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Variation of condition A and E of APP6410/C/95/508749 and 508750
at Merthyr Motor Auctions (MMA), Pant Road, Dowlais

SECTION 73 APPLICATION TO
MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

PLANNING SUPPORTING STATEMENT

Revised March 2023

CONTENTS

1	Introduction
2	Site Location and context
3	Historical Use and Planning History
4	Description of MMA current operation
5	Widening of A465 and implications for MMA (CPO)
6	Proposal for variation of condition A and E
7	Need
8	Summary of National and Local Planning Policy
9	Assessment and Review
10	Conclusions
APPENDIX A	Plans:
	Plan 1 – Original MMA site
	Plan 2 – Site of variation of condition application – Lower Yard
	Plan 3 – Mitigation sites Plan
	Plan 4 – NTT plan and schedule
APPENDIX B	Photographs / Images
APPENDIX C	MMA Planning History Summary Table
	Inspectors Decision Letter and LAF1 Plan
	Lighting permission Decision Notice (Lower Yard)
APPENDIX D	LDP Planning Policy extracts
APPENDIX E	Diagrams showing vehicle flow on auction day:
	Plans 1-7 – Proposed vehicle flow (March 2023)
	Plan 8 – Established vehicle flow, Pre COVID (March 2020)
APPENDIX F	Layout Plan – Lower yard (Plan LAF1 REVISION A)

1.0 INTRODUCTION:

1.1 This statement supports the planning application made on behalf of Merthyr Motor Auctions (MMA) , under Section 73 of the Town Planning Act 1990, to vary hours of use at land within their ownership known as 'the Lower Yard' or 'Site 'H'.

1.2 The application is submitted to Merthyr Tydfil County Borough Council (MTCBC) for the variation of the Condition (e) attached to decision APP6410/C/95/508749 and 508750.

1.3 The variation of Condition (e) is proposed in order to provide a relaxation in hours of use of this part of the MMA site. The existing and proposed condition wording is shown below:

Current Condition (e)	<i>No activity shall take place on the site before 08:00 hrs or after 18:30 hrs on weekdays and Saturdays, not at any time on Sundays or Public Holidays (the sole exception to this condition being in the event of a transporter arriving whilst the auction activities are being undertaken in the upper yard, such transport shall be permitted to enter the lower yard for the purposes of parking only)'. </i>
Proposed condition (e)	<i>No activity shall take place on the site outside of the hours of 08.00-22.30 on a Monday and Thursday, 08.00-18.30 on a Tuesday, Wednesday, Friday and Saturday and not at all on Sunday.</i>

1.4 In line with the above, a minor revision to plan LAF 1 is considered helpful to update this plan and accurately show the current situation. The revisions include the preparation of the plan on a computerised map base, to a recognised scale and inclusion of the lighting columns permitted under a previous permission. The LAF1 Plan is guided by condition (a) of the permission APP6410/C/95/508749 and 508750. You will note there is no change to the land uses approved by the Inspector with the same zones assigned for vehicle storage/ valet and roadway/circulation.

- 1.5 The above change to condition e is required given the land take, via Compulsory Purchase Order (CPO) served on MMA by the Welsh Government (WG) in 2020, in relation to the A465 road widening scheme. The varied hours of use will facilitate the physical business of auctioning vehicles to continue through the existing Auction Hall on the main yard. This is explained further in section 5 and Appendix E plans.
- 1.6 For the avoidance of doubt the lower yard (also referred to as Site H) is referred to as the application 'site' from this point forward.
- Background:**
- 1.7 MMA is a family motor auction business established in 1978 historically operating from one site at Pant Road, Dowlais. The existing MMA site and business is directly affected by the widening of the A465 and associated CPO.
- 1.8 MMA has long provided significant local employment opportunities for around 38 long serving permanent staff and consequential employment for around 70+ industries such as local body shops and food outlets. The original extent of the MMA auction site and associated land is shown in Appendix A, Plan 1. Note recent changes to this land have taken place due to the ongoing work of the widening of the A465. The Notice to Treat (NTT), Plan 4, contained in Appendix A, demonstrates the parcels of CPO land to be taken over the course of the scheme.
- 1.9 It is both the incremental and ultimate land take shown on Plan 4 that requires the business to mitigate their loss through a combination of alternative replacement sites and amended operations on the remaining depleted land area.
- 1.10 This application addresses the need for the variation of condition that is directly related to the WG commitment to widen the neighbouring A465 road. MMA maintain the physical auctions cannot recommence without the limited use of the land within the application site that will serve to facilitate the auctions taking place in the main yard.

- 1.11 The full details of the widening works and implications for the site will be provided in the relevant planning application however a summary is provided in this document in terms of the compulsory acquisition of land as important context and background to this application for variation of condition on this site.

Form of this Planning Statement:

- 1.12 This Section 73 application statement for variation of conditions takes the following form:

- Section 2 outlines the wider MMA site location and context and that of the site subject to this application.
- Section 3 summarises the planning history and historical use of the application site.
- Section 4 describes the MMA operation in detail, including the process of physically auctioning vehicles through the auction hall pre covid.
- Section 5 considers how the A465 works affect the MMA operation and sets the background for justification of the variation of conditions.
- Section 6 presents a summary of the proposed variation in terms of proposed hours of use, area of use, type of use.
- Section 7 considers the need for the proposal. Commentary on the proposed flow of vehicles in and out of the auction hall and in to the lower yard site.
- Section 8 summarises the national and local MTCBC planning policy to be considered.
- Section 9 provides assessment and review of the proposal.
- Section 10 draws together a summary and presents conclusions.
- Appendices are provided at the end of the report containing important location and circulation plans, diagrams and photographs connected with the application.

- 1.13 Due to the high level of information in circulation due to the history of the site and wider context in relation to the A465, every effort has been made to ensure this statement is as succinct as possible in dealing with this specific

proposal. It is, however, acknowledged the detail of the wider site is also required in order to view the proposal in the correct context.

- 1.14 Should any further information be required please do not hesitate to contact Anna Cheney in the first instance annacheney@hrt.uk.com.

2.0 SITE LOCATION AND CONTEXT:

Local Context:

- 2.1 The application site relates to the lower yard at MMA located in Merthyr Tydfil County Borough Council (MTCBC) in the settlement of Dowlais.
- 2.2 Dowlais has a historic association with the local iron and steel works operated by Sir John Guest. Little now remains of the works and the settlement houses in the region of 6,900 (2011) inhabitants. Dowlais provides a range of local everyday amenities and services including a bar/restaurant, hot food takeaways, green grocer, convenience store and sandwich bar/café.
- 2.3 A plan showing the application site (edged red, with the rest of the original land of MMA ownership shown edged blue) is included at Appendix A, Plan 2.



Image 1 - From Bing Maps June 2019 – showing the lower yard site (marked with a red oval) in context with surrounding area and MMA existing site to the south. Note the car park N of A465 and area beneath carriageway is now taken by WG.

- 2.4 As can be seen on Image 1, to the north of the MMA site lies open land, together with housing known as the Hafod.
- 2.5 To the east lies dense terraced housing development (note this is located at a higher level above the MMA auction house, the MMA site being located at the foot of the sheer bank) and to the south east lies a Public Right of Way (PRoW see paragraph 2.11 for details) and beyond, the open land of the former Ifor Works Site.
- 2.6 The south of the MMA site is bounded by a Public Right of Way (PRoW), fenced on each side. The PRoW runs along the western edge of the former Ifor Works site and provides a link between housing of the Wern Street area and commercial properties of Victoria Street.
- 2.7 To the west lies mixed housing development from detached to flush fronted terraced properties together with a number of retail/commercial premises located in the local centre on Pant Road.
- 2.8 To the western side of Pant Road lies Harp funeral home and the former children's play area that has been developed by WG as a temporary staff and customer parking area (Site E shown on Plan 3, Appendix A) for MMA use whilst construction of the road is ongoing. The area is due to be returned to play park use post scheme.

