

# DRAFT AGENDA

ID	2515
Committee	Pwyllgor Craffu Cynllunio
Date	09/02/2023
Attendees	<p>Cynghorwyr Lisa Winnett (Cadeirydd)</p> <p>Cynghorwyr Derrick Bevan (Is-gadeirydd)</p> <p>Cynghorwyr Peter Baldwin (Aelod Pwyllgor)</p> <p>Cynghorwyr Malcolm Day (Aelod Pwyllgor)</p> <p>Councillor Jules Gardner (Aelod Pwyllgor)</p> <p>Cynghorwyr John Hill (Aelod Pwyllgor)</p> <p>Cynghorwyr Wayne Hodgins (Aelod Pwyllgor)</p> <p>Councillor George Humphreys (Aelod Pwyllgor)</p> <p>Councillor Jen Morgan, J.P. (Aelod Pwyllgor)</p> <p>Councillor Jacqueline Thomas (Aelod Pwyllgor)</p> <p>Cynghorwyr David Wilkshire (Aelod Pwyllgor)</p> <p>Steve Smith (Swyddog)</p> <p>Steph Hopkins (Swyddog)</p> <p>Sally-Ann Evans (Swyddog)</p> <p>Jane Engel (Swyddog)</p> <p>Joanne Clare (Swyddog)</p> <p>Helen Hinton (Swyddog)</p> <p>Mark Hopkins (Swyddog)</p> <p>Paul Samuel (Swyddog)</p> <p>Steve Berry (Swyddog)</p> <p>Andrea Jones (Swyddog)</p> <p>Sean Scannell (Swyddog)</p> <p>Louise Bishop (Swyddog)</p> <p>Leeann Turner (Secretary)</p> <p>Michelle Hicks (Secretary)</p> <p>Gemma Wasley (Swyddog)</p> <p>Louise Rosser (Swyddog)</p> <p>Gwasanaethau Democraataidd (Monitor)</p>

Item ID	7100
Item Title	Cyfieithu ar y Pryd
Summary	Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o rybudd os dymunwch wneud hynny. Darperir gwasanaeth cyfieithu ar y pryd os gwneir cais.

Item ID	7101
Item Title	Ymddiheuriadau
Summary	Derbyn unrhyw ymddiheuriadau am absenoldeb.

Item ID	7102
Item Title	Datganiadau Buddiant a Goddefebau
Summary	Derbyn unrhyw ddatganiadau buddiant a goddefebau.
Item ID	7103
Item Title	Meysydd ar gyfer Sesiynau Gwybodaeth a Hyfforddiant Aelodau
Summary	Trafod unrhyw feysydd ar gyfer sesiynau gwybodaeth a hyfforddiant aelodau.
Item ID	7142
Item Title	Adroddiad Ceisiadau Cynllunio
Summary	Ystyried adroddiad y Rheolwr Tîm Rheoli Datblygu.
Item ID	7143
Item Title	ADRODDIAD EFFAITH LLEOL
Summary	Ystyried yr Adroddiad Effaith Lleol.
Item ID	7144
Item Title	Apeliadau, Ymgynghoriadau a Diweddariad DNS Chwefror 2023
Summary	Ystyried adroddiad y Rheolwr Gwasanaeth Datblygu a Stadau.
Item ID	7145
Item Title	Rhestr ceisiadau a benderfynwyd dan bwerau dirprwyedig rhwng 19 Rhagfyr 2022 a 27 Ionawr 2023
Summary	Ystyried adroddiad y Swyddog Cymorth Busnes.

