

DELEGATED REPORT

Application No:	P/21/0142
Site Address:	Pengarnddu Service Reservoir Pengarnddu Dowlais Merthyr Tydfil
Development:	Construction of a temporary haul road to facilitate construction of a new service reservoir
Case Officer:	David Cross
Site Visit:	4th May 2021
Application Expiry Date:	11th June 2021
Consultation reply date expired:	11th May 2021

APPLICATION SITE

This application relates to an area of land measuring approximately 0.69 hectares, which forms part of a wider development for the construction of a new reservoir facility situated alongside an existing water reservoir facility. The site is located immediately to the west of the established Pengarnddu Industrial Estate and is largely bound on all sides by the open countryside. In the wider surroundings to the south-west (approx. 140m) is a residential property, together with a number of out-buildings, stables and dilapidated structures. To the north-west (approx. 330m) is a residential property with out-buildings and to the south (approx. 230m) are nearby retail stores.

The existing reservoir facility is situated to the east of the site with a smaller above ground service reservoir located to the north-east. The reservoir facility is enclosed by security fencing with access into and around the site via a track that links to the main highway serving the adjacent industrial estate to the south-east. The site and surroundings generally comprise of semi-improved acid grassland that slopes down from north to south.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of a temporary haul road to facilitate the construction of a new service reservoir, which was permitted under application P/20/0228. The proposed haul road would be constructed from compacted hardcore material and would measure approximately 5m wide over a length of 240m. It would extend from the existing gravel track to the south-east to the location of the new reservoir to the north-west.

The initial section of the haul road in the south-east part of the site (adjacent to the existing track) would cross a shallow watercourse. In this location, it is proposed that two 500mm diameter pipes would be provided along the existing bed of the watercourse under the haul road so not to impinge on the flow of the water. A visqueen liner, together with compacted aggregate material would then be used to support the road over the watercourse with temporary sandbags and silt netting used at either end..

It has been highlighted that the haul road is required for a temporary period during the construction of the new reservoir, which is expected to be completed in the summer of 2022. The road is required to enable large heavy vehicles and plant machinery to enter the site without adversely impact on existing underground water mains and chambers adjacent to the existing reservoir. Following the completion of the new reservoir, it is proposed that the land would be reinstated and appropriately landscaped.

PLANNING HISTORY

P/20/0228 - Construction a 9ML (mega litre) 2-cell reservoir and associated engineering, access and landscaping works.

Permission GRANTED on 13.01.2021

CONSULTATION

Head of Engineering - No objection

Planning Division's Ecologist - No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a site notice was displayed within the vicinity of the site.

No representations were received as a result of this publicity exercise

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW), Edition 11, February 2021:

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.56 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 6.1.6 sets out the Welsh Governments objectives for the historic environment to protect world heritage sites, conserve archaeological remains, safeguard historic buildings, preserve and enhance conservation areas, as well as preserve and protect historic parks and landscapes in Wales.

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Technical Advice Notes (TAN):

- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016
- TAN 24, The Historic Environment, May 2017

Local planning policy

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

- Policy SW4 - Settlement Boundaries
- Policy SW10 - Protecting and Improving Open Spaces
- Policy SW11 - Sustainable Design and Placemaking
- Policy SW12 - Improving the Transport Network
- Policy CW1 - Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW3 - Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- Policy EnW4 - Environmental Protection
- Policy EnW5 - Landscape Protection
- Policy EcW10 - Sustainably Supplying Minerals
- Policy EcW13 - Minerals Safeguarding

Supplementary Planning Guidance (SPG):

- SPG 4 - Sustainable Design, July 2013
- SPG 5 - Nature and Development, May 2013

PLANNING CONSIDERATIONS

Land use

The application site is located outside of the settlement boundary and as such the proposal is regarded as 'countryside development' as defined by policy SW4 of the LDP. Development in such locations can be supported in principle where it relates to the provision of public utilities, infrastructure or waste management facilities that cannot reasonably be located elsewhere.

The principle of developing the site to accommodate a new reservoir has been established as part of planning application P/20/0228. The proposal haul road is required for a temporary period as part of the construction of the new reservoir and to avoid impacting on existing underground infrastructure that was not previously identified. The principle of the proposed development is deemed to be acceptable.