MMA Holistic Site Description

- 2.9 The MMA site includes areas of hard standing for the storage of vehicles for auction, two buildings to the lower yard (valet and workshop) and the substantial auction house complex located in the upper yard including:
- Offices,
 - Meeting room (upper floor),
 - Rostrum with vehicle display area to front,
 - Seated viewing area for auctions,
 - Key room,
 - Kitchen and seated café area,
 - Storage facilities

- Separate toilet block immediately north of the auction hall (and new integral toilets under construction see later in this statement for further details).

2.10 Valuable stock within the site requires a high security approach, with secure gates, fencing, lighting and security cameras surrounding the site.

Application Site Description

2.11 The site subject to this variation of condition forms a parcel of land approximately 0.34 hectares in size – the parcel is shown edged red in Plan 2, Appendix A and also on Image 2, overleaf. The site is securely gated, fenced and lit.

2.12 The site consists of a strip of land, varying in width, located to the south of the main yard. On entering the site from the main yard (either on foot or vehicle) there is a tarmacked access way that slopes from North down to South (for around 20m). The remainder of the site is predominately flat. There are steep sides to the east and west boundaries of the site in the northern section, this lessens significantly towards the south of the site.

2.13 To the south of the site there is a gate that provides access over a footway to a small sliver of land (also in MMA ownership and used for storage in the past) to the south. To the south west corner there is an access gate (very seldom used) leading to the northern end of Victoria Street. Photographs of the site are contained in Appendix B.

Structures situated on the application site:

2.14 The site accommodates a valet bay and workshop. These are both very basic single skin buildings to accommodate the valet equipment for the washing and cleaning of cars inside and out and also a workshop area for minor repairs. These structures/buildings are surrounded by hard standing/ gravel that covers the rest of the site for the storage of vehicles that are either awaiting valet /workshop procedures or storage awaiting auction.

The application site Lighting/Security:

2.15 Floodlighting to the lower yard was also restricted to the above hours via Condition h of the same permission. Due to a number of security breaches

an application to operate the lighting 24/7 to raise the level of security in conjunction with the existing security cameras has been approved by MTCBC. The proposals (reference P/20/026) gained conditional approval in September 2021 to vary the condition relating to lighting to allow illumination for security purposes.

- 2.16 Works have been undertaken to prepare the land in connection with permission P/20/026 in order to implement the wildflower planting as dictated by the (discharged) condition No. 4.

Application Site immediate surrounds:

- 2.17 To the north of the site lies the (gated) MMA main yard and auction hall complex, to the east of the site lies a fenced public footway beyond which sits an area of open land that was formally the Lfor Works. To the south lies the fenced public footway and beyond a small strip of open land also in the ownership of MMA, that backs on to the business / commercial properties of Victoria Street. To the west lie the residential dwellings of Llewellyn Street.
- 2.18 Vehicular and pedestrian access to the site is gained via the main yard. There is an alternative access to the south of the site though this is seldom used.
- 2.19 See Appendix A, Plan 2 for the ownership plan denoting a red line of the application site and the existing MMA site visible edged in blue. Appendix C contains the LAF 1 plan that historically shows the layout of the application site under condition (a). Appendix F contains an updated layout plan (LAF1 REV A) of the application site including elements such as approved lighting columns that were approved since the issue of LAF1). The plan has been updated for clarity purposes and does NOT change the approved land uses.

Image 2 – The part of the MMA subject to this application, edged red (indicative)– in the context of the surrounding area and the existing MMA site and A465 to the north



3.0 HISTORICAL USE AND PLANNING HISTORY OF THE APPLICATION SITE:

Introduction:

- 3.1 There is significant planning history surrounding the MMA site and further details added from the current CPO. A synopsis of this history, contained within this document provides important context for this application. A table summarising the full MMA site history is provided at Appendix C – this takes the history of the site up to the time of writing. In the following section the history of the application site is outlined.

Historic use of the application Site (Lower Yard)

- 3.2 This site was formerly part of railway land that was in a cutting. Passenger rail services ceased to operate here during the 1960s with the railway serving for mineral transportation for some time after.
- 3.3 Part of the site was also historically used as a coal / haulage depot (circa 1972 with coal business ceasing in 1984). The area was used for storage of trailers for auction in the early 1980s and then storage of vehicles and plant for auction /valet from the mid 1980s onward.
- 3.4 The above details are important historical context demonstrating the site clearly has both a significant industrial past and long term commercial use stretching back over 40 years, with the site being used by MMA for purposes in connection with the motor auction from the 1970s.

Appeal and Judicial Review challenge:

- 3.5 Two specific historic cases are of relevance to the application site :
- Joint Appeal – APP6410/C/95/508 and APP6410/C/95/508750
 - Judicial Review (JR) of P/14/0258 in relation to lighting of the lower yard.
- 3.6 ***Joint Appeal*** – The full summary of proceedings and evidence is contained in the Inspectors letter (paragraph 13-26) and the full conditions attached to the permission are contained in Appendix C: Planning History.
- 3.7 MMA lodged the appeals (under Section 174 and schedule 6 of the Town and Country Planning and Compensation Act 1991) against two alleged breaches

of planning control. Notice A referred to absence of planning permission for the use of land and building for the storage, parking and valeting of vehicles associated with the adjacent car auction premises. Notice B referred to the absence of planning permission for the carrying out of engineering works. Both notices were served 2nd August 1995.

- 3.8 The independent Inspector allowed the above enforcement appeal in February 1997, quashing the enforcement notices that had been issued and permitting (with conditions) the storage, parking and valeting of vehicles in association with the motor auction (Ref: APP6410/C/95/508749). The Inspector also allowed engineering works under APP6410/C/95/508750. The application site has therefore been used for valeting and storage of vehicles awaiting auction in line with these restrictive conditions to date.
- 3.9 Photographic evidence supplied as part of the Inquiry demonstrated that from early 1980s the application site was used for storage of trailers (for auction) and latterly storage of both plant and vehicles for auction. By 1984 a simple valet building was under construction and completed by 1985 – photos from this time show vehicles stored in the application site at this time. In August 1991 the valet building was photographed together with the vehicle storage yard.
- 3.10 Issues raised by local residents broadly related to noise generated from the movement of vehicles and those in queues awaiting Auction and use of the southern gate by transporters interfering with the free flow of traffic.
- 3.11 It is noted the Inspector considered there to be *potential* (paragraph 51 and 52 of his letter) that the unrestricted use of the lower yard to cause demonstrable harm to the amenity of local residents. To protect this amenity conditions were considered by the Inspector. In conclusion however he said that all other matters raised in respect of granting permission were taken in to account 'but none are of sufficient weight to override my conclusions' (paragraph 56).
- 3.12 Having heard the evidence, the Inspector concluded that the use would be permitted to continue under conditions. Therefore Condition (a) restricted the use of the lower yard to those displayed on plan LAF1 (attached at Appendix

4) and Condition (e) limited the hours of operation/use on this part of the site. Also of relevance, Condition (h) limited floodlighting.

3.13 The use on the lower yard was therefore regularised and continued under the restrictions of the conditions.

3.14 **Judicial review** took place on 25th April 2016 between the Queen of the Application of Thomas (Claimant) and MTCBC and MMA (interested party). The subject to the JR was an application (P/14/0258) submitted in 2014 for 'removal of condition 9H) attached to appeal decisions APP6410/C/95/508749 and 508750 which currently restricts the use of the floodlights. The application was approved 18th November 2015. The decision was subsequently challenged following a JR. A judgement was reached as follows. On 6th May 2016 HHJ Jarman QC granted the judicial review claim on Grounds 1 and 2, specifically:

a) in respect of Ground 1 that the delegated report failed to consider the need to protect the natural environment, retain dark skies and prevent glare and respect the amenity of neighbouring uses

b) in respect of Ground 2 that there was an absence of reasons in the delegated report as to the need for unrestricted floodlighting at the premises in light of Mr Thomas' submission that the high security fence and 24 hour CCTV surveillance reasonably met that need.

