

DELEGATED REPORT

Application No: P/22/0256

Site Address: Treharris Rugby Club
Forest Road
Treharris
CF46 5ET

Development: Siting of 6 floodlighting columns (and lights)

Case Officer: Caroline Pulley

Site Visit: 27th September 2022

Application Expiry Date: 15th November 2022

Consultation reply date expired: 18th October 2022

APPLICATION SITE

The application site relates to Treharris Pheonix Rugby Football Club located off Forest Road in Treharris. The club and its pitch are located directly between Forest Road and Taf Bargoed Parc. The nearest residential properties are located approximately 55m to the east of the site and are on the opposite side of Forest Road.

PROPOSED DEVELOPMENT

This application seeks planning permission to replace 4 existing floodlighting columns with 6, 15m high floodlighting columns spaced evenly along the eastern and western edges of the sports pitch (3 columns on each side the pitch). Attached to each of the four outer columns would be two LED floodlights. The two middle columns would have three LED floodlights attached. Each floodlight would have a front and rear shield and the colour temperature of the proposed luminaries for each floodlight would be 3000K.

The application is accompanied by existing and proposed light spillage diagrams and a bat activity survey.

PLANNING HISTORY

P/21/0028	Retention of lean-to canopy Approved - 04.03.2021
P/20/0065	Temporary permission for the siting of a steel container Approved - 28.05.2020.
P/14/0159	Installation of new drainage system and renovation works to the surface of the pitch, including an area of scrub land to be cleared and re-seeded to increase the useable area of the playing field

Approved – 28.07.2014

P/08/0079 Erection of 2 No. new floodlights (12m high)
Approved – 16.04.2008

P/00/0106 New changing rooms for Treharris Mini and Junior RFC, floodlights
and associated car parking
Approved – 10.05.2000

P/98/0527 Sports pitch construction on Treharris plateau
Approved – 18.02.1999

CONSULTATION

Head of Engineering and Highways: No objection.

Environmental Health Manager: No objection.

Ecologist: No objection.

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.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

‘The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure. The National Growth Areas are: Cardiff, Newport and the Valleys, Swansea Bay and Llanelli, Wrexham and Deeside...’

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

‘The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure...’

Policy 9 – Resilient Ecological Networks and Green Infrastructure

‘To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to: identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation,

to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being. Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.'

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

'Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure...The Welsh Government supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities. The Welsh Government will work with regional bodies, local authorities, businesses, the third sector, agencies and stakeholders to support investment, including in the manufacturing sector, and to ensure a regional approach is taken to addressing socio-economic issues in the Valleys...'

National Planning Policies

- Planning Policy Wales (Edition 11, February 2021)

Paragraph 3.3 discusses good design and states it *'...is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area...'*

Paragraph 3.4 goes on to discuss the objectives of good design which are characterised into 5 key aspects, these being *'... Access – ensuring access for all; Character – sustaining or enhancing local character, promoting legible development, a successful relationship between public and private space, quality, choice and variety, innovative design; Community Safety – Ensuring attractive, safe public spaces, security through natural surveillance; Environmental Sustainability – Achieving efficient use and protection of natural resources, enhancing biodiversity and designing for change; Movement – Promoting sustainable means of travel...'*

Paragraph 4.5.1 states *'Recreational spaces are vital for our health, well-being and amenity, and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide*

enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales’.

Paragraphs 6.4.2, 6.4.5, 6.4.21 and 6.4.22 relate to biodiversity and protected species and state that ‘...The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species....Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems...Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for...The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process...’

Paragraph 6.7.1 refers to air, noise and light pollution ‘... air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible...’

Paragraphs 6.8.1, 6.8.3, 6.8.4 specifically discuss lighting and states ‘... There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity; retain dark skies where appropriate; prevent glare and respect the amenity of neighbouring land uses; and reduce the carbon emissions associated with lighting ...Lighting to provide security can be particularly important in rural areas or for specific purposes such as defence or to create calming environments. Where this is the case, planning authorities should adopt policies for lighting, including the control of light pollution, in their development plans. Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution...’

Paragraph 6.8.4 states that ‘Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution’.