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>30<sup>th</sup> January 2023</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>9<sup>th</sup> February 2023</b>

### Report Information Summary

<b>1. Purpose of Report</b>	
To present planning applications for consideration and determination by Members of the Planning Committee.	
<b>2. Scope of the Report</b>	
Application No.	Address
C/2022/0281	44 Commercial Street, Tredegar, NP22 3DJ
C/2022/0347	16 Market Street, Ebbw Vale
C/2022/0250	Land adjacent to KFC, Waun-Y-Pound Road, Ebbw Vale, NP23 6LE
C/2022/0332	Brookfield Hawthorn Road Beaufort Ebbw Vale NP23 5HS
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Report

<b>Application No:</b> C/2022/0281	<b>App Type:</b> Full
<b>Applicant:</b> Mr Ozgur Palo Flat 3 113 High Street Merthyr Tydfil CF47 8AP	<b>Agent:</b> Mr Philip Harris 3dcadwales Limited 5 Ashlea Drive Thomastown Merthyr Tydfil CF47 0NY
<b>Site Address:</b> 44 COMMERCIAL STREET TREDEGAR NP22 3DJ	
<b>Development:</b> Change of use of ground floor to Takeaway (A3) and new windows to front elevation.	
<b>Case Officer:</b>	<b>Joanne Clare</b>



## 1. Background, Development and Site Context

- 1.1 This application seeks planning permission for a change of use of the ground floor of the building from an A1 Retail to an A3 takeaway use. The works also include a new window to the first floor front elevation.
- 1.2 The property is a two storey building located in the Town Centre and Primary Retail Area of Tredegar as defined by the Blaenau Gwent Local Development Plan (LDP). The neighbouring properties are commercial with residential at first floor to no.43A. The Gwent Shopping Centre is situated opposite.
- 1.3 The proposed ground floor plan will comprise of a waiting area, serving counter, cooking area and separate food preparation area with store behind. With the exception of two toilets, the first floor will remain vacant.
- 1.4 The external works include a new window at first floor level to the front elevation and a new flue which will be positioned on the main roof. I note from a site visit that the first floor window has already been installed.

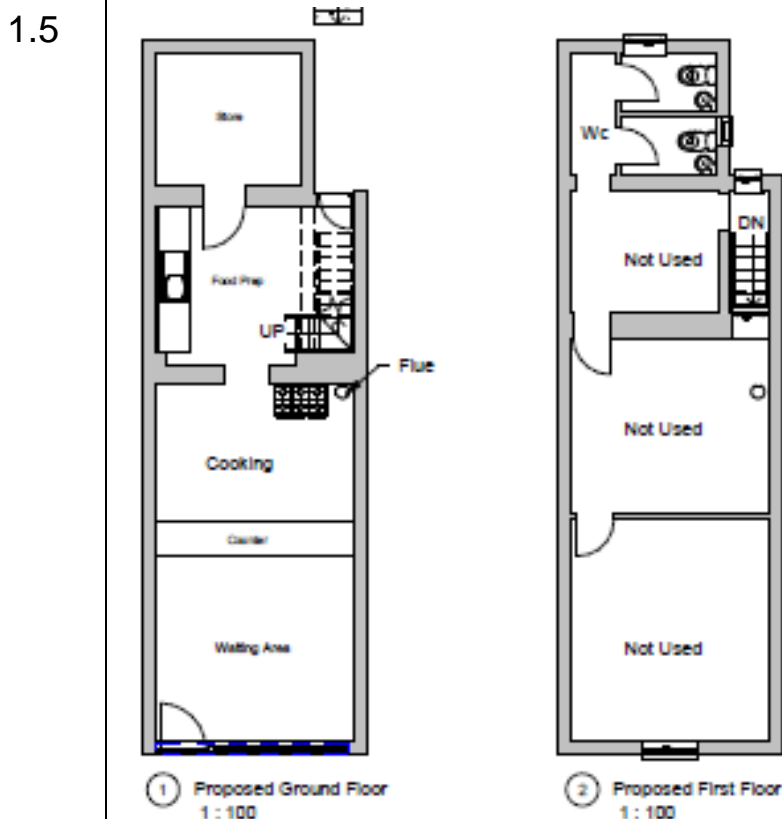


Figure 1. proposed floor plan

1.6



Figure 2. Existing front elevation

Figure 3. Proposed front elevation

1.7



Figure 3. Proposed front elevation.

