
Pre-application Consultation Report

Land at Elm Tree Grove, Twynyrodyn,
Merthyr Tydfil

December, 2020



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Declaration

I, Morgan Williams, of Persimmon Homes (East Wales) in my role as Planning Manager confirm that this document has been prepared in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). Pursuant to the requirement of Article 2F(2)(b) I declare that the notice referred to in Article 2C(1)(a)(i) was displayed in accordance with the requirements of that article. This report has been prepared to address the requirements of Article 2F, which includes a series of appendices which contain copies of documents, letters and notices issued in discharge of the obligations of requirements of Article 2F.

Pursuant to the amended requirements as prescribed by the Town and Country Planning (Temporary Modification and Disapplication) (Wales) (Coronavirus) Order 2020, I declare that the information referred to in subparagraph (b) of Article 2C(1) was made available in accordance with that subparagraph and that no requests for hard copies of any documents was received.



Morgan Williams BSc (Hons) PG Dip MRTPI
Planning Manager

Document verification

Project: Land at Elm Tree Grove, Twynrydodyn, Merthyr Tydfil
Document title: Pre-application Consultation Report
Status: Final
Date: December 2020

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1. INTRODUCTION

- 1.1 The Pre Application Consultation (PAC) Report has been prepared by Persimmon Homes East Wales in support of a planning application for a residential development on land at Elm Tree Grove, Twynryhodyn, Merthyr Tydfil.

Preliminary Matters

- 1.2 Persimmon Homes initially sought to commence a PAC on 3 April 2020 in relation to development proposal at Twynryhodyn. The initial PAC was prepared and drafted pursuant to the obligations contained within the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, the relevant legislation at that time. During the preparation of the PAC documents the coronavirus pandemic was unfolding and it was anticipated that there would be impacts on day to day life. That being the case, the PAC was prepared with an extended period of consultation, significantly beyond the 28 statutory period, to mitigate against the potential impact of coronavirus restrictions. In addition, a contact telephone number was provided within the covering letter. The relevant notices were drafted for commencement of the PAC on 3 April 2020 and covering letters dated 27 March 2020 prepared and sent in an effort to execute the PAC process.
- 1.3 Subsequent to the preparation of the initial PAC the Government introduced regulations mandating mass restrictions on movement, which effectively resulted in the National lockdown.
- 1.4 In light of the lockdown, consideration was given to the ability to formally discharge the obligations set out in the relevant legislation in relation to the PAC process. It was concluded that, based on the relevant legislation at the time, the PAC process should cease in the interim and the PAC was withdrawn/postponed. The website that the initial PAC directed individuals to was updated to inform all parties that the PAC had been formally withdrawn and postponed.
- 1.5 It is acknowledged that the initial PAC included an error within the Welsh language version of the Notice issued pursuant to Articles 2C and 2D by reason

of reference to Land at former Lady Windsor Colliery, Ynysybwl in section (a). All other material, including covering letters, site location plans and the English language version of the notice correctly identified the site. Had the initial PAC been pursued, this error would have been corrected and revised notices would have been issued address the matter.

- 1.6 Notwithstanding that, noting the above, the initial PAC was withdrawn. This has previously been communicated to the Local Planning Authority via email, details of which can be found at Appendix 1.

Pre-application consultation

- 1.7 In response to coronavirus restrictions, Welsh Government enacted a revised Order and guidance on the PAC process, including issuing a Chief Planning Officer letter on the matter. The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 seeks to places additional safe guarding responsibilities on developers in the PAC process to mitigate against coronavirus restrictions. These safeguarding measures included the requirement to include a contact telephone number and provide hard copies of the application on request. These changes have been implemented by WG to ensure continued engagement with communities whilst at the same time ensuring that the planning regime does not grind to a halt where ever possible. A copy of the Chief Planner's letter is provided at Appendix 2.
- 1.8 In light of the above changes, the decision to commence the PAC process in light of the revised guidance issued by Welsh Government and associated updated Order was taken in May 2020.
- 1.9 This report addresses the PAC process undertaken pursuant to the discharge of obligations contained within the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, updated by virtue of the Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020.
- 1.10 The opinions expressed and findings recorded in this report are an accurate representation of the comments received from the respondents to the

consultation.

1.11 The report is structured as follows:

-  Chapter 2 sets out the site context;
-  Chapter 3 provides an overview of the consultation process;
-  Chapter 4 summaries the feedback received and considers and responds to these comments; and,
-  Chapter 5 concludes the report.

