

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
The Town and Country Planning (Development Management Procedure)
(Wales) Order 2012 (as amended)

FULL PLANNING PERMISSION

To: Merthyr Tydfil County Borough Council c/o DPP Planning F.a.o. Mr Leo Horton-Taylor
Desg, 11-13 Penhill Road Pontcanna Cardiff CF11 9PQ.

WHEREAS you submitted an application on the 15th May 2023 to develop: Bishop Hedley High School
Gwaunfarren Road Penydarren Merthyr Tydfil CF47 9AN short particulars of the application being as follows:-

Name of the Applicant

Merthyr Tydfil County Borough Council
C/o Agent

Description of Proposed Development

Demolition of existing school and construction of a new school building within the existing site, including sports facilities and associated landscaping, access and engineering works, temporary staff car park, construction compound and classrooms during construction (Full)

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans (if any) submitted with the application subject to compliance with the following conditions.

CONDITIONS

Please see attached.

Date: 20th October 2023

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

CONDITIONS

- 1 The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents:

BCA-ATK-VX-ZZ-DR-A-021001 P06 - Site Wide General Arrangement Plan
BCA-ATK-VX-ZZ-DR-A-021002 P06 - Site 1 of 2 General Arrangement Plan
BCA-ATK-VX-ZZ-DR-A-021003 P04 - Site 2 of 2 General Arrangement Plan
BCA-CAN-ZZ-ZZ-GA-S-0070 P01 - Mine Constraints

BCA-ATK-V1-00-DR-A-011001 P11 - Level 00 - General Arrangement Plan
BCA-ATK-V1-01-DR-A-011002 P11 - Level 01 - General Arrangement Plan
BCA-ATK-V1-02-DR-A-011003 P11 - Level 02 - General Arrangement Plan
BCA-ATK-V1-03-DR-A-011004 P11 - Level 03 - General Arrangement Plan
BCA-ATK-V1-R1-DR-A-011005 P8 - Roof Level - General Arrangement Plan

BCA-ATK-V1-ZZ-DR-A-012002 P8 - General Arrangement Elevations 1 of 2 Planning
BCA-ATK-V1-ZZ-DR-A-012003 P7 - General Arrangement Elevations 2 of 2 Planning
BCA-ATK-V1-ZZ-DR-A-013001 P4 - General Arrangement Sections

BCA-ATK-V3-ZZ-DR-A-011001 P2 - Plant Compound - GA Ground Floor Plan & Roof Plan
BCA-ATK-V3-ZZ-DR-A-013001 C2 - Plant Compound - GA Elevations

BCA-ATK-V2-ZZ-DR-A-016001 P4 - Sports Hall Elevations and Sections Planning
BCA-ATK-V3-ZZ-DR-A-011006 P7 - Sports Hall - Ground & First Floor General Arrangement Plan
BCA-ATK-V2-RF-DR-A-011010 P1 - Roof Plan - Planning
BCA-ATK-V4-ZZ-DR-A-012021 P2 - Tunnel Enclosure Elevations

L220118-311 Rev A - Temporary Classroom Elevations
L220118-111 Rev A - Temporary Classroom Floor Plans
L220118-211 Rev A - Temporary Classroom Steel Plan

BCA-ATK-XX-XX-SW-LA-423000 P06 - Landscape Sections 1 of 3
BCA-ATK-XX-XX-SW-LA-423001 P06 - Landscape Sections 2 of 3
BCA-ATK-XX-XX-SW-LA-423002 P07 - Landscape Sections 3 of 3
BCA-ATK-XX-XX-SW-LA-423210 P03 - BB 98&99
BCA-ATK-XX-XX-DR-LA-423001 P08 - Landscape General Arrangement
BCA-ATK-XX-XX-DR-LA-423002 P02 - Landscape GA - North Site
BCA-ATK-XX-XX-DR-LA-423003 P05 - Landscape GA - South Site
BCA-ATK-XX-XX-DR-LA-423004 P05 - Landscape GA - West Site (Rugby Pitch)

BCA-ATK-XX-XX-DR-LA-423009 P04 - Landscape Site Wide Fencing GA
BCA-ATK-XX-XX-DR-LA-423010 P02 - Landscape Fencing GA - North Site

BCA-ATK-XX-XX-DR-LA-423011 P02 - Landscape Fencing GA - South Site
BCA-ATK-XX-XX-DR-LA-423012 P04 - Landscape Fencing GA - West Site (Rugby Pitch)

Project Environmental Plan RMS-PL-025, Rev B
Arboricultural Report, dated 24.04.2023
BCA-CAM-ZZ-XX-RP-TR-0053 P04 - Travel Plan
BCA-CAM-ZZ-XX-RP-C-0020 P03 - Drainage Strategy Report
Site Investigation Report - 14075/FG/22/SI/Rev B
Ecological Impact Assessment V4.0, dated 09.10.2023
Bats & Trees Survey Report V3.0, dated 09.2023

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

- 3 Prior to any construction works commencing on site details/samples of the materials to be used in the construction of the external surfaces of the school building, tunnel enclosure and extended sports hall shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 3 Discharged on 15/05/25 – App No. P/25/0116.

