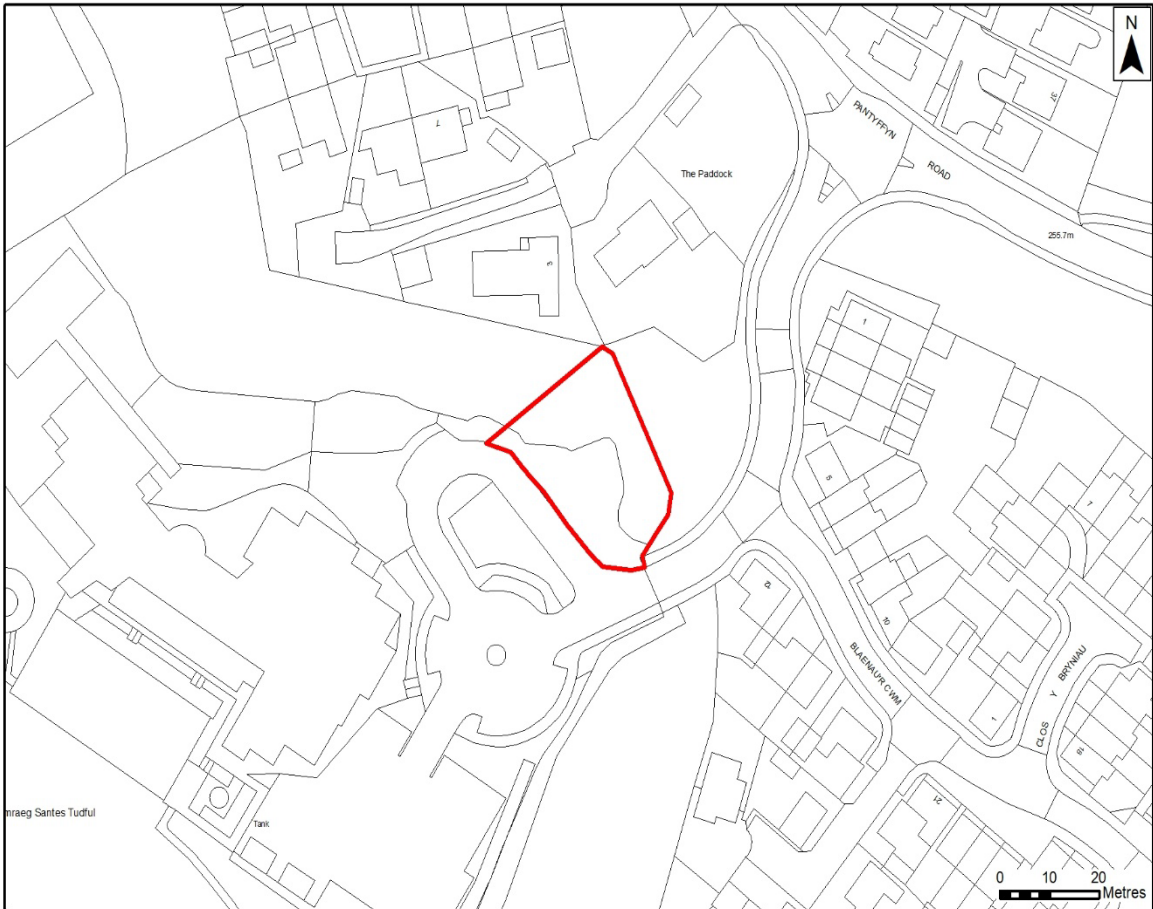


DATE WRITTEN	24th June 2025
REPORT AUTHOR	Judith Jones
CASE OFFICER	Kate Glover
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	2nd July 2025

Application No. P/24/0285	Date 20th December 2024	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Proposed Flying Start Creche New Build	Ysgol Santes Tudful Pantyffyn Road Penyard Merthyr Tydfil CF47 0HU	Mrs Rebecca Powell c/o Mr Alun Roberts Merthyr Tydfil CBC Unit 5 Triangle Business Park Pentrebach



Councillor David Jones has requested that the application be considered by the planning committee to deliberate on the concerns raised by local residents in relation to parking availability and highway safety.