2. SITE DESCRIPTION AND CONTEXT

General location

- 2.1 The site is located south east of Merthyr Tydfil in Twynrodyn off Elm Tree Grove. The site is within the administrative area of Merthyr Tydfil County Borough Council (MTCBC). The site is bound by Elm Tree Grove and Oak Tree Rise to the east, existing residential development at Wallhead road to the west, existing residential development at Penheolferthyr to the north and reclaimed brownfield land to the south. Easting and Northing of the site are 305926 and 205640, respectively.

Identifying consultation context

- 2.2 The requisite requirement is to display the notices on the land and consult anyone who physically adjoins the site. A wider consultation of neighbouring residential properties has been undertaken, to include a broader radius of properties that surround the site. In identifying a broader radius of the site, a total of 440 properties within the area were consulted as part of the PAC.
- 2.3 The Local Planning Authority and Highway Authority that the site is located within is MTCBC. The site is within the Town Ward and there is no Community Council for the location. The relevant Members for the Town Ward are:
- 🏠 Councillor Andrew Barry;
 - 🏠 Councillor David Jones;
 - 🏠 Councillor Kevin O'Neill; and,
 - 🏠 Councillor John Thomas.
- 2.4 The nature of the development is such that the specialist consultees are:
- 🏠 Highways Authority (MTCBC);
 - 🏠 The Coal Authority;
 - 🏠 Dwr Cymru Welsh Water; and,
 - 🏠 National Resources Wales;

3. CONSULTATION PROCESS

- 3.1 Persimmon Homes East Wales has discharged its obligation under the Town and Country Planning (Development Management Procedure) Wales (Amendment) 2016 (“the Order”), updated by virtue of the Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020, through positive engagement with member of the public, community consultees and specialist consultees prior to the submission of a planning application.
- 3.2 This engagement comprised of the display of five site notices and distribution of correspondence (including the requisite notice) informing adjoining landowners/occupants, community consultees and specialist consultees of our proposals for the development of the land.
- 3.3 The purpose of the pre-application consultation was to:
- 📖 Inform members of the public, community consultees and specialist consultees of the proposal;
 - 📖 Provide opportunity for member of the public, community consultees and specialist consultees with an opportunity to comment son the proposal; raise the profile of the scheme;
 - 📖 Provide an opportunity to address any issues and concerns that arise;
 - 📖 Commence meaningful discussions that will continue throughout the planning process; and,
 - 📖 Facilitate that process in both the English and Welsh language medium.

Site notices

- 3.4 Pursuant to the discharge of the obligations contained within the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, five site notices were displayed in and around the site. The notices were erected by Edward Williams. The notices where

displayed on 26 May 2020, pursuant to the discharge of the obligations contained within paragraph 2(C)(a)(i) of the Order. A copy of the notice is provided at Appendix 3.

- 3.5 A map identifying the location of where the notice was displayed, pictures illustrating the display and declaration of the same is provided at Appendix 4. In addition, Edward Williams, has provided a declaration to confirm the same.

Adjoining landowners/occupiers

- 3.6 Bilingual correspondence was sent to all landowner/adjoining the application site. The correspondence informed them of the proposals for the residential development of the land and advised them that any comments should be received within the stipulated period. Notice under Schedule 1D, Articles 2C and 2D, as modified by Article 2G of the Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 accompanied the correspondence and contained details of the consultation website and timeframe for the submission of comments.
- 3.7 The adjoining landowners/occupiers identified in Section 2. A copy of the letters and schedule of recipients is provided at Appendix 5. The enclosed Notice is as per the site notice at Appendix 3.

Community consultees

- 3.8 Bilingual correspondence was sent to the relevant community consultees representing the Town electoral wards. There is no Community Council. The correspondence informed them of the proposals for the residential development of the land and advised them that any comments should be received within the stipulated period. Notice under Schedule 1D, Articles 2C and 2D, as modified by Article 2G of the Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 accompanied the correspondence and contained details of the consultation website and timeframe for the submission of comments.
- 3.9 The community consultees are identified in Section 2. A copy of the letters and

schedule of recipients is provided at Appendix 6. The enclosed Notice is as per the site notice at Appendix 3.