3.15 The decision was quashed 6th May 2016. The application was withdrawn by MMA on 5th December 2019. A fresh application was made October 2020 that was approved by MTCBC, with conditions, on 3rd September 2021.

Use of application site

3.16 As well as the early history of the site evidenced at the Inquiry, it is important to understand the use of the application site, both within the site itself and how it facilitates and works with other areas of the wider MMA site.

Use from 2005 – March 2020

3.17 From 2005 up until the disruption of the COVID pandemic in March 2020, the application site was used to serve as an overflow area for the storage of vehicles as per the agreed use – storage of vehicles awaiting auction and or valeting.

- 3.18 On a Saturday auction the vehicles from the main yard were moved through the auction to the application site allowing the freeing up of rows within the main yard to facilitate the physical auction to flow. Please see attached vehicle flow plans in Appendix E that further explain the process of the auction flow.
- 3.19 During those years from 2005 up to lockdown of March 2020 the auction would run on 3 days per week (Monday, Wednesday and Saturday). On a Saturday the auction always took place at 14:00hrs allowing vehicles to be moved through the auction hall and legitimately on to the lower yard for storage prior to 18.30hrs curfew.
- 3.20 These movements of vehicles through the auction yard and down in to the lower yard would allow free rows to be created and the auction would freely flow on the main yard. No access was gained to the lower yard after 18.30 hrs. The area beneath the A465 together with the secure parking area immediately to the north was also used as storage area for sold vehicles once they had gone through the auction hall. These areas were easy to extract vehicles for customers being close to the main vehicular exit gates. The Saturday auction therefore operated efficiently using both the area beneath and north of the A465 and the lower yard under the remit of the conditions in force.

4.0 DESCRIPTION OF CURRENT MMA OPERATIONS:

Land holding:

4.1 The entire MMA site originally extended to approximately 1.5 hectares comprising land and buildings used for the purposes of motor auction sales. Since the works for the A465 have commenced, and some land has already been acquired for this purpose, MMA currently operate on a land area that has been depleted by 2,532 sq m at the time of writing with further land take planned for July 2023 (1,163 sq m) meaning a total depletion of 3,695 sq m.

4.2 Appendix A, Plan 4 shows these areas (as noted above) to be taken on the Notice to Treat (NTT) plan associated with the CPO.

Potential Mitigation sites:

4.3 Appendix A, Plan 3 was prepared by Jacobs for WG and shows potential MMA mitigation sites (shaded green) in response to the land lost to the A465 road widening. These are discussed later in this statement and include land at:

- Hafod (Site C)
- Land at Former Ifor Works (Site D)
- Temporary car park to the west of Pant Road (Site E).

Organisation of the MMA holistic site :

4.4 In order to consider the need for the relaxation of hours of use for the application site a full understanding is required of the wider site and certain changes as a response to the A465 road widening.

4.5 MMA is the largest fleet only auction in the UK and has been successfully trading from this Pant Road site for well over 40 years. Areas for the storage of vehicles (including cars, vans, trucks, coaches, plant and machinery) are located across the site together with two valet buildings (located in the lower yard), auction house, waiting areas, café, toilets and offices (all located within the concentration of buildings on the main /upper yard). Note that Staff and customer parking was situated in the northern car park prior to the scheme.

- 4.6 Customer car parking is currently provided across Pant Road within the temporary car park (Site E) now the WG have taken possession of MMA's northern car park for their scheme.
- 4.7 Low loaders currently deliver vehicles for auction to the Temporary car park, entering, offloading and exiting the site under the watch of banksmen. After completion of the scheme the low loaders will deliver to the MMA northern car park though the area available to MMA will be significantly depleted following completion of the A465 widening scheme.
- 4.8 The main (also referred to as 'upper' yard) is essentially the auction's main forecourt / shop window and viewing area where vehicles are brought to be viewed by prospective buyers and must therefore be retained for this purpose in the long term rather than accommodating extensive manoeuvring areas.
- 4.9 The main yard and the car park to the north (the remainder of which will be returned to MMA once the A465 works are complete), is **unrestricted** in terms of hours of use.
- MMA Auction schedule / hours:**
- 4.10 Pre Covid there were 3 auctions per week including a Saturday 14:00 hrs slot and two weekday evenings at 19:00 hrs. During these auctions proceedings are completed within a 2.5 hour time frame from the commencement of the auction. MMA staff complete administration tasks in the office and final movements of vehicles within 1-1.5 hours of the auction close and then secure the site for the evening.
- 4.11 Currently the regular motor auctions run each week on Monday and Thursday evening at 19:00 hrs. Outside of COVID restrictions vehicle viewings for weekday auctions would normally commence at 16:00 hrs. Viewings are currently carried out on an appointment only basis.
- 4.12 Originally due to COVID restrictions, and now owing to space restrictions, these auctions can only be run via live online stream where the vehicles are sold by the auctioneer from the rostrum using prepared photographs of each

vehicle. The vehicles DO NOT physically move from their position on the main yard, through the auction hall as there is insufficient space to do so.

Auction Evening process / Vehicle Flow

4.13 Under normal circumstances (pre COVID and A465 scheme), once the auction is underway the vehicles are physically driven through the auction hall at the relevant time for auction (see photographs Appendix B of physical auction). In summary, sufficient area on the main yard and north of the A465 could accommodate both:

- displacement of vehicles to allow free rows to facilitate auction flow, and;
- sufficient space beneath the carriageway and the area immediately north to store sold vehicles for collection on the evening or following day.

4.14 An auction on Monday and Wednesday, commencing at 19:00 hrs, would only allow the lower yard to be utilised until 18.30hrs (in line with the restrictive condition (e)). Therefore on these days other areas of the upper yard would be used to enable the auction to flow (note these areas are now taken by the A465 scheme).

4.15 The following table shows areas that were used to facilitate the auction flow and store vehicles once through the auction hall in order to release free rows (for clarity these areas are marked on Plan 8 contained in Appendix E).

Location	Area (m2) Taken (from NTT plan)	Use	Status at March 2023
Beneath carriageway	355	Space to store vehicles to make way for physical auction. Sold vehicles stored here until collection.	Currently completely lost to A465 scheme. Culvert to replace route through though no parking/storage area permitted within.
Secure Parking area immediately North of A465	500	Space to store vehicles to make way for physical auction. Sold vehicles stored here until collection.	Currently completely lost to A465 scheme. Part will be returned post scheme.
Northern car park	1,677	Mix of delivery area, staff and customer parking plus vehicle storage to eastern and southern sides	Currently completely lost to scheme. Part will be returned post scheme
South of carriage way (Scheduled for July 2023)	1,163	Mix of vehicle storage areas, circulation space. (300sq m is rocky bank and therefore unusable)	Part will be returned post scheme however only 382 sq m of this is operational land.

Table 1 – areas lost to A465 scheme integral to auction flow

4.16 COVID restrictions put an abrupt halt to the physical auctions in March 2020. The taking of land for the A465 works at the northern car park and the main yard has further restricted the site to date by circa 2,532 sq m. The business will suffer a further loss of 1,163 sq m from the main yard scheduled for July 2023. This provides a total of 3,695 sq m depletion in unrestricted land available to MMA via which to facilitate their auctions, resulting in the flow of the auction being severely hampered to the point it cannot physically run on this depleted area.

5.0 WIDENING OF A465 AND IMPLICATIONS (CPO) FOR MMA

Introduction

5.1 The loss of MMA land to the road scheme means the business cannot continue in its present form. Without the provision of agreed replacement land and variation of conditions limiting use of existing land parcels in their ownership, then the business will be greatly compromised. Trading under these land restrictions would be challenging to the point MMA may be unable to continue.