**2. Site History**

	Ref No	Details	Decision
2.1	None		

**3. Consultation and Other Relevant Information**

3.1	<p><b><u>Internal BG Responses</u></b>  <u>Team Leader Building Control:</u> No response received</p>
3.2	<p><u>Service Manager Infrastructure:</u>  Highways: No objections</p>
3.3	<p><u>Environmental Health:</u> No objection subject to conditions in regards to restricting plant noise and fume extraction.</p>
	<p><b><u>External Consultation Responses</u></b></p>
3.4	<p><u>Town / Community Council:</u> No objections.</p>
3.5	<p><u>Welsh Water:</u> No objections subject to conditions</p>
3.6	<p><u>Local Environment Record Centre (LERC):</u> Identify common pipistrelle (bats) within 183m of the site.</p>
3.7	<p><b><u>Public Consultation:</u></b></p>
3.8	<ul style="list-style-type: none"> <li>• 4x letters to nearby houses</li> <li>• site notice</li> <li>• website public register of applications</li> <li>• ward members by letter</li> <li>• all members via weekly list of applications received</li> </ul>
3.9	<p><u>Response:</u> Two letters of objection have been received. The main concerns raised are as follows:</p>
3.10	<ul style="list-style-type: none"> <li>• concerns of disruption to local residents due to increase in footfall and people congregating and creating noise late at night (if the takeaway is open late);</li> </ul>
3.11	<ul style="list-style-type: none"> <li>• concerns of odours;</li> </ul>
3.12	<ul style="list-style-type: none"> <li>• Rear garden is overgrown with vegetation including Japanese knotweed as well as fly-tipping – concerns that this creates a fire hazard by preventing use as an escape route;</li> </ul>
<p><b>4. Planning Policy</b></p>	
4.1	<p><u>Team Manager Development Plans:</u>  In order to maintain a high proportion of A1 uses in the Primary Retail Area, Policy DM5 criterion (a) restricts changes of use within the primary retail area of district town centres, such as Tredegar, to A1 uses only. Therefore, the change of use of this proposal to A3 would conflict with the requirements of</p>

	<p>policy DM5, and accordingly an objection is raised to this proposal. It is also worth noting that the current use class attached to 44 Commercial Street is A1 therefore the proposal would result in the loss of an A1 use. The Blaenau Gwent Annual Monitoring Report (AMR) monitors the percentage of A1 uses in the primary retail area. The 2022 AMR shows that the percentage of A1 uses in the primary retail area declined by 7% between 2009 and 2022, and the primary retail area's vacancy rate in 2022 was higher (24%) than that of the district town centre as a whole (15%). It is also worth noting that the percentage of A3 uses in Tredegar town centre as a whole is 17% and within the primary retail area is 5%. The case officer could therefore give due consideration to this evidence as a material planning consideration.</p> <p>4.2 <u>LDP Policies:</u>  SB1 Settlement Boundaries  SP3 The Retail Hierarchy and Vitality and viability of the Town Centre  DM1 New Development  DM2 Design and Placemaking  DM5 Principal and District Town Centre Management</p> <p>4.3 <u>SPGs</u>  Supplementary Guidance (SPG) for 'hot food and drinks uses in town centres'</p> <p>4.4 <u>PPW &amp; TANs:</u></p> <p>4.5 Planning Policy Wales Edition 11 (February 2021)  Future Wales: The National Development Plan for Wales (February 2021)  Technical Advice Note 4: Retail and Commercial Development (November 2016)</p> <p>4.6 Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
<p><b>5. Planning Assessment</b></p>	
<p>5.1</p>	<p>The proposal has been assessed against policies SP3, SB1, DM1, DM2 and DM5 of the adopted Local Development Plan (LDP).</p>
<p>5.2</p>	<p>The application site is situated within the settlement boundary (SB1) within which development is normally permitted subject to policies in the plan and other material considerations. The property is also located within the boundary of Tredegar Town Centre and lies within the primary retail area.</p>



