as the vehicles have delivered the goods and departed by that time) should not cause any unnecessary disturbance and there is no objection to this however, the Noise Officer is concerned that as the store has not been able to demonstrate that deliveries have frequently occurred between 05:00 hours and 07:00 hours during the Spring and Summer months when the weather was warmer and residents were likely to have had their windows open, extending the hours as early as 05:00 hours would have an unacceptable impact on the property opposite the turning to Aldi.

Nevertheless, Aldi has advised that *deliveries were made to the store before 06:00 hours on occasions* and consequently, if the application is being recommended for approval, the Noise Officer requests that the permission is granted on a temporary basis (not exceeding 12 months) so that any impact can be monitored and that the proposed timings are no earlier than 06:00 hours Monday- Saturday and are kept to 07:00 hours on a Sunday. One of the reasons Aldi has requested the extended hours is so that they can take deliveries and stock goods in the store during their quieter periods and outside times when the store is open which is important during this pandemic. The opening hours for the store on a Sunday are reduced to 10am - 4pm (10:00 hours – 16:00 hours) as opposed to 8am - 8pm (08:00hours – 20:00 hours) on other days and therefore, there is no reason why deliveries need to occur at 06:00 hours on a Sunday. If extending the hours until 22:00 hours, it should also be made clear that the vehicles need to have unloaded their goods and have departed by 22:00 hours.

In view of the above and to address the concerns raised by the local resident, it is considered that the originally proposed extension to delivery hours of 05:00 to 22:00 hours

is excessive in view of the limited information available to demonstrate the impact on the existing amenities of the neighbouring properties.

Whilst the Council's Noise Officer has suggested a temporary 12 month permission, following further consideration of the application by the Local Planning Authority and in view of the restrictions imposed by the pandemic, it appears that a 6 month temporary permission would be more appropriate in order to allow the applicant to gather the additional evidence required over the summer period.

Therefore, it is considered that a temporary 6 month permission (March – September) to allow deliveries to the site between the hours of 06:00 hours – 22:00 hours Monday to Saturday and retain the current hours for deliveries to the store of 07:00 hours – 20:00 hours on Sundays and Bank Holidays is more acceptable.

This will allow the applicant to record the delivery information and enable the Local Planning Authority to review the effect of early morning deliveries on the residential amenities of the neighbouring properties which accords with Policy SP2(8) and SP2(12) of the BLDP(2013).

#### Impact on Highway Safety

The Transportation Officer has assessed the submitted details and has considered the transportation implications of the proposal.

Whilst the Transportation Officer has noted that the applicant is seeking to extend the hours of delivery to the food store from 7am to 8pm to 5am to 10pm (revised to 6am to 10pm for a period of 12 months) and that there have been some concerns raised with regards to noise, as the extension of delivery time is outside of the peak network hours for traffic in this area, he considers that the proposal would not be detrimental to the free flow of traffic. As such, the proposal is considered acceptable in highway safety terms and therefore it accords with Policy SP2(6) of the BLDP(2013).

#### **CONCLUSION**

In view of the nature of the objections received, it is considered that the issue of noise and disturbance is a material planning consideration and the impact on nearby residents must be taken into account. However, it is also noted that the impacts of the current pandemic may have placed greater pressures on the supply chain resulting in different delivery patterns and non-compliance with normal conditions. Welsh Government has indicated that during the current crisis Local Planning Authorities (Ministerial letter dated March 2020) should take a pragmatic view on enforcing time conditions specifically in relation to food retail.

On balance, and given that the restrictions imposed by the pandemic are still in place, this application can be recommended for approval for a temporary 6 month period to allow deliveries to the site between the hours of 06:00 hours – 22:00 hours Monday to Saturdays and retain the current hours for deliveries to the store of 07:00 hours – 20:00 hours on Sundays and Bank Holidays to enable the Local Planning Authority to review the effect of early morning deliveries on the existing residential amenities of the neighbouring properties.

#### **RECOMMENDATION**

(R11) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan and Noise Report prepared by Sharps Redmore Acoustic Consultants received on 12 November 2020 and additional Technical Noise Note prepared by Sharps Redmore Acoustic Consultants received on 14 January 2021.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. Deliveries shall not be taken at or dispatched from the site outside the hours of 06:00 to 22:00 Monday to Saturday and 07:00 to 20:00 on Sundays and Bank Holidays.

Reason: In the interest of residential amenities and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

3. This permission to extend the hours for unloading delivery vehicles shall be for a temporary period expiring on 30 September 2021 at which time the permitted hours for unloading delivery vehicles shall revert to between 07:00 hours and 20:00 hours.

Reason: To enable the Local Planning Authority to review the effect of early morning deliveries in the interest of residential amenities and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

4. There shall be no open storage of materials other than in the compactor area.

Reason: To ensure that the visual amenities of the area are protected and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

## APPEALS

### The following appeals have been received since my last report to Committee:

<b>CODE NO.</b>	A/21/3266841 (1910)
<b>APPLICATION NO.</b>	P/20/652/RLX
<b>APPELLANT</b>	MR & MRS N HEARD
<b>SUBJECT OF APPEAL</b>	REMOVE CONDITIONS 1 & 3 OF P/20/299/FUL 10 WOODSIDE AVENUE, LITCHARD
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The conditions relate to a temporary grant of planning permission and removal of conditions 1 and 3 of P/20/299/FUL would result in a lack of control, evidence and information being available to enable the Local Planning Authority to adequately review the impact the development on the amenities reasonably expected to be enjoyed by occupiers of nearby residential properties and the area at the end of the period of temporary consent. As such the proposal is contrary to Policy SP2 (12) of the Local Development Plan and the Council's Supplementary Planning Guidance SPG02: Householder Development.

<b>CODE NO.</b>	A/21/3267243 (1911)
<b>APPLICATION NO.</b>	P/20/703/OUT
<b>APPELLANT</b>	MR P SIMKINS
<b>SUBJECT OF APPEAL</b>	ERECTION OF ONE DWELLING LAND TO THE REAR OF 30/32 HIGH STREET, OGMORE VALE
<b>PROCEDURE</b>	WRITTEN REPRESENTATION
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its siting and scale on this constrained and steep site, would result in an undesirable and cramped form of development, which would only afford an unacceptably poor standard of residential amenity to the future occupants, by virtue of a lack of car parking and useable garden space contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2018).
2. The proposed development, by reason of its siting and scale, would result in an unacceptable loss of privacy to the occupiers of 2 & 3 Glyn Street by way of overlooking windows and the occupiers of 1 Filas Wessex by way of overlooking from the elevated rear gardens. Such an arrangement would be contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2018).

3. The proposed development, by reason of its siting and scale, would constitute overdevelopment of the site as it has not been demonstrated that there would be sufficient on-site car parking provision for the future occupiers of the development. The development would result in on-street parking, a subsequent reduction in the trafficable carriageway width to a single lane and the use of the footway for the parking of vehicles which will be detrimental to highway and pedestrian safety and contrary to Policies SP2 and PLA11 of the Bridgend Local Development Plan and Supplementary Planning Guidance 17: Parking Guidelines.

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<b>CODE NO.</b>	H/20/3265107 (1912)
<b>APPLICATION NO.</b>	A/20/11/ADV
<b>APPELLANT</b>	MR G JENKINS
<b>SUBJECT OF APPEAL</b>	DIGITAL ROTATING SCREEN TO SHOW MULTIPLE ADVERTS LOCATED ON SIDE OF 91 NOLTON STREET, BRIDGEND
<b>PROCEDURE</b>	ADVERT APPEAL
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed advertisement, by reason of its size, location and the changing/rotating nature of the digital display, would be detrimental to the safety of pedestrian and vehicular traffic using the adjoining highways at this busy urban junction, contrary to Policy SP2 of the Bridgend Local Development Plan.

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<b>CODE NO.</b>	D/21/3268724 (1913)
<b>APPLICATION NO.</b>	P/20/100/FUL
<b>APPELLANT</b>	MR A HILL
<b>SUBJECT OF APPEAL</b>	FRONT & REAR EXTENSIONS, REMOVAL OF PITCHED ROOF & REPLACEMENT WITH FLAT ROOFED SECOND FLOOR ACCOMMODATION WOODCLIFFE, RHYCH AVENUE, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER APPEAL
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its design, scale and materials, represents an excessive, incongruous and overly prominent form of development that will have a detrimental visual impact on the immediate context of the site and which is out of keeping with the character and appearance of this coastal location, contrary to Policy SP2 of the Local Development Plan (2013), Council's Supplementary Planning Guidance Note 02 Householder Development (2008), and advice contained within Planning Policy Wales (Edition 10, December 2018) and Technical Advice Note 12: Design (2016).
2. The proposed development, by reason of its design, scale, siting and materials, would be overbearing and have a detrimental impact on the level of light experienced by the

neighbouring occupier (Swn-yr-Don) which would represent an un-neighbourly form of development, contrary to Policy SP2 of the Local Development Plan (2013), Council's Supplementary Planning Guidance Note 02 Householder Development (2008) and advice contained within Planning Policy Wales (Edition 10, December 2018).

**The following appeals have been decided since my last report to Committee**

**CODE NO.** A/20/3261549 (1905)  
**APPLICATION NO.** P/20/359/FUL

**APPELLANT** R DERRICK

**SUBJECT OF APPEAL** CONVERSION OF EXISTING HOUSE IN MULTIPLE OCCUPATION (HMO) IN TO 2 TWO BED FLATS AND 1 STUDIO FLAT  
147 NEW ROAD, PORTHCAWL

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of the appeal decision is attached as **APPENDIX A**

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**CODE NO.** D/20/3264696 (1906)  
**APPLICATION NO.** P/20/573/FUL

**APPELLANT** MISS A GRAHAM

**SUBJECT OF APPEAL** ATTIC CONVERSION TO PROVIDE BEDROOM TO INCLUDE DORMER TO SIDE AND REAR ELEVATIONS  
12B HIGH STREET, MAESTEG

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of the appeal decision is attached as **APPENDIX B**

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**Janine Nightingale**

**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers** (see application reference number)



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/12/20

gan Nicola Gulley, MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19<sup>th</sup> January 2021

## Appeal Decision

Site visit made on 14/12/20

by Nicola Gulley, MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 19<sup>th</sup> January 2021

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**Appeal Ref: APP/F6915/A/20/3261549**

**Site address: 147 New Road, Porthcawl, Bridgend, CF36 5DD**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Derrick against the decision of Bridgend County Borough Council.
  - The application Ref: P/20/359/FUL dated 25 May 2020, was refused by notice dated 16 September 2020.
  - The development proposed is the change of use from an HMO to 2no. two-bed flats and 1 no. one-bed studio.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the impact of the proposed development on parking provision and highway and pedestrian safety.

### Preliminary Matters

3. The appellant contends that the dwelling has been used as a 6-bedroom HMO for a period in excess of 5 years. However, no substantive evidence has been presented to support this assertion. In the absence of such evidence, I must conclude that, for the purposes of this appeal, the use of the property is that of a dwelling occupied by a single person or household.

### Reasons

4. The appeal site is located in a predominantly residential part of Porthcawl and within close proximity to sea front attractions, shops and services. The site comprises a vacant mid-terrace property which I am advised is a house in multiple occupation (HMO). To the rear of the appeal dwelling is a modest sized garden which is enclosed on all sides by boundary walls. The highway immediately adjacent to the appeal site, and in much of the surrounding area, is subject to on-street parking restrictions.
  5. Policies SP2 and PLA 11 of the Bridgend Local Development Plan (2013) seek, amongst other things, to ensure that proposals for new development contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located and provide appropriate levels of parking. Additional guidance is contained in Supplementary Planning Guidance Note 17: Parking Standards (SPG),
-



which requires the provision of 4 no. off-street parking spaces to serve the proposed developments.

6. The development proposes the conversion of the appeal dwelling into 2 no. two-bed flats and 1 no. one-bed studio. No provision has been made for off-street parking within the curtilage of the site.
7. The parties agree that because of the location of the appeal dwelling, enclosed on all sides by residential properties, no opportunity exists for the appellant to provide off-street parking within the curtilage of the site and that the proposed development would be reliant on the availability of on-street provision.
8. The appellant contends that the appeal dwelling is in a sustainable location and the absence of dedicated parking provision to serve the property has not resulted in additional demand for on-street parking or had an adverse impact on highway or pedestrian safety in the locality. For its part the Council maintains that there is no established on-street parking provision associated with the appeal dwelling and the proposed development would result in additional demand for parking along New Road to the detriment of highway and pedestrian safety. In support of this assertion the Council has submitted evidence which indicates that the area surrounding the appeal dwelling is subject to high instances of illegal parking and that a highway scheme has recently been implemented close to the site in order to address safety concerns.
9. With regard to the location of the appeal dwelling, whilst I agree that the property is in a sustainable location, I am conscious that the shops and services in the locality are limited in their range and are unlikely to meet all the day to day needs of future residents. In terms of on-street parking, although I note the appellant's comments about the adequacy of spaces, I am conscious that no substantive survey information has been submitted to support this assertion. Moreover, based on my observations and the evidence presented by the Council, I consider that the residential streets surrounding the appeal site are subject to high levels of demand for on-street parking and that any additional requirements, such as those necessary to meet the needs of the future residents of the proposed development, would be likely to have an adverse impact on parking provision in the locality and, as a consequence, have a detrimental effect on highway and pedestrian safety. As such I consider that the proposed development would be contrary to the objectives of Policies SP2 and PLA 11 of the LDP and the Parking Standards SPG.

### **Conclusions**

10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
11. I have also had regard to all the matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions that the proposed development would have a harmful impact on the provision of parking and highway and pedestrian safety.
12. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Gulley*, Inspector



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/01/21

gan **P J Davies, BSc (Hons) MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 16<sup>th</sup> February 2021**

## Appeal Decision

Site visit made on 26/01/21

by **P J Davies, BSc (Hons) MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 16<sup>th</sup> February 2021**

**Appeal Ref: APP/F6915/D/20/3264696**

**Site address: 12B High Street, Nantyllyllon, Maesteg, CF34 0BW**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss A Grabham against the decision of Bridgend County Borough Council.
- The application Ref: P/20/573/FUL dated 3 August 2020, was refused by notice dated 20 October 2020.
- The development proposed is attic conversion to provide bedroom to include dormer to side and rear elevations.

### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal property is one half of a pair of semi-detached dwellings that occupies an open elevated position adjacent to a junction and facing towards a principal route. Whilst there is some diversity to the appearance of dwellings nearby, the housing pattern is generally laid out in groups of buildings that have a consistent and simple architectural style. This creates a balanced impression to the local street scene. As part of a distinctly uniform pair of buildings with a strong symmetry derived from the matching 2-storey front bay projections and hipped end roofs, the appeal property makes a positive contribution to the area's local character and distinctiveness.
4. The Council does not object to the rear dormer, and as this would form a small subordinate feature that for the most part would be contained within the roof plane, I do not disagree. However, the proposed side dormer would disproportionately lengthen the roof ridge to one side of the semi-detached pair and introduce a gable end feature that would contrast awkwardly with the otherwise balanced hipped roof. Consequently, it would fundamentally change the form of the roof and cause a significant visual imbalance to the appearance of the pair. Moreover, in this prominent position, these unacceptable effects would be readily apparent.

5. I conclude that the design and siting of the proposal would cause material harm to the character and appearance of the area. This would be contrary to Policy SP2 of the Bridgend Local Development Plan which seeks design of the highest quality possible whilst respecting and enhancing local character and distinctiveness. For the same reasons, the proposal would also run counter to the advice in the Council's supplementary guidance, 'SPG02 Householder Development'.
6. My attention is drawn to other schemes elsewhere in the County Borough which the appellant says are similar and larger, albeit no specific details are provided. In any event, these are a considerable distance away and do not have any bearing on the individual context of the appeal proposal which I have considered on its own merits. The appellant is prepared to provide details of other similar projects, but apart from not being able to accept further evidence at this stage of the appeal, I saw nothing in the vicinity of the appeal site that has had any significant influence on the context and setting that I have described to warrant the identified harm.
7. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.
8. For the above reasons, and having regard to all matters raised, the appeal is dismissed.

*P J Davies*

INSPECTOR

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## REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

4 March 2021

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES BRIDGEND CBC LOCAL PLANNING AUTHORITY

#### DEVELOPMENT OF NATIONAL SIGNIFICANCE

#### APPLICATION BY RENEWABLE ENERGY SYSTEMS LTD AT UPPER OGMORE, BETWEEN ABERGWYNFI, BLAENGARW AND NANT-Y-MOEL, IN BRIDGEND AND NEATH PORT TALBOT

#### LOCAL IMPACT REPORT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

##### **1. Purpose of Report**

- 1.1 This report seeks to advise Members of a Local Impact Report that has been prepared (and submitted to the Planning Inspectorate) by the Local Planning Authority for seven wind turbines (between 130m and 149.9m tip height) and associated works on 362 ha of land in the vicinity of the summit of Werfa.
- 1.2 The development is classed as a Development of National Significance (DNS).

##### **2. Connection to Corporate Improvement Plan/Other Corporate Priorities**

- 2.1 The delivery of the County Borough's statutory Planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

##### **3. Background**

- 3.1 The purpose of the DNS process is to ensure timely decisions are made on those Planning applications that are of the greatest significance to Wales because of their potential benefits and impacts.
- 3.2 Applications are submitted to the Planning Inspectorate Wales for consideration by an appointed Inspector. The appointed Inspector will then consider evidence from the applicant, the Local Planning Authority and other statutory consultees and interested parties before making a recommendation to the Welsh Ministers.
- 3.3 For a project to qualify as a DNS certain thresholds and criteria apply. As of 1 April 2019 the DNS thresholds related to renewable energy schemes have been extended. As a result all energy generation projects of between 10MW and 350MW are now captured by the DNS system.
- 3.4 This Local Impact Report (LIR) has been prepared to meet the requirements of Section 62K of the Town & Country Planning Act 1990 and Regulation 25 of the Developments of National Significance (Procedure) (Wales) Order 2016.

- 3.5 The LIR has been prepared to inform the Planning Inspectorate of the likely impact of the proposed development on the area. The report is a factual document and is based on local knowledge and evidence of local issues. There is also an opportunity for the Local Planning Authority to comment on the DNS application.
- 3.6 The LIR sets out:-
- The likely impact of the development on the area
  - The Planning History for the site
  - Local designations relevant to the site/surroundings
  - The likely impact of any application in relation to a secondary consent being granted
  - Any relevant local Planning policies, guidance or other documents
  - Draft conditions or obligations which the Local Planning Authority considers necessary for mitigating any likely impacts of the development
  - Evidence of the Publicity undertaken by the Local Planning Authority in accordance with the Procedure Order, i.e. a copy of the Site Notice, photographs of the Site Notice on display and a map showing the location of the Site Notice
- 3.7 A copy of the LIR is attached as an Appendix to this report.

#### **4. Next Steps**

- 4.1 The proposed development can be viewed and the Planning Inspectorate has published all representations and the LIR to the Developments of National Significance website (<https://dns.planninginspectorate.gov.uk/projects/wales/upper-ogmore-wind-turbines/?ipcsection=overview>)
- 4.2 The appointed Inspector (Richard E Jenkins) has considered the LIR and all representations received and has determined that Hearing sessions are required in order to discuss several aspects of the submission.
- 4.3 On 10 February 2021 the Planning Inspectorate received a proposal to vary the above DNS application under Article 27 of The Developments of National Significance (Procedure) (Wales) Order 2016 ('the 2016 Order'). The variation relates to:-
- (i) clarification of the site address and description of development and
  - (ii) a minor amendment to vary the Planning application boundary alongside the access track.
- 4.4 The Inspector has reviewed the proposal and does not consider that the proposed variation would represent a substantial change to the nature of the development proposed. The proposed variation has therefore been accepted under Article 27(5) of the 2016 Order.
- 4.5 Despite indicating that no further information is necessary, the applicant may under the provisions of Article 27(7) of the Procedure Order formally submit further details in respect of the proposed variation within 28 days from the date

of this notification. Any such submission must be sent to the Planning Inspectorate and the relevant Local Planning Authorities (LPAs) and must be received no later than Wednesday 17 March 2021.