5.2 This variation of condition application forms part of a wider package of measures that aims to prepare and protect the business for the WG land take from the current MMA site in order to deliver the A465 scheme. These were summarised in paragraph 4.3.

Background

5.3 MMA have given great consideration to how they can maintain continuity of operation when their land is taken. This has included discussions with WG since 2016 on various options in connection with the scheme including relocation of the auction hall complex and severance of the northern part of the site from the main yard.

5.4 During 2018 the A465 Heads of the Valleys CPO Inquiry considered objections from MMA relating to severance of their site and how blocking access under the widened carriageway would render the existing operation unviable. MMA sought provision of land to the north (Site C). Engineering design has consequently been updated to include a culvert to prevent permanent severance of the MMA site from its main access. The culvert is necessary to prevent severance. The culvert is part delivered at the time of writing. The culvert alone however, is not enough to provide adequate replacement for land lost in this location and support continuation of the present operation on site.

5.5 The most up to date details of the scheme and how it will directly affect the MMA operation are summarised below:

- The main office, auction hall and toilet block are to be retained (relocation of the toilet block is considered necessary by MMA for safety purposes and WG yet to confirm their agreement).
- Vertical walls to support the road are to be constructed.
- An 8.6m wide culvert (part constructed at the time of writing) to run from the car park in the north, under the A465, and in to the upper yard securing good permanent road access to a unified site. The easement required has been agreed.
- The scheme will involve the permanent loss of around half the existing main parking area to the north of the site. MMA currently have no use of this land whilst works are ongoing yet land will be returned as described once the scheme is complete.
- A significant part of the vehicle display and storage area of the main yard will be permanently lost.

5.6 MMA have made clear to WG over the last 7 years, the nature of their business and the effects of loss of operational space and the limited ability to predict the levels of loss of sales. In considering the above MMA remain firmly committed to their successful business. Scaling down in order to function on a reduced site area is not a credible option.

5.7 MMA have deliberated how they deal with effects of the scheme to provide the business with the best chance of weathering these changes in to the future. These considerations include:

- a) Make any changes to operations on the ground;
- b) Find an alternative site in its entirety; or
- c) Seek replacement land fragmented away from the existing operation; or
- d) Seek replacement land adjacent to their existing business to allow the current site to remain fully operational minus land required by WG for the scheme).

5.8 Discussions have been ongoing for a number of years in connection with the scheme and those considerations listed above. MMA have undertaken an extensive

assessment of their current site in both area of land (only small areas were identified as underutilised) and working practices together with the following investigations (A and B) in arriving at the replacement land (see Appendix A, Plan 3) option of site C plus Site D. The relaxation of conditions on Site H form an integral part of the strategy, albeit the approach has been recently modified, changing the detail of this variation to access storage area on just 2 auction evenings per week. The relaxation of the condition falls in to the category (a) as listed above in paragraph 4.8.

Investigation A - Alternative location site search

- 5.9 Relocation has been actively considered for some 5 years. MMA carried out a site search for alternative locations in the locality and further afield to investigate a complete relocation of the business to another site. MMA sought a single consolidated site with good road access, free from operating constraints with reasonable travel distance for existing employees. Also, an essential requirement is the need for continuity, therefore any available site would need to be ready prior to the existing site ceasing normal operation.
- 5.10 Sites more distant from the current operation were discounted due to being inaccessible to the current significant (38 staff) and loyal workforce of the business.
- 5.11 A range of local sites were assessed at by Herbert R Thomas via desktop means and site visit. Many of these sites were discounted on the grounds of accessibility and limited area. See Table 2 (below) for the list of sites that were considered.

Site	Investigations	Consideration	Conclusion
Land off the A48, near Chepstow	Desktop exercise and site inspection	Unsuitable	Rejected
Land at Llantrisant Business Park	Desktop exercise and site inspection	Unsuitable	Rejected
Land at Nant Eirin, Tonyrefail	Desktop exercise and site inspection	Unsuitable	Rejected
Land at Rassau Ebbw vale	Desktop exercise and site inspection	Unsuitable	Rejected
Land at Pontypool	Desktop exercise and site inspection	Unsuitable	Rejected
Site at Goat Mill Road (flood issues)	Desktop exercise and site inspection	Unsuitable	Rejected

Site at A470 – Abercanaid	Desktop exercise and site inspection	Unsuitable	Rejected
Site at west of A470 south of Trago Mills, Upper colliers Row	Desktop exercise and site inspection	Unsuitable	Rejected
Site east of A470 near junction with A4102 near B & Q	Desktop exercise and site inspection	Unsuitable	Rejected
Former Ifor Works (GKN)	Desktop exercise and site inspection	Unsuitable	Rejected
Site at Rhydycar (part of Cwm Glo)	Desktop exercise, meeting with owner and site meeting. Contact with NRW	Potential yet SSSI ruled out development	Rejected

Table 2 – Alternative site search summary for entire relocation of MMA

- 5.12 The final site, Cwm Glo, opposite the Orbit Centre was assessed on site. Further investigations were carried out with NRW revealing the site was an SSSI with no question of planning permission being granted as it was such an important and varied site. This one potential site was therefore also discounted.
- 5.13 The alternative sites were all deemed unsuitable and consequently sites adjacent to the MMA existing operation were considered. Initial consideration of the Former Ifor Works (GKN) as a relocation site was not supported due to concerns over contamination. Note in 2019 - 2020 land at the former Ifor Works was still being considered for storage purposes, however the location of this land, divorced from the main site by a public right of way and some 200m or more away from the main auction hall, is far from ideal and would not be an adequate replacement by itself.

Pentrebach:

- 5.14 MMA took the decision in February 2021 to take on indoor (warehouse) and outdoor storage plus office space based at nearby Pentrebach Industrial Estate on a 5 year lease. This was considered necessary mitigation in order to provide flexibility in terms of vehicle storage capacity (albeit limited to 481sq m warehousing and circa 10-15 spaces outside). Importantly the site provides a fitted out office space with wifi and operational phone lines in order to provide an office base for days when the A465 road work noise means conducting meetings or phone calls on the existing MMA site was unachievable.

- 5.15 The Pentrebach site has provided a useful storage and office base to date though the location divorced from the MMA site results in lost time travelling between the sites plus fuel costs driving auction vehicles and staff to and from Pentrebach to MMA on Pant Road.

Investigation B - Adjacent Replacement Land

- 5.16 Over an extended period various 'replacement' sites adjacent to the business have been discussed to attempt to mitigate the effect of land lost to the scheme.
- 5.17 As explained at the CPO Inquiry any replacement site/s must facilitate continuity of operation throughout in order for the business to continue trading and safeguard turnover and throughput levels. Note that Site E (see Plan 3, Appendix A) at the former children's playground is currently provided by WG for MMA use on a temporary basis whilst works to the A465 are being carried out. Once the A465 works are complete however, MMA will require land to make up for the shortfall when this area is restored as a children's playground. MMA are responsible for pursuing planning on these potential replacement sites. Land at Site C 'the Hafod' is being pursued as a replacement staff and customer parking area.
- 5.18 The road scheme undoubtedly will limit the available land of the existing MMA site. It has already been stated that the land at the north of the existing site and the upper yard, where customers are first received, is MMA's 'forecourt/shop window' surrounding the auction hall, the widest part of the site that facilitates movements and viewings.
- 5.19 Options of replacement land have been discussed at length. The CPO Inquiry focused on the provision of replacement land to the north of MMAs existing operation, as a precondition to confirmation of the CPO given its importance to the business. This land will provide the business with a proportion of the area it requires to maintain trading and safeguard turnover and throughput to the levels of pre-scheme. Site C has no operational use to MMA until such time as the road is completely constructed, Future Valleys have handed back the remaining land at the existing car park (to be used as a construction compound for the duration of the works) and the culvert is fully open for MMA use.
- 5.20 Considering the above, land therefore will be required on further adjacent sites, notably Sites C and D. Significant negotiations have taken place to date between

MMA and WG in terms of replacement land, particularly at Site D, Former Ifor Works. These investigations concluded that MMA will not progress Site D without the assistance of delivery by WG due to:

- the contamination risks and site remediation costs,
- severance and distance from the main yard and auction hall,
- need to divert the existing public right of way and relax the conditions to site H to allow unrestricted access.

