

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: Mrs Anouska Beaumont MTCBC Civic Centre Castle Street Merthyr Tydfil

WHEREAS you submitted an application on the 13th January 2022 to develop: Rhydyicar Bridge (off Avenue De Clichy) Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Mrs Anouska Beaumont
MTCBC
Civic Centre
Castle Street
Merthyr Tydfil

Description of Proposed Development

New bridge over the River Taff (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: 7th July 2022

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 number 007-BA-01 Rev 01 received on 14.02.22

Drawing number 006-PD-01 Rev 01 received on 14.02.22

Drawing number 005-AB-01 Rev 01 received on 14.02.22

Drawing number 004-SS-01 Rev 01 received on 14.02.22

Drawing number 003-GA-01 Rev 03 received on 14.02.22

Drawing number 002 Rev 01 received on 14.02.22

Ecological Constraints Report Document Ref: ECR-MTCBC-2101, Issue 1 received on 04.07.2022

Ecological Addendum Report Document Ref: EAR-MTCBC-2201, Issue 2 received on 04.07.2022

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

- 3 No development or phase of development, including site clearance, shall take place until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include the following details :

i) Construction methods including details of materials and how waste would be managed.

ii) General site management including 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.

iii) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.

iv) Soil Management: details of topsoil strip, storage and amelioration for re-use.

v) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

vi) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use

vii) Traffic Management: details of site deliveries, plant on site, wheel wash facilities

viii) 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.

- ix) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- x) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW4 of the Merthyr Tydfil Local Development Plan.

- 4 No development shall take place until details of a method statement and risk assessment for the protection of the structural condition of the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The approved protection measures shall be implemented in accordance with the approved details prior to the commencement of the development hereby approved. The protection measures shall be retained at all times for the duration of the approved operations including the construction works.

Reason - To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety and in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 **No development shall commence**, including any works of demolition, until a 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 construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities; and
- v) measures to control the emission of dust and dirt during demolition and construction;

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment and so as to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 6 Prior to works commencing on site, details for the provision of bat boxes and bird boxes together with details of their location within the site, shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved details before the bridge is brought into use.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 7 Prior to its installation, full details of the lighting proposed for the bridge shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:

- Details of the siting and type of lighting to be used.
- Drawings setting out light spillage.

The lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 8 Prior to works commencing on site, details for the provision of replacement planting at the site shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of planting shall be carried out in the first planting and seeding seasons following the beneficial use of the bridge or the completion of the development, whichever is the sooner; 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 ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. There is a public right of way crossing the site. Any diversion, stopping up or other amendment to it required authorisation under other legislation and is not granted permission by the attached decision notice. For further advice please contact the Council's Public Right of Way Officer.
2. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

3. The applicant's attention is drawn to the comments and advice received to this application from Natural Resources Wales (NRW). The applicant should note that NRW have advised that a Flood Risk Activity Permit (FRAP) will be required for the works. Please contact Carl Llewellyn via carl.llewellyn@cyfoethnaturiolcymru.gov.uk to discuss this further.
4. The developer should contact Welsh Water's Plan and Protect Team on 0800 917 2652 or via email at developer.services@dwrcymru.com to discuss what their requirements are in relation to the protection of their asset and any potential diversion.

5. 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.

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 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.

7. Under Section 14 of the Wildlife & Countryside Act 1981 (as amended), it is an offence to release animals or plants listed in Schedule 9 into the wild. Schedule 9 lists species which are non-native, or native species of conservation concern.

The developer's attention is drawn to the risks associated with the presence of Japanese Knotweed on the banks of the river. This is a non native invasive species listed on Schedule 9 of the Wildlife and Countryside Act. It is unlawful to plant it or otherwise cause it to spread in the wild. For further guidance and advice please visit <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/japanese-knotweed/?lang=en>

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.