## **5. Wellbeing of Future Generations (Wales) Act 2015**

5.1 The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

5.2 The duty has been considered in the production of this report.

## **6. Recommendation**

6.1 That Members note the content of this report and the LIR.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

### **Background Papers**

None

### **Contact Officer**

**Mr. Philip Thomas**

**Principal Planning Officer**

**Telephone Number: 01656 643173 e-mail: [phil.thomas2@bridgend.gov.uk](mailto:phil.thomas2@bridgend.gov.uk)**

### **Background Papers**

Appendix 1 - Local Impact Report

**Bridgend County Borough Council**  
**Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr**

LOCAL IMPACT REPORT  
ON BEHALF OF THE LOCAL PLANNING AUTHORITY

Town & Country Planning Act 1990  
The Developments of National Significance  
(Wales) Regulations 2016  
The Developments of National Significance  
(Procedure) (Wales) Order 2016

Application by Renewable Energy Systems Ltd  
Site Address: Upper Ogmor, between Abergwynfi, Blaengarw and  
Nant-y-Moel, in Bridgend and Neath Port Talbot

**Local Planning Authority Reference: P/20/893/DNS**  
**Planning Inspectorate Reference: DNS/3213662**



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## Appendices

Appendix A	Copy of 2001 Appeal Decision – A/02/1097582 – Wind Farm – 11 turbines – Site at Werfa, Nanty Moel
Appendix B	Copy of Planning Permission P/10/844/FUL – Llynfi Afan
Appendix C	Extract from Designation of Special Landscape Areas – March 2010
Appendix D	Copies of Relevant Local Development Plan Policies
Appendix E	Extracts from Landscape Character Assessment
Appendix F	Extract Plan from SPG: 20 identifying the boundaries of the relevant Landscape Character Areas and the Northern Uplands Special Landscape Area.
Appendix G	Photographs of Site Notices
Appendix H	Plan identifying position of site notices
Appendix I	Copy of Observations Received from Shared Regulatory Services

## 1.0 INTRODUCTION

1.1 This Local Impact Report (LIR) has been prepared by Bridgend County Borough Council's Local Planning Authority (LPA) to meet the requirements of Section 62K of the 1990 Act, and Regulation 25 of the Developments of National Significance (Procedure) (Wales) Order 2016.

1.2 The LIR has been prepared to inform the Planning Inspectorate of the likely impact of the proposed development on the area. The report is based on local knowledge and evidence of local issues.

1.3 In accordance with Section 62K, the LIR will set out as a minimum: -

- The likely impact of the development on the area
- The Planning History for the site
- Local designations relevant to the site/surroundings
- The likely impact of any application in relation to a secondary consent being granted
- Any relevant local planning policies, guidance or other documents
- Draft conditions or obligations which the LPA considers necessary for mitigating any likely impacts of the development
- Evidence of the Publicity undertaken by the LPA in accordance with the Procedure Order, i.e. a copy of the Site Notice, photographs of the Site Notice on display and a map showing the location of the Site Notice.

1.4 This LIR is reliant upon information available within the submitted documents and prior knowledge of the site. The LIR takes note of the relevant procedural guidance contained at Appendix 5 of the Welsh Government's 'Guidance on Developments of National Significance'.

1.5 The LIR is a factual document that should not weigh evidence or make recommendations but should state whether impacts are anticipated to be positive, negative or neutral. As such this LIR will not qualify impacts beyond those words since to do so would be to apply weighting which is expressly excluded in the relevant advice.

## 2.0 SITE AND SURROUNDINGS

2.1 The application site extends to some 362 hectares, is located in the vicinity of the summit of Werfa, which at 568m AOD is the highest point within the Bridgend County Borough area.

2.2 In a 2001 appeal decision against a refusal of planning permission for a wind farm development on this site, (**Appendix A refers**) the Inspector described the site as being... *"At the head of the steep sided ridge lines radiating out in all directions for some miles; it is strongly characterised by its openness, forming the head of a bare sweep of mountain plateau which contrast strongly with the steep, partly forested valley sides and the urban areas on the valley floors"*.

2.3 The description still has merit although it was offered before the development of the Llynfi Afan wind farm which lies adjacent to the application site.

2.4 The ES indicates that from this high point of Werfa, the plateau slopes gently down in all directions, though only marginally to the northern boundary which follows the administrative boundary across the upland. On the other sides the plateau drops sharply at the valley edges. In the south-west the site includes the upper slopes of the head of the Garw Valley, down to an elevation of around 300m. To the south, the high ground extends beyond the site along the long ridge of Mynydd Llangeinwyr. The eastern part of the site occupies the narrow cwms at the head of the Ogmore Valley, and narrow upland ridges between. Small watercourses drain the site to south-east and southwest.

2.5. The ES continues, *“Land cover consists of upland grassland, used as rough grazing. The boundary adjoins coniferous plantations to east, west and north, but there is no woodland on site. The only enclosures are in the eastern part of the site and comprise post and wire fencing. The summit of Werfa features an OS trig point, and two communications masts within a fenced compound. The compound is accessed via a track from the A4107, and serviced by a low-voltage overhead power line on wood poles which runs from the Garw Valley. A series of vertical axis wind turbines were formerly located to the south of the masts, but only the foundations now remain. To the west and north the turbines of Llynfi Afan Wind Farm are located along the Werfa ridge.*

2.6 *There are several public rights of way crossing the site, including a bridle path linking Cwmparc with the Garw Valley, and footpaths linking to the other surrounding valleys, and following the ridge of Mynydd Llangeinwyr south. Being unenclosed upland grazing, the majority of the site is open access land, with the exception of the enclosed pastures in the east.*

2.7 *The north-east boundary follows the A4107, which connects the Afan Valley with the A4106, which in turn connects the Ogmore Valley with the Rhondda Valley. Both roads feature a series of hairpins as they traverse the steep hills. The junction of the two roads at Bwlch has a car park and is marked as a viewpoint on OS maps, having a prospect north-east towards Treorchy and away from the site.*

2.8 *The planning application boundary also includes approximately 3.6 km of access track to the north of the Wind Farm site, which will be used as part of the abnormal load access route. This existing forest track runs between stands of commercial conifer plantation, and the boundary includes an existing borrow pit.”*

2.9 The site and immediate surroundings are fully discussed in the ES.

### **3.0 THE PROPOSED DEVELOPMENT**

3.1 The proposed development is described in paragraph 3.8 of the Environmental Statement (ES) as comprising the following:

- Seven three-bladed horizontal axis wind turbines, four of up to 149.9 m tip height (Turbines T3, T4, T5 and T7) and three of up to 130 m tip height, (Turbines T1, T2 and T6).

- Turbine foundations
- Hardstanding areas at each turbine location for use by cranes erecting and maintaining the turbines
- Approximately 4.3 km of new access track
- An upgraded site entrance off the public road
- Wind farm substation compound containing electrical apparatus and a control building
- Energy storage containers
- On-site electrical and control network of underground (buried) cables
- Temporary construction compound
- Permanent and temporary drainage works
- Two borrow pits
- Off-site road improvement works along forestry track and possible short diversion of the forestry track
- Associated forestry felling
- Temporary and permanent diversions to public rights of way
- Secondary application under section 16 of the Common Act 2006 will be submitted in association with this primary application
- Associated ancillary works

3.2 A new site access will be created into the development site on the southern side of the A4107, (Figure 3.9 refers). No construction traffic is proposed to enter the site from the south along the A4061 with this Council identifying at pre-application stage, a number of issues with bridges and slip planes on the local network. It is noted that prior to construction commencing, a Construction Traffic Management Plan (CTMP) will be submitted.

3.3 Paragraph 3.41 of the ES indicates that the proposed development includes a permanent diversion to bridleway BW64 Garw Valley and footpath FP103 Garw Valley, both of which run through the application site, in order to maintain a suitable distance from the proposed wind turbines. In addition, a temporary diversion to footpath FP31 Ogmores Valley is proposed to maintain a suitable set back distance from the borrow pits.

3.4 It is anticipated that construction of the Wind Farm would take 10 months. Construction of the Energy Storage Facility would take approximately six months which, due to grid constraints, is likely to take place at a later date than the Wind Farm. Construction works are proposed to take place between the hours of 0700-1900 Monday to Friday and 0700 – 1300 on Saturdays. Outside these hours, work at the site shall be limited to turbine erection, testing/commissioning works and emergency works.

3.5 As a result of the proposed development, the applicant company are seeking to de-register 16.81 ha of common land to make way for the wind farm infrastructure and temporary construction area. To off-set this, the applicant has secured 16.81 ha of replacement land directly bordering the existing common, which will be available from the start of construction. The habitat of the replacement land is semi-improved grassland with areas of improved grassland, marshy grassland and flush habitats. The replacement land would develop into an acid and marshy grassland mosaic, reflective of the common land occupied by the proposed development, when taken out of active agricultural improvement be available from the start of construction.

#### 4.0 PLANNING HISTORY

The following table of the relevant application and appeal is reproduced below:

##### RELEVANT PLANNING HISTORY – APPLICATION SITE

APPLICATION/APEAL NUMBER	APPLICANT	PROPOSAL	DECISION AND DATE
P/01/887/FUL	Amec wind	Wind Farm 19 Turbines 2 Monitoring Masts, Access, Building Etc (With Environmental Impact Assessment)	Refused on 19 <sup>th</sup> March 2002
APPEAL REF: A/02/1097582	Amec Wind	Appeal against the refusal of planning permission P/01/887/FUL for a wind farm comprising the erection of 11 wind turbines, 1 wind monitoring mast (50m high), associated cable runs, construction and improvement of associated accesses, site buildings and site compound.	Appeal <b>DISMISSED</b> on 25 <sup>th</sup> August 2004  (Appeal Decision attached as <b>Appendix A</b> ).
P/05/1701/FUL	Networks by Wireless	Install Communications Equipment to include 600Mm Microwave Dishes & One 300Mm Microwave Dish	Unconditional Consent on 26 <sup>th</sup> January 2006
P/11/352/SOR	G2 Energy	The proposal related to the erection of a single 500 kVA wind turbine with a maximum tip height of 78 metres. G2 were seeking a 'screening opinion' as to whether the development required an Environmental Impact Assessment.	On 7 <sup>th</sup> July 2011, BCBC issued an opinion that an Environmental Impact Assessment was required.

<b>P/16/546/FUL</b>	RES Ltd	Erect a temporary meteorological mast with a maximum height of 81.5m for a period of up to 2 years	Temporary Consent issued on 13 <sup>th</sup> September 2016 requiring the mast to be removed from the site on or before 31st December 2018.
<b>P/18/213/ESO</b>	RES Ltd	Request for scoping opinion for proposed wind farm of 8 wind turbines and battery energy storage system	Scoping Opinion issued on 3 <sup>rd</sup> May 2018
<b>P/18/901/RLX</b>	RES Ltd	Application to vary condition1 of P/16/546/FUL to extend the period of the temporary permission until 30 <sup>th</sup> June 2019	Consent Issued on 8 <sup>th</sup> January 2019.
<b>P/19/859/RLX</b>	RES Ltd	Application to vary condition1 of P/18/901/RLX to extend the period of the temporary permission until 31 <sup>st</sup> March 2020.	Consent Issued on 28 <sup>th</sup> January 2020.
<b>RELEVANT PLANNING HISTORY – ADJACENT TO APPLICATION SITE</b>			
<b>P/06/1405/ESO</b>	RPS on behalf of Gamesa Energy UK Ltd	Request for scoping opinion for a Renewable Energy Park comprising 14 wind turbines, photovoltaic panels and other ancillary development.	Scoping Opinion issued on 12 <sup>th</sup> December 2006
<b>P/10/844/FUL</b>	Gamesa Energy UK Ltd	Proposal for the erection of 15 Wind Turbines (3 in Bridgend County Borough Council), Substation, Upgrade existing tracks and associated infrastructure.	Conditional Consent issued on 18 <sup>th</sup> July 2013. (Decision notice attached as <b>Appendix B</b> )
<b>P/11/92/OBS</b>	Neath Port Talbot Council	Request for observations by Neath Port Talbot Council for the erection of 15 Wind Turbines, Substation, Upgrade existing tracks and associated infrastructure.	Decision of 'No objection' offered on 19 <sup>th</sup> December 2011
<b>P/15/34/NMA</b>	Gamesa Energy UK Limited	Request non-material amendment to re-locate substation in connection with P/10/844/FUL	Agreed on 17 <sup>th</sup> February 2015
<b>P/18/285/DOC</b>	Gamesa Energy UK Limited	Approval of details for condition 29 of P/10/844/FUL	Agreed on 12 <sup>th</sup> September 2018.

## 5.0 LOCAL DESIGNATIONS

5.1 The site lies in the open countryside for policy interpretation purposes and forms part of the Northern Upland Special Landscape Area. Such areas are recognised as being unique, exceptional or distinctive to the county borough. In a document titled – Designation of Special Landscape Areas – March 2010 produced by TACP on behalf of Bridgend County Borough Council, the Primary Landscape Qualities and Features of the Northern Uplands are described as follows:

*“An open upland ridge landscape lying between approximately 250m and 550m AOD. The western half of the SLA consists of unenclosed uplands with easterly (in Ogmores Valley) and westerly (in Garw Valley) facing slopes of relatively narrow valleys, with boundaries of urban/rural interface on lower valley slopes. The Upper Ogmores Valley exhibits the classic characteristics of glaciation, namely a U-shaped valley which is interspersed with minor truncated spurs and small hanging side valleys. The busy A4064 that follows the river course along the Afon Garw floor is a slight visual and sensory detractor due to noise and movement of traffic. Panoramic and sometimes dramatic views over upland and adjoining valleys.*

*The eastern half of the SLA has steep westerly facing slopes of the quite narrow valley (Ogmores), with views across the urban area (Ogmores Vale, Pricetown) on the valley floor with which it has an urban/rural interface. Attractive upland views within and out over Ogmores Vale and to other upland areas that survive largely intact and unaffected by modern afforestation. Wind noise is a dominant aesthetic factor which evokes particular experience of exposure and wildness. Some visual clutter of pylons slightly detracts from this otherwise wild/exposed typical upland area with a strong sense of place. Not remote as close to valleys and their associated urban areas.*

*Predominant land cover of rough grazing and bracken, rock outcrops to the east and with some old stone walls. With acid grassland, heath and internationally important blanket bog habitats and including Cwm Cyffog SSSI. Lower Ogmores Valley includes some patchy broadleaved woodland and at Ogmores Vale the Aber Woods Ogmores Valley looking south from A4061/Aber Road Ancient Woodland SIN, whilst the northern end of the SLA includes the conifer plantations, including Cwm Nant-y-moel and the area around Nant-y-moel itself.”*

**Appendix C** is an extract from the Designation of Special Landscape Areas – March 2010 document that includes a location plan and cross reference to LANDMAP Information System.

5.2 The application site is also located on a sandstone resource which is afforded a level of protection under Policy ENV9 which states:

*'Development proposals within mineral safeguarding areas, either permanent or temporary, will need to demonstrate that:*

*1. If permanent development, the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource; and*

2. *In the case of residential development, the scale and location of the development e.g. limited infill/house extensions, would have no significant impact on the possible working of the resource; and*

3. *In the case of temporary development, it can be implemented and the site restored within the timescale the mineral is likely to be required'.*

The policy accepts that temporary development will be acceptable where the proposal can be implemented and the site restored within the timescales the mineral is likely to be required.

5.3 There are no statutory sites of nature conservation interest within the application site but there are 4 within the study area. The nearest internationally important site in Bridgend is the Blackmill Woodlands Special Area of Conservation (SAC) and SSSI which is located approximately 7.2 km south of the site.

5.4 There are eight local authority designated Sites of Importance for Nature Conservation (SINCs) within 2 km of the site, four of which are in Bridgend County Borough Council. The nearest is the Blaengarw North-East SINC which lies adjacent to the site boundary. The SINC comprises semi-improved neutral grassland, dense continuous scrub, semi-improved acid grassland, wet dwarf shrub heath, marsh/marshy grassland, acid/neutral flush. The proposed development will not extend beyond the developable boundary, and it is understood that the ground works will be approximately 1 km distant from the Blaengarw North-East SINC at its nearest point.

## **6.0 LOCAL DEVELOPMENT PLAN POLICIES**

6.1 Section 54A of the Town & Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that all planning applications are determined in accordance with the relevant development plan policies, unless material considerations indicate otherwise.

6.2 In September 2013, Bridgend County Council adopted the Local Development Plan (LDP), and as such, this proposal would need to be in accordance with the requirements of this LDP and National Planning Policy.

6.3 The LDP Policies which are relevant to this case include the following:

### Strategic Policies

SP2 Design and Sustainable Place Making

SP3 Strategic Transport Planning Principles

SP4 Conservation and Enhancement of the Natural Environment

SP5 Conservation of the Built and Historic Environment

SP6 Minerals

SP8 Renewable Energy

### Development Management Policies

PLA4 Climate Change and Peak Oil



PLA5 Development in Transport Corridors  
PLA9 Development Affecting Public Rights of Way  
PLA11 Parking Standards  
ENV1 Development in the Countryside  
ENV3 Special Landscape Areas – (2) – Northern Uplands  
ENV4 Local/Regional Nature Conservation Sites  
ENV5 Green Infrastructure  
ENV6 Nature Conservation  
ENV7 Natural Resource Protection and Public Health  
ENV9 Development in Mineral Safeguarding Areas  
ENV18 Renewable Energy Developments

The relevant LDP Policies are attached in **Appendix D**.

6.4 The Council considers that the Bridgend Local Development Plan contains sufficient information and policies to provide the basis for the determination of all planning applications through the development control process. Nevertheless, the Council has produced the following supplementary planning guidance which will should also be considered:

**6.5 SPG 19 Biodiversity and Development – A Green Infrastructure Approach. Sustainable Energy** - The purpose of this Supplementary Planning Guidance (SPG) is to expand upon the Council's existing planning policies on biodiversity and green infrastructure contained within the adopted Local Development Plan (LDP). It outlines how the Council will expect habitats to be considered as part of development proposals within the County Borough of Bridgend. It also introduces the concept of adopting a Green Infrastructure Approach to development. This document has been formulated as a result of close cooperation between the Planning and Regeneration departments of the Council and Natural Resources Wales, all of which will be involved in the negotiations for protecting and enhancing green infrastructure through the planning system. This SPG was adopted by Bridgend County Borough Council at its meeting on 16th July 2014 and can be viewed in full at the following link:

<https://www.bridgend.gov.uk/media/1840/final-green-infrastructure-spg-for-web.pdf>

6.6 The SPG is in two parts. Part A defines 'Green Infrastructure', in the context of local policies, considers its benefits and how they can be 'built' upon and Part B which is specific design guidance which identifies special areas and species that are subject to protection and how biodiversity should be incorporated into new developments. The importance of survey work is highlighted as is the approach to avoid impacts where possible. Compensation will only be considered where the developer/applicant has satisfactorily demonstrated that avoidance and mitigation are not possible and the compensatory measures result in no net loss of habitat. Replacing habitats off-site should always be a last resort and as much natural value as possible should remain on-site. This is not only for wildlife but also for people living on or nearby the site. Green infrastructure provides numerous benefits and its removal from a locality could result in a loss of benefit and function for the local community.

