

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
The Town and Country Planning (Development Management Procedure)
(Wales) Order 2012 (as amended)

FULL PLANNING PERMISSION

To: Mr Laurence Sutton c/o Mr Luke Voleinik-Haddock Rhondda Cynon Taf CBC Sardis House
Sardis Road Pontypridd

WHEREAS you submitted an application on the 7th June 2023 to develop: Feeder Pipe Bridge (footbridge Crossing River Taff) To The South Of Fiddlers Elbow Viaduct, Off Tramroadside Treharris short particulars of the application being as follows:-

Name of the Applicant

Mr Laurence Sutton
Rhondda Cynon Taf CBC
Sardis House
Sardis Road
Pontypridd

Description of Proposed Development

Erection of replacement bridge (Full)

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans (if any) submitted with the application subject to compliance with the following conditions.

CONDITIONS

Please see attached.

Date: 11th March 2024

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

CONDITIONS

- 1 The development shall begin not later than five years from the date of this decision.

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 following approved plans and documents:

- Drawing Title: Feeder Pipe Proposed GA Sections & Elevation, Drawing Number: 30003237-BHK-00-XX-DR-C-1001 Rev. P02, Received on 7 June 2023.
- Preliminary Ecological Appraisal, dated 10/01.2024, Ref: T7028, Version 2.0, produced by Temple, received 24 January 2024
- Preliminary Ecological Appraisal (PEA) Report, dated February 2022, Ref: GC3880-RED-74- XX-RP-L-0003 Rev: P02, produced by Redstart, received 17 July 2023
- Preliminary Ground Level Tree Assessment North and South, dated 09/01/2024, Ref: T7028 Version V1.0, Produced by Temple, Received 24 January 2024
- Bat surveys, dated 09/01.2024, Ref: T7028, version V2.0, Produced by Temple, received 24 January 2024
- Bat Survey Report, dated August 2021, Ref: GC3880-RED-74-XX-RP-C-1-0002, Rev: P01, produced by Redstart, received 17 July 2023
- Invasive Species Survey, Updated 12th December 2023, Ref: Y7028, produced by Temple, received 24 January 2024
- Arboricultural Impact Assessment, dated 12/01/2024, Ref: T7028, Version V3.0, produced by Temple, received 24 January 2024
- Otter Survey Report, dated August 2021, Ref: GC3880-RED-74-XX-RP-C-1-0001, Rev: P01, produced by Redstart, received 17 July 2023
- Updated Otter Survey Memo Report, DATED 13 March 2023, Ref: T7028, produced by Temple received 24 November 2023

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

- 3 **No development shall commence**, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include:

- i. General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- ii. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption.
- iii. Details of pre-construction otter inspections to be carried out within 48 hours prior to the commencement of works.
- iv. Biodiversity Management: details of management of invasive species: signal crayfish may be present within the river Taff corridor management; species and habitats protection, avoidance and mitigation measures.
- v. Traffic Management: details of plant on site and wheel wash facilities.

- vi. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan, and control of cement/ pointing materials to prevent contamination of the river.
- vii. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details .

The CEMP shall be implemented in accordance with the approved details during the site preparation and construction phases of the development.

Reason - In the interest of protecting the environment and to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 4 **BEFORE WORKS TO THE BRIDGE COMMENCE**, details of the ecological enhancement measures set out in the approved documents (outlined in condition 2), including their exact siting, specifications and timings of their installation/provision, shall be submitted to and approved in writing by the local planning authority. These enhancement measures shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 **NO MORE THAN 48 HOURS PRIOR TO WORKS COMMENCING** a pre-construction inspection for the presence of resting or breeding otter (specifically for holts and lying-up places) is to be undertaken by a suitably qualified ecologist. A report on the findings of the inspection shall be submitted to the local planning authority within 14 days of the inspection. If the inspection confirms the presence of otter, a derogation licence from NRW will be required and no works may commence until this has been granted.

Reason - To protect the natural environment and minimise impacts on protected species, in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 6 **BEFORE WORKS COMMENCE ON SITE** a combined Precautionary Working Method Statement inclusive of dormouse (on a precautionary basis), reptiles, amphibians and hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason - To protect the natural environment and minimise impacts on protected species, in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 7 **NO DEVELOPMENT OR SITE CLEARANCE SHALL TAKE PLACE**, until an Invasive Non-Native Species (INNS) Method Statement for Himalayan balsam and Japanese Knotweed has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved scheme.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

- 8 **BEFORE WORKS COMMENCE** a detailed Compensation, Management and Maintenance Plan for the Woodland (SINC & Priority Habitat) affected by the scheme, including timescales for its implementation, shall be submitted to an approved in writing by the Local Planning Authority.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. With respect to condition 3, the developer is advised that The Construction Environmental Management Plan should also include information from the following:

Guidance for Pollution Prevention

- o GPP 1: Understanding your environmental responsibilities - good environmental practices
- o GPP 5: Works and maintenance in or near water
- o GPP 8: Safe storage and disposal of used oils
- o GPP 21: Pollution incident response planning
- o GPP 13 Vehicle washing and cleaning
- o GPP 22: Dealing with spills.

Pollution Prevention Guidelines:

- o PPG 6: Working at construction and demolition sites
- o PPG 7: Safe storage - The safe operation of refuelling facilities

2. With respect to condition 3, the developer is advised that the invasive non-native species, signal crayfish may be present within the river Taff corridor. All plant, machinery and equipment must be cleaned when accessing and leaving the site to prevent the spread of signal crayfish and crayfish plague.
3. The developer is advised that Natural Resources Wales Flood Risk Map confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in Technical Advice Note 15: Development and Flood Risk (2004) (TAN15). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 Rivers.

The Environmental Permitting Regulations (2016) require you to obtain a bespoke Flood Risk Activity Permit (FRAP) for any works or structures located in, under, over or within 8 metres of the bank top of the River Taff, a designated "main river". Further conditions will be associated with the FRAP and these are stand alone conditions alongside any granted for this planning application. Further advice and guidance on FRAPs is available on the NRW website: <http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

4. No in-channel activities shall take place during the fish spawning embargo period (15th October to 15th May) without the prior written approval of NRW. The invasive non-native species, signal crayfish may be present within the river Taff corridor. All plant, machinery and equipment must be cleaned when accessing and leaving the site to prevent the spread of signal crayfish and crayfish plague. If an area of the river is to be sealed off and drained down (to create a dry working area), then a fish-rescue must be carried out by suitably competent people. Note, however, that this may require formal consent from NRW.
5. Should any spills occur, appropriate measures to contain and clean up must be taken immediately and according to the incident response plan incorporated into the Construction Environmental Management Plan. Any discharges to the water environment must be self-reported to Natural Resources Wales on 0300 065 3000 immediately.

6. Warning: this planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
The European Otter is protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb an otter or to recklessly damage or destroy their breeding sites or resting places.

If works are planned that are known will impact otter in the ways detailed above, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/list-of-protected-species/otter-licensing/?lang=en>.

If work has already commenced and otters are found, or if any evidence that otters are using the site as a resting place is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

7. Warning: this planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree/structure in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

8. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings/structures with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

NOTES

Your attention is drawn to the following:-

Appeals to the Planning & Environment Decisions Wales:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning & Environment Decisions Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal.
- The Planning & Environment Decisions Wales can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Planning & Environment Decisions Wales need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Planning & Environment Decisions Wales does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or Planning & Environment Decisions Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING PERMISSION HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.