

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: Rhondda Cynon Taf CBC c/o Mr Luke Voleinik-Haddock Rhondda Cynon Taf CBC 2 Llys
Cadwyn Taff Street Pontypridd CF37 4TH

WHEREAS you submitted an application on the 31st July 2024 to develop: Feeder Pipe Bridge off Tram
Road Side Treharris CF46 5EF short particulars of the application being as follows:-

Name of the Applicant

Rhondda Cynon Taf CBC
2 Llys Cadwyn
Taff Street
Pontypridd
CF37 4TH

Description of Proposed Development

Variation of condition 8 (ecological enhancement) of
planning permission P/24/0039 to extend the period of
time to implement the ecological enhancement.
(Removal/Variation of Condition)

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: 9th September 2024

Signed:



(Director of Neighbourhood Services)

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

CONDITIONS

- 1 The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title: Temporary Works Design Crane Platform Southside Sheet 1 of 2, Drawing Number: CRXSS056-BBR-00-XX-DR-W-0001 Rev. P4, Received 19 March 2024 (approved under planning reference: P/24/0039)

Drawing Title: Temporary Works Design Crane Platform Southside Sheet 2 of 2, Drawing Number: CRXSS056-BBR-00-XX-DR-W-0001 Rev. P4, Received 19 March 2024 (approved under planning reference: P/24/0039)

Drawing Title: Remedial Works to Existing Embankment and Bridge Piers (sheet 1), Drawing Number: 30003237-BHK-00-XX-DR-C-5000 Rev. P03, Received 15 April 2024 (approved under planning reference: P/24/0039)

Drawing Title: Remedial Works to Existing Embankment and Bridge Piers (sheet 2), Drawing Number: 30003237-BHK-00-XX-DR-C-5001 Rev. P02, Received 19 March 2024 (approved under planning reference: P/24/0039)

Drawing Title: Proposed Section, Drawing Number: 333206-00-24-05 Revision P00, Received 26 February 2024 (approved under planning reference: P/24/0039)

Drawing Title: Proposed Elevations and 3D View, Drawing Number: 333206-00-24-03 Rev. P00, Received on 26 February 2024 (approved under planning reference: P/24/0039)

Preliminary Ecological Appraisal, dated 28/02/2024, Ref: T7028, Version 3.0, produced by Temple, received 13 March 2024 (approved under planning reference: P/24/0039)

Preliminary Ecological Appraisal (PEA) Report, dated September 2022, Ref: GC3880-RED-74- XX-RP-L-0004 Rev: P01, produced by Redstart, received 26 February 2024 (approved under planning reference: P/24/0039)

Preliminary Ground Level Tree Assessment North and South, dated 28/02/2024, Ref: T7028 Version V2.0, Produced by Temple, Received 13 March 2024 (approved under planning reference: P/24/0039)

Bat surveys, dated 09/01.2024, Ref: T7028, version V2.0, Produced by Temple, received 24 January 2024 (approved under planning reference: P/24/0039)

Method Statement - Invasive Non-Native Species, dated 22/04/24, Ref: T7028, Rev V2.0, Produced by Temple Received 23 April 2024 (approved under planning reference: P/24/0039)

Invasive Species Survey, Updated 12th December 2023, Ref: Y7028, produced by Temple, received 26 January 2024 (approved under planning reference: P/24/0039)

Otter Survey Report, dated August 2021, Ref: GC3880-RED-74-XX-RP-C-1-0001, Rev: P01, produced by Redstart, received 26 February 2024 (approved under planning reference: P/24/0039)

Updated Otter Survey Memo Report, Dated 13 March 2023, Ref: T7028, produced by Temple received 26 February 2024 (approved under planning reference: P/24/0039)

Aboricultural Impact Assessment V8, Dated 15 April 2024, Ref: 7028 Rev. V8.0 amended, produced by Temple, received 23 April 2024 (approved under planning reference: P/24/0039)

Construction Environment Management Plan, dated 3 May 2024, Ref: 30003237-BHK-00-XX-RP-C-0008 Rev. P07, produced by BakerHicks, received on 7 May 2024 (approved under planning reference P/24/0110)

The Precautionary Working Method Statement - Combined for Bats, Birds, Otter, GCN, Reptiles, Hedgehogs and Hazel Dormouse (Precautionary), dated 16 April 2024, Ref: T7028, Version V2.0, produced by Temple, received on 7 May 2024 (approved under planning reference P/24/0110)

Compensation Management and Monitoring Plan, dated 3 May 2024, ref: 7028 version V7.0 produced by Temple, received 7 May 2024 (approved under planning reference P/24/0110)

Landscape and Ecological Management Plan (LEMP), dated 3 May 2024, Project No. 402.V63755.00001, Rev. V6, produced by BakerHicks, received 7 May 2024 (approved under planning reference P/24/0110)

Feeder Bridge - South Side Bat Box Assessment, dated 2 May 0024, Project ref: T7028, produced by Temple, received 7 May 2024 (approved under planning reference P/24/0110)

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

- 2 **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.

- 3 The development shall be carried out in accordance with the Compensation Management and Monitoring Plan, dated 3 May 2024, ref: 7028 version V7.0 produced by Temple, received 7th May 2024 (approved under planning reference P/24/0110). Any trees or plants which within a period of 5 years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 4 **BEFORE any site clearance takes place**, bat boxes shall be erected in accordance with the details contained within the South Side Bat Box Assessment produced by Temple dated 2 May 2024. The bat boxes shall remain 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 **WITHIN 3 MONTHS** of the date of this decision, details of the bird boxes, hibernaculum and otter holt, as set out in the approved documents (outlined in condition 1), shall be submitted to and agreed in writing by the local planning authority. These shall include specifications, their exact siting, details of how this has been secured with the appropriate landowner(s) and timings for their installation/provision. 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.

- 6 **WITHIN 3 MONTHS** of works to the bridge being completed, the temporary platform shall be dismantled and removed from the site and the land restored to its former condition in line with the Landscape Planting Plans, Sheet 02 (Drawing Number 402.63755.00001.29.005, Rev. 6) and Plant Schedule (Schedule 402.63755.00001-RIVER TAFF) contained in the LEMP (Project No. 402.V63755.00001, Rev. V6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the bridge unless otherwise specified in the approved documents; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To protect the natural environment and to ensure that the new development will be visually attractive in the interests of amenity to accord with Policies SW11, EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. 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>

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.