Specialist consultees

- 3.10 Bilingual correspondence was sent to the relevant specialist consultees. The correspondence informed them of the proposals for the residential development of the land and advised them that any comments should be received within the stipulated period. Notice under Schedule 1C Article 2D of the Town and Country Planning (Development Management Procedures) Wales Order 2012 accompanied the correspondence and contained details of the consultation website and timeframe for the submission of comments.
- 3.11 The specialist consultees are identified in Section 2. A copy of the notice is provided at Appendix 7 and the letters and schedule of recipients is provided at Appendix 8.

Consultation website

- 3.12 The correspondence sent to the aforementioned receipt directed them to the consultation website where details of the draft planning application were available to view. The website comprised the following pages:

-  Home page set out the purpose of the consultation;
-  Background page set out the procedural requirement for pre-application consultation;
-  Proposal page set out the nature of the proposal;
-  Benefits page set out the socio-economic benefits of the proposal;
-  Draft submission page provided links to the draft planning submission; and,
-  Your views page detailed the contact information and closing date for submissions.

3.13 Screen shots of the website are exhibited at Appendix 9.

4. SUMMARY OF RESPONSES AND IMPACT ON PROPOSAL

- 4.1 The following section provides a summary of the responses received to the consultation. These responses are considered and commentary is provided as to their impact on or potential for design iteration to reflect the input from the various consultees to the proposal.
- 4.2 The neighbouring consultees' responses are considered in both a quantitative form and more detailed qualitative responses explored in the appendix matrix form. Copies of the specialist consultation responses are provided as an appendix to the report with commentary on how the comments have been addressed or considered post consultation.
- 4.3 As part of the consultation process, participants were sought to engage in a number of mechanisms including; mail, email and through an online survey platform. One letter was received, 11 emails and 40 respondents to the online survey platform. The online survey platform was utilised in an effort to provide some quantitative data, as well as qualitative data on respondents' views as to the proposal. Respondents' views in the form of written email or letter have been taken as a qualitative response. In addition, a call log was recorded and is provided at Appendix XI.
- 4.4 In an effort to provide some quantitative data to the consultation process a number of questions put to consultees included information that could be captured on a quantitative basis. These responses were captured via an online survey system. It should be noted that this system enabled individuals to provide qualitative data without answering questions aimed at securing quantitative data. That being the case, the total responses to some questions do not reconcile with the total responses received.
- 4.5 Insofar as how individual respondents heard about the proposal, more than 50 percent was via word of mouth or their local Councillors. Some 16 respondents were directly adjacent to the site and another 20 were within a mile of the site in Penydarren, Cae Hardy Estate and Oaktree Rise. A number of respondents did not identify their proximity to the proposal. The vast majority of respondents, 37,

were local residents; one local business owner and a person employed locally provided responses. In response to the question of if the principle of development was supported, 29 percent of respondents supported the principle. As noted in paragraph 3.15, the quantitative responses received exceed the total number of respondents to the quantitative elements of the survey.

- 4.6 A detailed commentary on the qualitative responses to the consultation received from neighbouring consultees is provide at Appendix 10. Consultee responses are in black with Persimmon commentary/response provided in green. The following paragraphs provide a consolidated overview of the salient issues raised as part of the consultation.
- 4.7 The salient issues or matters that were most commented upon are considered to relate to the overarching theme of:
-  Impact of coronavirus on consultation/community engagement;
 -  Principle of residential development on the site;
 -  Lack of education provision and school capacity;
 -  High density of proposal;
 -  Insufficiencies in the highway network and infrastructure;
 -  Impact public rights of way; and,
 -  Impact on air quality as a result of development;
- 4.8 The impact of coronavirus on the consultation process was a feature in a number of consultation responses. This report has go into the legislative changes together with the additional safeguarding measures implemented in an effort to mitigate the impact on consultation. It is important to note that this site has been subject to significant public recent consultation in line with the adoption of the LDP and will be subject to additional consultation by the Local Planning Authority on formal submission. During the course of the consultation period, no requests of hard copied of the submission were received and any issue in relation to accessing the material was resolved via email/over the phone.
- 4.9 The principle of development was another factor that was raised in the consultation. As outlined in the responses section, the principle of development is established by virtue of the allocation of the site in the Council's Development

Plan. Some respondents indicated erroneously that the site was greenfield whereas it is former mining legacy means it is a brownfield site. The density of the development was also subject to commentary, namely indication that it was too high. The proposal's density is in line with the allocation and Development Plan policy on density of development.