- 4 Prior to the construction of any retaining walls which exceeds 1m in height, details, including structural calculations and facing materials, shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 4 Discharged on 05/03/26 – App No. P/25/0292.

- 5 Prior to the occupation of the school building hereby approved a details of the boundary treatments as illustrated in drawing BCA-ATK-XX-XX-DR-LA-423009 P04 - Landscape Site Wide Fencing GA shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved prior to the school building being brought into beneficial use.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 5 Discharged on 05/03/26 – App No. P/25/0292.

- 6 No development shall commence, excluding demolition and early works (specifically S.278 highway works and temporary classrooms), until the following components of a scheme to

deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses and potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site [largely completed]
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason - To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 6 Discharged on 09/05/24 – App No. P/24/0081.

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

Reason - To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this

unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason - To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

- 9 If piling or any other foundation designs using penetrative methods are proposed, no development shall commence, excluding demolition and early works (specifically site compound and temporary car park, S.278 highway works and temporary classrooms), until details of the proposed works sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason - Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

- 10 No development shall commence within the areas identified on plan ref. BCA-CAM-ZZ-ZZ-GA-S-0070-P01 until;

a. A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by recorded mine entry 305207-009 , and;

b. Any remediation works and/or mitigation measures to address land instability arising from the recorded mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

- 11 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

- 12 Prior to the occupation of the development, the parking spaces indicated on drawing No. BCA-ATK-XX-XX-DR-LA-423001 Rev P7, titled 'Landscape General Arrangement' shall be provided on site and shall remain available for the purpose of vehicular parking at all times thereafter.

Reason - To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 13 Prior to any construction works commencing on site the position of any public sewer that either crosses the development site or is in close proximity to its boundaries shall be accurately located, marked out on site before construction works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason - To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 14 The development hereby approved shall not be brought into beneficial use until details for the provision of a grease trap has been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage

- 15 Demolition or construction works shall not take place outside the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 16 Prior to any vegetation clearance works in the areas where Japanese Knotweed has been identified, as illustrated in the Project Environmental Plan, details of a scheme for the eradication of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

Condition 16 Discharged on 05/04/24 – App No. P/24/0018.

- 17 **No development shall commence**, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved management plan shall be adhered to throughout the construction period. The plan shall provide for:

- i) loading and unloading of plant and materials;
- ii) storage of plant and materials used in constructing the development;
- iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during demolition and construction; and
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) protection measures for all retained habitats during construction

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan..

Condition 17 Discharged on 06/03/24 – App No. P/23/0271.

- 18 **No development shall commence**, including any works of demolition until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the local planning authority. These details shall include:

- a plan illustrating areas of onsite habitats to be retained, protected and enhanced;
- a Reptile Mitigation Strategy;
- a Bat Method Statement;
- an implementation programme including the phasing of works; and
- details of the qualified person who will provide ecological supervision.

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

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 18 Discharged on 06/03/24 – App No. P/23/0271.

- 19 **No development shall commence** on site until a Bat Method Statement has been submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 19 Discharged on 17/01/24 – App No. P/23/0264.

- 20 Prior to the installation of any external lighting, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority to protect bat foraging/commuting areas. The details shall include:

- horizontal and vertical illuminance plans demonstrating dark corridors/routes to be provided from north to south and east to west across the site, together with dark routes for access to the integral bat boxes.
- a plan illustrating the lux levels across the site overlaid with the dark corridors
- the onsite lighting shall include details of the proposed colour temperatures
- details of night control to ensure lighting is not operational when not required.

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

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 20 partially Discharged on 07/08/26 – App No. P/24/0128.

- 21 Prior to the development hereby approved being brought into beneficial use, the integral bat boxes and bird boxes shall be provided in accordance with the Ecological Impact Assessment and in the locations specified on drawing BCA-ATK-V2-ZZ-DR-A-016001 P3, BCA-ATK-V1-ZZ-DR-A-012002 P6 and BCA-ATK-V1-ZZ-DR-A-012003 P6

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 22 Prior to the development hereby approved being brought into beneficial use, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- All species (including the grass seed mixes) which shall be native species of local (if not Welsh provenance);
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- an implementation programme, including the phasing of work and the removal of the temporary carpark and its reinstatement back to grassland habitat (as illustrated on Landscape General Arrangement Plan); and
- details for the management of the landscaped areas.

All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of each phase of the development; and any trees or plants which within a period of 5 years from the completion of the each phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

2. The applicant / developer is strongly advised to liaise with Dwr Cymru Welsh Water in relation to any connections to the public sewer and/or to any works which affect the line of or are in close proximity to existing public sewers and/or water mains.

NOTES

Your attention is drawn to the following:-

Appeals to the Planning & Environment Decisions Wales:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning & Environment Decisions Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal.
- The Planning & Environment Decisions Wales can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Planning & Environment Decisions Wales need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Planning & Environment Decisions Wales does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or Planning & Environment Decisions Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING PERMISSION HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.