Design approach

Given the location of the development within the countryside and its designation as a landscape of outstanding historic interest, regard should be given to the potential impact on its character and appearance. The submitted plans indicate the proposal would mainly comprise the laying of hardcore material to form a temporary track from the existing lane serving the site. This track would run along side the land that is to be developed and would largely be situated within the site boundary of the previous application (P/20/0228). The construction of the track would have some impact on the quality of the area, with the deterioration of the character, being open grassland used for grazing. There would also be some impacts on the visual amenity, particularly at close distances. However, it should be acknowledged that the track would be seen in the context of the wider development of the new reservoir. Additionally, the track would only be required for a temporary period and once the reservoir has been completed, it is proposed that the track will be removed and the land would be reinstated. On this basis, it is considered that the development would not have a significant impact on the open countryside and the qualities of the historic landscape. Therefore, the proposal complies with policies SW11, CW1 and EnW5 of the LDP.

Ecological impact

It has been acknowledged by the applicant that the haul road would cross through an area of land that is identified to contain high value grassland fungi, which is of particular importance for waxcaps. As such, an Ecological Technical Note has been submitted with an updated report that considers the potential impact on this grassland environment. It is noted that the grassland forms part of the Blaenmorlias Site of Importance for Nature Conservation (SINC), which is a large area that supports a mosaic of upland habitats at the western edge of Merthyr Common. The development would only impact on acid grassland, with no other habitat environments affected. The reports also note that the grassland is closely grazed by horses. In addition to the impact on the grassland environment, the development would also involve the temporary culverting of the a small brook to accommodate the haul road.

The construction of the haul road has the potential to result in the loss of the high value grassland habitat. To minimise such impacts, the Ecological Technical Note sets out a series of mitigation and control measures. It is noted that the turf in the high value fungi area will be carefully lifted and stored in receptor areas immediately south of the haul road away from the construction works. Heras fencing would also be put in place to avoid any encroachment in to other habitat environments. Following the removal of the haul road, it is proposed to reinstate the turfs in the high value fungi areas. It is acknowledged that the Contract Management Plan (Rev H) has been updated with Section 6 setting out the appropriate methodology for the careful removal of the high value turf, its storage location during construction and its subsequent reinstatement. It is considered that adequate measures have been put in place to minimise the potential impact on important habitat environments. In this regard it is acknowledged that the Planning Division's is satisfied with the recommendations of the ecological reports and have not raised any objection. Therefore, the proposal complies with policies EnW1 and EnW3 of the LDP.

Highway implications

The highway impact associated with the construction of the new reservoir was previously been assessed as part of planning application P/20/0228. This proposal would utilise the existing point of access onto the main highway. Whilst the haul road would be used during the construction phase, this is only temporary for the heavy vehicles and the new access road serving the reservoir development would be utilised during the operational phase. As such, the proposal would have no greater impact on the highway network than that already assessed as part of wider reservoir development. In this regard, it is acknowledged that the Head of Engineering has not raised any highway safety concerns. Therefore, the proposal complies with policy SW11 of the LDP.

CONCLUSIONS

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

For the above reasons, the proposed haul road is acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

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

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

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

- Drawing No. B10237-123532-XX-XX-DR-LA-D19003 Rev P03 (Landscaping and Planting General Arrangement)
- Drawing No. B10237-123532-XX-XX-DR-TA-D10205 Rev P01 (Site Plan Temporary Haul Road)
- Drawing No. B10237-123532-XX-XX-DR-TA-D10206 Rev P01 (Watercourse Crossing Temporary Haul Road)
- Contract Management Plan Rev H, received 01.06.2021
- Ecological Technical Note
- Further comments on Fungi, dated 26 May 2021
- Proposed Fungi Translocation, dated 21 June 2021
- Waxcap Translocation Methodology, dated 25 June 2021
- Headland Archaeology Report

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

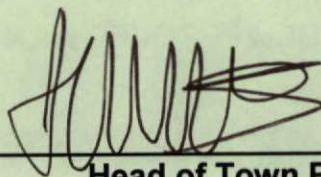
3. Construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

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.

4. A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas to be reinstated, shall be submitted to and approved in writing by the local planning authority **prior to the approved reservoir, under application P/20/0228, being brought into use**. The landscape management plan shall be carried out as approved and all planting, seeding or turfing comprised in the approved details of landscaping for the reinstatement of the land shall be implemented in the first planting and seeding seasons following the completion of the approved reservoir development.

Reason - To ensure that the areas of disturbed land are appropriately reinstated and that it integrates with the surrounding landscape and provides suitable habitat environments in accordance with policies SW11, EnW1, EnW3 and EnW5 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

28/6/21