APPLICATION SITE

The site is an irregular shaped area of land measuring approximately 0.8 hectares and located near to the northeast boundary of the grounds and land occupied by Ysgol Santes Tudful. To the north are 2 residential dwellings which are part of a small housing estate known as The Paddocks and to the east is a dwelling which is located on Blaenau'r Cwm.

The topography of the area is such that the building would be positioned on a small plateau where the ground level slopes gently upwards by less than 1m, before the ground levels rise steeply to the rear (north). Ground levels rise more gently to the sides of the site (northeast and northwest).

The land on which the development would take place is amenity grassland with a small tree to the front (south) and another to the side (northeast), the steeply sloping land to the rear (north) contains a number of trees and shrubs. However, no works are proposed to be carried out in this part of the site.

The application site can be accessed by foot and by vehicles via the existing access off Pantyffyn Road. Off the existing access is also Blaenau'r Cwm which is a feeder road for a large residential estate which is located to the northeast of the site. On the road leading to the school entrance there are parking restrictions including keep clear zig-zags and double yellow lines. The Oval playing grounds car park is located approximately 200m (north-east) from the site and is accessed off Pantyffyn Road.

The application site is within the settlement boundary as identified by Policy SW4 of the Local Development Plan.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of a pre-school nursery for up to 3 year olds. It is understood that the nursery will be run separately to the existing school.

The proposed building would be single storey, modern in design with a single pitch roof that would incorporate green planting and solar panels. The proposed building would measure approximately 16.66m wide, 11.31m deep, the eaves at the highest point would be 4.53m and the roof ridge would be 5.72m at its highest point. The external surfaces of the building would include high-pressure laminate boards over the elevations, aluminium roof and rainwater goods, aluminium window frames and doors.

Internally the building would include a creche area, kitchen, 2 no. plantrooms, store, WCs, entrance lobby and office. Entry to the nursery would be from the existing school access point but would in essence have its own entrance which is separated from the rest of the school by a gate and railings.

The proposal's outdoor play space areas would be located at the front of the building and include a lean-to canopy, which would measure approximately 8.9m wide, 2.93m deep, and 2.97m high. The proposed outdoor play space is directly adjacent to the existing turning area associated with the school, and for the safety of the children a 1.2 m high hit and miss wooden fence would be erected above a 1m high wall. The entrance to the proposal would be secured with 1.2m high railings, which would extend around the north and northwest boundaries.

An outside storage unit with a floor area of approximately 2.4m deep by 1.99m wide would be positioned on the southwest boundary of the site and an outside buggy store measuring approximately 1.93m deep by 2.56m wide would be positioned near the main entrance to the nursery on the west side of the building.

The following points have also been highlighted by the applicant that demonstrates the need for the development:

- Flying Start childcare has recently expanded to include all children aged 2–3 years old in Merthyr and childcare provision in the area was limited - particularly Welsh-medium provision. This new development will help address that gap.
- The proposal will offer funded childcare places through both the Flying Start programme and the Childcare Offer for Wales. The location of the proposal would result in families benefiting from wrap-around care of pre-nursery and primary school age children, removing the need to travel between different locations.
- The proposed Welsh-medium nursery would support the Council's commitment to increasing the number of Welsh speakers, in line with the Cymraeg 2050 strategy and MTCBC Welsh Education Strategic Plan by supporting a target to increase the number of children accessing their education through the medium of Welsh.
- The proposal's location will support a smooth and supportive transition and foster strong relationships between childcare and school staff.

PLANNING HISTORY

The relevant planning history is summarised below:

P/06/0567	Erection of nursery and primary school with associated car parking and playing fields Approved 22 Dec 2006
P/00/0248	2 No. Classroom extension Approved 02 Aug 2000

CONSULTATION

Head of Engineering & Highways: No objection subject to conditions

The Mining Remediation Authority
(previously The Coal Authority): No objection subject to conditions

Planning Division's Ecologist: No objection subject to conditions

Environmental Health Manager: No objection subject to conditions

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site on 8 January 2025. Following the submission of additional information and amendments, a further consultation exercise by means of letter to neighbouring properties was undertaken on 29 January 2025 and subsequently on 14 May 2025.