**6.7 SPG 20 Renewables in the Landscape** is part of a suite of Green Infrastructure SPGs produced by the Council to echo the emerging principles of Natural Resources Wales: promoting the strategic management and planning of landscapes to deliver multiple (social, economic and environmental) benefits. This Renewables in the Landscape SPG recognises that the varied landscapes of Bridgend County Borough have a significant economic, social and community value, contributing to a sense of identity, well-being, enjoyment and inspiration. At the same time, many parts of the landscape have good conditions to produce wind and solar energy which are already being capitalised upon through the installation of related developments.

6.8 The Council recognises these opportunities and understands the need to maximise renewable energy generation, which can also have environmental, economic, social and other benefits. However, the development of wind and solar electricity generating installations within the county borough needs to be managed carefully to achieve the greatest contribution towards energy needs, while at the same time ensuring that the valued characteristics of the landscape are not unacceptably harmed.

6.9 In order to help understand how best to design and site wind and solar PV developments at the right scale and in the right places, this SPG includes an assessment of the sensitivity of the County Borough's landscapes to different scales of wind and solar photovoltaic energy developments. It also includes general guidance for developers to follow when planning and designing schemes, as well as specific information tailored to each of Bridgend's 15 Landscape Character Areas to reflect local variations in landscape character.

6.10 This SPG provides evidence to support LDP policies including SP2: Design and Sustainable Place Making, SP4: Conservation and Enhancement of the Natural Environment and SP8: Renewable Energy.

6.11 This SPG was adopted by Bridgend County Borough Council at its meeting on 16th December 2015 and can be viewed in full at the following link:

<https://www.bridgend.gov.uk/media/1857/spg20-renewables-in-the-landscape.pdf>

6.12 The Landscape Character Assessment for Bridgend County Borough (July 2013) is based on a spatial framework of fifteen Landscape Character Areas (LCAs). LCAs are defined as: "Single unique areas of landscape character, each with its own unique character and identity".

The application site is within and affected by four landscape character areas:

- Mynydd Llangeinwyr Uplands
- Ogmere Valley Floor & Lower Slopes
- Garw Valley Floor and Lower Slopes
- Llynfi & Garw Uplands and Forestry

The descriptions, evaluations and landscape sensitivities and guidelines for each of the character areas listed above are reproduced as **Appendix E**. The full document can be viewed at the following link:

<https://www.bridgend.gov.uk/media/1149/bridgend-landscape-character-assessment.pdf>

The Landscape Character Assessment for Bridgend County Borough (July 2013) provides the evidence base for SPG 20 and allows planners and developers to consider the character and sensitivity of the different landscapes of the County Borough when considering new developments. This SPG draws on the information provided in the Landscape Character Assessment and uses the same framework of fifteen Landscape Character Areas (LCAs) to assess the varying levels of sensitivity to wind energy developments and field-scale solar PV.

It is the Council’s view that the targets and policies for renewable energy need to be carefully balanced with policies that seek to protect and enhance landscape character and distinctiveness.

Figure 2.2 from the SPG identifies the boundaries of the relevant Landscape Character Areas and the Northern Uplands Special Landscape Area, (Policy ENV3 (2) refers. This is reproduced as **Appendix F** to this statement.

The methods for assessing Landscape Sensitivity to Renewable Energy Developments are set out in paragraphs 2.16 to 2.20. Tables within the document provides information on the criteria that have been used for the assessment of landscape sensitivity to the principle of wind energy development (of any size). The results of the assessment are a summary of landscape sensitivity to the principle of the renewable energy development for each Landscape Character Area.

Figure 3.5 in the SPG confirms that for all the landscape character areas referred to in paragraph 6.12 above, the Landscape Sensitivity to Very Large Wind Energy Developments (between 111m to 150m high) is HIGH.

Chapter 4 of the SPG provide a robust evidence base for informing future planning and management decisions on renewable energy developments across the County Borough and uses the framework of the 15 Landscape Character Areas (LCAs) to provide an assessment of sensitivity to such developments that is strongly linked to local landscape character.

The Landscape Sensitivity Assessment for Wind Energy Development on Mynydd Llangeinwyr Uplands is detailed in the table below:

<b>Criteria</b>	<b>Landscape attributes and descriptions</b>
Landform and scale	Large-scale upland landscape between the Garw and Ogmore valleys, forming an exposed plateau with prominent tors and ridgeline of the Craig Ogwr in the north-east.
Land cover pattern and presence of human scale features	The main land cover is unenclosed rough grazing, with tracts of valuable semi-natural upland habitats such as acid grassland with patches of heathland, scrub, marshy grassland and flushes. In the south, the landscape comprises irregular medium to large pastures. Woodland is limited to coniferous plantations and belts of woodland in the lower reaches of the LCA along field boundaries. Settlement in the landscape is sparse and minimal, with the main settlement at the small village of

	<p>Llangeinor.</p> <p>Human scale features are sparse on the higher ground, but more frequent at lower elevations, including trees, hedgerows, stone walls and occasional farmsteads.</p>
Historic landscape character	<p>Notable prehistoric features are found in this landscape in the form of round barrows, cairns and dykes on hill summits. Several of these are Scheduled Monuments. Additionally, the settlement of Llangeinor is a designated Conservation Area.</p>
Skylines	<p>The landscape is defined by its open, elevated skylines occasionally marked by historic monuments and the lines of plantations. These are strongly visible from the surrounding landscapes, forming an upland backdrop to nearby valley settlements including Blaengarw, Price Town, Lewistown and Pant-yr-Awel, as well as Bridgend and Bettws from the south. Telecommunications masts mark the high summit of Werfa and the hill above Blackmill.</p>
Key views and vistas	<p>There are panoramic views afforded from this LCA across the County Borough and beyond, including north towards the Brecon Beacons and south across the Bristol Channel and towards Exmoor. Telecommunications masts within and existing wind farms outside the County Borough form man-made landmarks (including Ffynnon Oer in Neath Port Talbot; Maerdy and Ferndale in Rhondda Cynon Taf).</p>
Scenic and special qualities	<p><u>85% of this LCA is contained within the Northern Uplands Special Landscape Area, designated for its largely intact, attractive upland views and important upland semi-natural habitats.</u></p> <p>The sensitive features of this landscape, as recorded in the LCA description, include its open, remote and wild character, prominent geological features, valued upland habitats, prehistoric features and long, uninterrupted views to the Brecon Beacons and Bristol Channel. Some of these could be affected to a degree by wind energy development.</p>
Perceptual qualities	<p>The majority of the LCA is a remote and exposed upland landscape, with some of the lower fringing areas impacted in parts by views of existing development. The south of the LCA includes more human influence in the form of enclosed pastoral farmland interspersed with open common land (e.g. Bryn-y-Wrach).</p>
Summary of landscape sensitivity	<p>Although this is a large-scale landscape with some skylines already marked by man-made structures, its overall open, remote and wild character, role as an upland backdrop to views from adjacent settlements and landscapes, the presence of nationally important historic landmarks on elevated sites and valued areas of semi-natural habitat all increase sensitivity to wind energy development.</p> <p>The following locational variations of sensitivity should be taken into account: The enclosed land in the south and outside the Northern Uplands SLA would be particularly sensitive to turbines of medium-scale or above, due to the presence of more frequent human-scale features and intricate landscape patterns</p>
Sensitivity to	

different turbine heights	<b>Very large (111-150m) - HIGH</b>
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Strategy and guidance for wind energy development as it relates to this Landscape Character Area (LCA) is also provided as part of the SPG and should be considered in the assessment of any application. The SPG does note that at the time of the assessment there were no permitted or operational wind turbine schemes in this LCA. Specific guidance for single and multiple developments within the Landscape Character area is provided:

- The characteristic remote and undeveloped character of the landscape is protected.
- The important areas of upland habitat and commons are avoided as the sites for wind turbines or ancillary developments, including blanket bog, heathland, acid grassland, scrub and marshy grassland.
- The heritage assets within the landscape are protected, including nationally important prehistoric cairns on hill summits, and the Conservation Area of Llangeinor.
- Wind turbines do not impact upon the spectacular, uninterrupted panoramic views from the LCA, including north to the Brecon Beacons and south over the County Borough towards the Bristol Channel (and across to Exmoor in clear conditions).
- Opportunities are sought to adopt a Green Infrastructure approach for all development.

The guidance recognises that changes to landscape character are accepted within the Strategic Search areas defined in the Welsh Government guidance, outside such areas, wind farm development should:

- Collectively not become a key characteristic or have a defining influence on the character of the landscape as summarised in the 'Key landscape Characteristics' section
- Be of a similar scale and design (in terms of siting, layout, form and relationship to key characteristics) to maintain a simple image and reinforce links between landscape characteristics and design response

## **7.0 PUBLICITY OF THE APPLICATION**

7.1 By letter dated 10<sup>th</sup> December 2020, PINS confirmed that the application had been accepted by them as valid and the application process had commenced.

7.2 Bridgend County Borough Council can confirm that the documents required to be placed on the planning register, and described in the PINS validation letter, were placed on the planning register within the required 5 working days. Therefore, the LPA submits that they have complied with Regulation 20 of The Order.

7.3 BCBC can also confirm that the site notices were erected onsite on 17<sup>th</sup> December 2020. BCBC therefore submits that it is compliant with Regulation 19 and Regulation 25 (2) (c) of The Order. Photographic evidence of the erection of the site notices can be found in **Appendix G**.

**Appendix H** outlines a plan with an indication of where the site notices were erected.

## **8.0 IMPACT OF THE DEVELOPMENT ON THE AREA**

8.1 This section of the report will examine the Local Impacts of the Development as they relate to Bridgend County Borough Council. The discussion will be confined to the following areas:

- Landscape and Visual Impact
- Traffic, Transportation and Access
- Ecology
- Acoustics
- Heritage
- Shadow Flicker
- Hydrology and Surface Water Assessment

## **9.0 Landscape and Visual Impact**

9.1 Chapter 5 of the ES considers the effects of the proposed development on landscape character and visual amenity. It has been undertaken in accordance with all relevant published guidance on the topic, and has involved desk and field based assessments. The approach and scope of the assessment was agreed through scoping and through consultation with this Council. The objectives of the chapter are clearly stated in paragraph 5.11. A comprehensive review of the relevant policy and legislation is included and the assessment methodology appears to follow best practice and the relevant guidance.

9.2 The Landscape Baseline which is described through paragraphs 5.60 to 5.76 is accurate and references LANDMAP and the specific character assessments and sensitive studies that are particularly relevant to Bridgend County Borough Council.

9.3 Significant effects on landscape are predicted to occur across the site, where the introduction of seven large turbines will give rise to a major (significant) effect.

The effects of the access tracks, substation, control building and energy storage facility will be more localised but will contribute to this major effect at the site level.

9.4 Appendix 5.4 to the ES provides a detailed assessment of effects on Landscape Character with reference to the specific receptors being the Landscape Character Areas. The Inspector's attention is drawn to Table 5.4.3 which consider the effects on Mynydd Llangeinwyr Uplands LCA. The assessor's summary is that...

*“Overall, considering the scale, extent and duration of the change to the baseline, and the value placed on the resource, the level of effect is judged to be **major** (significant).”*

9.5 This is on the basis that the turbines, tracks and ancillary structures will be a new feature in this LCA, in an area of presently open upland grassland. The presence of the turbines will be apparent from across much of this LCA, although there are areas to the south where they will not be seen. The Proposed Development would generally be seen in northward views, in the context of existing man-made structures in the surrounding landscape, including Llynfi Afan and the communications mast, but would be more apparent in the view, and could draw further attention to this element of local character. (See Viewpoint 10). The scale of the effect would be large.

9.6 The table in Appendix 5.4 includes a review of other Landscape Character Areas within the study area in Bridgend County Borough Council.

9.7 Effects on Ogmores Valley Floor and Lower Slopes (Bridgend LCA 7) are judged to be moderate-significant based on the scale and extent of the change and the relationship with other wind turbines on the skyline. This is particularly in the northern part of the LCA around Nantymoel and Price Town where Turbines 3, 5 and 6 will be prominent (Viewpoint 6 refers).

9.8 Effects on Garw Valley Floor and Lower Slopes (Bridgend LCA 5) are judged to be moderate-significant considering the scale and extent of the change, and the appearance of the turbines on skyline. This is particularly in the northern part of the LCA around Blaengarw.

9.9 Paragraph 5.119 recognises that the presence of additional turbines will affect the character of the valley landscapes being located on high ground between the Garw and Ogmores Valleys. The applicant's LVIA confirms that the scale of the effect on the Ogmores valley is judged to be large, due to turbines being introduced on to a currently open skyline. From the Garw valley, turbines will be set further back from the valley side, and the scale of effect is more limited.

9.10 The LVIA indicates that when viewed from the south east the effects of the development on landscape character would be more pronounced with the turbines appearing larger and closer than the Llynfi Afan development.

9.11 Cumulative effects on landscape character have been considered and it is concluded that that the additional effect of the proposed development in combination with existing wind farms will be greater to the south and east. This is not defined but

would include areas within the Ogmore Valley Floor and Lower Slopes (Bridgend LCA 7) and Ogmore Forest and Surrounding Uplands LCA (Bridgend LCA 8). The landscape change that is caused by this development and its impact on the residents in the northern part of the LCA 7 must be viewed with the changes that have occurred as a consequence of wind farm development above the eastern slopes of the Ogmore Valley, (Pant y Wal and Pant y Wal Ext in Table 5.7 on page 5.25 of the ES refers). The capacity of the landscape to accommodate the cumulative effects of the changes must be considered in the assessment of this application.

9.12 The acknowledged significant effects on the designated Northern Upland Special Landscape Area and the related Landscape Character Areas must be considered against the adopted development plan policies of this Council and all other relevant supplementary planning guidance.

9.13 The overarching aim of the policies of the Bridgend Local Development Plan are to protect and enhance the environment. Development which will conserve and, wherever possible enhance the natural environment of the County Borough will be favoured. Those proposals that would have an adverse impact upon the integrity of the County Borough's Countryside, the character of its landscape and its biodiversity and habitats will not be permitted, (Policy SP4 of the Bridgend Local Development Plan 2013 refers).

9.14 Paragraphs 5.118 to 5.123 of the ES acknowledge that the development would have a major (significant) effects on landscape across the site and the surrounding Mynydd Llangeinwyr Uplands LCA, by the construction of the seven large turbines and associated infrastructure. The development on high ground between the Garw and Ogmore Valleys, will affect the character of these valley landscapes with the effect on the Ogmore Valley judged to be large, due to turbines being introduced on to a currently open skyline. When viewed from the south and east, the proposed Development will appear larger and closer than the Llynfi Afan wind farm emphasising the presence of the existing turbines in the landscape.

9.15 The above impacts endorse the findings of the Landscape Sensitivity Assessments that form part of SPG 20 Renewables in the Landscape, which confirmed that the Mynydd Llangeinwyr Uplands LCA, affected by the development is Highly Sensitive to Very Large (111m to 150m) Wind Farm development due to its overall open, remote and wild character; its role as an upland backdrop to views from adjacent settlements and landscapes, the presence of nationally important historic landmarks on elevated sites and valued areas of semi-natural habitats.

9.16 Paragraph 5.9.13 of Planning Policy Wales – Edition 10 – December 2018 confirms that within and immediately adjacent to the Strategic Search Areas (SSAs) there should be implicit acceptance that there will be significant change in landscape character from wind turbine development. Paragraph 5.23 of the ES acknowledges that the boundary of the nearest SSA (F) lies approximately 1.2km to the north of the application site, beyond the corridor of the A4107 – this is illustrated on Figure 5.1 to the ES.

9.17 The applicant has drawn attention to the refined policy areas detailed in the TAN 8 Annex D study of Strategic Search Areas E and F: South Wales (2006). The



application site is located partly within Zone 22: Werfa, which is described as having 'fairly high' visual and sensory sensitivity, and 'medium-high' landscape character sensitivity. The potential visibility of turbines in this zone, particularly from settlements in the Garw and Ogmere valleys, is highlighted in the supporting text and reaffirmed by the studies that have accompanied this proposal.

9.18 With reference to Policy SP4, the applicant's Landscape Assessment confirms that the development would have an adverse impact on the character of the landscape across the site and its surroundings. Accordingly, the development does not fully accord with the requirements of the policy.

9.19 The high level of protection that is afforded to the integrity and landscape character of the countryside in Bridgend under Policy SP4 of the BLDP is extended to the Special Landscape Areas which include the Northern Uplands which accommodates the proposed development. The protection is qualified with development only being permitted where:

*It retains or enhances the character and distinctiveness of the SLA;*

*The design of the development reflects the building traditions of the locality in its form, materials and details, and/or assimilates itself into the wider landscape; and*

*The proposed development is accompanied by a landscape assessment which takes into account the impact of the development and sets out proposals to mitigate any adverse effects.*

9.20 The implications of the development on designated landscapes is considered in paragraphs 5.124 to 5.126. Significant effects across the northern part of the SLA are noted, rising to major around the turbines. It is maintained that the open upland character will be largely unaffected, although the development will introduce additional vertical elements into the landscape, as well as access tracks, the substation, control building and other infrastructure affecting local wildness. The presence of wind turbines will be in keeping with the exposure and 'wind noise' that is stated as a 'dominant aesthetic factor' of the SLA. This is a reference to the Primary Landscape Qualities and Features description in the Designation of Special Landscape Areas – March 2010, (**Appendix C** refers).

9.21 The policy requirement for a comprehensive evaluation of the landscape impacts of the development has been undertaken. Mitigation, it is acknowledged, is generally limited to the reduction of potential direct effects through detailed siting, and the reduction in adverse aesthetic effects through wind farm design and that process is set out in Chapter 2 of the ES. It is noted that most of the changes have been made in response to technical issues relating to geological instability and radio links rather than the impacts on the landscape.

9.22 The Northern Uplands does cover a vast area of open upland, above and around the Garw and Ogmere Valleys. The justification for the SLA designation referred to the area being an open upland landscape, largely intact but with urban, wind farm and forestry influences starting to degrade its integrity. Since that time, significant wind farm development has taken place within and adjacent to the Special

Landscape Area. The capacity of this landscape to accommodate further development must be a significant consideration. The Council would contend that this additional development will detract from the character and distinctiveness of the Northern Uplands SLA.

9.23 Overall, the Council recognises that the varied landscapes of the County Borough do provide opportunities to produce wind energy and understands the need to maximise renewable energy generation, in accordance with national policy. Such developments need to be carefully managed to achieve the greatest contribution towards energy needs, while at the same time ensuring that the valued characteristics of the landscape are not unacceptably harmed. It is the Council's view that the proposed development will have a **negative** impact on the Northern Uplands Special Landscape Area and Mynydd Llangeinwyr Uplands Landscape Character Area when considered against the requirements of Policy SP4 and ENV3 of the Bridgend Local Development Plan

9.24 Significant visual impacts are likely to occur and are an inevitable consequence of wind farm development, as recognised in the Welsh Government's Technical Advice Note (TAN) 8. Policies SP2 and ENV18 of the Bridgend Local Development Plan (2013) provide the local policy framework for assessing visual impact. All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located whilst having full regard to the natural, historic and built environment. Being of an appropriate scale, size and prominence and ensuring that the amenity of neighbouring uses are safeguarded are two of the policy tests. Policy ENV18 which establishes the criteria by which all renewable energy developments should be assessed, requires proposals to be permitted provided that:

*"They will not detrimentally affect local amenity by reason of noise emission, visual dominance, shadow flicker, reflected light, the emission of smoke, fumes, harmful gases, dust, nor otherwise cause pollution to the local environment" – (Criterion 6 refers).*

9.25 Potential changes to views from residential properties, and consequential impacts on residential amenity (living conditions) must be a consideration given the local policy context. Living conditions will be influenced by the views experienced by residents at properties but also aspects such as noise and shadow flicker which are considered elsewhere in this report. The balancing of planning judgement, to be made by the decision maker, needs to draw all these issues together.