5.21 For the avoidance of doubt the different use of each area is summarised below. Particular relevance for this application is the italic section within the Site D paragraph below:

- **Site C / Hafod** (subject of this application and further details provided in Section 5 and 6) – Provision of permanent replacement land for use as customer car parking, staff parking and the flexible use of the area for customer vehicle collection (domestic sized). No large scale low loader or transporters will enter this area and it will be segregated from the existing car park and delivery area by the existing fir hedge. The site will be available only after construction of the road is complete.
- **Site D / Former Ifor Works** – *MMA took the decision in October 2020 to halt investigative work on this site.* The site was looked at for replacement land in order to deliver sufficient area and capacity for vehicle storage purposes (such as refuse vehicles and HGV that are displaced from the existing car park by the road scheme, noting at times of maximum capacity circa 24 HGV/Refuse vehicles are stored in the existing MMA car park). The land is proposed as a replacement site option to provide storage for refuse or other large specialist vehicles.
- **Site E Childrens Play area Pant Road** – Temporary use whilst the full works of the scheme are being carried out sterilising the MMA car parking, turning area and some storage/display. This area has been delivered and is occupied by MMA. The temporary permission runs to 2026.

Justification of varied hours of use of application site in the context of land lost to the scheme:

- 5.22 MMA operated on land shown by the red line of Plan 1, Appendix A. A Notice to Treat (NTT) has been served by WG, details of which are referred to in this statement. The NTT Plan and Schedule are shown on Plan 4, Appendix A. The summary land take is shown below:
- Essential Licence of 2405 sq. m (of which 251sq m is Easement)
 - Title Land of 3546 sq. m
- 5.23 Loss of land equates to loss of space for required circulation, parking, storage or display. This has an increase on operating costs and less efficient sales area resulting in MMA needing to sell more vehicles through auction to catch up to where they were pre-scheme. Whilst precise numbers are impossible to predict due to variations in level of stock and vehicle size we can confidently say the numbers will be significant. We conclude that due to the location of the land to be lost to the scheme, this is the most operationally valuable land to the business, i.e. prime forecourt/display land due to the configuration and proximity to the auction hall.
- 5.24 As a result of the loss of land MMA need to optimise space for vehicles to be displayed on the main site to run through the auction to compensate for increased operating costs and a less efficient sales area due to the scheme. This includes the relaxation of the condition e to the lower yard to allow the physical auction to flow.
- 5.25 It also must be remembered that equivalence of area may not mean equivalence of operation depending on the location of the land and the usefulness of it to the business. Lengthily discussions have taken place with WG on this issue together with negotiations on replacement land areas. These discussions are yet to reach a conclusion whilst more pressing matters in connection with the scheme in general and temporary access to the main yard via shared gates are to be finalised for July 2023.
- 5.26 Site C has progressed to the submission of the planning application to MTCBC, negotiations with DCWW are reaching conclusion. Work has been halted on Site D for the reasons given above.

5.27 The most recent discussions focused on the operational land and the area required to rehouse those vehicles displaced by the A465 scheme (some 40 RCV over 2,359 sq m). This figure has been broadly accepted by MMA as the area required for storage of vehicles displaced by the scheme. There is also an understanding that the basis of the calculation of this replacement land cannot be on an 'area taken' equals 'area replaced' basis due to a number of factors that define the operational utility - the replacement land location, configuration and capacity for manoeuvring RCVs all needs to be taken in to account and combine to provide the larger area of land (2,359 sq m) than the scheme physically takes on the ground.

5.28 HGV and RCV are very important elements to the MMA business however, the replacement land also needs to deliver areas for smaller, domestic (commercial) vehicles, and customer parking, staff parking, provision for disabled bays and a point to charge increasingly common EVs. All these types of domestic vehicles are most suited to Site C. By concentrating the staff and customer parking in this location it frees up other areas for alternative uses as follows:

- Area within the existing car park to be allocated for non-runners that cannot easily be moved great distances and their ideal place is close to the low loader drop off area in the existing car park.
- Area within existing car park to be allocated for plant that is heavy and difficult to transport a long way from the delivery location.
- Area close to the auction hall (main yard) that will provide as much land as possible to increase the number of vehicles through the auction hall and therefore have the ability to increase sales.
- Ability to utilise the application site to facilitate the physical auction 2 evenings per week.

5.29 Furthermore site C is well placed, on the periphery of the MMA site, to deal with the collection of sold (non heavy) vehicles with the central area of the car park large enough for purchasers to safely walk around their vehicle and check it prior to driving away. This would sometimes be carried out in rainy conditions under the A465 however the culvert would not allow such operations to be carried out within it.

'Triangle expansion land Site':

5.30 Importantly another area being lost to the scheme and shown on the CPO NTT plan (Appendix A, Plan 4) as parcel 11/5g is the 'triangle' parcel of land that MMA purchased in 2013. This was purchased for the purposes of future resilience of the

business and was ear-marked for future expansion. The site was not accessed or surfaced as the threat of the road scheme became apparent very shortly after the purchase. The amount of land in parcel 11/5g is 523 sq m. This land must be replaced and the most similar location to the existing triangle land is land at site C fronting Pant Road.

- 5.31 The area under the bridge that was previously regularly used for the collection of vehicles by a purchaser is lost. It is lost to the culvert that is required to be kept clear for security purposes. This land, it is acknowledged, is dual purpose as it is used for vehicle collection but also the thoroughfare from the main car park to the main yard. The area of the proposed site to the north of the existing car park is just below 1,000sq m that will serve to compensate for this area plus that of the triangle site.
- 5.32 Whilst MMA will continue to separately pursue their claim for compensation for the land lost where mitigation of those losses is not reasonably available, the prime objective of this planning application is to create certainty for the business going forward that land at the application site will be available for vehicle storage for Monday and Thursday auction evenings in order to facilitate the physical auctions. Without the lower yard the physical auction cannot progress (this is demonstrated within the commentary in Section 6 and vehicle flow plans contained in Appendix E).
- 5.33 The flexibility and certainty described above will protect the resilience of the business going forward in the knowledge physical auctions can take place once again.

6.0 PROPOSED VARIATION OF CONDITION FOR SITE H:

Introduction

- 6.1 The widening of the A465 will result in MMA losing an integral part of their site to the road scheme.
- 6.2 An extensive alternative site search has been carried out however has proved unsuccessful, other than Pentrebach offering an alternative office base and small scale vehicle storage.
- 6.3 Site C is subject to a current proposal for mitigation to accommodate replacement staff and customer parking under P/21/0364.
- 6.4 Site D has been halted as a potential mitigation site due to reasons outlined in the previous section.
- 6.5 This means the variation of condition relating the application site is now revised from that of the 2019 pre-application that sought to relax the condition and approve access through the lower yard to site D to 23.00 6 days per week. See next paragraph for the proposed variation of condition wording for the application site.

Proposed Condition wording :

- 6.6 The revised proposal seeks a limited variation of Condition (e) of APP6410/C/95/508749 / 508750 solely for physical auctions to run 2 evenings per week. This variation would facilitate the physical auction and is critical to protect the business going forward.
- 6.7 The new proposed condition (e) wording is provided in section 2 of this statement and for ease of reference is copied below:

No activity shall take place on the site outside of the hours of 08.00-22.30 on a Monday and Thursday, 08.00-18.30 on a Tuesday, Wednesday, Friday and Saturday and not at all on Sunday.