As a result of the publicity exercise, 4 letters of objection were received (of which 2 letters were from the same resident). The following is a summary of the concerns raised:

- Proposal does not meet with policies of Planning Policy Wales 2024 (12 Edition), Technical Advice Note 18 and Local Development Plan policies
- Matters of parking and highway safety in relation to the school have been raised with the Council, South Wales Police and local councillors.
- Lack of enforcement of parking and highway safety
- The impact of the proposal on current parking and highway safety issues around the school
- Lack of signage and preventive measures to ensure there is no inappropriate parking and impact on the residents of the adjacent housing estate
- The school's responsibilities in relation to parking and highway safety

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) sets out 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.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) (PPW12).

Paragraph 3.25 states that *"The Welsh language is part of the social and cultural fabric and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its, use and the Thriving Welsh Language well-being goal."*

Paragraph 3.12 highlights that *“Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate”*.

Paragraph 4.1.10 states that the planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

Paragraph 4.1.56 highlights the importance of transport assessments as a mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment is likely to have.

Paragraph 6.9.25 states that planning decisions will need to take into account; the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and, the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

Paragraph 6.9.27 states that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

TAN 18 – Transport describes how to integrate land use and transport planning. It explains how transport impacts should be assessed and mitigated.

Local Planning Policies

The following objective and policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 (LDP) are relevant to the determination of this application:

- Objective 2: To protect and enhance Welsh language and culture.
- SW4 Settlement Boundaries
- SW10 Protecting and Improving Open Spaces
- SW11 Sustainable Design and Placemaking
- SW13 Protecting and Improving Local Community Facilities
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW4 Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design
- Note 5, Nature and Development

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposal is acceptable in principle, would be an acceptable form of development with regards to its visual impact, its impact on the residential amenities of neighbouring dwellings, the impact upon highway and pedestrian safety, its impact upon ecology and ground conditions.

Principle of development and support of the Welsh language

The application site lies within the settlement boundary where the majority of new development is generally encouraged and supported by Policy SW4 of the LDP. The site currently accommodates a primary school building and access provision and as such, the use of the land to provide educational/childcare facilities is already established. The proposal would provide a Welsh-medium nursery school that seeks to support children aged up to 3 years old which is located in the grounds of a Welsh-medium primary school.

The development would create opportunities for the local community to use the facilities provided and seek to protect and enhance Welsh language education provision. As such, the principle of the development is acceptable and would accord with Objective 2 and Policies SW4 and SW13 of the LDP.

Residential amenities

The impact of the proposed works on the residential amenity of neighbouring occupants is a material planning consideration and has been carefully considered. The nearest properties to the site are the 2 dwellings located on The Paddocks estate to the rear of the site and the dwelling to the east of the site located on Blaenau'r Cwm. The dwellings at The Paddocks would be located approximately 20.5m from the proposal and the ground level of these properties are more than 8m above the ground level of the proposal. The dwelling on Blaenau'r Cwm would be located approximately 21.6m distant from the site and approximately 2/3m above the ground level the proposal.

Given the separation distance between the dwellings and the changes in ground level, the proposed development would not cause any significant degree of overshadowing, loss of light or overbearing impact on the neighbouring properties. Therefore, the proposal complies with Policy SW11 of the LDP.

Visual Impact

The proposed development has been appropriately designed, which reflects the constraints of the site and ensures it is fit for purposes as a nursery. The proposed modern building would contribute to the visual qualities of the area. It is noted that the existing school is modern in design and appearance and the proposed building would also integrate well with the surrounding area. Accordingly, the development complies with Policy SW11 of the LDP.

Highway Safety, Pedestrian Safety and Parking

The application site can be accessed by foot and by car from the existing access off Pantyffyn Road. On the road leading to the school entrance there are parking restrictions including keep clear zig-zags and double yellow lines. The Oval playing grounds car park is informally used for school parking and is located approximately 200m from the site, there is a zebra crossing and connecting pavements which enable pedestrians to reach the school.

Whilst the nursery will be run separately to the school, an understanding of the current levels of traffic movements and parking availability is needed to establish if the proposed development would result in any significant detriment in terms of highway safety and parking availability.