9.26 There is no formal statutory guidance available as to how to examine changes to the visual component of living conditions. However there are a number of previous appeal decisions which are helpful. An objective approach is necessary but it is ultimately a matter of judgement. As a guide, the Inspector's attention is drawn to the appeal decision that allowed the development of the Fforch Nest windfarm in Rhondda Cynon Taff. In that case, the Inspector referred to consideration of whether, *"turbines would be so dominant that they would have an unpleasant overwhelming and unavoidable presence in views on their own, or in combination with other consented wind farms"*. It could be argued that if such impacts are

evidenced, they could outweigh the wider public benefits which the development has been designed to achieve.

9.27 This Council acknowledges that if a wind farm is present in main views from receptors that this in itself does not demonstrate material harm to living conditions. A judgement needs to be made 'in the round;' considering all available views and other factors which could include; distance from turbines, orientation of the residential receptors, the focus and context of existing views, and if there are views in other directions which are not affected; the degree to which overall views will be affected; the extent of turbines that will be seen (i.e. upper parts of turbines or their whole, visibility of associated structures such as tracks and substations etc. ), availability of screening and other factors. The Inspector must consider whether the information provided as part of the LVIA addresses the aforementioned criteria.

9.28 The ES predicts that residents of Blaengarw, Pricetown and Nantymoel are likely to experience significant impacts (moderate to major) where the turbines would be viewed on the skyline above the respective communities. Significant effects on views are also predicted to be experienced by recreational users crossing the high ground of Werfa, Mynydd y Gelli and Mynydd Llangeinwyr and those accessing the surrounding hills such as Mynydd William Meyrick and Pen y Foel. Impacts on users of the local highway network have been considered but anticipated to be moderate.

9.29 Figure 5.3b to the ES confirms that for a number of properties in the communities of Pricetown and Nantymoel, between 4 and 7 of the turbines will be visible with Viewpoint 5 being representative of the impact on the community. An extract of Figure 05.16 showing the existing and proposed views is reproduced below:





9.30 Based on the submitted viewpoints, the Council contend that the proposed turbines will be an 'unavoidable presence' in views from the communities at the northern end of the Ogmore Valley. Whilst the turbines may not dominate outlook, consideration must be given as to whether the cumulative impact of the development together with the Pant y Wal scheme, above the eastern valley side, would so change the views and outlook for residents as to diminish their living conditions and amenities and to be contrary to the requirements of Policies SP2 and ENV18.

9.31 Within the Garw valley to the west of the site, people in Blaengarw and Pontycymer will view the western part of the Wind Farm above the upper slopes that enclose the valley. As indicated by the ZTVs, views are likely to be restricted to three turbines with only glimpses of other turbine blades. Significant effects (moderate) are predicted at Viewpoint 4 (Parc Calon Lan), and it is likely that similar effects will be experienced by receptors in other parts of Blaengarw. Although no viewpoints have been provided from the residential areas with the northern part of the Garw Valley, the visual impacts of the development from the properties on Pwllcarn Terrace, Blaengarw (CF32 8AS) should also be considered.

9.32 Major effects on viewpoints on Mynydd Llangeinwyr (VP2) and Craig Ogwr (VP3), chosen as being representative of views from the highest hill in the Bridgend County Borough and a recreational receptor respectively, have also been identified. Viewpoint 2 is valued at a regional level as a scenic viewpoint associated with the locally designated Special Landscape Area (SLA). From this position, the hubs and blades of all seven turbines will be visible against the skyline. Although seen in the context of the Llynfi Afan wind farm they will appear closer and larger and extending the presence of turbines on the skyline to the north-east. Viewpoint 3 is located on a public footpath at Craig Ogwr. It is described in Table 5.5.4 to Appendix 5.1 as representative of sequential views experienced by people walking on this route. Panoramic views are available to the west and south, along the Ogmore valley which is framed by elevated moorland and forestry, and the Pant y Wal/Fforch Nest Wind Farm. Tracts of woodland on the lower slopes, and the rocky crags on the upper slope, characterise the immediate foreground of the view west. The masts at Werfa and Llynfi Afan Wind Farm are visible against the skyline. To the north, sections of the A4107 are apparent with views to the high ground beyond topped by Mynydd Bwlfa and Maerdy Wind Farms, 5 km away. A number of operational wind farms are discernible in the view including; Llynfi Afan, Pant y Wal, Pen y Cymoedd, and

Ferndale. The view is valued at a regional level as it is associated with the locally designated SLA, close to a marked viewpoint, and with scenic views across the Ogmore Valley. Turbines would be seen in the fore and middle-ground, seen in front of existing turbines at Llynfi Afan, and appearing larger and closer. The development would occupy a large part of the view, although it is suggested that this would be experienced by relatively few people at this location.

9.33 The 'Assessment of Visual Effects' in the ES acknowledges major significant effects on settlements and recreational users and suggests in the Planning Statement that where this may be considered to conflict with policy, then the material considerations in the form of the UK and Welsh Governments' energy policies would clearly outweigh any degree of conflict that might be identified. It is the Council's view that the proposed development will have a **negative impact** on the living conditions of residents of the Upper Ogmore Valley and the users of the recreational receptors at Mynydd Llangeinwyr and Craig Ogwr. It is for the Inspector to consider whether they are outweighed by the broad policy support for large scale wind energy development within and immediately adjacent to the Strategic Search Areas defined in Technical Advice Note 8.

## **10.0 Traffic, Transportation and Access**

10.1 Chapter 9 of the ES considers the effect of the anticipated traffic generated during the construction and decommissioning phases of the proposed development with the main effects associated with the movement of abnormal loads associated with turbine component delivery and heavy goods vehicles (HGVs) delivering construction materials.

10.2 The Council's Transportation and Development Section have considered the transportation implications of the proposal and have noted the following:

- The preferred abnormal load route is shown on Figure 9.1 to the ES and will be along the road network that is outside this Council area. This is in response to pre-application consultations, where constraint on the A4061 through Blackmill and Nanty Y moel were identified. Prior to construction commencing, the applicant has offered to submit a Construction Traffic Management Plan (CTMP) which will also include a construction strategy and temporary traffic management measures. This could be secured by planning condition.
- The location of the proposed vehicular access onto A4107 is in an area subject to the national speed limit. The proposed access includes for vision splays appropriate to a 40mph approach speed in both directions. The speed of vehicles approaching from the West are considered to be naturally reduced to approximately 40mph by the bend and the vision is deemed appropriate to this permanent access being proposed and retained in future. Further to this the westbound approach to the proposed site access is visible from a far greater distance, which is acceptable for the permanent solution. Notwithstanding this, it is considered that a junction warning sign on the eastbound approach would be of benefit together with a temporary 40mph speed limit in the vicinity of the access for the duration of the construction phase of the development. Such speed limit would need to be arranged with our Street works Department of

BCBC who will advise on the application process and the fees necessary. Initial suggestion would be for the temporary 40mph restriction to be on route A4107 from the Common boundary of Bridgend with Neath Port Talbot in the West to a point 210m to the East of the proposed access.

- The proposed site access drawing details a fence within the vision splay areas. Either the fence will need to be relocated or provided at a maximum height of 900mm above carriageway level.
- The Section 106 agreement should also require the developer to enter into a Section 59 Agreement under the Highways Act 1980 to ensure any damage to street furniture, highway verges or carriageway damaged during the transportation of the turbines is reinstated to the satisfaction of the Highway Authority.

10.3. Subject to the S106 agreement and the imposition of conditions that secures amongst other things the agreement of a Construction Traffic Management Plan, the impact of the development with regard to highway safety is **neutral**.

10.4 On the matter of Rights of Way, the ES notes that the development site is affected by a number of public rights of way namely Public Footpaths 31 & 103 Ogmore Valley and Bridleway 38 & 64 Ogmore Valley.

10.5 Discussions between the Rights of Way Section of this Council and the applicant company have taken place and it is understood that both permanent and temporary diversions of the rights of way are proposed. Such diversions will considered under Section 257 of the TCPA 1990 should permission be granted for the development. Further discussions with the Rights of Way Section of Bridgend County Borough Council will be necessary.

## **11.0 Ecological Impacts**

11.1 An assessment of the ecological and biodiversity impacts of the proposed development has been undertaken by the Countryside and Wildlife Team of Neath Port Talbot Council in consultation with the Countryside Manager of this Authority. At the outset a number of concerns, principally on the level of information provided have been noted. Further clarification is needed to establish the impacts and necessary mitigation required, should the development proceed.

11.2 Neath Port Talbot Council will consider the widening of the access track and any potential impacts to the ecology/peat resources, particularly mobile species or cross-boundary habitats. Comments relating to the suitability of all surveys have been included as the results of such, inform whether the ecology/peat will be impacted cross-boundary. Both Councils have general concerns about the approach to the peat assessment on the whole development site. In terms of methodology, the assessment in relation to the importance of ecological receptors and the approach taken to the assessment of significance does not follow best practice. As such, the Councils are concerned that the levels assigned misrepresent the importance of such receptors. Very little justification is included in relation to the significance of impact assigned and it is therefore difficult to establish the actual impact as it relates

to ecological receptors. Such an assessment is required in terms of the planning policy tests and current legislation. Limited quantitative information is presented, therefore the extent of the different types of habitat/habitat supporting species impacted by the scheme is unknown.

11.3 The Phase 1 habitat survey for the main site and the National Vegetation Classification (NVC) survey are considered to be out of date. The Phase 1 survey was undertaken in 2018 and therefore became out of date earlier this year. With that in mind, a quick walkover to confirm continued applicability should be undertaken. The NVC survey, however, was undertaken in 2016 and is therefore some years out of date and should be repeated. The Phase 1 habitat survey target notes are missing from appendix 6.3 therefore the presentation of this survey is incomplete, which hampers the full understanding of the habitats and species present.

11.4 There is a confusing section of text on habitat assessment – the marshy grassland section 6.110-6.113. It refers to blanket bog and unimproved acid grassland but not marshy grassland. While data from SEWBRc was retrieved, this data is now 4 years old and as such does not reflect the current species records of the area. Species that may have been missed include the presence of water vole (*Arvicola amphibius*), a section 7 species and protected under the Wildlife and Countryside Act 1981 as amended.

11.5 Appendix 6.3 makes mention of a section 7 species, stag's-horn clubmoss. An important species in Neath Port Talbot that is largely restricted for forestry track-sides. However, the ES chapter does not mention this species at all and no mitigation measures are proposed. Further consideration is recommended to be given to these important species within the impact assessment and appropriate mitigation proposed for any losses due to the widening works. This does relate to the development site within Neath Port Talbot.

11.6 The survey effort in relation to the Honey Buzzard survey is not in line with standard survey methods. Paragraph 6.34 reports an additional 12 hours of survey undertaken for this species, however the standard methods issued by the RSPB normally require: 3 days (8 hour watch per day) at each watch point May/June; another 3 days in June if nest not located in earlier watch period; 3 days July/Aug).

11.7 It is also noted that the wintering bird survey was undertaken in 2014/2015 and is therefore out of date and it is unclear whether the results are still applicable. The survey information referenced in appendix 6.3 is dated 2008 and 2016, which is significantly out of date.

11.8 A loss of bird habitat is recognised on the main site and it is inevitable with vegetation clearance for the track widening. No mitigation is however proposed to address this in line with the requirements of the Conservation of Habitats and Species Regulations 2017. In addition, the collision impact for kestrel is reported as significant in relation to the local population present. Again, no mitigation is proposed to address this impact rather mitigation through contributions to local initiatives are mentioned. No details are provided as to what these initiatives will be and where and whether they will benefit the local kestrel population and encourage foraging

away from the turbines. Further clarification is needed so that an assessment of the suitability of this proposal as mitigation can be undertaken.

11.9 The walked bat survey transect is also out of date having not been updated since 2015/2016. Further justification for this should be provided.

11.10 The water vole survey has limited coverage and both Councils are of the opinion that further checks and surveys are made so that a better understanding of the Water Vole population in the area is obtained. This will identify likely impacts and the mitigation/compensation that may be required. The mitigation proposal in 6.433 is very limited and further discussion with NRW is recommended as a licence may be required for the works. The upland population in the area is extensive but in low numbers and may be very sensitive to the impacts of the development therefore detailed mitigation and proposals for enhancement would be expected for this species.

11.11 The site is assumed to be of importance for reptiles, which is considered likely – both Councils are aware of numerous records of reptiles. It is noted that good practice measures will be applied via a CEMP - this is considered likely to be appropriate but only for the main development site.

11.12 It is noted that the impact on kestrel is suggested as a potential cumulative impact, quantified as significant at a higher geographical level. It is suggested that this may be partially offset by mitigation schemes and management plans offered by other wind farm developments. It therefore follows that albeit some level of this cumulative impact may be mitigated for, there is still a potential cumulative impact that raises the significance of the impact reported for the development. As such it is ever more important to provide further clarification on the mitigation for this impact to enable assessment of adequateness.

11.13 As indicated in previous paragraphs, further assessment of peat impacts from the scheme should be undertaken. This should also include a review of the cumulative impacts in relation to the upland peat resource of the area. Many of the wind farms mentioned in 6.4 of the ES have resulted in impacts upon peat and some have Habitat Management Plans that include peatland restoration and management. Ensuring that the overall peat resource in this part of the South Wales valleys, as the most southerly interconnected upland deep peat resource of any significant size in Wales (the importance of which is included in the Draft National Action Programme for Peatlands 2020-2025), is not continually eroded in extent and quality, releasing carbon, is an important consideration.

11.14 Both Councils are concerned that the scheme does not appear to include a commitment to bird or bat monitoring. As a significant impact in the kestrel has been identified, raptor monitoring should be undertaken alongside carcass searches to enable assessment of success or otherwise of the mitigation and any need for further remedial action. Similarly bat carcass monitoring would also be beneficial. Experience on other wind farm developments, where only a slight risk to bats were similarly predicted, monitoring has recorded some collision impacts with bats. The research in relation to bats and wind farms is limited and there is some evidence that upland locations may be used by bats at specific times of the year and in certain



weather conditions, more monitoring data is needed to feed into the evidence to inform best practice and as such all wind farms should contribute. Surveys undertaken to inform the ES are just a snapshot of the period that was surveyed and surveys may have missed such timing in the bat use cycle. It may be the case that the wind farm may well still have an impact despite the predicted results. A commitment to bat monitoring for at least the first 3 years following operation would be beneficial with the ability to extend such if need be and dependent upon results. Remedial action may also need to be taken in response to monitoring results.

11.15 The Inspector's attention is drawn to page 27 of appendix 6.3 to the ES which states:

*"Loss of peatland is a particular concern in Wales. Guidance produced by Natural Resources Wales (Jones, 2010) establishes three principles with regard to renewables projects that have the potential to affect peat resources:*

*1) that peat should be avoided wherever possible;*

*2) that impacts on peat will require detailed assessment as part of an Environmental Impact Assessment (EIA), including assessment of the whole peatland resource within an application site; and,*

*3) that compensation for loss or degradation of peat should demonstrate equivalence by taking the form of peat restoration elsewhere within a development site, or as close to it as possible.*

11.16 No description is included in the ES relating to any detail on the peat depth probing methodology. It is unclear what level of detail the depth data is based upon and whether the mapping presented is representative of the peat resource on site. Further detail on the methodology employed should be provided to establish whether the survey effort is adequate.

11.17 It is clear that the full peat resource within the application site (as required under item 2 above) has not been surveyed. Within paragraph 8.7 in the section 'Hydrology and Hydrogeology' it is said 'no peat was encountered on site walkover inspections' with regards to the widening of the access track in Neath Port Talbot. However bare peat is shown in photograph 29 of Appendix 6.3 (this is known as Black Bog, close to the junction with the Pen y Cymoedd track) and the area is identified within the unified peat map of Wales, as having deep peat present. Neath Port Talbot Council have investigated the peat depths in this location, with depths reaching 0.9-3.97m within 10m of the track on the Black Bog side and around 0.8m on the other side. The unified peat map also highlights several other areas of deep peat close to the access track, no exploration of these areas is mentioned in the documents. It is therefore assumed that no peat analysis or analysis of hydrological changes to this potential Section 7 habitat/peat resource as a result of works has been considered or completed. Track widening and subsequent movement of any track side drainage will have an impact upon the habitats and peat in adjacent areas. Further survey of peat depth, hydrological connectivity and functioning is recommended to be undertaken; understanding the hydrological conditions will be important in this assessment.

11.18 No assessment of peatland hydrology has been undertaken. No soil water level or direction of flow is presented. No understanding of how the hydrology of the peat bodies present function is presented and therefore no conclusion on impact upon such hydrology can be made. Further survey is needed to establish the peat hydrology of the site, any likely impacts and any necessary mitigation.

11.19 The unified peat map of Wales also suggests that there is a peat body that extends beyond the main site development boundary west into Neath Port Talbot. No assessment of the impact of the turbines and infrastructure has been undertaken to establish if any off-site peat resource will be impacted. The current siting of the turbines and infrastructure appear to encroach into areas of deep peat, which is a significant concern. The reliance upon floating track design has been used to justify that few impacts are predicted. This technique is not always considered appropriate to 1. Report minimal or no impacts and 2. Justify non-avoidance. In fact, the experience of Neath Port Talbot Council on the Pen y Cymoedd scheme, confirm that the depths and state of the peat resource locally means that floating tracks do not work in the way suggested in the ES. At the Pen y Cymoedd Wind Farm and a significant amount of remedial action was needed in response to such failures.

11.20 The current siting and design of the development therefore has potential to impact the hydrological connectivity of adjacent peat bodies, which could have wide ranging impacts. Further assessment and consideration of the reliance of floating tracks should be undertaken. It is also noted that floating tracks are referred to but are only going to be used in certain locations, this should be further detailed ensuring it is clear where impacts on peat are intended to be mitigated and where they are not.

11.21 Specific mitigation against altering peat hydrology is set out in paragraph 8.75 of the ES but this does not include any measures to maintain peatland hydrology connectivity, measures to maintain and improve water level in peat deposits to prevent degradation or erosion, measures to prevent preferential flow path ways that change or impact peatland hydrology e.g. due to interception by infrastructure, cable and trench lines, drainage channels. The mitigation measures should be revisited accordingly.

11.22 Specific Management of excavated Peat is set out in paragraph 8.84 of the ES but includes storage, which should be avoided. The layers of peat should be kept intact as far as possible in any excavations. Details of what peat soils will be used for should be detailed. This should be used to restore peat bodies wherever possible (as per item 3 in the NRW guidance mentioned above) and where used for track edge reinstatement, will need to be appropriately designed so that hydrological conditions are suitable to ensure erosion and carbon release is limited. Further detail is therefore needed.

11.23 No assessment of cumulative impacts upon the upland peat resource has been undertaken despite a number of adjacent schemes, e.g. Pen y Cymoedd, having significant peat impacts.

11.24 Appendix 3.3 to the ES sets out the carbon balance for the project but is based on data of the peat depths that may not be accurate. It may be necessary to update the carbon balance assessment once the additional peat surveys are undertaken.

11.25 Overall, this Council is concerned that the impacts of the development on biodiversity interest of the site and its immediate surroundings have not been fully appraised on the basis that the surveys are either out of date or are inadequate. Without a proper assessment of the impacts, the level of mitigation/compensation required is unknown. For this reason the development could potentially have a **negative impact** on biodiversity interests and would therefore be contrary to national and local planning policies.

## 12.0 Noise/Environmental Health Considerations

12.1 As part of the submission the applicant has provided an Acoustic Assessment which considers the impact of operational noise, cumulative noise levels and construction noise levels. This has been reviewed by the Council's Noise Pollution Control Officer in the Shared Regulatory Services Section.