5.3	Future Wales - the National Plan 2040 was published on the 24th February, and therefore is relevant to this application as it now forms part of the Development Plan. Policies 1 and 33 support sustainable growth in all parts of Wales with Cardiff, Newport and the Valleys identified as one of three National Growth Areas. Opportunities and growth in strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure will be supported.
5.4	Policy 6 states that significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. This puts the health and vibrancy of town centres as the starting point of locational decision-making. It also directs facilities and services to where intended users can easily walk, cycle and/or use public transport to access them.
5.5	Being mindful of the nature of the proposal and its location, the application is considered compliant with the relevant policies of Future Wales.
5.6	Planning Policy Wales (PPW) Edition 11 sets out the Welsh Governments objectives in respect of retail and commercial centres, which include the promotion of viable retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business (paragraph 4.3.3). Whilst this objective recognises that a complementary mix of uses contributes to the vibrancy of those centres, the important role of retailing (A1 uses) continues to be acknowledged with a recommendation to define primary shopping areas, where appropriate (paragraph 4.3.31). Primary shopping areas are designated to help promote and maintain an effective distribution and balance of uses and activities, and are typically characterised by a high proportion of A1 shopping uses.
5.7	In order to maintain a high proportion of A1 uses in the Primary Retail Area, Local Development Plan (LDP) Policy DM5 criterion (a) restricts changes of use within the primary retail area of district town centres, such as Tredegar, to A1 uses only. Therefore, the change of use of this proposal to A3 would conflict with the requirements of Policy DM5, and would result in the loss of an A1 use.
5.8	Notwithstanding this, PPW paragraph 4.3.36 states “ <i>planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this. Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in</i>

	<p><i>primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels."</i></p>
5.9	<p>In terms of the number of A3 uses permitted within the town as a whole, the adopted Supplementary Guidance for 'hot food and drink uses in town centres' specifies that no more than 25% of business premises shall be taken up by A3 uses. Planning policy have confirmed that according to the latest Town Centre Survey (November 2021) this figure has not been exceeded; with 17% of A3 uses being located within the whole town centre of which only 5% are located within the primary retail area.</p>
5.10	<p>Moreover, the figures collected by the Blaenau Gwent Annual Monitoring Report (AMR) support a justification to allow an A3 use within the Primary retail area. The figures identify that the percentage of A1 uses within the primary retail area have declined by 7% between 2009 and 2022 despite the vacancy rate within the primary retail area in 2022 being higher (24%) than that of the whole town centre as a whole (15%). Members should also note that the application site has been vacant for at least 4 years. It is therefore considered, on balance, that the provision of an A3 use within the primary retail area will not undermine the viability and vitality of the town centre but will assist in reducing vacancy levels.</p>
5.11	<p>Whilst the proposal is for an A3 takeaway, the property will be open from 9am-11pm and therefore it could be argued that the property could provide day-time activity and thus assist in contributing to the vitality to the town centre.</p>
5.12	<p><u>Neighbouring Amenity</u> In respect of potential noise, the Environmental Health Officer has confirmed he has no objection to the proposal. Albeit, he has requested a condition restricting the noise level emitted from any plant and equipment in the interests of protecting neighbouring amenity. The proposed opening hours are currently 9am – 11pm Mon – Sat and 4pm – 11pm Sunday/Bank Holidays. It is considered that these times are reasonable and would not cause any adverse disturbance to neighbouring residential properties.</p>
5.13	<p>In respect of potential odours, Environmental health have requested a condition be imposed seeking details of the extraction equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) Subject to such condition, I am satisfied the development will not have a detrimental impact upon the neighbouring amenity in compliance with DM1(2)c.</p>