The Head of Engineering and Highways has reviewed the traffic assessment and has not raised any objection to the proposal in relation to highway safety and parking. They request the submission and approval of a management plan relating to control of vehicles entering the school grounds and this can be secured via a condition. A condition is also requested in relation to provision of cycle parking within the site.

As noted above, a Transport Assessment has been submitted in support of the application and provides details on the current operation of the school, the results of three days of traffic surveys which took place on Wednesday 4 December 2024, Tuesday 6 May 2025 and Thursday 8 May 2025, the surveys concentrated on traffic movements and parking in the school grounds, on the highway network around the school and the oval playing fields car park.

In terms of vehicle movements, the transport assessment advises that there are two distinct peaks in traffic movements on the roundabout on Pantyffyn Road and the roundabout within the school grounds. The first peak and highest hourly inbound flow recorded was 132 movements and these took place between 08:00-09:00 at the beginning of the school day and, at the end of the school day, a second peak of 40 movements were observed in relation to outbound flows.

The assessment advises that the morning peak of vehicle movements at the school are attributed to breakfast club and this is when parents/guardians were permitted to enter and exit the school site. The assessment also identified that there was parking along Blaenau'r Cwm and in the Oval carpark during the morning and also observed that vehicles did not remain parked for significant lengths of time. During the afternoon pick up and when only blue badge holders and school buses are allowed entry to the school, the assessment noted more vehicles parking along Blaenau'r Cwm and in the Oval car park. It was also noted that during the afternoon pick up vehicles parked for longer periods and there was some congestion along Blaenau'r Cwm, but overall, the periods of congestion was short lived. The assessment also noted that at around 16:00 there was an average increase of 33 traffic movements into the school grounds and as these movements took place after the school day, they were attributed to after school clubs and activities.

In terms of staff parking within the school grounds, the assessment states that there is a total of 43 spaces within the school grounds and the identified increase in vehicle movements were typical of staff arriving and leaving the school in the periods of the day prior to pupil drop off and after pupil pick up. The assessment also notes that the internal car park was observed at being at or close to capacity.

The traffic assessment also identifies that the school has 20 cycle parking spaces, but no cycle spaces were used.

Turning to car park provision outside of the school grounds and the oval car park. This car park contains 70 spaces and is identified as a parking area which can be used informally for staff, visitors and parents/guardians. The assessment states that during the peak morning drop-off the occupancy of the carpark is at 19% (13 spaces occupied) and during the peak afternoon pick-up the occupancy of the car park at 74% (52 spaces occupied).

The assessment also provides details on pedestrian movements in relation to the zebra crossing which connects the Oval car park to the pavement network between the school and the data collected highlighted a morning peak of just under 50 movements and an afternoon peak of 120 movements. The recorded movements coincide with the school's drop off and pick up times, with the higher afternoon peak being associated with the increased levels of parents/guardians parking in the Oval car park.

The survey also noted that at after 17.00 on Tuesday 6 May, there was another peak of vehicle parking at the Oval car park and this was attributed to the training session for Baili AFC using the playing fields and not activity at the school.

Collision data has been provided. Records show that since 2019 there have been no collisions recorded in the vicinity of the school site. However, 3 collisions took place on the Goat Mill Road/A4060 roundabout and 1 collision at a junction on Penheolgyther Road and the records show that the collisions identified involved vehicles and not cyclists or pedestrians.

Turning to highway safety and parking in relation to the proposed flying start nursery. The traffic assessment states that the proposed nursery would result in 24 children at

the nursery and this equates to a 6% increase in the total number of children on the school grounds. The assessment states that the operation of the proposed flying start pre-school nursery would be the subject of the same benefits and restrictions in respect of access that currently apply during the peak drop off and pick up and that the Oval car park should be used by parents/guidance.

During the morning drop off and when cars are allowed to enter the school between 08:00 and 08:30, the forecasted increase in trip generation would be an average of 9 additional vehicles. For the afternoon pick up due to the additional restrictions the forecast is for an average of 2 additional vehicles. A 10-year forecast has also been provided and overall would result in an additional 3 cars in the morning (rising to 12 in total) and 1 in the afternoon (rising to 3 in total).