12.2 In summary, the proposed limits suggested by RES in Tables A and B of Appendix 10.8 are already breaching their own predicted limits at locations H4, H7 and H11 (locations within Blaengarw) at wind speeds of 6, 7 and 8ms<sup>-1</sup> by up to 3.3dB which is more than what they have calculated for the cumulative effect (which they have stated has an excess of just 1.3ms<sup>-1</sup> at 7ms<sup>-1</sup> at location H7 and H11).

12.3 The levels being requested at the majority of locations and wind speeds are in excess of what they need to be when looking at the predicted levels. When you take into consideration that the Llynfi Afan and Fforch Nest/Pant Y Wal and Pant Y Wal extension Wind Farms are already operating up to or close to their consented limits and that the cumulative assessment has been calculated from the actual predicted noise limits of the turbines for the Ogmore Wind Farm as opposed to their suggested limits, the suggested noise immissions in Tables A and B do not sufficiently protect the amenities of the residents.

12.4 The cumulative impact has been underestimated as Llynfi Afan and Pant -Y-Wal extension, together with the Fforch Nest and Pant-Y-Wal wind farms have been shown to be operating up to or close to their consented limits in their respective compliance reports at certain wind speeds and receptor locations. Therefore, any cumulative assessment should be based on what limits the Upper Ogmore Wind Farm are proposing together with the consented limits for these existing wind farms.

12.5 In conclusion, if this wind farm was operating in isolation, the predicted noise immissions show that they would be within the ETUS-R-97 derived limits. However, the developers would be immediately in breach of their own consented limits if looking at the suggested levels in Table B. It is the Council's view that when operating cumulatively, the development would have a **negative impact** on the living conditions of existing residents and therefore in conflict with Policies SP2 and ENV7 of the Bridgend Local Development Plan. Furthermore, the cumulative assessment has underestimated this impact, particularly at locations H4, H7 and H14. Whilst it is

noted that the developers are proposing a turbine management scheme, to mitigate the noise impact, the scheme is based on the current cumulative assessment, with very small exceedances, up to a maximum of 1.3dB, when it has been shown that cumulatively, the exceedances could be greater.

12.6 A copy of the observations received from the Council's Noise Pollution Control Officer are provided at **Appendix I**. The Inspector will note that they include specific matters that require further consideration.

### **13.0 Impact on Heritage**

13.1 This chapter considers the likely significant effects on cultural heritage associated with the construction, operation and decommissioning of the proposed Upper Ogmore wind farm.

13.2 The chapter has been supported by an Archaeological and Heritage Desk Based Assessment and Assessment of the Significance of the Impact of the Development on the Historic Landscape (ASIDOHL) with the scope of the assessment and the methodologies to be used being discussed with Cadw and Glamorgan Gwent Archaeological Trust. It is understood that GGAT provided a consultation response on 30th October 2018 which identified the possibility of some archaeological potential within the footprint of the proposed development but recommending that a scheme of mitigation, through further archaeological works, could be secured by condition.

13.3 The Archaeology and Heritage Desk Based Assessment and Assessment of the Significance of the Impact of Development on Historic Landscape Areas on the Register of Landscapes of Historic Interest in Wales (ASIDOHL) established the baseline conditions which are set out in paragraphs 7.42 to 7.53.

13.4 Overall, the archaeological and heritage assessment concludes that the footprint of the proposed development does not contain any world heritage sites, scheduled monuments, registered parks and gardens, or registered battlefields where there would be a presumption in favour of their physical preservation in situ and against development, although it is acknowledged that the wider application area contains three scheduled monuments. Potential impacts upon the designated historic assets in the site's wider zone of influence have been considered, and the assessment concludes that the implementation of the proposed development will result in 'very slight' adverse impact to and therefore loss of significance to the Grade II\* listed Church of St Cynwyd, and the Clawdd Mawr, Mynydd Caeru and Earthwork 360m north east of Crug yr Avan scheduled monuments, a 'slight' adverse impact to and therefore loss of significance to the Crug yr Afan Round Cairn and Mynydd Caeru Round Cairns scheduled monuments and a 'moderate' adverse impact to and therefore loss of significance to the Carn y Hyrddod & neighbouring cairn, Round Barrow in the Werfa and Bwlch yr Avan Dyke scheduled monuments.

13.5 Due to the nature of the proposed development, it is considered that no feasible mitigation measures could be implemented to reduce or eliminate the identified impacts to the aforementioned historic assets. The applicant has suggested that measures to offset or compensate for any adverse impacts will be developed within a Monument Management Plan that will be submitted in response to a planning condition and will include improvement of access, interpretation and management during the construction and operation phases of the project. It is understood that this approach is supported by Cadw.

13.6 Subject to conditions, the impacts of the construction, operation and decommissioning of the proposed Upper Ogmere wind farm on cultural heritage are **neutral**.

#### **14.0 Shadow Flicker**

14.1 The ES confirms that there is no guidance on shadow flicker in Welsh planning policy. The Update to Shadow Flicker Evidence Base (2011), published by the then Department for Energy and Climate Change (DECC), states that assessing shadow flicker effects within ten times the rotor diameter of wind turbines has been widely accepted across different European countries, and is deemed to be an appropriate area. Analysis should be therefore be undertaken for shadow flicker at all properties within 1100m from any wind turbine.

14.2 The ES confirms that there are no inhabited houses within 1100m of any of the proposed turbines, (Paragraph 11.13 refers). An examination of the Council's records concurs with the above findings.

14.3 Predicted outcomes regarding shadow flicker on other wind farm developments have not always accurate and it is therefore recommended that a condition be imposed requiring any evidenced claims of shadow flicker to be investigated by the developer along with an agreement to implement a scheme of mitigation.

14.4 The impact of the development with regard to shadow flicker is **neutral**.

#### **15.0 Hydrology and Surface Water Assessment**

15.1 The applicant has undertaken a full hydrology assessment and the project assumptions and mitigations are clearly outlined within the ES. NRW and the Council's Drainage section have indicated that they do not object to the proposal subject to adequate measures being put in place to ensure that there are no adverse impacts on surface water drainage. In order to ensure that appropriate measures are put in place a condition is recommended requiring approval of a construction method statement which will include a requirement for full drainage scheme.

15.2 From 7 January 2019, new developments of at least two properties or over 100 square metres of construction area will require sustainable drainage to manage on-site surface water. The information provided confirms that the development would be in excess of 100 square metres and consist of two properties, therefore the applicant will be required to submit a sustainable drainage application form to the Bridgend SuDS Approving Body (SAB). The surface water drainage systems must be

designed and built in accordance with standards for sustainable drainage. These systems must be approved by the Bridgend SAB before construction work begins. The sustainable drainage application form shall be submitted before or alongside the planning application. The applicant is advised to contact the Bridgend SAB to discuss the drainage implications from the proposed development via the contact details within the link below (The sustainable drainage application form and supporting information required for the application can be accessed from the link below):

<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

15.3 The impact of the development with regard to site drainage is **neutral**.

## 16.0 Summary

Overall it is considered that the proposed development will have a negative impact on the Northern Uplands Special Landscape Area and Mynydd Llangeinwyr Uplands Landscape Conservation Area; a negative impact on the visual amenities of residents in the northern part of the Ogmores Valley and a negative impact on biodiversity interests on the site. It is the Council's view that when operating with other wind farm developments, the noise of the turbines would have a negative impact on the living conditions of existing residents and therefore in conflict with Policies SP2 and ENV7 of the Bridgend Local Development Plan.

The impact of the development with regard to drainage, traffic, transportation and access and shadow flicker is neutral subject to the imposition of the recommended conditions.

Bridgend County Borough Council has reviewed the submitted information relating to the current proposal and considers that even with appropriate controls secured through the recommended planning conditions, the impacts of the development as a whole would be negative. This will need to be considered as part of an overall assessment of the planning balance having regard to the accepted benefits arising from the production of renewable energy at the site.

## 17.0. Suggested S106 Obligation and Planning Conditions

17.1 In response to the comments received from the Council's Transportation and Development Section, a Section 106 Agreement shall be drafted requiring the developer to enter into a Section 59 Agreement under the Highways Act 1980 to ensure any damage to street furniture, highway verges or carriageway damaged during the transportation of the turbines is reinstated to the satisfaction of Bridgend County Borough Council.

17.2 Without prejudice to the determination of the application or the matters raised in this LIR, the following planning conditions are recommended:

1.	This development shall be begun within 5 years from the date of this permission.
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	Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2.	The development shall be carried out in accordance with the list of approved plans and in accordance with the recommendations and measures contained within the approved supporting documents.  Reason: For the avoidance of doubt.
3	The permission hereby granted shall expire 25 years from the date when electrical power is first exported ('first export date') from the development to the electricity grid network. Written confirmation of the first export date shall be provided to the local planning authority no later than one calendar month after the event.  Reason: To ensure that the development is temporary in nature.
4	Within 25 years and six months following the date of first export, or within six months of the cessation of electricity generation by facility, whichever is the sooner the turbines and all associated infrastructure and works hereby approved shall be removed from the site and the land returned to its former agricultural status, in accordance with a decommissioning and site restoration scheme which has first been submitted to and approved in writing by the local planning authority.  The decommissioning plan shall include pollution control measures. All existing and new planting implemented as part of the approved scheme shall be retained. The developer shall notify the Local Planning Authority in writing no later than one month following cessation of power production. The approved restoration scheme shall be implemented in full within 12 months of the cessation of electricity generation.  Reason: To ensure that due regard to the character and appearance of landscape features of communal, public and nature conservation importance.
5	If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period.  Reason: In the interests of visual amenity and to ensure that the turbines produce electricity whilst in situ and that they are removed from the land if they cease to function.
6.	No wind turbine shall be erected and no external transformer unit (if any) installed until details of the make, model and external appearance (including colour and surface finish) of the wind turbines and unit transformer housing (if any) have been 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 visual amenity and landscape protection.
7.	All wind turbines blades shall rotate in a clockwise direction.  Reason: In the interests of visual amenity and landscape protection
8.	Notwithstanding any design or colour approved by the Local Planning Authority pursuant to condition 6, all wind turbines shall be of a 3 bladed configuration and shall be of a semi-matt finish and shall not display any prominent name, sign, symbol or logo on any external surfaces.  Reason: In the interests of visual amenity and landscape protection.
9.	The turbines shall not be illuminated and there shall be no permanent illumination on the site at any time.  Reason: In the interests of visual amenity and landscape protection.
10.	Subject to the allowance for micro-siting provided in this condition, the turbines shall be erected at the coordinates indicated on Figure 2.2 Turbine Layout (Reference: 02959D2227-04). Variations to the indicated position of any turbine(s) shall be permitted by up to 50 metres in any direction. A plan showing the position of the turbines as built shall be submitted within one month of the First Export Date.  Reason: To comply with the environmental assessments undertaken of the proposed development and to take account of local environmental conditions.
11.	No development shall take place until the proposed means of access onto the A4107 has been laid out as detailed on drawing 02959D2407-01 and shall be completed in permanent materials for a distance of no less than 20m from the edge of the classified route A4107.  Reason: In the interests of highway safety
12.	Notwithstanding the submitted drawing 02959D2407-01 no development shall commence until the proposed means of access onto the A4107 has been laid out with vision splays of 2.4m x 120m in both directions.  Reason: In the interests of highway safety.
13.	No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas.  Reason: In the interests of highway safety.
14.	No development shall commence until a scheme of road markings detailing the edge of carriageway across the junction bell mouth has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be completed in permanent materials in accordance with the approved layout prior to the approved development being brought into beneficial use.



	Reason: In the interests of highway safety.
15.	<p>No development shall commence until a scheme for junction warning sign on the Eastbound approach to the proposed site access has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be completed in permanent materials in accordance with the approved layout prior to the approved development being brought into beneficial use.</p> <p>Reason: In the interests of highway safety</p>
16.	<p>No works shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority showing a scheme of temporary traffic management including traffic speed reduction measures on the classified route A4107 at and on the approaches to the proposed site access. Such a scheme shall be implemented as approved prior to construction of the proposed access and maintained during the construction of the proposed development.</p> <p>Reason: In the interests of highway safety</p>
17.	<p>The entrance/gates shall be set back not less than 20 metres from the nearside edge of carriageway, with the area between the gates and the edge of highway completed in permanent materials as approved in writing by the Local Planning Authority before any works commence.</p> <p>Reason: In the interests of highway safety</p>
18.	<p>No development shall commence on site until details of mechanical, automatically operated, self-contained wheel washing facilities including a temporary / permanent access road / hardstanding completed in permanent materials at a minimum length of 20 metres and 5.5 metres width have been submitted to and agreed in writing by the Local Planning Authority. The facilities shall then be provided and retained as approved for the duration of the development including the Earthworks / muck shift to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interests of highway safety by preventing mud and debris from being carried out onto the existing maintainable highway.</p>
19.	<p>No development shall take place, until a Transport Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved TMP shall be adhered to throughout the construction period and shall provide for:</p> <ul style="list-style-type: none"> <li>a) The routing of HGV construction traffic to/from the site in order to avoid the A4061 south of its junction with the A4107 and the A4063 South of its junction with the A4107</li> <li>b) the parking of vehicles of site operatives and visitors</li> </ul>

	<ul style="list-style-type: none"> <li>c) loading and unloading of plant and materials</li> <li>d) storage of plant and materials used in constructing the development</li> <li>e) wheel washing facilities</li> <li>f) measures to control the emission of dust and dirt during construction</li> <li>g) the provision of temporary traffic and pedestrian management along the A4107</li> </ul> <p>Reason: In the interests of highway safety.</p>
20.	<p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall only be carried out in accordance with the approved CMS. The CMS shall be implemented and maintained for the duration of the construction works and shall address the following matters:</p> <ul style="list-style-type: none"> <li>i. All activities associated with the construction of the development in accordance with British Standard 5228, 2009: Code of Practice for Noise and Vibration Control on Construction and Open Sites - Part 1 - Noise, Part 2 - Vibration.</li> <li>ii. A full drainage scheme for the management of surface water and foul water. This shall detail both the temporary and permanent drainage strategy and include details of the hydraulic calculations to control flow rates and detail the measures to be implemented.</li> <li>iii. A scheme for the protection and conservation of soil at the site in order to prevent pollution of the water environment. The scheme shall include the pollution prevention techniques to be deployed during the construction and restoration phases.</li> <li>iv. Details of the timing of works and methods of working for cable trenches and foundation works.</li> <li>v. Dust management.</li> <li>vi. Disposal of surplus materials.</li> <li>vii. A construction noise management plan (including identification of access routes, locations of materials laydown areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).</li> <li>viii. Any temporary site illumination.</li> </ul>

	Reason: In the interests of visual amenity and landscape protection.
21.	<p>No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be undertaken prior to the commencement of the development.</p> <p>Reason: In the interests of safety</p>
22.	<p>Should any contaminated material be observed (visual or olfactory), which has not been previously identified, then no further development shall be carried out until the developer has undertaken a site investigation to determine the nature and extent of the contamination. In the event that contamination is confirmed the developer must liaise with the Local Planning Authority on measures required to protect surface water and groundwater interests. This may include undertaking a risk assessment and derivation of appropriate remedial targets.</p> <p>Reason: To protect the quality of controlled waters in the area.</p>
23.	<p>No development shall commence until a scheme for the comprehensive and integrated drainage of the site showing how all surface water, including the means of drainage from all 'hard surfaces' and structures within the site and accesses to the local highway network will be dealt with, including the requirement for Flood Defence Consent, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained for the duration of the construction works and operation of the development. 'Hard surfaces' includes access tracks within the site, the substation compound, temporary construction and laydown areas, turbine pads and crane pads.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>
24.	<p>No development shall take place until a scheme for the protection of public Rights of Way during the construction period within the site, including safety signage, has been submitted to and approved in writing by the Local Planning Authority. During the construction period the development shall be carried out in accordance with the approved scheme.</p> <p>Reason: to protect the amenity of walkers and other users of the Rights of Way.</p>

25.	<p>No development shall commence until an Ecological Management Plan (EMP) has been submitted to and agreed in writing by the Local Planning Authority. The EMP shall address the following:</p> <ul style="list-style-type: none"> <li>a) Description and evaluation of features to be managed.</li> <li>b) Ecological trends and constraints on site that might influence management.</li> <li>c) Aims and objectives of management.</li> <li>d) Details of the appointed ecologist who will monitor the project and ensure compliance with all relevant regulatory and other requirements, method statements and plans, and to report to the principal contractor and statutory consultees;</li> <li>e) Appropriate management options for achieving aims and objectives.</li> <li>f) Prescriptions for management actions.</li> <li>g) Preparation of a work schedule detailing all methods for all species and habitat protection including aftercare and including timescales for each element; (including an annual work plan capable of being rolled forward over a five-year period).</li> <li>h) Detailed methods for all habitat re-instatement measures include detailed timescales for each element;</li> <li>i) Details of the body or organisation responsible for implementation of the plan.</li> <li>j) An agreed programme of monitoring and / or identification of practical options for input into local initiatives to be drawn up in consultation with statutory consultees;</li> <li>k) On-going monitoring and remedial measures.</li> </ul> <p>The EMP shall also set out where the results from monitoring show that conservation aims and objectives of the EMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme. The site shall be developed in accordance with the agreed details.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual and residential amenity and to promote nature conservation.</p>
26.	<p>No development shall take place until a Habitat Management Plan (HMP) covering the application site has been submitted and agreed in writing by the Local Planning Authority. The HMP shall make provision for the subsequent submission of detailed phased specific habitat management plans. Construction of any phase of the wind farm shall not commence until the related phase has been agreed in writing by the Local Planning Authority. The approved HMP and any subsequent revisions that are agreed in writing by the Local Planning Authority, shall be implemented for a period commencing from the First Export Date and ending 25 years later, or when the turbines are decommissioned, whichever is the earlier. The HMP shall include proposals for:</p> <ul style="list-style-type: none"> <li>i. Objectives for the management and restoration of the natural habitat;</li> </ul>

	<p>ii. Best practice methods for the management and restoration of the natural habitat of the site;</p> <p>iii. Ecological management areas defined by a map or maps;</p> <p>iv. The restoration and maintenance of the natural hydrological regime of peat bodies, their carbon storage and sequestration potential;</p> <p>v. The restoration and maintenance of blanket bog, wet and dry heath and marshy grassland or other suitable natural habitat as appropriate to soil conditions, hydrology and topography, with bog being the objective for deep peat;</p> <p>vi. The management of stream corridors for nature conservation potential;</p> <p>vii. The management of breeding habitats away from turbines where this does not compromise the objectives for peat and bog;</p> <p>viii. The improvement of the biodiversity potential of the site by maintaining and improving wider habitats and ecological functionality, with an emphasis on supporting habitats for appropriate statutory protected species; and</p> <p>ix. Provision for monitoring, review and revisions to the HMP where monitoring identifies that the objectives of the HMP are not being achieved.</p> <p>Reason: To protect and encourage habitats in the interests of biodiversity and visual amenity.</p>
27.	<p>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.</p> <p>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</p>
28.	<p>No development shall take place until a Monument Management Plan covering the Designated Historic Assets within the application site has been submitted to and agreed in writing by the Local Planning Authority. The MMA shall include measures to protect and manage historic assets on site, proposals to improve access to the historic assets including details of interpretation/information panels and a programme of works. The site shall be developed in accordance with the agreed Monument Management Plan.</p> <p>Reason: To mitigate the impact of the works on the Designated Historic Assets on site.</p>
29.	<p>Construction works shall not take place outside the hours of 8:00am and 18:00pm Monday to Friday, 8:00am and 1:00pm on Saturday, and for no work to be conducted Sundays or Bank Holidays. Outside these hours, development at the site shall be limited to emergency works and dust suppression.</p> <p>Reason: In the interests of the amenities of the area.</p>

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## REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

4 March 2021

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES BRIDGEND CBC LOCAL PLANNING AUTHORITY

#### REQUEST FOR SCOPING DIRECTION BY NATURAL POWER CONSULTANTS LIMITED (NATURAL POWER) ON BEHALF OF Y BRYN WIND FARM LIMITED

#### Y BRYN WIND FARM (LAND AT BRYN AND PENHYDD FOREST, LOCATED BETWEEN PORT TALBOT AND MAESTEG)

#### UP TO 26 TURBINES (6.6 MW PER TURBINE) AND BATTERY STORAGE

#### RESPONSE TO SCOPING REPORT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

### 1. Purpose of Report

- 1.1 This report seeks to advise Members of a response that has been prepared (and submitted to the Planning Inspectorate) by the Local Planning Authority to a request for comments on a Scoping Report prepared by the applicant for up to twenty six wind turbines and associated works on land at Bryn and Penhydd Forest, between Port Talbot and Maesteg.
- 1.2 The development is classed as a Development of National Significance (DNS).