<p>5.14</p>	<p><u>Ecology</u> Following a LERC (Biodiversity Information &amp; Reporting Database) representation it has been indicated that there are common pipistrelle within 183m of the site. Given the nature of the application, it is considered that the proposal would not detrimentally impact the protected species identified and the proposal would not harm the ecological value or biodiversity of the site or wider area.</p>
<p>5.15</p>	<p>Notwithstanding the above, in accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation and enhancement. Although these details have not been indicated as part of the application, they could be adequately secured by the imposition of a condition. Subject to such a condition, the application would be compliant with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.</p>
<p>5.16</p>	<p>As such the application is considered compliant with the requirements of policy DM1 of the LDP, PPW 11 and the Environment (Wales) Act 2016.</p>
<p>5.17</p>	<p>In response to objector comments made regarding Japanese Knotweed within the rear garden I acknowledge the concerns raised by the objector. However, the proposal does not include any development within the rear garden. Nevertheless, an informative note will be added advising the applicant of their responsibilities under the Wildlife and Countryside Act (1981).</p>
<p>5.18</p>	<p><u>Other Matters</u> In regards to the objectors concerns in relation to fire safety, this will be controlled by Building Regulations. In reference to the claim of potential rodents in the garden and fly tipping, this would be dealt with under Environment Health Legislation.</p>
<p>5.19</p>	<p><u>Conclusion</u> In land use terms, whilst the change of use to A3 is contrary to Policy DM5, for the reasons outlined above there are material planning considerations to justify deviating from the Policy. It is not considered that this development would undermine the implementation of the Local Development Plan.</p>
<p>5.20</p>	<p>Furthermore, approval of this application does not set a precedent for any future applications which would be determined on their own merits and could be refused where the circumstances are different. I therefore recommend approval subject to conditions.</p>

## 6. Legislative Obligations

- 6.1 The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
- 6.2 The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

## 7. Conclusion and Recommendation

- 7.1 Planning permission be **GRANTED** subject to the following condition(s):
1. The development shall begin not later than five years from the date of this decision notice.  
Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.
  2. The development shall be completed in full accordance with the following approved plans and documents:
    - Location Plan
    - Proposed Plans & Elevations – CS-02
    - Site Plans – CS-03
 Reason: To clearly define the scope of this permission.
  3. The rating level of the noise emitted from Fixed Plant and equipment (mechanical and electrical) located at the site shall not exceed the existing background level at any premises used for residential purposes when measured and corrected in accordance with BS 4142: 2019.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
  4. Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the extraction equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be

	<p>submitted to and approved in writing by the Local Planning Authority prior to its installation, and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.</p> <p>Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities.</p> <p>5. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.</p> <p>Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.</p> <p>6. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have 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.</p> <p>Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage.</p> <p>7. Prior to commencement of development, details of bat and bird mitigation (to include location, position and specification) to be provided as part of the development or within the wider curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be installed within six months of the details being approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of the ecological and biodiversity value of the site.</p> <p>Informative Notes:</p> <ol style="list-style-type: none"> <li>1. Control of Japanese Knotweed.</li> <li>2. Shopfront and Adverts not approved as part of this application.</li> <li>3. Standard bat and bird advisory notes</li> <li>4. Standard Welsh Water informative notes</li> </ol>
<b>8. Risk Implications</b>	
8.1	<b>None</b>

## Planning Report

<b>Application No:</b> C/2022/0347	<b>App Type:</b> RSB
<b>Applicant:</b> Mr Goksel Temel 16 Market Street Ebbw Vale NP23 6HL	<b>Agent:</b> Creation Design Wales Mr. Paul Parsons 88 Bailey Street Brynmawr NP23 4AN
<b>Site Address:</b> 16 Market Street Ebbw Vale	
<b>Development:</b> Replacement shop front and roller shutter, 4 storey rear extension, creation of 5 flats and provision of sun tanning salon at lower ground floor in conjunction with the existing barber shop at ground floor (street level).	
<b>Case Officer:</b>	Jane Engel



SITE LOCATION PLAN 1:500

## 1. Background, Development and Site Context

- 1.1 This application seeks planning permission for a replacement shop front and roller shutter, 4 storey rear extension, creation of 5 flats and provision of sun tanning salon at lower ground floor in conjunction with the existing barber shop at ground floor (street level).
- 1.2 The site consists of a mid-terrace four storey property at 16 Market Street, Ebbw Vale. The site lies within the settlement of Ebbw Vale, within Ebbw Vale Town Centre but outside the primary retail area.