- Technical Advice Notes (TAN's)

TAN 5: Nature Conservation and Planning (2009)

Paragraph 4 refers to nature conservation in development control and states the following:

Paragraph 4.1.1 states that *'...the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW and the following can help in achieving these objectives:*

- adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;*
- ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;*
- securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;*
- carrying out effective planning enforcement;*
- identifying ways to build nature conservation into the design of new development...'*

Paragraph 4.3.4 states that *'...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...'*

TAN 16: Sport, Recreation and Open Space (2009)

Paragraph 4.4 points out *'Local planning authorities should assess the compatibility of noise generating recreational and sporting activities with other uses. The siting, location and intensity of use of such activities should be given special regard in order to minimise their impact on the amenity of local residents and on the surrounding area. Local planning authorities need to balance the positive contributions of leisure pursuits to the area and user enjoyment, against local environmental quality and possible nuisance to other people.'*

Paragraph 4.7 highlights *'The provision of floodlighting at sport and outdoor recreational facilities can allow for more efficient use of such facilities through extended opening hours. However, when determining planning applications, local planning authorities should ensure that the amenity of people living nearby is fully considered, and there is no unacceptable adverse impact on the character of the locality, including its visual amenity, or on features of nature conservation importance. Any permission granted may need to be subject to conditions, for example, limiting the hours during which the lights may be operated and/or the frequency of their use, or requiring the installation of downlighting, lit floorscapes, shielding or of particular types of light. Modern lighting systems can greatly reduce glare and stray light. They can be more energy efficient, particularly where they use power from renewable sources, and should be installed wherever possible'*.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW10 – Protecting and Improving Open Spaces
Policy SW11 – Sustainable design and Placemaking
Policy SW12 – Improving the Transport Network
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW2 – Internationally and Nationally Protected Sites and Species
Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG's)

SPG Note 4 - Sustainable Design (July 2013)

SPG Note 5 – Nature and Development (May 2015)

Paragraph 4 refers to the requirement of adequate information and states:

4.3 For planning applications to be properly considered by the Council, applicants are required to submit sufficiently detailed information to enable the developments' impact on biodiversity interests to be assessed.

4.4 The level and detail of information required will depend on the nature and scale of the proposal and characteristics of the natural resource.

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable with regard to its impact upon the character and appearance of the area, the amenities of nearby residents, ecology and the surrounding natural environment.

Character and appearance

The planning history reveals that the site already contains four 12m high floodlighting columns on the eastern and western side of the pitch. Whilst the new floodlights would be attached to 15m high columns (and as such would be 3m higher than those permitted) their overall design and appearance would be similar. As such, the additional increase in their height would not have an adverse impact on the character and appearance of the area. It should also be noted that the additional two floodlighting columns proposed as part of this application would be sited towards the northern end of the pitch where the ground levels step down in height from the level of Forest Road. In this location, the visual impact of the two additional columns would be to a lesser degree. Additionally, planning permission was previously approved in 2008 for two additional columns in this location (Ref: P/08/0079). Taking these factors into account, the proposed development is therefore considered appropriate in this context and in accordance with LDP Policy SW11.

Residential Amenity

The proposed erection of the 6 floodlighting columns has also been considered in respect of their impact upon neighbouring residents.

The application has been supported by light spillage diagrams for both the existing and proposed floodlights. A comparison of the spillage diagrams indicates that whilst providing

additional and improved lighting for the rugby pitch, the impact of spillage from the floodlights attached to the proposed new lighting columns on neighbouring properties along the western side of Forest Road would not be significantly different to that experienced from the existing floodlighting. While it is acknowledged that the light spill from the proposed floodlights would be greater than the existing spillage, the light spill over Forest Road would be curtailed at 2 lux. Given these lux levels, it is not considered that the light spill from the proposed floodlights would cause significant harm to the occupiers of neighbouring residential properties in the area. Furthermore, a condition would ensure that the lights are not used beyond 9.30pm on any given day.

Therefore, based on the evidence submitted there would be no significant detrimental impact to neighbouring residents. In terms of noise and disturbance, there would be no change in terms of the use of the facility and it is noted that there is no restriction (planning) in terms of hours of use. It should also be noted that the Environmental Health Manager and nearby residents, have not raised any objections to this application. The proposed development would therefore comply with LDP Policies SW11 and EnW4.