It is noted that the Oval carpark is within 400m of the school and this distance is identified as being desirable in the Chartered Institution of Highways and Transportation (CIHT) guidance 'Providing for Journeys on Foot' (2000).

In relation to vehicle movements and parking it is likely that the children attending the school would also be part of families with children attending the proposed nursery and, in such cases, only one vehicle would be required because the journey would be shared.

The traffic assessment does not include a forecast for staff and visitor parking within the school grounds or in the Oval car park. However, it is noted that the assessment states that the existing parking area is at capacity and staff can park in the Oval car park, which is at 73% capacity during the peak afternoon pick up. As such there remains spaces available for the additional members of staff, and given the sustainable location of the development it cannot be assumed that all members of staff would drive to work.

The increase in traffic movements and parking requirements which would occur as a result of the proposed development would not be significantly detrimental to highway safety and parking levels. The proposed development is in a sustainable location and would provide a nursery in the grounds of a primary school thus reducing journeys between separate locations and this would also lower vehicle movements which would contribute to reducing the effects of climate change.

As noted above the Head of Engineering and Highways does not object to the proposal and the details on the management of traffic entering the school site can be secured by condition. A condition to secure additional cycle parking for the development would not be justified as the existing cycle parking area is not used and can accommodate any additional cycles.

Accordingly, the proposed development meets with the requirements of Policy SW11 of the LDP.

Ecology

The area of the site to be developed largely comprises of amenity grass with a couple of trees. On the steep bank at the rear of the site there is also a small numbers of trees

and shrubs. It is noted that a small non-native tree that is located at the front of the site would need to be removed.

A Preliminary Ecological Appraisal (PEA) incorporating a Green Infrastructure Statement has been submitted in support of the application, which concludes that the site is overall of low ecological value at a local level due to the habitats present, and the species that may reside on the site. Due to the presence of trees to the rear and side of the site, breeding birds should be assumed to be present, and mitigation is required by ensuring any site clearance is undertaken under ecological supervision. Further to this a Landscape Habitat Ecology Scheme has been submitted and sets out the measures for biodiversity enhancement and the maintenance regime for species planting for the first five years post development. The proposed biodiversity enhancement includes additional tree planting, formal hedge planting, a species rich flowering lawn, a green roof, a bat box, a bird box and hibernaculum.

The planning ecologist notes the findings of the PEA and does not object to the proposal. As noted in chapter 6 of Planning Policy Wales (edition 12), applications should be supported by Green Infrastructure Statements (GIS). A GIS has been submitted along with a Landscape Habitat Ecology Scheme which includes a detailed landscaping and planting plan, which contains details of meadow seed planting, new shrub planting and the retention/replanting of the existing trees. It has been adequately demonstrated that the proposal would provide a net benefit to the biodiversity value of the site through the additional planting proposed. The non-native tree which would be lost, maybe planted elsewhere within the school site, but within the application site the tree would be replaced with 2 native trees to provide suitable mitigation to minimise the harm to the existing environment. The ecological enhancements can be controlled by condition, which would provide additional habitats in the local area and therefore contribute to the wider green infrastructure objectives. As such, the proposal meets with the requirements of Policy EnW1 of the LDP.

Ground conditions

The application site is located in an area identified by the Mining Remediation Authority (previously The Coal Authority) to be at high risk from past coal mining activities. A Coal Mining Risk Assessment has been submitted in support of the application and identifies shallow coal mine workings are present beneath the site, which currently represent a high risk to the proposed development. Recommendations have been made that in order to mitigate the risk, shallow mine workings, including the spine roadway recorded within the site (likely to be 2m thick) will need to be remediated in the form of ground stabilisation works (drill and grouting).

The Mining Remediation Authority raised no safety concerns with the proposed development and is satisfied with the mitigation measures. It has been advised that a condition is required for statement or declaration signed by a suitably competent person confirming that the site is or has been made safe and stable for the approved development. Therefore, subject to the recommendations of the Coal Mining Risk Assessment and any necessary remediation measures being carried out, the site can be appropriately developed without posing a significant health and safety risk. It should also be noted that further assessment of such matters would be carried out as part of

any Building Regulation application and subsequent inspections. Therefore, the proposal complies with Policy EnW4 of the LDP.