- 4.10 A significant number of respondents indicated that local school and highway provisions were at capacity and could not accommodate the development. Education provision and schools are identified on the Council's CIL Infrastructure Project list and therefore the development will contribute to these social infrastructure works (updated 2019). In addition, the LEA did not indicate specific capacity issues within the catchment which would have been considered during the adoption of the Development Plan. Insofar as the transport is concerned, the application is supported by a robust Transport Assessment that indicates the development can be accommodated based on existing infrastructure. This matter is explored below in response to the consultation with the Highways Authority.
- 4.11 Concern was raised that the public rights of way through the site would be lost as a result of the development. The development is designed so as to retain these elements.
- 4.12 Impact on air quality featured in a number of responses. As a result of that, additional information on air quality has been commissioned and the application is now supported by an Air Quality Impact Assessment. It concludes that the construction phase impact can be mitigated against and that the completed development will have a negligible impact on air quality.
- 4.13 As illustrated in the responses matrix, there are a number of positive responses from individuals who want to see the proposal site developed. There are a number of responses from individuals who are seeking to secure a property on the proposal and wanting to register their interest at this juncture. That demonstrates that there is demand and necessity for this form of development in the area.
- 4.14 Finally, Appendix XI, is a call log that details eight calls received during the course of the consultation from neighbouring parishes. These principally related to providing assistance to access the online material, potential future sales

enquiries and the impact of coronavirus.

Community consultation

- 4.15 No substantive formal representation on the merits of the proposal have been received.
- 4.16 Concern was raised in relation to the PAC process, specifically the potential to limit public engagement. Welsh Government's amendment in legislation and the Chief Planning Officer's clarification letter clearly indicate the mitigation measures implemented to facilitate public engagement during the coronavirus pandemic. These changes included allowing the public to request hard copies of the application. It is of note that a number of calls were received but no specific request for hard copies of the application were forthcoming.
- 4.17 An informal discussion relating to the PAC process and proposal was held virtually to present the details of the consultation. Following that meeting, Persimmon Homes East Wales agreed to meet with local residents, facilitated by the Local Councillors in the local school car park, to address concerns over engagement. Prior to that meeting taking place, additional guidance was issued by Welsh Government following a rise in cases specifically in Merthyr Tydfil. The Council's Democratic Services indicated that in light of this guidance, continuing to hold the event, even whilst maintaining social distancing measures, was not advisable. The meeting was duly cancelled. It should be noted that whilst agreeing to an informal meeting, there is no statutory requirement to undertake physical meetings in the PAC process.

Specialist consultation responses

- 4.18 Copies of specialist consultee responses are tabbed and provided at Appendix 12. The following paragraphs seek to address the comments provided by the specialist consultees.
- 4.19 **Dwr Cymru Welsh Water's** response indicated no object to the development. Standard advice in relation to asset protection and Sustainable Drainage System requirements and that no land or highway drainage run-off is to be discharged directly or indirectly into the public sewerage system. The proposed layout accounts for the DCWW assets and the development will be subject to a

SuDS application. Appropriate condition can address foul and surface water arrangements and the proposal allows for separate discharge. DCWW indicated that an appropriate water supply can be made available to service the site.

- 4.20 **National Resources Wales** indicated that they have significant concern to the proposal and that appropriate planning conditions should be attached to any forthcoming consent to overcome these concerns. The issue highlighted by NRW relates specifically to; land contamination, unsuspected contamination, infiltration of surface water drainage and piling are the reasons for issuing a response highlighting significant concern. These matters can appropriately be dealt with by way of planning condition, appropriate assessment and implementation of necessary amelioration and mitigation works. Additional assessment work has been undertaken post the PAC submission in response to both NRW response and the Coal Authority's response.
- 4.21 Insofar as European Protected Species (EPS) are concerned, in light of the supporting ecological survey work undertaken no objection from an EPS perspective was raised. NRW deferred to the Council's ecologist for a more general response on ecological matters. It is noted that NRW's advice is predicated on part of one of the survey reports that indicates hedgerows will be retained as part of the development. The development proposal include the loss of hedgerow. A technical notice is provided to update the strategy to mitigate the impact of the development and loss of hedgerow through provision of onsite landscaping to provide foraging and flight corridors for bats within the development.
- 4.22 **The Coal Authority's** response identified that the land is located within a Development High Risk Area and that coal mining features and hazards will need to be considered. An initial response was received that recorded substantive concerns. The concerns related to numerous recorded mine entries within the site not having been identified for access reasons requiring additional work. The substantive concerns raised related to the potential for conflict with zones of influence over layout. Additional survey work was

understand and presented to the Coal Authority. In their updated response the Coal Authority maintained an objection to the proposed layout owing to a number of plots being impacted by adits.

