

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: Huntley Wood Investments c/o Asbri Planning Ltd F.a.o. Mr L Griffiths Unit 9 Oak Tree
Court Cardiff Gate Business Park Cardiff

WHEREAS you submitted an application on the 23rd January 2020 to develop: Former Ardagh Site
Dragon Parc Abercanaid Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Huntley Wood Investments
F.a.o. Mr D Unwin
C/O Agent

Description of Proposed Development

Engineering works including provision of drainage
channel/swale and culvert/outflow, raising the level of the
land and creation of site access road. (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: 19th November 2020

Signed:


(Head of Town Planning)

**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:

General arrangement plan and long sections (BMQ-JBAU-XX-XX-DR-C-0001 Rev. P05)
Site Sections (Sheet 1 of 2) (BMQ-JBAU-XX-XX-DR-C-0002 Rev. P04)
Site Sections (Sheet 2 of 2) (BMQ-JBAU-XX-XX-DR-C-0003 Rev. P03)
Road plan sections and details (BMQ-JBAU-XX-XX-DR-C-0010 Rev. P03)
Road Section (BMQ-JBAU-XX-XX-DR-C-0011 Rev. P03)
Site Entrance (BMQ-JBAU-XX-XX-DR-C-0012 Rev. P01)
Outfall plan (BMQ-JBAU-XX-XX-DR-C-0020 Rev. P02)
Road and Outfall Elevation (BMQ-JBAU-XX-XX-DR-C-0021 Rev. P02)

Coal Mining Risk Assessment ref. 12392/LP/20/CMRA (Integral Geotechnique January 2020)

SI Desk Study Report ref. 11708/LW/16/DS (Integral Geotechnique February 2016)

SI Report ref. 12392/LW/19/SI (Integral Geotechnique April 2016)

Preliminary Ecological Appraisal (V3 Ecological Services Wales August 2020)

Ecological Impact Assessment (V4 Ecological Wales September 2020)

Nesting Bird and Bat Friendly Demolition Method Statement (V3 Ecological Services Wales October 2020)

Arboriculture Report (July 2020)

Construction Environmental Management Plan Ref. BMQ-JBAU-XX-XX-RP-EN-0001-S3-P01-CEMP (September 2020 JBA)

FCA Ref. BMQ-JBAU-XX-XX-RP-HM-0001-S3-P03-FCA (Version 3 JBA February 2020)

Hydraulic Model Update (Addendum to FCA) (2019s0875 JBA July 2020)

Japanese Knotweed Management Plan Ref. BMQ-JBAU-XX-XX-RP-EN-0002-S3-P01-KMP (JBA October 2019)

Demolition Method Statement (Bond Demolition November 2019)

Timber crash barrier details received on 13/10/20

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

- 3 **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 landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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.

Condition 3 discharged on 01.06.2021 App No. P/21/0172

- 4 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 occupation of the buildings 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.

- 5 **No development shall take place** until a 5 year (post development) habitat and landscape management plan, including management responsibilities and maintenance schedules for all habitats/landscaped areas, has been submitted to and approved in writing by the local planning authority. The habitat and landscape management plan shall be carried out as approved.

Reason - To maintain and enhance biodiversity and habitats in accordance with Policies SW11, EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 5 discharged on 01.06.2021 App No. P/21/0172

- 6 **No development shall take place** until a site investigation to accurately locate the public strategic watermain has been carried out. The results of the site investigation shall be submitted to and approved by the local planning authority before any development takes place.

Reason - To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

- 7 Following approval of the results of the site investigation (as required by condition 6) and **before any development takes place**, a scheme to secure the protection of the structural condition of the watermain during and following the development, hereby permitted, shall be submitted to and approved in writing by the local planning authority. The scheme shall include a programme of implementation for any protection works and the development shall only be carried out in accordance with the approved protection scheme which shall be retained in perpetuity.

Reason - To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

- 8 **No development shall commence** until a scheme to protect the structural condition of the combined sewers crossing the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for any protection measures during construction and completion phases of the development. The scheme shall demonstrate the distance and relationship of the proposed development with the sewers crossing and include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the sewers. No other development pursuant to this permission shall be carried out until the

approved protection measures have been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

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.

- 9 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 10 **Prior to the commencement of development**, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- (a) All previous uses
- (b) Potential contaminants associated with those uses
- (c) A conceptual model of the site indicating sources, pathways and receptors
- (d) Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the site investigation results and the detailed risk assessment (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be carried out in accordance with the approved details.

Reason - To protect the controlled waters at this site which are of high environmental sensitivity due to proximity of surface watercourses (the River Taff forms the eastern boundary of site) and underlying Secondary A Aquifer in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 11 **Prior to commencement of development**, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for

contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason - To protect the controlled waters at this site which are of high environmental sensitivity due to proximity of surface watercourses (the River Taff forms the eastern boundary of site) and underlying Secondary A Aquifer in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 12 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the controlled waters at this site which are of high environmental sensitivity due to proximity of surface watercourses (the River Taff forms the eastern boundary of site) and underlying Secondary A Aquifer in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - To protect the controlled waters at this site which are of high environmental sensitivity due to proximity of surface watercourses (the River Taff forms the eastern boundary of site) and underlying Secondary A Aquifer in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage.
- Details of lighting to be used both during construction and/or operation.

The lighting shall only be installed in accordance with the approved details.

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.

- 15 **No development shall commence** until intrusive site investigations have been carried out to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to and approved in writing by the local planning authority before development commences.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

Condition 15 discharged on 23.11.21 under app no. P/21/0159.

- 16 If the intrusive site investigations (as required by condition 15) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land stability has been submitted to and approved in writing by the local planning authority. Any remedial works shall be implemented in accordance with the approved details.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

- 17 Before the gabion baskets, hereby permitted, are installed details of the material to be used to fill the baskets shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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.

- 18 Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 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. Natural Resources Wales (NRW) have recommended the following:
 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 2. Refer to Environment Agency document 'Guiding Principles for Land Contamination' for the type of information that NRW require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. Refer to Groundwater protection: Principles and practice (GP3).

NOTES

Your attention is drawn to the following:-

Appeals to the Welsh Government:

- 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 Welsh Government 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 The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use the Planning Inspectorate website (<https://acp.planninginspectorate.gov.uk>) to complete your appeal.
- The Welsh Government 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 Welsh Government 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 Welsh Government 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 the Welsh Government 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.