Response to representations

It is acknowledged that a number of representations have been received which raise a variety of concerns that have largely been address in the above sections of this report.

The following additional comments are made in response to some of the points highlighted in respect of the objections regarding highway and pedestrian safety. In respect of the road network and parking along Blaenau'r Cwm, it is noted that this road does not have any restrictions on parking such as double yellow lines or resident only parking. The traffic assessment states that parking on this road peaks in the morning drop-off and particularly during the afternoon pick-up there is some congestion observed. However, the level of congestion is not identified as hazardous and given the level of traffic movements associated with the proposal, the development would not increase the levels of congestion or be significantly detrimental on highway or pedestrian safety. There are no records of accidents or collisions having occurred along Blaenau'r Cwm, the wider network or on the zebra crossing which is used during morning and afternoon pickup.

It is noted that the schools traffic management policy also reminds parents/guardians of their obligations in relation to parking and road safety and are directed to use the oval car park. Outside of the school grounds, the school is not responsible for or have any powers to prevent, direct or prosecute anyone in relation to the parking of vehicles or highway safety. Any matters relating to highway safety should be referred to the police, if the residents of Blaenau'r Cwm wish for additional restrictions such as double yellow lines or resident parking, these matters should be discussed with the Engineering Division.

Conclusion

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the 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 WBFG Act.

Having regard to the policy context above, the proposal is considered to be acceptable and the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **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:

Existing Site Sections, Drawing No. A04, received 20 December 2024
Proposed Elevations, Drawing No. A07 Rev D, received 31 March 2025
Proposed Site Plan, Drawing No. A05 Rev C, received 31 March 2025
Proposed Roof Plan, Drawing No. A08 Rev C, received 29 April 2025
Landscape Habitat Ecology Scheme 2025 Issue 1VA by BE Ecology, received 31 March 2025
Preliminary Ecological Assessment 2024 Issue 1VA BE Ecology, received 20 December 2024
Geotechnical & Geoenvironmental Report, by TerraFirma, issue number 03, dated March 2025

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

3. **Prior to any construction works commencing on site** details/samples of the materials to be used in the construction of the external surfaces of the building, the boundary titled 'typical section of a hit and miss fence detail' on approved plan Drawing: Proposed Elevations, Drawing No. A07 Rev D, window and doors and rainwater goods be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Prior to the development hereby approved coming into beneficial use** an Operations Traffic Management Plan including details of access and egress relating to the development shall be submitted to and approved in writing by the Local Planning Authority. The Plan must include details on the operation of any intercom and delivery management and the approved document shall be implemented in full.

Reason - In the interests of ensuring vehicle movements relating to the development can be properly managed in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Prior to the development hereby approved coming into beneficial use** the bat box and bird box shall be provided in accordance with the details set out on Proposed Elevations (Drawing No. A07 Rev D). The bat box and bird box shall be maintained as such in perpetuity.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. The scheme for biodiversity enhancement as set out in Landscape Habitat Ecology Scheme 2025 Issue 1VA by BE Ecology and as set out on the approved plan (Drawing: Proposed Elevations, Drawing No. A07 Rev D), shall be fully implemented and completed within the first planting season following the commencement of development 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 - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Prior to the construction of any retaining walls which exceeds 1m in height, details, including structural calculations and facing materials, shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **Prior to the installation of any external lighting**, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details on how the woodland to the north, east and northwest of the proposed building will be maintained as a dark corridors/route, together with dark routes for access to the integral bat box and details of night control to ensure lighting is not operational when not required. The approved scheme of lighting shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - In the interest of maintaining and enhancing biodiversity and to accord with Planning Policy Wales and Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. **Prior to the occupation of the development, or it being taken into beneficial use**, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning

Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

10. Demolition or construction works shall not take place outside the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. 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 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.

2. 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 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.

3. Ground Investigations - Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)
4. Mine Entries - Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK
5. Shallow coal seams - In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.