- 4.23 Additional work was undertaken to identify the relevant adits with their respective zones of influence on the proposed layout. In light of that, the adits on site were located and revisions to the layout made in order to negate residential units and highway network from said zones of influence. It is considered that the Coal Authority's response to the submitted proposal will result in the Coal Authority withdrawing objection to the development.
- 4.24 The **Highway Authority** provided a substantive response prepared by RedStart in relation to the proposal and supporting document. The RedStart response prepared for the Highways Authority are structured as per the transport hierarchy set out within Planning Policy, as referenced in accompanying Transport Assessment prepared by Lime Transport.
- 4.25 Suitability of pedestrian and cycle links raised concerns regarding the two links to the site, one at the north-west corner of the site (leading to Glasiera Road) and the south-west of the site (leading to Aneurin Crescent). The main issues are the lack of street lighting and the width/surfacing of the links. The layout has been amendment to provide a greater number of connection both within and out of proposal to promote more opportunities for active travel routes. This includes connection at the north of the proposal leading to Glasier Road and south-west onto Aneurin Crescent. In addition, internally additional links to provide an east-west connection below Plot 68 to Plot 91 and improvements to the PRow fronting Plots 62 through 68. These amendments have been undertaken to address comments in regard to suitability of pedestrian and cycle links.
- 4.26 Public transport improvements, namely frequency of the Service 38 that serves the adjacent stops, is highlighted a potential. Similarly, improvements to the bus stop infrastructure adjacent to the site as a potential benefit to public transport. The development is subject to a Community Infrastructure Levy (CIL) which will be forthcoming on implementation of any planning consent. The

Council will thereafter benefit from capital levied through CIL to address such public transport infrastructure identified on the relevant infrastructure list.

- 4.27 Ultra Low Emissions vehicles are thereafter discussed. Electric charge points (ECP) will be captured under the Building Regulations regime and all properties will be constructed so as ensure ECP can be secured as an extra at point of sale or post completion installation possible.
- 4.28 The proposed development exceeds 100 dwelling and therefore RedStart advocates exploring the benefit to a second emergency access. Advice from Lime Transport indicates that this is an outdated approach and unnecessary in this circumstance. Notwithstanding any engineering constrain on the feasibility of a second access, the creation of a secondary access onto the A4060 would be contrary to the presumption against providing residential access onto a strategic highways network.
- 4.29 RedStart questioned the rational of the information provided in respect of trip generation and suggested that a more acculturate estimation would be to use trip generation rate of all houses currently accessed off Elm Tree Grove, Oak Tree Rise, Cedar Close and Hawthorn Drive. However, whilst the trip rates (two-way) in the PM peak are broadly similar to those used in the TA, the trip rates in the AM peak are significantly higher, with a much higher number of vehicle arrivals. Subsequent site visit on a Saturday has confirmed that proposition as the volume of trips is significantly lower. That being the case, the trip rates calculated by RedStart are not appropriate.
- 4.30 It is agreed that a number of junctions are shown to be within capacity and have queues of one vehicle or less in 2032. However, additional information was sought on the modelling parameters at some of the junctions as well as the modelling results. RedStart indicate that mitigation will be required at Junctions 4 and 6. In response to these comments, additional review of the trip rates and distribution have been subjected to a sensitivity test. That information has been subjected to a percentage impact assessment at each junction to determine whether the additional traffic exceeds the 5% threshold on any arm of the junctions, as set out in TAN15. It is concluded that the increases in peak hour

traffic flows as a result of the development would exceed 5% at only two junctions. Further analysis indicates that these two junctions have sufficient capacity to accommodate the additional traffic generation with minimal increases in queues and delays.

5. CONCLUSION

- 5.1 This report has been prepared following the pre-application consultation process undertaken prior to the submission of an application for full planning permission on land at Elm Tree Grove, Twynryhodyn. The report provides the necessary information to discharge the obligations as set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).
- 5.2 The consultation event sought advice from specialist consultees, community consultees and some 440 neighbouring properties were consulted. The consultation process was undertaken in line with the updated interim legislation enacted to address the coronavirus pandemic.
- 5.3 The responses received during the course of the consultation process have been recorded, considered and address as set out in section 4 of this report and in the accompanying appendices. These changes have included revisions to the layout and additional or updated and revised supporting material.