Ecology

The application is supported by a Bat Activity Survey. This confirms a number of gaps in the external fabric of the clubhouse building and some old droppings in a small rear extension. In light of this, a spot-transect survey was conducted during the month of July to assess the impact on commuting and foraging in the summer months. No evidence of bat roosting was observed during the survey. The report highlights that bat activity was restricted to commuting across the site and foraging, predominantly within the car park at the south of the site, with limited foraging over the playing fields and against the on-site woodland.

Comments received from the Council's Ecologist highlight that whilst the obtrusive compliance report highlights a decrease in lux levels on the road, trees and properties outside of the site, the light spill illustrated on the spillage diagrams is wider than the existing light spillage and this has potential to impact on the use of the clubhouse building by roosting bats. While this is noted, as highlighted earlier, there is existing floodlighting at the site. Although, it is appreciated this lighting is not as effective (in terms of intensity and overall spillage) as that proposed, it could still have an impact on any protected species using the site. Taking into account the curved roof profile of the clubhouse building, the roof overhang and the presence of security lights above the rear extension where bat droppings were found, it is not considered that the light spill arising from the new lights would cause any harm as this harm already exists. Accordingly, the Council's Ecologist has not raised an objection to the proposal.

In addition to the above, the applicant has also highlighted that the existing lighting does not meet the lighting guidelines set by the rugby league and provides inadequate coverage across the pitch for the intended sporting use of the site. Therefore, the clear benefit of the proposed floodlighting needs to be balanced against any additional impact on protected species. The proposed floodlights decrease the lux levels on the road, trees and properties outside of the site and spillage has been minimised both by the angle the floodlights would be set and by the use of shields. The applicant is also proposing a 3000KW warm light which is more sympathetic to bats. The applicant has also suggested that the new floodlights would be used two evenings per week from 6pm to 8pm, and up to 9pm when an occasional match may take place during the week. A suitably worded condition would control when the floodlights would be used and this would help to mitigate

any potential impact of the lighting on protected species. A second condition restricting the colour temperature of the new light fittings to 'warm white' at 2700K – 3000K would be an enhancement in terms of any impact on bats.

Given the above, the proposed development (with the recommended conditions below) would not have a harmful impact upon protected species when compared to the existing floodlighting arrangement at the site. The proposed development would therefore be considered acceptable in this instance and would therefore comply with LDP Policies EnW1 and EnW2.

Natural Environment

The existing floodlights at the site are restricted by a condition which restricts them from being used between 10pm and 9am on any day. Given the existing lighting (in terms of hours/days of use and the type of floodlights) which could be utilised at the site, the proposed modern LED lighting (and its restricted use) would not result in an adverse impact on the natural environment when considering sky glow/pollution. Furthermore, any such impact must be balanced against allowing activities such as sport to take place (paragraph 6.8.1 of PPW). The Council's Environmental Health Manager has therefore not raised any objections to the proposed development, which would accord with LDP Policy EnW4.

CONCLUSION

As Planning Policy Wales and the policies in the LDP point out, any impact of a floodlighting proposal on biodiversity/protected species and the natural environment must be balanced against allowing activities such as sport to take place. The proposal would replace an existing floodlighting system at the site to enhance the existing sporting facilities. However, the control of the type of lighting, and days/times it could be used, would reduce the impacts on neighbouring residents, biodiversity and the natural environment.

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.

Accordingly 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:

Challenger 1 LED brochure detail received on 20.09.2022
Front shield detail - 3024-M Rev B received on 02.03.2023
Rear shield detail - 3054/M received on 02.03.2023
Drawing no. 862.001 received on 20.09.2022
Drawing 862.002 received on 20.09.2022
Horizontal Illuminance Levels UKS18143 received on 18.11.2022
Interim Bat Activity Survey Report Version 01 received on 20.09.2022

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

3. The floodlights shall only be illuminated from the hours of 6pm until 9.30pm Monday to Friday and not at all on Saturday and Sunday.

Reason - To ensure that the floodlights are not a source of nuisance to the occupants of nearby properties and to limit the impact on bats in accordance with Policies EnW1, EnW2 and EnW4 of the Merthyr Tydfil Local Replacement Local Development Plan (2016-2031).

4. The only light fittings to be used shall be LED 'warm white' at 2700K - 3000K.

Reason - To limit the impact on bats in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil Local Replacement Local Development Plan (2016-2031).

INFORMATIVES

1. Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.
2. 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.

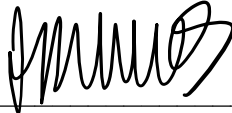
3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

7/3/23