

DELEGATED REPORT

Application No: P/21/0195

Site Address: Penydarren Boys & Girls Club
Gellifaelog Old Road
Dowlais
Merthyr Tydfil

Development: Erect 6 floodlights around football pitch

Case Officer: Caroline Pulley

Site Visit: 24th June 2021

Application Expiry Date: 29th July 2021

Consultation reply date expired: 28th June 2021

APPLICATION SITE

This application site relates to an enclosed area of land currently used as a football pitch, which forms part of the Penydarren Boys and Girls Club in Dowlais. The flat pitch lies within a large site with a club house in the western section. The site is currently enclosed by palisade fencing, mesh fencing, blockwork walls and a grassed earth bund. The nearest residential properties are located on higher ground and are located approximately 50m to the south of the site.

PROPOSED DEVELOPMENT

This application seeks planning permission to install of 6, 15m high floodlighting columns along the eastern and western edge of the football pitch. Attached to each column would be an LED floodlight. The colour temperature of the proposed luminaires would be cool white.

PLANNING HISTORY

P/18/0170	New 3G pitch Approved - 17.07.2018
P/08/0019	Extension of training area, associated retaining walls, 2 No floodlights and parking bays. Approved – 15.04.2008
P/04/0227	Football stand Approved – 02.07.2004
P/98/0067	Installation of floodlighting for training areas plus landscaping Approved – 16.04.1998

CONSULTATION

Planning Division's Ecologist:	Advises that a bat transect survey is required to assess the impact of the proposed floodlights on protected and priority species.
Environmental Health Manager:	No objection.
Wales & West Utilities:	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 four site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant paragraphs are:

Paragraphs 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

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*'.

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

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 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 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 SW13 – Protecting and Improving Local Community Facilities
 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)

- Note No. 4 – Sustainable Design
- Note No. 5 – Nature and Development

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 and ecology.

It is considered that the erection of 6 floodlights at 15 metres high would not have an adverse impact on the character of the area. In this respect, it is noted that previous permission has been granted for floodlighting at the site (References P/98/0067 & P/08/0019). Furthermore, it is not considered that the proposed floodlighting would adversely impinge on the amenities of nearby residents. It is noted that the back walls of nearby dwellings are at least 50m away and no objections have been raised by neighbouring residents or the Council's Environmental Health Manager. The application is also supported by light spillage diagrams for the proposed floodlights. This confirms a light spill of between 1 and 2 lux at the point where it meets the back wall of the neighbouring residential properties situated along New Road to the south of the site. Therefore, based on the evidence submitted there would be no significant detrimental impact to neighbour 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. The proposed development would therefore comply with LDP Policies SW11 and EnW4.

Notwithstanding the above, the proposed development lies within 1000m of a designated site (Site of Important Nature Conservation (SINC) Bryniau). It also lies within 1000 metres of recorded priority and protected species, including bats, birds and invertebrates. As such, the Council's Ecologist requested that a manual bat activity transect survey be undertaken and submitted in support of the application to assess the impact of the proposed lighting on bats and/or their habitats. No such report has been submitted for consideration.

Planning Policy Wales (PPW) clearly sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (para 6.4.5 refers). As

ecology information has not been submitted with this application, the local planning authority are not able to ascertain whether the proposed works would have any impact on bats. Therefore, the application does not accord with Policies EnW1 and EnW3 of the LDP.

To conclude, while the proposed floodlights are not considered to have an adverse impact on the character and appearance of the area or upon nearby residential properties, no information has been provided to assess the potential ecological impacts of this scheme. As such, the proposal fails to accord with Policies EnW1 and EnW3 of the LDP.

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 REFUSED for the following REASON:

1. No information has been provided to demonstrate that the development would not cause harm or result in any significant loss of habitat or populations of protected species (bats). As such the proposal is contrary to Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

25/1/23