- 6.8 Note the above wording is identical to that agreed on the Pant Road temporary car park application submitted by Jacobs on behalf of WG. The variation of condition (e) is necessary in order for the business to continue to operate physical auctions from the established location within the main yard. The full justification for this need is

provided in the context of Section 4 above, the vehicle flow diagrams and explanation contained in Appendix E, and the review contained at Section 9.

Capacity of the site:

- 6.9 Providing MMA with replacement land of an area limited to that of non-peak activity and under capacity would clearly be inappropriate and would not safeguard turnover and throughput levels going forward. Therefore all provisions that have been made have been done so on the full capacity scenario.
- 6.10 This is also the case with the circulation of the physical auction. If there was very low stock (extremely rare) on the main yard then the physical auction *may* have sufficient room to progress however average to high stock levels would mean the area at the lower yard would be required to facilitate flow (see below).

Proposed use of the application site:

- 6.11 Appeal decision APP6410/C/95/508749 and 508750 restricted the use of the application site in line with the uses highlighted on plan reference LAF1 (see plan contained in Appendix C).
- 6.12 No changes to the land use are proposed. The use remains as 'parking/ storage of plant and vehicles pending auction', the roadway / circulation space remains as specified on Plan LAF1. The landscaping area remains on the western boundary plus recent planting of wildflowers to the east.
- 6.13 The valet area and associated parking remains in the same location as shown on plan LAF1. The valet bays remain an important part of the business and are not utilised after 18.30 as the valet staff have gone home by this time.
- 6.14 No auction activities are planned or proposed for the application site.

Layout details:

- 6.15 The overall layout design has been developed to respect the surrounding area and is in accordance with the approved plan LAF1 (Appendix C). The layout assists in seeking the minimum hours required for MMA to remain running physical auctions plus the auction vehicles coming in to the application site to be stored in a specific zone away from residential dwellings to the west.

- 6.16 In addition to the above, note the proposed zone, where possible, for the storage of vehicles coming from the auction is in a steep sided section of the site, (that marked 'valet area and associated parking' on the LAF1 plan).
- 6.17 All physical details of the site are to remain as existing and as per Plan LAF1. An updated version of plan LAF 1 is contained in Appendix F that includes annotation of the lighting columns that have been permitted since the drafting of plan LAF1. For clarity the plan has also been updated using a computerised map base.
- 6.18 There is no material change to the land use permitted by the Inspector in 1997. The only change is that of the hours of use.

7.0 NEED FOR THE VARIATION OF CONDITION (e)

7.1 The following paragraphs explain the vehicle flow of auction evenings and demonstrable need for the application site, and variation to condition (e), to facilitate auction flow. The need is for a very limited period on 2 auction evenings per week.

7.2 The need is justified by the proposed auction process as explained below – note this process of using the application site to facilitate the auction flow has been put in to practice at times of maximum capacity, prior to COVID when the 14:00 hrs Saturday Auctions ran. It is therefore a tried and tested process.

Make up of Auction vehicle rows:

7.3 Vehicles are prepared (cleaned/valeted) and then lined up in rows for auction in zones on the main yard according to their size. This is the most practical way to store the vehicles in order to make the best use of the space available. i.e. if you intermingled large, medium and small vehicles in a row you would waste space as that row width needs to be as wide as the largest vehicle (yet smaller vehicles are accommodated within it taking up the width of a larger vehicle by default).

Auction evening Drivers:

7.4 MMA advise they employ 6 drivers, 2 drivers are deployed on each of the following sections in the main yard (see attached proposed flow plans 1-7 in Appendix E):

- Red Zone - Large vans – 2 drivers
- Orange Zone - small vans – 2 drivers
- Green Zone - Medium vans – 2 drivers

7.5 It is important to note that heavy vehicles, due to their scale and handling, are never driven through the auction hall.

Auction vehicle flow process (proposed):

7.6 Please refer to diagrams in Appendix E to be read in conjunction with this text.

7.7 At least 10 minutes before the auctioneer takes to the rostrum the drivers are alerted to go to their required Zone. The drivers are both experienced and well briefed and know exactly which vehicles are required when. The experienced yardsman are also on hand to direct movements and ensure important health and safety standards are met. Having attended an auction in October 2020, prior to the ceasing of physical

auctions, it was evident that auction evenings are a finely tuned and efficient operation.

- 7.8 At the start of the auction 2 drivers are on hand in each of the red, orange and green zones shown on plan 1 attached at Appendix E. Depending on the running order on the day (and this may vary) vehicles with dipped headlights in hours of darkness are driven as follows to provide the required mix:
- one vehicle from Red Zone
 - one vehicle from Orange Zone
 - one vehicle from Green Zone
 - repeat
- 7.9 Those vehicles queue to go through the auction hall. The other three drivers follow suit, bringing one vehicle from each zone (providing a mix of vehicle size through the auction). 6 vehicles are queuing to commence the auction.
- 7.10 Once through the auction hall the vehicle will be driven to the application site where it will stay until morning (after 8am). The driver will walk back to his zone and pick up the next vehicle to drive through the auction hall. That vehicle will then go through the auction hall and down to the application site, and so on until a vacant row is created in each Zone.
- 7.11 Note the vehicle, once through the auction, cannot be placed back in the same space from which it came as there are other stationary vehicles in the line with no driver, waiting to go through the auction (therefore blocking the row).

Running order and vehicle mix:

- 7.12 MMA advise the running order of the auction must be varied in size and type of vehicle in order to maintain customer/client interest. A good variety of vehicles through the auction hall encourages impulse purchases as well as planned purchases. This is MMAs tried and tested order for a successful auction for both the business and customer experience.
- 7.13 Previously, when there was more available area within the main yard, vehicles could be moved to less densely stocked areas of the yard to enable the auction flow to operate efficiently via the 'free row' method as described above (see Appendix E Plan 8). These areas are outlined on Table 1 in Section 2.

- 7.14 Now that the land area of the auction is depleted, the vehicles need to be driven to the application site (one row from each zone, with headlights dipped in hours of darkness so as not to dazzle other drivers walking back) to allow the flow of the auction to be efficient.
- 7.15 The vehicle flow diagrams contained in Appendix E have been prepared in order to diagrammatically demonstrate the NEED for a free row in each zone to allow an efficient flow to the auction. You cannot simply return a vehicle to the space it came out from as there will be stationary vehicles with no driver blocking the access to that space.
- 7.16 Plans 1-7 contained in Appendix E show the gradual flow of vehicles from each of the red, orange and green zones down to the lower yard where those vehicles are parked. The drivers then walk back to the main yard to pick up the next set of 6 vehicles, drive them through the auction and down to the lower yard. This process is repeated until there are 3 free/vacant rows – one each in the Red, yellow and green zone. Dependant on stock levels this will be circa 30 vehicles, but sometimes will be less to make a 'free row' or if sufficiently low stock the application site may not be required to facilitate flow for that particular auction.
- 7.17 Once a row is free / vacant in each zone then that zone can begin its normal flow through the auction hall and back to be parked in the free row of that same zone on the main yard. At this point the auction is contained within the main yard.

Justification of required Hours of use :

- 7.18 The proposed hours of operation are shown in paragraph 6.7 and are needed for the facilitation of the physical auction. See below for proposed wording:

No activity shall take place on the site outside of the hours of 08.00-22.30 on a Monday and Thursday, 08.00-18.30 on a Tuesday, Wednesday, Friday and Saturday and not at all on Sunday.

- 7.19 The auctions run on a Monday and Thursday evening at 7pm. As stated in previous sections the auctions typically take 2.5 hours running time (maximum) however it is important to note the majority of vehicle movement to the application site would take place at the start of the auction between 19:00– 20:00 hrs.