### 2. Connection to Corporate Improvement Plan/Other Corporate Priorities

- 2.1 The delivery of the County Borough's statutory Planning function has links to the Council's corporate priorities in particular number 1 – supporting a successful economy.

### 3. Background

- 3.1 The purpose of the DNS process is to ensure timely decisions are made on those Planning applications that are of the greatest significance to Wales because of their potential benefits and impacts.
- 3.2 Before the application is formally lodged with the Planning Inspectorate Wales (PINS) the applicant can request a Scoping Direction to advise the content of an Environmental Statement that will accompany the DNS application.
- 3.3 In preparing their Scoping Direction PINS will take into account the specific characteristics of the development and the environmental features likely to be affected by the development as identified by the developer in the applicant's Scoping Report:

- **Biological Environment** – Ecology Assessment and Ornithology Assessment
  - **Physical Environment** – Landscape and Visual Impact Assessment (LVIA), Cultural Heritage Assessment and Hydrology, Geology and Hydrological Assessment
  - **Population and Human Health** – Traffic and Transport Assessment, Noise Assessment, Forestry Assessment, Health and public Safety, Aviation and Existing Infrastructure
- 3.4 PINS has consulted Bridgend County Borough Council (BCBC) (and Neath Port Talbot County Borough Council (NPT CBC)) for our advice on the scope of the EIA and the proposed methodologies outlined in the Scoping Report, in relation to BCBC's functions, in order to inform their Scoping Direction. The response had to reach PINS by Monday 15 February 2021.
- 3.5 At this stage, the proposed development is envisaged as comprising:
- up to 26 turbines of up to 250 m maximum tip height and indicative up to 170m rotor diameters and associated crane hardstandings;
  - transformers housed adjacent to turbines;
  - onsite access tracks plus underground cable runs alongside;
  - an on-site sub-station building;
  - construction compound(s);
  - battery storage;
  - one or more permanent anemometry masts (at up to the hub height of the turbines); and
  - borrow pits.
- 3.6 The lifetime of the proposed development would be up to 50 years from commissioning to decommissioning. Of the 26 turbines only one will be within BCBC. Turbine component deliveries are anticipated to come from Swansea docks and along the M4 towards the site however, a number of options are being investigated for final site access. For example, some of the smaller components may be transported to the area via BCBC.
- 3.7 The formal response has been prepared to meet the requirements of the Developments of National Significance (Procedure) (Wales) Order 2016 (as Amended) and the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.
- 3.8 The Council, along with NPT CBC, commissioned Simon White of White Consultants (a specialist in landscape impacts caused by renewable energy developments) to consider and comment on the proposed methodologies for the LVIA and Cultural Heritage Assessment. He identified that the southern array is outside of the National Development Framework's draft priority areas for wind (although the northern one is inside) and that the two arrays are within areas defined in the SSA refinement study for 100m maximum height of turbines not 250m maximum height as seemingly proposed and this puts the scheme in a less favourable light in policy terms.



- 3.9 The EIA Scoping Report and accompanying redacted documents can be viewed here:

<https://dns.planninginspectorate.gov.uk/projects/wales/y-bryn-wind-farm/?ipcsection=docs>

- 3.10 A copy of the response is attached as an Appendix to this report.

#### **4. Next Steps**

- 4.1 Although the majority of the windfarm is within the NPT CBC administrative area, its proximity to the County Borough boundary together with the scale of the development proposed will inevitably have some impact on Bridgend in terms of visual impact, infrastructure and socio-economic factors. Once the issues have been considered by PINS, a Scoping Direction will be issued by them and made publicly available. It is expected that a DNS application (with accompanying Environmental Statement) will be submitted in 2022.
- 4.2 A Development of National Significance (DNS) is a Planning application for a large infrastructure project of national importance – for example, a wind farm, power station or reservoir. An application for DNS differs from an ordinary Planning application in the way that it is decided. Instead of the Local Planning Authority making the decision, a Planning Inspector examines the application and makes a recommendation to the Welsh Ministers based on Planning merits and national priorities. The Ministers then decide whether or not to grant permission.
- 4.3 As the project progresses and the DNS application is submitted to PINS in 2022, there will be a requirement for a formal response from BCBC in the form of a Local Impact Report (LIR) as required by the Regulations (Section 62K of the 1990 Act and Regulation 25 of the Developments of National Significance (Procedure) (Wales) Order 2016). Whilst the LIR is a factual report, there will also be scope to provide comments as one of the two host authorities.
- 4.4 The impact on BCBC, particularly on the settlements and land that are in close proximity to the arrays and the intervening road network, will need to be fully considered at that stage.

#### **5. Wellbeing of Future Generations (Wales) Act 2015**

- 5.1 The well-being goals identified in the Act are:
- A prosperous Wales
  - A resilient Wales
  - A healthier Wales
  - A more equal Wales
  - A Wales of cohesive communities
  - A Wales of vibrant culture and thriving Welsh language
  - A globally responsible Wales
- 5.2 The duty has been considered in the production of this report.

## **6. Recommendation**

- 6.1 That Members note the content of this report and the response to the request for comments on the applicant's Scoping Report.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Contact Officer**  
**Mr. Rhodri Davies**  
**Development and Building Control Manager**  
**Telephone Number: 01656 643152 e-mail: [rhodri.davies@bridgend.gov.uk](mailto:rhodri.davies@bridgend.gov.uk)**

### **Background Papers**

Appendix 1 – Response to Scoping Report in behalf of BCBC

Giulia Bazzoni  
Planning & Environment Officer  
The Planning and Environment Team  
The Planning Inspectorate  
Crown Buildings  
Cathays Park  
CARDIFF  
CF10 3NQ  
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**Grwp Datblygu / Development Group**  
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Deialu uniongyrchol / Direct Line: 01656 643152  
Gofynnwch am / Ask for: **Rhodri Davies**  
Ein cyf / Our ref: **P/21/34/DNS**  
Eich cyf / Your ref: **3264571**  
**Dyddiad / Date: 15 February 2021**

Dear Giulia,

**TOWN AND COUNTRY PLANNING ACT 1990  
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER  
2016 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES)  
REGULATIONS 2017**

**PROJECT NAME: Y BRYN WIND FARM  
SITE ADDRESS: LAND AT BRYN AND PENHYDD FOREST, LOCATED BETWEEN PORT  
TALBOT AND MAESTEG  
PROPOSED DEVELOPMENT: WIND FARM OF UP TO 26 TURBINES (6.6 MW PER  
TURBINE) AND  
BATTERY STORAGE**

**LPA REFERENCE: P/21/34/DNS**

I refer to your letter dated 15<sup>th</sup> January, 2021.

In order to inform your Scoping Direction, Bridgend County Borough Council request that the following comments on the scope of the EIA and the proposed methodologies outlined in the Scoping Report (prepared by Natural Power Consultants Limited (Natural Power) on behalf of Y Bryn Wind Farm Limited) be considered.

In terms of the planning policy framework for the development, and notwithstanding the fact that only one turbine will be within the BCBC administrative area, the following advice can be provided:

The proposal is located in the countryside and should be assessed in the context of Policy ENV1 which strictly controls development in the countryside except for specific identified purposes. Policy ENV1(6) of the BCBC LDP 2013 identifies utilities infrastructure as an appropriate exception.

Paragraphs 4.1.11 and 4.1.12 of the LDP, which expand on Policy ENV1, make it clear that whilst certain developments may be appropriate in the countryside in respect of Policy ENV1, the policy forms the starting point for assessment and proposals will need to satisfy other relevant policies in the LDP.

In this regard, I would draw your attention to Policy SP8 which states that development proposals which contribute to meeting national renewable energy and energy efficiency targets will be permitted where it can be demonstrated that there will be no adverse impacts on the environment and local communities.

Policy ENV18 is relevant in providing a more robust assessment of renewable energy schemes.

*Proposals for renewable energy developments will be permitted provided that:*

1) *In the case of wind farm developments of 25MW or more, the preference will be for them to be located within the boundary of the refined Strategic Search Area;*

The proposal represents a wind farm development which is proposed to provide a generating capacity of more than 25MW. Whilst the site is located within Strategic Search Area F (SSA F – Coed Morgannwg), as set out in the Welsh Assembly Government’s Technical Advice Note 8: Planning for Renewable Energy (TAN 8)) and is largely located within the refined SSA’s of Foel y Dyffryn & Margam Mountain, the Y Bryn Project Boundary extends partially outside of the refined SSA boundaries. However, it is important to note that the policy does not prevent wind energy developments outside the refined SSA’s and does not state a limit on generating capacity.

2) *The availability of identified mineral resources or reserves will not be sterilised;*

The proposal is located on a sandstone resource. However, Policy ENV9(3) states that temporary development will be acceptable where the proposal can be implemented and the site restored within the timescales the mineral is likely to be required. Paragraph 4.3.1 of the LDP identifies that in 2009, the aggregate reserves for Bridgend was estimated at 40 years. In light of this and other, preferable areas for quarrying before this site could realistically be considered, this development is acceptable in the context of Policies ENV9(3) and ENV18(2).

3) *Appropriate monitoring and investigation can demonstrate that the development will not have any significant impacts on nature conservation;*

4) *Appropriate arrangements have been made for the preservation and/or recording of features of local archaeological, architectural or historic interest;*

The southern block of the proposed boundary lies within the Historic Landscape of ‘Margam Mountain’ as defined by Policy SP5(5) Historic Landscapes, Parks, and Gardens of the LDP.

5) *They can be safely accessed to permit regular maintenance without detriment to the environment or the public rights of way network;*

6) *They will not detrimentally affect local amenity by reason of noise emission, visual dominance, shadow flicker, reflected light, the emission of smoke, fumes, harmful gases, dust, nor otherwise cause pollution to the local environment;*

- 7) *They will not lead to electromagnetic disturbance to existing transmitting and receiving systems (which includes navigation and emergency services), thereby prejudicing public safety;*
- 8) *Local receptors of heat and energy from the proposal are identified and, where appropriate, are connected to/benefit from the facility; and*
- 9) *Provision has been made for the removal of all infrastructure from, and reinstatement of the site following termination of the use.*

All of the issues identified in criteria 5, 6, 7 and 9 will need to be addressed in the Environmental Statement. With regards criterion 8, the submitted 'Scoping Report' states that the proposal will connect to the national grid. However, I draw your attention to paragraph 4.6.10 of the LDP which seeks to expand on this policy criteria stating:

*This Policy, together with SP8 will ensure that the consideration of proposals is balanced between the desire to generate increased levels of renewable energy and the need to protect sensitive areas. The local community should also benefit appropriately from any facility with examinations of the potential to connect existing/future developments to the facility or, where this is not possible, other forms of community benefits should be examined.*

In addition to the above, the proposal should also be considered in the context of Policy SP2 which considers general issues associated with amenity and design. Many of the issues which are the subject of Policy SP2 have already been considered in the context of Policy ENV18. However, of significant importance in respect of a development of this nature is SP2(2) which states that all development should have:

*A design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character*

With respect to the issue of 'landscape character', the County Borough has been the subject of a Landscape Character Assessment, the results of which have been used to inform 'SPG 20: Renewables in the Landscape' which considers the impact of different scales of wind and solar developments in the landscape of the County Borough.

The proposal is located within Landscape Character Area (LCA) 1: Llangynwyd Rolling Uplands and Forestry, the key landscape characteristics of which are defined as:

- Strongly undulating upland landscape with a series of north-east facing slopes and hill summits ranging from 120 to 365 metres AOD.
- Distinctive topography influenced by the heavily dissected Upper Coal Measures plateau greatly modified by the effects of glaciation.
- Landscape crossed by a number of fast-flowing springs and streams, flowing into the Llynfi Valley below.
- Dense coniferous forestry plantations on some slopes and hill summits (e.g. Garn Wen and Waun Lluest-wen) with linear broadleaved woodlands found along valley sides.
- Dark, straight plantation edges providing a stark contrast to the adjacent muted grasslands on rounded slopes.
- Pastoral landscape with significant tracts of rough sheep and pony grazing on higher ground (particularly in the north).

- A strong pattern of irregular fields enclosed by hedgerows, tree belts and stone walls.
- Elevated land around Mynydd Ty-talwyn including large, regular semi-improved pastures divided by fencing.
- Valued habitats including heathland, blanket bog, acid grassland, fen and marsh (with significant areas defined as SINC's).
- Broadleaved semi-natural woodland on slopes and valleys, and nationally important marshy grassland (supporting marsh fritillaries) at Cwm Risca Meadow SSSI.
- Patches of bracken, gorse and rush pasture found throughout.
- Land west of Llangynwyd within the Margam Mountain Landscape of Special Historic Interest, with scheduled archaeological features including Y Bwlwarcaw hillfort and the medieval Llangynwyd Castle.
- Cluster of nationally important medieval house platforms and settlement remains around Mynydd Ty Talwyn.
- Nucleated hill-top village of Llangynwyd (a Conservation Area), with prominent 15th century square church tower forming a local landmark.
- Farmsteads and small groups of dwellings thinly dispersed elsewhere.
- A small number of minor roads, tracks and footpaths cross through the landscape. The Ogwr Ridgeway Walk passes through the southern part of the LCA, and areas of higher ground are open access land.
- A strongly rural and tranquil landscape despite the close proximity of nearby development at Maesteg.
- Tranquil qualities eroded by the presence of pylon lines, telecommunications masts and urban fringe land uses close to Maesteg, including a golf course.
- Southern ridgelines affording panoramic views across the County Borough, including wind farm developments on distant skylines.
- Intervisibility with Maesteg a strong feature of the northern half of the LCA.

Based on the stated landscape characteristics, I draw your attention to the following discussion on landscape sensitivity and conclusions:

<p><b>Discussion on landscape sensitivity</b></p>	<ul style="list-style-type: none"> <li>• Although this is a large-scale landscape with some existing development such as pylons, telecommunications masts and views of nearby development which may indicate reduced sensitivity to wind energy development, many features and characteristics of the landscape may increase levels of sensitivity. These include in particular the landscape's sense of tranquillity and rural character, valuable semi-natural habitats and the setting of nationally important heritage assets, which results in the landscape being particularly sensitive to developments of 'very large' turbines.</li> </ul> <p>The following locational variations in terms of the above summary should be taken into account:</p> <ul style="list-style-type: none"> <li>• The area within the Western Uplands Special Landscape Area would be highly sensitive to the development of 'large' and 'very large' turbines due to its smaller scale landscape patterns and strong historic associations (including Llangynwyd Conservation Area).</li> </ul>	
<p><b>Sensitivity to different</b></p>	<p><b>Very Small (15-25m)</b></p>	<p><b>L</b></p>
	<p><b>Small (26-50m)</b></p>	<p><b>L-M</b></p>
	<p><b>Medium (51-75m)</b></p>	<p><b>M</b></p>

<b>turbine heights</b>	<b>Large (76-110m)</b>	<b>M</b>
	<b>Very large (111-150m)</b>	<b>M-H</b>
<b>Commentary on different cluster sizes</b>	Although this is a large-scale landscape with existing man-made structures on skylines, the distinctive topography, presence of frequent human-scale features and the landscape's function as a rural backdrop to views from Maesteg, Bridgend and Cefn Cribwr mean that it would be highly sensitive to 'large' and 'very large' clusters of wind turbines	
Single turbine		
Small (<5 turbines)		
Medium (6-10)		
Large (11-25)		
Very large (>25)		

The proposed development consists of 26 no. turbines with a tip height of 250m along with a generating capacity of 6.6MW (a total of 171.6MW generating capacity) located both inside and outside the Local Authority Boundary.

There are a number of Special Landscape Areas in the study area, all of which should be considered. The closest in Bridgend is Foel y Dyffryn. However, views from other areas such as Kenfig Burrows should also be considered.

The results of the landscape sensitivity assessment suggests that this development, in cumulative terms, could be highly sensitive with respect to the number of turbines and also highly sensitive in respect of their height.

In terms of National Policy, TAN 8 defines a series of strategic search areas (SSAs) in Wales and the proposed site lies within Area F Coed Morgannwg. An Annex D refinement study for the area was carried out by Arup in 2006, assisted by White Consultants. Using multi-criteria analysis and review this identified two areas in which the proposed development lies as being potentially suitable for turbines up to a maximum of 100m high to blade tip. Areas for higher turbines were identified to the north including the area in which Pen y Cymoedd wind farm now stands (around 145m high turbines). This is a clear indication that this location and landscape may not be appropriate for very large turbines such as the ones proposed.

The Future Wales 2040/National Plan is due to be published on 24 February 2021. This document will replace TAN 8 as the national spatial strategy for wind farm development within the context of PPW. The current draft defines strategically pre-assessed areas, however, it is not yet known if these will be retained in the final published version.

***The northern cluster of the proposed development lies within pre-assessed area 9 for wind energy and the southern cluster lies outside.***

Draft Policy 17 currently states that in pre-assessed areas the Welsh Government has already modelled the likely impact on the landscape and found them to be capable of accommodating development in an acceptable way and there is a presumption in favour of large-scale development, subject to draft Policy 18. Policy 18 currently states that a DNS will be permitted outside pre-assessed areas for wind development providing the proposal:

- Does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty).

- The proposal is designed to minimise its visual impact on nearby communities and individual dwellings and a cumulative impact of the proposal with other existing or proposed development is acceptable.
- There are no unacceptable adverse impacts on statutorily protected built heritage assets.

***The above policies are an indication that at a strategic level the southern cluster may have an unacceptable impact and raises concerns.***

The research relating to the National Plan wind farm pre-assessed areas was summarised in a report by Arup for Welsh Government 'Priority Areas for Solar and Wind Energy' (July 2019). The report's summary recommendations indicate that local level constraints have not been taken into account and that robust policy on design guidance should be developed to accompany the priority areas within the NDF.

This is not available and is a major drawback in the current draft policy context. It is also recognised that the priority areas still have constraints. Therefore, appropriate evidence will be required to inform decision-making at the DNS application stage. There is an apparent disconnect between these recommendations and study findings and Policy 17 as currently drafted which suggests that the study modelled the likely impact on the landscape and found them to be capable of accommodating development in an acceptable way. There are no comparative diagrams so the study may not have fully engaged with this issue.

Intervisibility of turbines of 150m and up to 250m to blade tip was considered. The criteria for level of effects was derived from NRW's 'Stage I ready reckoner report' for offshore development (prepared by White Consultants) as medium magnitude of effect at 15km and 24km for 250m high turbines (this level of effect would be highly likely to be significant on high sensitivity receptors). Priority areas should be refined to avoid the areas of greatest levels of intervisibility and design guidance should be developed to minimise visual effects. In terms of Bridgend, the key factor to note is that the effect on people (i.e. existing communities) has not been considered at a strategic level - it is assumed that 'sensitive design' can usually avoid significant impacts.

Having specific regard to the Scoping Report prepared by Natural Power Consultants Limited, the following comments are provided in relation to the questions raised in each section.