- 1.3 The ground floor is currently occupied as a barbers, the lower ground floor is used as storage and the upper floors are vacant. The proposal includes a four storey extension to the rear to facilitate the provision of a flat to the rear of the barbers shop at ground floor, 2 flats at first floor and another 2 flats on the second floor. It is proposed to use the lower ground floor as a tanning salon.

1.4 Each flat would comprise of an open plan living room and kitchen, separate bedroom and a bathroom. Access to the flats is via an internal staircase accessed from the rear of the property.



Figure 1 Lower Ground and Ground Floor – Proposed Layout



Figure 2 First and Second Floor – Proposed Layout



1.5

It is also proposed to install a new shopfront to the property. The works proposed include a new hardwood framed shop front with powder coated aluminium framed windows, decorative timber mouldings and ceramic finish stall riser. A partially perforated roller shutter would be installed, with the shutter and track hidden behind timber panels and fascia. New sliding sash windows are proposed for the first and second floor.

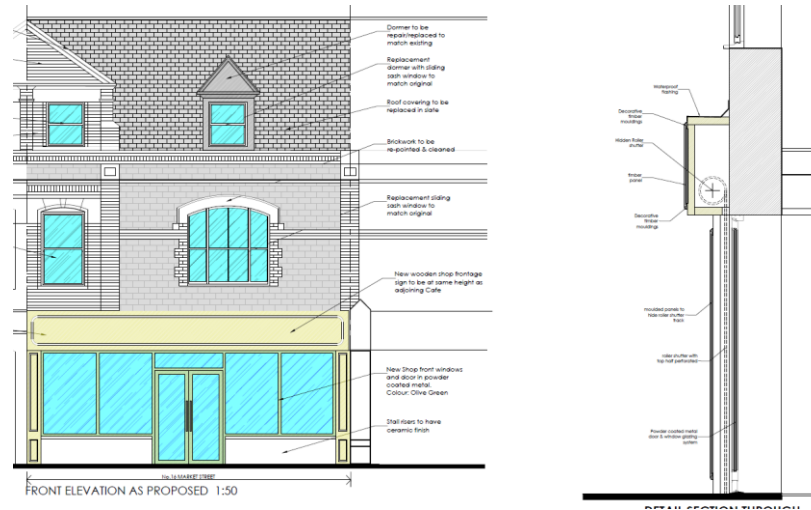


Figure 3 Proposed Front Elevations and Roller Shutter

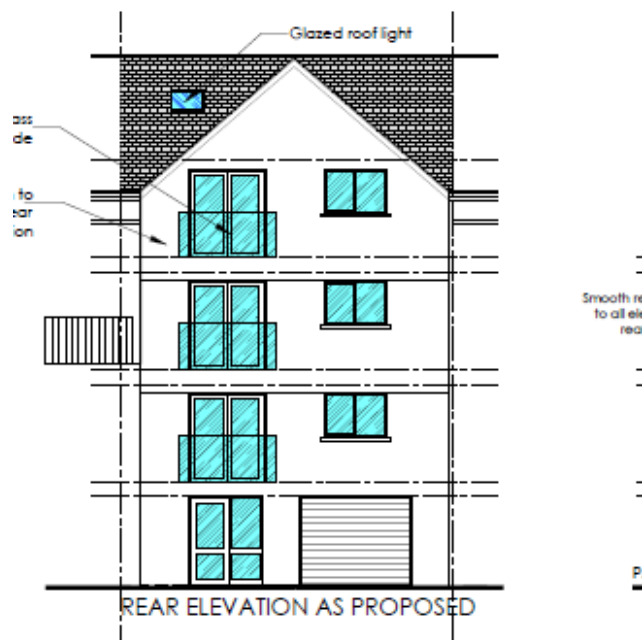


Figure 4 Proposed rear elevations

1.6

The application is being presented to committee as it is contrary to Policy DM5 which states, the change of use of the ground floor units to residential use in the town centre will not be permitted (criterion d).