- 7.20 On the basis that MMA confirm an average time of 2 minutes for a vehicle to travel through the auction hall, with 30 vehicles to allow a free row each for small, medium and large vans, this would take approximately one hour (this estimated timing is shown on the set of flow plans 1-7 contained in Appendix E).
- 7.21 The MMA staff then complete administration tasks in the auction hall office and final movements of vehicles are complete within 1 - 1.5 hours of the auction close and staff are then ready to secure the site for the evening. Any final movements required for the application site (such as the very occasional requirement to remove a sold vehicle that is located in the Lower Yard and not to be collected the following day), would be complete at the latest by 22.30. This timing is therefore stipulated in the revised condition wording in order to provide flexibility for such rare occasions.
- 7.22 The above timings confirm that MMA are confident they would not require access to the application site after 22.30 on an auction evening and not until 08.00 the following morning when vehicles are moved back to the main yard as required.

8.0. PLANNING POLICY:

- 8.1 This section summarises the local and national planning policy of relevance to the proposals and the documents that will be used to support the forthcoming planning application.

National Planning Policy

- 8.2 National policy is contained within the National Development Framework (NDF), a new 20 year national spatial strategy. It sets out the Welsh Government's policies on development and land use in a spatial context and will be known as 'Future Wales: the national plan 2040'. ... The NDF is required under the Planning (Wales) Act 2015 and must be reviewed at least every five years.
- 8.3 Specifically, Policy 33 - National Growth Area, 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.
- 8.4 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. '
- 8.5 The NDF is complemented by Planning Policy Wales (PPW) and Technical Advice notes (TAN). PPW states at paragraph 5.4. regarding Economic Development:

5.4.1 For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes.

The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.

8.6 The range of Technical Advice notes (TAN) will also be assessed, with particular reference to:

- TAN 5: Nature conservation and planning
- TAN 11 : Noise
- TAN 12: Design
- TAN 23 : Economic Development

8.7 TAN 23 states at paragraph 2.1.1:

'It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.'

Local Planning Policy

8.8 The adopted First Replacement Local Development Plan (LDP) for MTCBC sets out how the County Borough will be developed over 15 years to 2031. The plan was adopted in January 2020 and supersedes the previous adopted LDP and forms the basis for land use planning decisions across the county borough.



MTCBC First Replacement LDP Proposals Map (extract)



MTCBC First Replacement LDP Constraints Plan (Extract)

- 8.9 The site sits within the Primary Growth Area comprising the northern sector communities, including Pant and Dowlais.
- 8.10 The MMA application site is not allocated in the replacement LDP.
- 8.11 Wide ranging planning policies will be considered in the forthcoming planning application to include (see Appendix D for full policy wording):
- SW7 – The Former Ivor Steel Works Regeneration Site
 - SW11 – Sustainable Design and Placemaking
 - SW12 – Improving the transport network
 - EnW1 – Nature conservation and ecosystem resilience
 - EnW2 - Internationally and Nationally protected sites and species
 - EnW3 – Priority Habitats and Species
 - EnW4 – Environmental Protection
 - EnW5 – Landscape protection
 - EcW1 - Provision of employment land
 - EcW2 – Protecting employment sites
- 8.12 In general policy terms the LDP sets a number of key messages for the county borough. Significantly it states a projected population decline from 2024 with

people of working age leaving for other areas of the UK. MMA continue their commitment to offer employment opportunities for those that choose to stay.

8.13

In addition to PPW and the LDP policy, the councils relevant Supplementary Planning Guidance notes (SPG) are listed below. These documents refer to policy contained in the previous adopted LDP 2006-2021, however much of the principles and guidance within these documents remains relevant to the determination of planning applications:

- SPG Note 4 – Sustainable Design (July 2013)
- SPG Note 5 – Nature and development (May 2015)

9.0 ASSESSMENT AND REVIEW

9.1 The applicant has considered a wide range of aspects of the application in relation to need for the variation, impact on character of the area, impacts on residential amenity, and impact on ecology. They have also considered their positive contribution to the local economy.

9.2 While the applicant wishes to minimise any of the above impacts (discussed in the paragraphs below) it is clear MMA to have the opportunity to continue their physical auction business from the main yard at the current site and continue their positive economic contribution to the local area and its people. In the absence of the requested use of the application site on 2 evenings per week the business will be severely compromised, given the physical auctions will not have the land area on which to successfully operate.

Need for the variation:

9.3 It is considered that detailed and reasoned justification is provided within the application flow plans (Appendix E) and explanation of need. It is noted this is a matter of need and not a matter of choice, the depleted land area dictates a change needs to be made in order for the physical auctions to take place on the main yard.

9.4 The need is created from the lack of land area in which to have sufficient space to create free rows for the auction vehicle flow to operate. The depleted land is a result of the CPO for the A465 road widening works.

Impact on Character / Visual appearance :

9.5 The site is only clearly visible from the surrounding area along the southern end of the PRow. The site is bounded by thick shrubs along the western boundary screening the residential properties of the southern end of Llewellyn Street. Some dwellings at higher levels (North east and North West) may have a view down in to the site however they would need to deliberately look in to the site with it being at a significantly lower level.

9.6 The application site has been used for commercial uses for a significant period and the storage of vehicles since the 1980s. The visual appearance of the application site is still a storage area for vehicles and therefore would not be changed. The only

difference would be for approximately an hour on each of the two auction evenings per week 30 vehicles would gradually move in to the northerly section (as far as practical) of the application site from the main yard where they have been through the auction hall. These movements are considered to be negligible in terms of any character or visual appearance changes.

- 9.7 It is therefore considered there can be no impact on the visual appearance of the area.

Impact on Residential amenity:

- 9.8 Having digested the letter of the Inspector from the Enforcement Appeal on the application site it is recognised that a key concern of was that of any impacts on the amenity of local residents from the use of the application site.

- 9.9 In the commentary of the delegated report relating to the lighting application the council state:

'Thus, provided that the business continues to operate in accordance with condition E (hours), the removal of condition h (lighting) would not give rise to any significant or additional noise or disturbance to nearby occupiers and would therefore not adversely impact upon residential amenity in this respect.'

- 9.10 The noise report concluded that any impacts of the movements of 30 vehicles in to the application site would be negligible.

- 9.11 **Noise Assessment:** Given the history of the application site the provision of a Noise Assessment has also been pivotal to the preparatory work. The potential for noise generation associated with the proposal has been considered in detail by fully qualified noise consultants (see accompanying Noise Impact Assessment). The baseline survey work to inform the noise assessment has been delayed due to a combination of noise in the area from the reroute of the water main by DCWW and the road works on the A465 meaning a suitable window to carry out the survey, in the absence of additional background noise, and in dry weather during autumn and winter months was challenging.

- 9.12 The baseline survey was conducted during January 2023. The report is contained in full as part of the suite of documents submitted in support of the application.

- 9.13 The results of the baseline noise survey and 3D acoustic modelling techniques are used to predict the impact from noise emissions from the movement of up to 30 vehicles from the main yard onto the lower yard.
- 9.14 These movements will predominantly occur during the initial auction period of 19:00 – 20:00 hours with the vehicles remaining parked until collected the following day (after 08:00 hrs). However, there may be rare occasions whereby a sold vehicle may need to be returned to the main yard to be collected and driven away that evening, hence the requirement to extend the use of the lower yard to 22:30 hours to account for such rare events.
- 9.15 Any ancillary noise events associated with the proposed use of the application site would be described as random, unpredictable, and transient in nature and not considered to be a nuisance in law and are therefore not considered relevant to this assessment in the context of the primary noise described above.
- 9.16 The results of the modelling exercise were used to assess the significance of any potential noise impact from the proposed development following the guidelines from the Institute of Environmental Management and Assessment (IEMA). Any impact is described in terms of the difference in acoustic environment before and after the implementation of the proposals (also known as the magnitude of change or Noise Impact). Once the magnitude of impact is determined, the consequences, if any, can be described by considering whether a change caused by the modified acoustic environment has occurred or whether there has been a perceived change in quality of life due to the change of character of the area. Finally, it is important to evaluate the Noise Effect to determine whether or not that impact is significant.
- 9.17 The results of this assessment conclude that there will be a negligible change in the acoustic climate at all sensitive receptors. There will be no discernible effect on any receptor and the significance of impact is described as 'not significant' in accordance with the IEMA guidelines.
- 9.18 **Light:** The previously approved lighting scheme (Ref P/20/0262) of 2021 has been carefully designed by Qoda Light using a specific tilt on the Meyer Monospace Luminare to ensure the application site is lit for security purposes yet the light does not spill unacceptably beyond the boundary affecting the amenity of those properties

closest to the site protecting residential amenity and ensuring no adverse impacts on any bat population.