**Consultation:**

**Question 1: Do consultees have any comments in relation to the proposed approach to community consultation?**

No.

**Mitigation, Enhancement and Monitoring of Environmental Effects:**

**Question 2: Do consultees have any comments in relation to the Approach to the Environmental Impact Assessment and to mitigation, enhancement and monitoring? We intend to focus the EIA on the significant effects and therefore propose to scope out likely non-significant effects**

BCBC has concerns about Table 5.2 "Significance of Effect" which suggests that only residual adverse effects of major and major/moderate are regarded as being significant. In our view, a



series of moderate effects can be significant if related e.g. on a particular landscape receptor or a long distance trail or scenic route.

Ignoring these effects is not in line with good practice as shown in GLVIA 3. Nevertheless, it is appreciated that the most significant effects should be given greatest consideration and appropriate prominence within the EIA so as not to be lost amongst all the other effects.

The 50 year operational period is lengthy and should be justified in terms of the effective operational life of the proposed turbines.

The information within the scoping report is not detailed enough to agree on the features and topics that are likely to experience a significant effect as suggested in paragraph 5.1.6. For instance, the Zone of Theoretical Visibility (ZTV) map is at a very large scale and relatively low resolution and uses bare ground data only.

There is no information on the location or design of the access roads/routes or battery storage. The scoping report itself does not define where significant effects may occur.

Therefore, this response on possible issues and significant effects is provisional subject to further information coming forward.

#### **Environmental Statement:**

**Question 3: Do consultees have any comments in relation to the proposed sections to be included in the ES?**

No.

#### **Purpose of this Scoping Report:**

**Question 4: Do the consultees have any comments about the proposed approach to scoping and the purpose of the scoping report?**

No.

#### **Ecology:**

**Question 5: Do consultees agree with the approach used for scoping in/out statutory and non-statutory designated sites?**

The Council's Countryside Management Officer and Biodiversity Policy and Management Officer have been consulted and any comments will be forwarded to PINS in due course.

**Question 6: Do consultees consider the proposed baseline survey methodologies appropriate?**

See Traffic and Transport Section below.

**Question 7: Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional species or habitats, whether referred to above or**

**otherwise?**

The Council's Countryside Management Officer and Biodiversity Policy and Management Officer have been consulted and any comments will be forwarded to PINS in due course.

**Ornithology:**

**Question 8: Are consultees satisfied with the coverage provided by the vantage point locations?**

The Council's Countryside Management Officer and Biodiversity Policy and Management Officer have been consulted and any comments will be forwarded to PINS in due course.

**Question 9: Are consultees satisfied with the ornithology surveys proposed for a second year of baseline recording (i.e. a full year of VP surveys at standard effort (36hrs per season: September to February and March to August), raptor surveys (February to August) nightjar surveys (June and July) and with no repeat of the breeding bird survey)?**

The Council's Countryside Management Officer and Biodiversity Policy and Management Officer have been consulted and any comments will be forwarded to PINS in due course.

**Question 10 Do consultees agree with those ornithological features that have been highlighted for assessment within EIA and those that have been 'scoped out'?**

**Question 11: Are there any other key ornithological features that consultees believe should be considered that have not been discussed above?**

The Council's Countryside Management Officer and Biodiversity Policy and Management Officer have been consulted and any comments will be forwarded to PINS in due course.

**Question 12: Do consultees consider any Natura 2000 not discussed above as requiring consideration as part of screening for AA?**

The Council's Countryside Management Officer and Biodiversity Policy and Management Officer have been consulted and any comments will be forwarded to PINS in due course.

**Question 13: Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional species, whether referred to above or otherwise?**

The Council's Countryside Management Officer and Biodiversity Policy and Management Officer have been consulted and any comments will be forwarded to PINS in due course.

**Landscape and Visual Impact Assessment (LVIA):**

BCBC, in conjunction with Neath Port Talbot CBC, has enlisted the expert advice of Simon White (White Consultants) in relation to the Landscape and Visual Impact section of the Scoping report. His full comments are included as Appendix 1 to this letter.

The proposed development on the site offers many challenges. Relevant key issues include:

- The proposed 250m height of the turbines is far larger than any other in Wales, and greater than the highest in the UK - 200m at Lethans which is located in Scotland in an

area that is rural, larger scale and with far fewer settlements and apparently fewer sensitive receptors. Lethans was consented on a site where permission for smaller wind turbines had already been given.

- The potential for turbines of this size to be out of scale with the landform on which they sit is of concern so close to well populated valleys, the coast and sensitive receptors.
- The effect on the relationship between the large scale development on the relatively undeveloped forested coalfield plateau in the environs of the site, the nearby scarp slope, the coast and coastal plain and the related seascape.
- Starting from such a large scale proposed size, a reduction in height from 250m will not be considered as 'minimising' effects. Consideration of turbines only at 250m high may not be realistic and so consideration of significantly lower turbines should also form part of the assessment. The effects of any lower height development coming forward will have to be considered on their own merits.
- Local residents and communities are likely to undergo significant visual effects with dominant or prominent turbines and, in some cases, may suffer unacceptable effect on residential visual amenity.
- Cumulative effects in combination with existing and consented windfarms and wind turbines, especially those nearby including Foel Trawsnant, Llynfi Afan, Mynydd Brombil and Pen y Cymoedd.
- The effect on the landscape character including Special Landscape Areas.
- The potential for views to open up towards the windfarm over time as the forest is managed with clearance before replanting in places.
- The potential conflicts with national and local policy on the basis of the above.

**Question 14: Do consultees agree that assessing the maximum hub height available for the tip height in question is appropriate?**

The taller the hub height, the smaller the blade length and therefore blade sweep area. This means that the likely visual effect of a turbine 250m tall with a larger blade sweep is likely to be greater. It is suggested that the ZTVs are based on a maximum blade tip height and maximum hub height but that the visual impact assessment takes into account the maximum sweep area (as in the Rochdale envelope approach). It would be helpful to have clear drawings illustrating the two types of turbines - one with the highest hub height and one with the largest blade length.

Our view is that the 250m high turbines are likely to be too large for this site and a more realistic alternative should also be considered to inform PINS and the Ministers.

**Question 15: Do you agree with the proposed size of the study area?**

The outer 45km study area appears to be reasonable for development of this scale. The main concern from a BCBC point of view is the likely significant effects more locally and therefore sufficient detailed assessment should be carried out for an inner study area of 15km supported by mapping and information at a more detailed scale such as ZTVs, viewpoints and constraints.

**Question 16: Do consultees agree with the number, location and receptor types that have been selected as the representative viewpoints in order to assess the effects on visual amenity within the study area?**

The range of viewpoints located within the BCBC administrative areas have been assessed through desk study and site visits. Overall, it is considered that most of the viewpoints are

acceptable but a fuller picture of effects on the Llynfi valley, coastal area, heritage assets and cumulative effects is needed to understand the impact of this very large development.

More specifically, to give a fuller picture of the development in its context and to cover sensitive receptors the following additional viewpoints are proposed for BCBC:

- Kenfig Burrows registered historic landscape/ Kenfig visitors carpark/ Wales Coast Path- to inform LVIA and cultural heritage assessments.
- Ogwr Ridgeway Walk/ nearby Y Bwlwarcaw hillfort and Roman Camp setting to inform LVIA and cultural heritage assessments.
- Cemetery/ view from eastern edge of Maesteg/ associated eastern Llynfi valley slopes to show development more fully in context of the Llynfi valley.
- Llangynwyd Conservation Area (south of cross)- nearby heritage and visual receptor and distinctive hilltop village- to inform LVIA and cultural heritage assessments.
- A4063 users/residents on southern edge of Croeserw/ open access land/to explore cumulative effects with windfarms to east.
- Bettws - consider settlements at a medium distance with clear views of the development.

Guidance set out in TGN2/19 Residential Visual Amenity Assessment, Landscape Institute, March 2019 mentions wind turbines at 150m and taller when discussing realistic buffers but these turbines at 250m are significantly larger. It goes on to state:

*'When assessing relatively conspicuous structures such as wind turbines, and depending on local landscape characteristics, a preliminary study area of approximately 1.5-2km radius may initially be appropriate in order to begin identifying properties to include in a RVAA.'*

The public inquiry decision for Mynydd Marchywel wind farm in NPT found that its five turbines at 126.5m high breached the RVA threshold of acceptability with wind turbines at a distance of 920m-2.4km from a property. The wind farm was refused.

Taking into consideration the above, our view is that distance of 2km should be scoped for the RVAA. A mix of individual properties and groups of properties should be assessed as appropriate, depending on distance and arrangement.

**Question 17: Do consultees agree with the methodology used to determine which wind farms are to be included within the cumulative assessment and also agree with the list provided in Table 12.8?**

Cumulative impact assessments can be large and confusing and it is important that the most important cumulative effects are addressed clearly. Those that are most important are those with existing or consented turbines, at closer distances and juxtapositions, where there is a large sweep of turbines visible and where receptors (especially residential) have developments on two or more sides.

Additional viewpoints have been selected in this response to better reflect the potential for cumulative effects e.g. at Croeserw. The list of windfarms to be considered in Table 12.8 appear to have one of two errors. It is understood that Foel Trawsnant has been consented. The difference in size of turbine and the adjacency of this proposal are of particular concern.

The turbines east of Porthcawl (e.g. Stormy Down) appear to have been omitted. These affect perceptions in these areas and should be considered. To minimise work, all of these turbines should be considered together in relation to the development.

The comments relating to the sensitivity of landscape effects (relating to Q18 below) also apply to cumulative effects. The factors that make a landscape more or less susceptible to a series of developments, especially of different sizes and design, are not set out. This is important to understand how the judgements are reached.

There are only three categories of sensitivity which means that there is a significant difference between the descriptors of high, medium and low with intermediate categories effectively being omitted. This does not reflect the complexity of most landscapes. Five categories are recommended.

The magnitude of cumulative landscape effects correctly identifies that the combined effects of the proposed development and other wind turbine developments should be considered. This should be assessed against the baseline of no wind turbines on the basis of the temporary nature of the development, albeit long-term. However, the contribution of Y Bryn to the cumulative effect should also be described in terms of relationship with other windfarms including relative size of turbine. The significance of cumulative landscape effects has a very high threshold of significance and the definitions for major and major/moderate are very similar. It is considered that the definitions will tend to lead to under estimation of significant effects.

Magnitude of cumulative visual effects, as with landscape effects, correctly identifies that the combined effects of the proposed development and other wind turbine developments should be considered. However, the contribution of Y Bryn to the cumulative visual effect should also be described in terms of the juxtaposition and relationship with other windfarms including relationships with the viewer (e.g. on either side) and the percentage field of view etc.

The significance of cumulative visual effects includes a definition of 'the loss of some essential landscape features' in the major/moderate category. It is considered that this statement does not make sense as wind turbines usually do not lead to the 'loss of features', just substantial modification of the view.

### **Question 18: Do the consultees agree with the proposed approach to assess the effects on landscape character and visual amenity?**

The following general comments are made on the guidance as set out in 12.2.1.

- The Guide to Assessment of Cumulative Effects of Wind Farm Developments, ETSU (2000) is very outdated and should be given little, if any, weight. The SNH 2012 guidance is more helpful in this regard.
- LANDMAP Information Guidance Note 3 has been superseded by Natural Resources Wales Guidance Note 046 'Using LANDMAP in Landscape and Visual Impact Assessments (LVIA)', January 2021. Note that Cultural Landscape Services succeeds Cultural landscape.
- The Visual Representation of Development Proposals TAN 06/19 should be dated September 2019.
- Seascape effects should be considered in line with the documents set out in the seascape section below.

### **Landscape**

The sensitivity of landscape is not described as combining the susceptibility of a given landscape to a particular type of development with value in line with GLVIA3. The factors that make a landscape more or less susceptible to a particular type and scale of development are not set out. This is important to understand how the judgements are reached.

There are only three categories of sensitivity which means that there is a significant difference between the descriptors of high, medium and low with intermediate categories effectively being omitted. This does not reflect the complexity of most landscapes. Five categories are recommended.

The magnitude of landscape effects does not include the criteria of the proposed development becoming a dominant or key characteristic of an area. The definitions of high and high/medium are very similar with the latter being too high a threshold.

The significance of landscape effects appears to use the term 'element' where 'characteristic' would be more appropriate and in line with standard guidance definitions. The combination of sensitivity and magnitude of effect should be in line with the IEMA diagram in Appendix A.

### **Seascape**

The effects on seascape are not addressed in the assessment. The ZTV clearly indicates uninterrupted visibility across Swansea Bay, along the southern coast of Gower and across the Bristol Channel to Exmoor. The proposed heights of turbines are so large that they are likely to modify the coastal backcloth to the seascape.

### **Visual Amenity**

The sensitivity of visual receptors does not mention visitors to the coast, heritage assets and country parks, all of whom would be highly sensitive. It is assumed that medium sensitivity receptors would include users of B roads. As with the landscape sensitivity, three categories do not reflect the range of sensitivities of receptors and users of motorways and A roads may be considered medium/low, not low.

The significance of the visual effects indicates that defining visual elements would become subservient within the view. Presumably, this means that the development would be a dominant feature?

It is agreed that some effects of moderate significance could be significant. The method does not mention that where a series of linked moderate effects occur (e.g. along the footpath) that this may make the combined views significant. The combination of sensitivity and magnitude of effect should be in line with the IEMA diagram in Appendix A.

### **LVIA outputs**

The following comments are made on the figures:

- All map figures should be prepared to cover the 45km study area and separate more detailed maps showing a 15km study area.
- It is assumed that the non-statutory landscape designations will include Special Landscape Areas.
- The access and movement figures should include access land.
- LANDMAP should include aspect areas in line with updated Natural Resources Wales Guidance Note 046 'Using LANDMAP in Landscape and Visual Impact Assessments (LVIA)', January 2021. The change to cultural landscape services should be noted.
- Character Areas - the method for defining these has not been identified or are they National?
- Blade tip and hub height ZTVs should be at 15km with a 1:25k OS base as well as 45km with a 1:50k base. They should include bare ground and landcover versions to accommodate possible changes in tree cover over the life of the development.

- Viewpoints should be shown as points to give an accurate indication of their location.
- Viewpoint visualisations should include the additional viewpoints suggested in Table 2.
- Photomontages should include a range of key views to be agreed. They should not necessarily be limited to 10 as such a large scale development is proposed and may necessitate more.
- The height of the turbines may necessitate the use of portrait photos in some locations to ensure that full of the height of the turbine is covered.
- Photomontages should include A3 single frame views where possible to allow for ease of printing by third parties and decision-makers and for taking on site. A good example is the Lethans A3 viewpoint pack (see sample in Appendix B).
- The cumulative ZTVs should also be carried out at 15km radius on 1:25k OS mapping for the closest wind turbine developments.

In addition, the following information is regarded as important in understanding effects:

- Seascape character areas at national and local level.
- Forestry resource/management plans are needed showing the phasing of removal and/or replanting of the forest plantation surrounding the proposed wind farm to clearly inform how this may open up or reduce views during the lifetime of the development, or at least 10 years. Expected tree growth rates for proposed species would be helpful.
- Proposed mitigation.
- Elevations of proposed turbines showing alternatives with highest hub height and with the largest blade circumference.
- Location and details of access roads, battery storage and other ancillary infrastructure.

Although some of the above will not be part of the LVIA they should be part of the overall description of the development.

### **Question 19: Do consultees see value to any particular enhancement measures?**

Landscape enhancement measures would need to be considered hand-in-hand with biodiversity enhancement and cultural heritage measures such as interpretation. The measures should take into consideration the effects of climate change and reinforce resilience to species loss and issues such as flooding. They should be in line with NRW advice on management of forests and general climate change guidance e.g. Communicating landscape change from adaptation and mitigation in a changing climate, Natural Resources Wales report no.396.

The clearance of forest to accommodate the development may reduce the capacity of the area to reduce run-off and this should be compensated and enhanced if at all possible.

Whilst the above may be considered as benefits, they are likely to be very minor in comparison to the level of landscape and visual effects. Whilst they need to be set out clearly with appropriate commitments, they should not be used to obscure the overall residual effects.

### **Hydrology, Geology and Hydrogeology:**

#### **Question 20: Are consultees in agreement with the methodologies proposed and the topics to be scoped out?**

Whilst the Council's Land Drainage Section has been consulted their advice has not been received to date and any comments will be forwarded to PINS in due course.

**Question 21: Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional receptors, whether referred to above or otherwise?**

Whilst the Council's Land Drainage Section has been consulted their advice has not been received to date and any comments will be forwarded to PINS in due course.

**Cultural Heritage:**

**Question 22: Do consultees agree with the approach and scope of the Heritage assessment?**

The levels of heritage significance set out in Table 14.1 indicate that Conservation Areas are only of medium importance. In the case of Llangynwyd, with its concentration of Grade II Listed buildings and structures and recognition as a Historic Landscape Character area, this is considered to be too low. This should be included as an additional viewpoint as requested above and should be used to help inform the level of effects in addition to the study and site visits.

The method appears to reference the key documents but reference should also be made to the document '*Managing Conservation Areas in Wales*' (2017) which supplements Planning Policy Wales and Technical Advice Note 24: The Historic Environment. It should be noted that the '*Guide to good practice on using the register of landscapes of historic interest in Wales in the planning and development process*' (2007), is published by Cadw, CCW (now NRW) and Welsh Assembly Government, now Welsh Government.

It is not known if, (or agreed that), the inner study area (ISA) is low-medium in terms of archaeological potential (14.3.4).

In paragraph 14.3.5 of the Scoping Report, reference should be made to Archaeologically Sensitive Areas (including Maesteg and Kenfig). In carrying out the ASIDOHL 2 assessment the historic landscape character areas (HLCAs) should be assessed. These are described by GGAT in the following website:

[http://www.ggat.org.uk/cadw/historic\\_landscape/margam/english/mynydd\\_margam\\_summary.html](http://www.ggat.org.uk/cadw/historic_landscape/margam/english/mynydd_margam_summary.html)

Past experience is that in assessing wind energy or any structure that is disproportionately tall in comparison to the extent of its physical footprint can affect findings. Under these circumstances, the ASIDOHL2 methodology can produce results that show a development having less impact than is really the case, because as the methodology stands, visual impacts are weighed up with physical impacts, which in the case of wind turbines are relatively small, especially in this case with very large turbines.

The assessor should take this into account and give more weight to the visual impacts through use of ZTV data and likely adverse visual effects within each HLCA. These should take account of forest management and clearance due to the project as well as the overall Forest Management Plan.

Consideration should additionally be given to place-names as well as potential artistic or literary associations, sacred space, or local traditions and customs. Welsh language literary sources should be considered in this context, including early poetry associated with the Abbey and with the estate which followed it. Aeron Afan's Cyfansoddiadau Buddugol yn Eisteddfod Iforaidd



Aberafan Mehefin 23, 1853 (Caerfyrddin: William Thomas) captures the culture of the area in the early stages of industrialisation.

In relation to scope, it is suggested that the effects of the proposed grid connection would be scoped out if it used underground cable. This may have an adverse effect on archaeological remains in the ground and therefore this should not be scoped out.

**Question 23: Do consultees see value to any particular mitigation and/or enhancement measures for any local or regional heritage features, whether referred to above or otherwise?**

Mitigation and enhancement of cultural heritage assets should be put forward in line with good practice and national guidance. As with LVIA mitigation, whilst these may be considered benefits they are likely to be very minor in comparison to the level of cultural heritage effects. Whilst they need to be set out clearly with appropriate commitments, they should not be used to obscure the overall residual effects.

**Traffic and Transport:**

Although there are no questions in this section of the Scoping Report, BCBC would like to comment as follows:

The methodology for determining the impact of the development on the highway network has been considered and raises a number of questions and concerns. Whilst it is agreed that the significant majority of the traffic impact for this proposal will be at the construction stage, the percentage thresholds to determine if further transport studies are required are considered to be too high for the following reasons.