<b>2. Site History</b>			
	Ref No	Details	Decision
2.1	7591	Proposed rear extension of Retail Premises	Refused 14/3/1991
2.2	9186	Two storey extension	Approved 6/3/91
2.3	C/2015/0014	Extension to rear, conversion of first and second floors to 4 flats and provision of shop premises at lower ground floor	Approved 31/3/2015
2.4	C/2022/0323	Replacement shop front and roller shutter, 4 storey rear extension, conversion of first and second floors into 5 flats and provision of sun tan salon at lower ground floor in conjunction with the existing barber shop at ground floor	Withdrawn

### **3. Consultation and Other Relevant Information**

3.1	<b><u>Internal BG Responses</u></b>
3.1	<b><u>Service Manager Infrastructure:</u></b> Highways: No objections
3.2	<b><u>Welsh Water:</u></b> Request a condition advising the applicant/developer that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
3.3	<b><u>Environmental Health</u></b> Request a condition requiring the submission of a scheme of sound insulation works
3.4	<b><u>Public Consultation:</u></b> <del>Strikethrough to delete as appropriate</del> <ul style="list-style-type: none"> <li>• 8 letters to nearby properties</li> <li>• site notice</li> <li>• website public register of applications</li> <li>• ward members by letter</li> <li>• all members via weekly list of applications received</li> </ul>

<p>3.5</p>	<p>• other</p> <p><u>Response:</u> No responses have been received</p>
<p><b>4. Planning Policy</b></p>	
<p>4.1</p>	<p><u>Team Manager Development Plans:</u></p> <p>The Blaenau Gwent Local Development Plan indicates that the site lies within the settlement boundary (Policy SB1) within which development is normally permitted subject to other policies in the Plan and other material considerations. The property is also located within the boundary of Ebbw Vale Town Centre (Policy SP3) and outside of the Primary Retail Area. There are no further constraints affecting the property according to the Local Development Plan Constraints Map.</p> <p>In terms of the proposed change of use, Policy DM5 Principal and District Town Centre Management states that outside the Primary Retail Area, a diversity of uses are encouraged. Mixed use developments combining retailing with entertainment and leisure uses should be encouraged to promote lively centres as well as reducing the need to travel to visit a range of facilities and therefore the proposal is in keeping with this Policy.</p> <p><u>The Conversion to a Self-Contained Flat at Ground Floor Level</u></p> <p>Criterion d states that within town centres the change of use of the ground floor premises will not be permitted. Part of the proposal is to provide a self-contained flat at ground floor level. Residential development at ground floor level within a town centre is contrary to Policy DM5.</p> <p>However, in this instance there are other material considerations which should be taken into account:</p> <ul style="list-style-type: none"> <li>• The flat does not face onto Market Street and is located to the rear of the property where rear access will also be provided. The proposal therefore does not form part of the town centre street frontage and does not contribute towards the vitality and viability of the town centre.</li> <li>• The town centre boundary was drawn to follow a logical line which includes the rear of the properties.</li> </ul> <p><u>Other issues to be considered:</u></p> <p>Policy SP4 Delivering Quality Housing provides a framework for the delivery of 3,500 new dwellings in Blaenau Gwent over the plan period (criterion 1a). Section 2a states that the LDP will seek to deliver a mix of dwelling types, sizes and tenure in order to meet the demand of Blaenau Gwent's current and</p>

future population. The proposal is for self-contained flats which will contribute to the mix of dwelling types in the County Borough.