- 9.19 The approved, implemented, lighting scheme allows the MMA security cameras to capture the images required given the decals that are typically affixed to the vehicles stored for auction in the lower yard.
- 9.20 The only change to the light in the application site will be light from dipped headlights in hours of darkness during winter months. The Meyer monospace lighting already lights the area for security. Furthermore, where possible, the vehicles will park in the northerly area of the application site that is the most shielded due to the steep sides of both the eastern and western boundary in this location (see Appendix E and F) therefore during winter months no light spill from any dipped headlights beyond the boundary of the application site could be created.
- 9.21 Given the above assessment it is considered that any impact on residential amenity will be negligible.

Ecology:

- 9.22 It is considered that the extended use of the application site will have a negligible impact on bat species.
- 9.23 Input from the BE Ecological ecologist confirms she has considered the fact there will be no additional permanent lighting to the site other than that, which is already approved (and currently being implemented). This lighting was designed to not have impacts on roosting and foraging bats. The only additional lighting will be infrequent use of dipped headlights when moving cars into the lower yard. However, these will not be required in the summer due to light nights and will only be required during the winter months when bats are not as active (Mid September to Mid April).
- 9.24 The movements of cars are minimal and only for 2 evenings a week with the majority of cars being moved between the hours of 19:00 and 20:00 hrs.
- 9.25 There are no buildings or trees on the site suitable for bat roosting and therefore roosts are unlikely to be affected by noise and vibration. There may be bat roosts in adjacent buildings, however, noise reports were conducted from these areas with the assessment concluding that there will be a negligible change in the acoustic climate

and there will be no discernible effect on any receptor and the significance of the impact is described as not significant. As a result of this, the Ecologist concluded, it is considered extremely unlikely that bats will be affected by the proposals.

- 9.26 **Natural Environment:** The delegated report for P/20/0262 considered, in response to a representation, considered '*the need to protect the natural environment, retain dark skies where appropriate, prevent glare and respect amenity of neighbouring land uses*'. (PPW)

- 9.27 The proposed change to the application site is not considered to materially alter light levels in the environment around the site and/or have the potential to adversely affect the use or enjoyment of nearby buildings or spaces.

Sustainability:

- 9.28 In view of the rising numbers of electric vehicles, electric charging points (maximum 3 points), are being considered for install in the application site in order to charge the increasing number of electric vehicles that are in stock and await auction. The location of the electric chargers is shown as part of the layout plan of the application site in Appendix F. Note this point will be provided for the charging of MMA auction vehicles and is not a public charging point.

- 9.29 Further EV charging is proposed as part of the application for replacement car park at Site C for use by both staff and customers.

- 9.30 The wild flower planting scheme on the eastern edge of the application site has been implemented as part of the lighting permission and will be subject to a scheme of maintenance. The mature hedging to the west is to remain and continue to be well maintained.

Economic Impacts:

- 9.31 MMA are committed to their local business, value their loyal, local staff and provide a significant employment contribution to the local area. MMA wish to provide the best experience for customers and this includes a physical auction evening with refreshments and 'buzz' in the auction hall. Without this, customers who enjoy the physical auction experience will go elsewhere.

- 9.32 Opening up of the physical auctions again will ensure the MMA employees, sourced from within the local community (including key room representatives, drivers, catering, cleaning and office staff), will retain job security.
- 9.33 Opportunities for additional staff could also be created through the complementary jobs the physical auctions create such as additional catering staff to facilitate busy auction evenings and potential additional yardsmen.
- 9.34 It is recognised that employees to MMA generally stay many years with some current staff serving more than 30 years.
- 9.35 Young employees begin in the key room on auction evenings and work their way up within the business. Without the physical auction many of these posts are scaled back, denying the local working age population an opportunity for a starter position leading to a well paid, responsible role within this local business.

10.0 CONCLUSION

- 10.1 The variation of condition (e) proposed will ensure use of the lower yard for parking/storage of circa 30 vehicles in order to facilitate the physical vehicle flow during auction evenings (twice weekly) in the main yard. It is concluded these movements will predominately be undertaken in the first hour of the auction start, therefore 19:00-20:00 hrs.
- 10.2 The proposed use of the land is in accordance with the layout shown on plan LAF1 (see Appendix C and Appendix F), incorporating land uses of parking and storage of vehicles/plant pending auction. No auction activities are proposed to take place on the application site.
- 10.3 The variation of condition (e) wording is identical to that of the temporary Car park at Site E, to the west of Pant Road. That application was approved by MTCBC and the car park delivered by WG for use by MMA whilst the road works are underway and through to completion.
- 10.4 The impacts on residential amenity have been reviewed by means of a Noise Assessment that has concluded impacts to amenity of the neighbouring properties, for this modest change to hours of use, are considered negligible. Furthermore, there is no proposed lighting given the approved application of 2021 that ensures CCTV cameras are able to operate effectively in hours of darkness. Light from any dipped headlights will be contained within the site, the parking zone that will predominately be used being located in the northerly area of the application site, closest to the auction hall.
- 10.5 Potential impacts on ecology and natural environment in terms of dark skies have been considered and any impact is concluded to be negligible.
- 10.6 The remaining time provides the flexibility to allow for those rare occasion a customer has travelled some distance to the auction and their purchased vehicle is parked in the lower yard and needs to be passed to the purchaser that evening (and not in the following days as per regular practice). Any vehicle that falls within this category would be parked nearest to the valet bay in order to gain easy access nearest to the

main yard. Note the area in which all vehicles being brought down from the main yard on auction evening is intended to be the northerly area of the application site.

- 10.7 Flow plans demonstrate the auction flow to March 2020, utilising area 2 on Plan 8 Appendix E, (part under the carriageway and part to the north) to facilitate free rows on the main yard. This area is permanently lost to the A465 scheme. The flow plans 1-7 show the proposed flow utilising the application site in order to facilitate the flow of the auction on the main yard. These plans demonstrate the need to access the lower yard land.
- 10.8 In conclusion the variation of condition, to the limited extent as described in the report, is not considered to cause material harm.
- 10.9 The variation would serve in ensuring this strong local employer is able to trade via physical auction and will therefore maintain resilience and job security to 38 staff, plus spin off employment going forward.
- 10.10 Given the fallout from Brexit and COVID, followed by the cost of living crisis we find ourselves in a time when the survival of independent businesses is in jeopardy. Added to these pressures, MMA are grappling with decreased land area on which to run their established business. Concern from local people regards their job security whilst being faced with the challenges of the cost of living crisis, is exceptionally high. The approval of this application is therefore crucial in retaining a strong local employer in, and for, Dowlais.

APPENDIX A - F: (See separate document)

APPENDIX A	Plans: Plan 1 – Original MMA site Plan 2 – Site of variation of condition application – Lower Yard Plan 3 – Mitigation sites Plan Plan 4 – NTT plan and schedule
APPENDIX B	Photographs / Images
APPENDIX C	MMA Planning History Summary Table Inspectors Decision Letter and LAF1 Plan Lighting permission Decision Notice (Lower Yard)
APPENDIX D	LDP Planning Policy extracts
APPENDIX E	Diagrams showing vehicle flow on auction day: Plans 1-7 – Proposed vehicle flow (March 2023) Plan 8 – Established vehicle flow, Pre COVID (March 2020)
APPENDIX F	Layout Plan – Lower yard (Plan LAF1 REV A)

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