An increase of 5% traffic on the highway network is a material planning consideration and requires further analysis. Therefore, the proposed 30% is not acceptable. In addition, using a percentage increase is a coarse methodology for a development such as this and Average Daily Trips should be calculated for all construction activity over the working day. This methodology has been used successfully in other windfarm developments in the County Borough to determine the impacts on the network during the peak traffic hours especially during the mass concrete pour for the turbine bases which are often intense and have to be continuous.

In addition, early engagement with the abnormal loads officer will enable the determination of the route of the abnormal loads. Whilst a rudimentary survey of the highway network reveals the infrastructure that will be affected, the abnormal loads officer has details of unseen culverts under the highway network, which are prevalent in Bridgend, and which often carry weight limits preventing the abnormal load from crossing.

Early engagement with the Highway Authority is of paramount importance for this type of development and, therefore, it is considered that Section 15 of the Scoping Report does not adequately scope out the potential impact on the highway network to enable a satisfactory Construction Traffic Management Plan to be devised.

## Noise:

### **Question 24: Do consultees agree with the proposed approach to cumulative noise and the list of other wind developments that are planned to be included in the cumulative noise assessment?**

It is noted that out of the table of listed wind turbines, only those listed in 16.2.6 of the report are to be included in the cumulative assessment.

Whilst the closest wind farms have been included, the consultants will need to evidence why they think the Upper Ogmore Wind Farm should not be included in the cumulative assessment e.g. The Institute of Acoustics '**Good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise**' (GPG) states that '*if the proposed wind farm produces noise levels within 10 dB of any existing wind farm/s at the same receptor location, then a cumulative noise impact assessment is necessary*' – therefore, the consultants will need to confirm if have they carried out preliminary calculations which prove that the turbines from that wind farm will not add to the cumulative effect.

With regards to the cumulative assessment itself, the scoping report states, '*consideration will be given to the 'controlling property' and 'significant presented headroom' approaches outlined in the GPG. If it is possible and realistic, it will be assumed that the other wind farm developments are at their respective noise limits*'.

This is a difficult area as existing wind farm operators have the right to produce noise to their consented total ETSU-R-97 limits and even if it can be demonstrated that that headroom currently exists, it may not be the case that that headroom will be present indefinitely as stated in paragraph 5.4.7 of the GPG.

For the development to proceed, the presented 'headroom' needs to be maintained. Therefore, unless the 'cumulative conditioning' or 'negotiation' methods described in Section 5.7. of the GPG is undertaken, which in itself provides difficulties and enforcement of cumulative conditions, BCBC request that when the limits for the new wind farm are proposed, the developer will need to ensure that the cumulative levels does not exceed the original derived ETSU-R-97 level based on their permitted consented levels. The SB21 of the GPG states '**SB21: Whenever a cumulative situation is encountered, the noise limits for an individual wind farm should be determined in such a way that no cumulative excess of the total ETSU-R-97 noise limit would occur**'.

### **Question 25: Do consultees agree it is appropriate to assess noise from the development, individually and cumulatively, against a daytime limit of 40 dB LA90 / Background + 5 dB and 45 dB LA90 for financially involved properties?**

The scoping report recognises that when choosing the fixed limit of 35-40dB LA90 in low noise environments (where the background LA90 is 30dB) or less, ETSU-R-97 requires a consideration of all the following factors:

- The number of dwellings in the neighbourhood of the wind farm;
- The effect of noise limits on the number of kilowatt/hour (kWh) generated; and
- The duration and level of exposure.

However, it then goes on to discuss just the power generation consideration to justify assessing the development against the upper limit of 40dB LA90.

BCBC cannot agree with this from the outset as consideration needs to be given to all 3 factors and especially the duration and level of exposure. For example, in low noise environments e.g. 26dB (which can occur in some sheltered valley properties at lower wind speeds), if an upper limit of 40 dB LA90 was allowed, that would be an exceedance of 14dB over the background level of 26dBA, which is significant. The IOA Good Practice Guide states that the duration and level of exposure criteria in ETSU-R-97 *'notes that the likely excess of turbine noise relative to background noise levels should be a relevant consideration. In rural areas, this will often be determined by the sheltering of the property relative to the wind farm site. Account can also be taken of the effects of wind directions (including prevailing ones at the site) and likely directional effects. For cumulative developments, in some cases the effective duration of exposure may increase because of cumulative effect'*.

Consequently, the upper fixed 40dB limit cannot be agreed at this stage. With respect to background plus 5dB and 45dB for financially involved properties, this can be agreed as per the ETSU guidance. Evidence should be provided of what properties are financially involved and that they have a direct involvement e.g. that they are living in those properties and are not merely renting or leasing them out to someone else.

**Question 26: Do consultees agree with the areas proposed for background noise monitoring?**

It is stated in paragraph 16.2.11 of the scoping report that *'For the assessment of receptors to the north and north-east, it is intended to refer to these background noise measurements collected for Foel Trawsnant'* and in paragraph 16.2.12 *'it is intended to use these background noise levels for the assessment of receptors to the south-west of the development'*. Whilst we have no objection to this in principle, as specified in the GPG *'if the developer wishes to utilise previously presented background noise level data from other, care should also be taken with respect to any differences in wind speed conditions between the original and proposed site. The underlying principle of ETSU-R-97 requires that the background noise levels at any given location must be correlated with the wind speeds measured on the wind farm site of interest. Where a systematic difference exists between the wind conditions on the two sites, then a correction will need to be applied, meaning that the derived background noise curves for the two sites will be different.'* Therefore, this will need to be considered to comply with the Good Practice Guide.

In addition, paragraph 16.2.13 states that *'It is intended, if possible, to undertake new background noise monitoring at several locations within areas A and B as highlighted on Figure 16.1. These are areas where preliminary noise predictions suggest cumulative wind farm noise levels may be approaching the ETSU-R-97 daytime limit range of 35-40 dB LA90, and where background noise monitoring has not previously been undertaken'*.

BCBC is concerned about the wording *'it is intended, if possible, to undertake new background noise measurements... within areas A and B'*. Given the location of the closest turbines to those areas, it is essential that monitoring is undertaken at these additional receptors and not 'where possible'. However, it should be pointed out that any monitoring undertaken would have to be corrected for any other wind turbines in operation during that time to ensure that existing wind turbines were not elevating or impacting on the true background measurements. This is

recognised in the GPG which states that *'Where a new wind farm is proposed and a receptor is also within the area acoustically affected by an already operational wind farm, then noise from the existing wind farm must not be allowed to influence the background noise measurements for the proposed development'*. The location of actual new monitoring locations within those areas should be agreed with the respective Environmental Health Department for Neath Port Talbot and Shared Regulatory Services for Bridgend County Borough Council.

**Question 27: Do consultees agree with the proposed approach to assessing construction related noise from the proposed development?**

Yes - although predicted impacts will also need to include the impacts of vibration as well. In addition, it should be noted that the hours of operation specified by Shared Regulatory Services, which covers the area of Bridgend, Cardiff and the Vale of Glamorgan Councils, which are audible at any residential property are Monday - Friday 0800 -18.00 hours, Saturday 08.00 - 13.00 hours and no working Sundays or Bank Holidays. Within that period, works which produce vibration in excess of 0.2mm/s at any residential property should only be undertaken between 09.00-17.00 hours Monday - Friday and 09.00 -1300 Saturdays.

**Forestry:**

**Question 28: Are consultees in agreement that this provides sufficient guidance for the forestry elements of this wind farm proposal?**

The Council's Countryside Management Officer has been consulted and any comments will be forwarded to PINS in due course.

**Question 29: Are consultees in agreement with the proposed methodology and approach for forestry?**

The Council's Countryside Management Officer has been consulted and any comments will be forwarded to PINS in due course.

**Socio-Economics:**

**Question 30: Are consultees in agreement with the proposed methodology for socioeconomic and that tourism is scoped out?**

Yes.

**Health and Public Safety:**

**Question 31: Do you agree that ice throw and lighting is scoped out of the ES and potentially shadow flicker if no properties lie within 10 rotor diameter of turbines?**

With respect to shadow flicker, even if it is scoped out, a condition should be included that if complaints arise from shadow flicker, that they are investigated by the developer and remedial action undertaken if shadow flicker is found to occur. A previous and justifiable complaint was lodged about another wind farm where shadow flicker was found to be occurring at properties where it was originally anticipated that they were not going to be affected in the original assessment, which resulted in remedial action being undertaken.

## **Aviation and Existing Infrastructure:**

**Question 32: Are consultees in agreement with the proposed methodology and approach for aviation?**

Yes.

**Question 33: Do consultees agree with the proposal to scope in aviation, Public Rights of Way and scope out impacts on impact on TV and microwave fixed links, gas, water and power lines?**

Yes.

## **Residual Effects, Mitigation and Enhancement:**

**Question 34: Do the consultees have any comments regarding the proposed documentation that will accompany the application?**

No.

In general terms, the scoping report at paragraph 12.3.6 should refer to Bridgend CBC LDP in the title and the following:

- SPG 20 - Renewables in the Landscape: Supplementary Planning Guidance
- BCBC Landscape Character Area Assessment

Paragraph 14.2.1 should refer to the Glamorgan Gwent Archaeological Trust (GGAT) not Gwynedd Archaeological Trust (GAT).

Paragraph 14.2.3 should read "Landscape of Outstanding Historic Interest within 5 km of the site boundary" not "Special Historic Interest."

Paragraphs 14.2.10 and 14.3.1 should refer to Glamorgan Gwent Archaeological Trust not Gwent Glamorgan Archaeological Trust.

In terms of the supporting figures and reports:

- Fig. 3.1 – 'Constraints to Site Design' should include historic Landscapes, Conservation Areas and Special Landscape Areas for completeness.

A map of the Landscape Character Area Assessment for BCBC is attached at Appendix 2 to illustrate some of the designations in the area.

## **Other consultee comments:**

The following comments have been received from the Coal Authority:

*"The proposed EIA development is located within the defined Development High Risk Area; the site has therefore been subject to past coal mining activity. In addition, the site is located within an area of surface coal resource."*

*In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the past coal mining activities and the presence of surface coal resources within the site should be fully considered as part of the Environmental Statement (ES); this should take the form of a risk assessment, together with any necessary mitigation measures.*

*Whilst the Coal Authority notes the submitted information provided by The Natural Power Consultants Ltd, it would appear that no form of assessment has been made of the impact of coal mining legacy. Within the application site and surrounding area there are coal mining features and hazards which need to be considered. This issue should be included within a range of proposed studies to be undertaken should an EIA be required and the Coal Authority considers that the proposals should be informed by the presence of these features and hazards.*

### **Consideration of Coal Mining Issues in the ES**

*There are a number of coal mining legacy issues that can potentially pose a risk to new development and therefore should be considered as part of an Environmental Statement for development proposals within coalfield areas:*

- *The location and stability of abandoned mine entries*
- *The extent and stability of shallow mine workings*
- *Outcropping coal seams and unrecorded mine workings*
- *Hydrogeology, mine water and mine gas*

*In addition, consideration should be afforded as part of development proposals and the ES to the following:*

- *If surface coal resources are present, whether prior extraction of the mineral resource is practicable and viable*
- *Whether Coal Authority permission is required to intersect, enter, or disturb any coal or coal workings during site investigation or development work*

### **Coal Mining Information**

*Information on these issues can be obtained from the Coal Authority's Property Search Services Team (Tel: 0345 762 6848 or via the Coal Authority's website) or book an appointment to visit the Coal Authority's Mining Records Centre in Mansfield to view our mining information (Tel: 0345 7626848).*

*The Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at:*

<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

*Guidance on how to produce a Coal Mining Risk Assessment and a template which the "competent body" can utilise is also contained at:*

<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

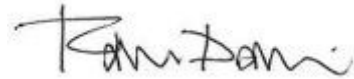
*Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:*

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

*In accordance with our consultation requirements, we look forward to receiving the planning application and Environmental Statement for comment in due course."*

I trust that the above advice is of assistance.

Yours sincerely,



**Mr. Rhodri Davies BA, BTP, MRTPI  
Development and Building Control Manager**

**Enc.**

**Appendix 1 – Response to Scoping Report in relation to Landscape and Visual and Cultural Heritage Matters (by White Consultants)**

**Appendix 2 - Historic Designations in Bridgend County Borough Council**

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

4 March 2021

#### Future Wales 2040 (National Development Framework) & Planning Policy Wales 11

#### 1. Purpose of report

- 1.1 The purpose of this report is to advise Members of the publication of Future Wales 2040 (FW2040) which is the National Development Framework (NDF) together with Planning Policy Wales 11 (PPW11). FW2040 is a Development Plan for the purposes of determining Planning applications and PPW 11 is the relevant national Planning policy. The documents were published on 24 February 2021. A letter from the Minister providing further information together with the appropriate links to the Welsh Government website is attached at Appendix 1.
- 1.2 Members may recall that BCBC provided a response to the (then NDF) consultation in 2019 and this was reported to the Development Control Committee on 5 December that year.

#### 2. Connection to Corporate Improvement Objectives/other Corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
  1. **Supporting a successful sustainable economy** – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.
  2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience and enable them to develop solutions to have active, healthy and independent lives.
  3. The Planning system is also seen as crucial to the delivery of the national placemaking agenda and helping public bodies meet key carbon reduction targets.

#### 3. Background

- 3.1 Future Wales – the National Plan 2040 is the Welsh national development framework setting the direction for development in Wales to 2040. It is a Development Plan with a strategy for addressing key national priorities through the Planning system including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

- 3.2 FW2040 sets out development policies for Wales as a whole and for three national growth areas: Wrexham and Deeside (North Wales), Swansea Bay & Llanelli (Mid & South West Wales) and Cardiff, Newport and the Valleys (South East Wales). Bridgend falls within the South East Wales growth area, which is consistent with the Cardiff Capital Region.
- 3.3 This regional approach aligns with other Welsh Government strategies and allows a consistent approach to policy implementation across Wales including the delivery of Strategic Delivery Plans (SDPs) for each of the regions identified. FW2040 identifies a vision for change over the next 20 years and forms the basis for its policies and proposals.

#### **4. Current situation/proposal**

- 4.1 As part of the South East Wales region, Bridgend is specifically identified in FW2040 as a centre of regional growth. This is based on its strategically important location as part of the South Wales Metro system and the opportunity that this provides to improve rail, bus, cycling and walking infrastructure across the region to provide a focus for investment, regeneration and associated development.
- 4.2 FW2040 also identifies Bridgend as a Priority Area for District Heating Networks with an expectation on Planning Authorities to identify opportunities for integrating into new and existing development.
- 4.3 PPW 11 is published alongside FW2040 and reflects the change in the Development Planning hierarchy introduced by the National Plan. It is also updated to reflect a greater emphasis on the placemaking agenda and to take into account potential changes to the land use Planning system as a result of the Covid-19 pandemic.

#### **5. Effect upon policy framework and procedure rules**

- 5.1 National Development Framework 2040 represents the top tier of the Development Plan hierarchy in Wales with the Strategic Development Plan (SDP) at regional level and the Local Development Plan (LDP) at local Authority level operating below it.
- 5.2 The LDP will need to be in general conformity with FW2040 and PPW11 however, there are no identified impacts on the ongoing review of the LDP. The Council published its draft Preferred Strategy in accordance with the then emerging policies of FW2040. At its core, the Preferred Strategy promotes growth to be focused on existing settlements in accordance with a settlement hierarchy which highlights the importance of public transport connectivity. Policies within the LDP will emphasise the need for the provision of Active Travel infrastructure to be incorporated into development proposals. The Preferred Strategy also emphasises the opportunities presented by the projects and activities identified in the Bridgend Smart Energy Plan to promote decarbonisation. Specifically, the LDP will incorporate policies to ensure proposed developments demonstrate how the proposal will facilitate a connection to a District Heating Network or robustly justify why the connection is not technically and/or economically viable and suggest an alternative approach.

5.3 Officers are currently assessing both FW2040 and PPW11 and will be partaking in focused Welsh Government workshop sessions over the coming weeks. It is intended to provide suitable Member training later in the year.

## **6. Equality Impact Assessment**

6.1 There are no direct implications associated with this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 FW2040 and PPW11 have been prepared in accordance with the 7 Wellbeing goals and the 5 ways of working as identified in the Act and which is now embedded in national Planning policy.

## **8. Financial implications**

8.1 There is no cost implication for the Authority relating to FW2040 as it is a Welsh Government function. The cost of the ongoing LDP Review will be met from the Development Planning budget and carried out by Development Planning staff with expert advice and evidence procured from consultants and through collaboration with neighbouring Authorities as required.

## **9. Recommendation**

9.1 That Development Control Committee notes the publication of Future Wales 2040 and PPW11 and its implications for the making of decisions by the Council on planning matters and to note that further training will be provided to committee on the implications.

Letter from Julie James AS/MS Minister for Housing and Local Government (attached as Appendix 1).

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

### **Background Papers**

None

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To: Local Authority Leaders & Chief Executives  
At: Arweinwyr a Phrif Weithredwyr Awdurdodau Lleol

24 February 2021

Dear Leader, Chief Executive,

Today I have published the Welsh Government's national development plan '[Future Wales – The National Plan 2040](#)'. Future Wales will immediately play a major role in the planning system. All planning applications and all local development plans will now be required to accord with Future Wales. I have today written to your leading Planning Officer, to advise of the publication of Future Wales and to arrange for my officials to meet with them and their teams, to discuss the relationship between Future Wales and your authority's planning role. I have requested that the Welsh Government's Planning Directorate officials continue to work with and support your Development Plans teams in the preparation of local and strategic development plans. Future Wales and the Local Government Elections (Wales) Act 2021 both have a strong focus on regional planning and the preparation of a strategic development plan will be a key task for your authority and your regional partners. I intend to front-load the Welsh Government's work with you and reduce the role we have played in recent years in detailed technical scrutiny of your local development plans and our participation at examinations. I recognise fully the unique challenges you have faced over the last year and will continue to face in years to come. The legacy of the Covid-19 pandemic will remain with us for some time and the climate change emergency is as urgent as ever. Pressures on public finances have impacted on the delivery of all services and from my conversations with planning officers across Wales, it is clear that planning departments have significantly felt the effects of budgetary constraints.

I firmly believe that the planning system has a central role to play in meeting the challenges we face. The preparation of development plans and effective development management is the best way to meet these challenges and to manage long-term positive change. I want local planning authorities to be at the heart of the decisions we need to take on how Wales, our regions and our local areas will grow and change. It is vital that planning teams are staffed, resourced and empowered to lead the way. I am open to any ideas and suggestions on how we can ensure this and as explained above, have directed the Welsh Government's Planning Directorate to engage directly with your planning teams.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

In addition to its defined role in the planning system, Future Wales will also influence the Welsh Government's decisions across a broad range of policy areas. Future Wales identifies areas of growth, where we will invest, where new infrastructure will be provided and provides a 20 year spatial framework for the Welsh Government's key strategic policies. In addition to the importance of your planning teams in working with Future Wales, I strongly encourage you to disseminate information on Future Wales to your teams in housing, regeneration, economic development, environment, energy, transportation and other areas likely to be involved in the planning system or whose work is influenced by wider Welsh Government policy in these areas.

I look forward to supporting you in your work.

Yours sincerely



**Julie James AS/MS**

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

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## **TRAINING LOG**

*All training sessions will be held on the Microsoft Teams platform.*

<b><u>Subject</u></b>	<b><u>Date</u></b>
Placemaking – policy, in practice and a case study (all members)	March 2021
Minerals update	April 2021
Fire Safety Regulations	May 2021
National Development Framework / Planning Policy Wales 11	July 2021

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**BACKGROUND PAPERS  
NONE**

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