Policy SP5 Spatial Distribution of Housing Sites Criterion b is relevant to this proposal as it identifies the anticipated contribution of small sites, windfall developments, conversions and demolitions to the overall housing requirement. When combined with previous completions an allowance of 826 dwellings is made across the county borough. The proposal represents a conversion that would contribute to this housing requirement.

Policy DM1 New Development is a general development management policy that sets out criteria for new development. Criterion 2 b, c, and d will be relevant to the acceptability of this application.

No off street parking has been provided for the proposed residential flats. Criterion 3d requires off street parking, however in this instance, a public car park is located within walking distance and a bike store is to be provided to the rear of the property. Ebbw Vale bus station is also located directly behind the property providing public transport.

Policy DM2 Design and Placemaking is a design policy setting out criteria for development proposals. The most relevant criteria relating to this proposal are: b, d, e, and f.

Planning policy support the proposed change of use to a retail unit. Although the residential development at ground floor is contrary to policy DM5 the case officer should be minded to give weight to the material considerations set out in the response.

The following issues should also be taken into account:

- There would be no unacceptable adverse visual impact on townscape or landscape
- Amenity
- In the case of residential development including extensions and sub-division of dwellings, dwellings must be of appropriate size to provide satisfactory levels of amenity
- They are of good design which reinforces local character and distinctiveness of the area
- For new and replacement shopfronts and signage, they make a positive contribution to the street scene. Roller shutters should be of a lattice or brick bond grille style which allows the shopfront to be seen and is generally less foreboding than a solid metal shutter.

	<ul style="list-style-type: none"> <li>• In the case of the public realm and key locations such as town centres, major routes and junctions, the character and quality of the built form is to a high standard of design</li> </ul> <p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p> <p><u>LDP Policies:</u>          SP3 – The Retail Hierarchy and Vitality and Viability of the Town Centre          SP4 – Delivering Quality Housing          SP5 – Spatial Distribution of Housing Site          SB1 – Settlement Boundaries          DM1 – New Development          DM2 – Design and Placemaking          DM5 – Principal and District Town Centre</p> <p>Supplementary Planning Guidance:          Shopfronts and Advertisements Supplementary Planning Guidance (Adopted November 2015)</p>
<b>5. Planning Assessment</b>	
5.1	<u>Principle of Development</u>
5.2	<p>Future Wales - the National Plan 2040 was published on the 24<sup>th</sup> February, and therefore is relevant to this application as it now forms part of the Development Plan. Policy 1 supports sustainable growth in all parts of Wales. Cardiff, Newport and the Valleys is identified as one of three National Growth Areas where there will be growth in employment and housing opportunities and investment in infrastructure.</p>
5.3	<p>Policy 2 ‘Shaping Urban Growth and Regeneration’ - Strategic Placemaking’ of the Future Wales- The National Plan 2040 states that ‘To create activity throughout the day and enable people to walk and cycle, rather than being reliant on travelling by car, places should have a rich mix of residential, commercial and community uses within close proximity to each other’.</p>
5.4	<p>Policy 6 Town Centre First, states that significant new commercial, retail, education, health, leisure and public service facilities must be located within</p>

	<p>town and city centres. This puts the health and vibrancy of town centres as the starting point of locational decision-making. It also directs facilities and services to where intended users can easily walk, cycle and/or use public transport to access them.</p>
5.5	<p>Planning Policy Wales para 4.3.3 identifies that the planning system must promote viable urban centres as the most sustainable locations to live work, shop, socialise and conduct business. The planning system must sustain and enhance retail and commercial centres vibrancy, viability and attractiveness. Being mindful of the nature of the proposal and its location, the application is considered compliant with the relevant policies of Future Wales and Planning Policy Wales.</p>
5.6	<p>With regard to the Local Development Plan it is noted that the site falls within the defined Settlement Boundary (Policy SB1), is within the boundary of Ebbw Vale Town Centre (Policy SP3) but outside of the Primary Retail Area. Policy DM5 states that outside the Primary Retail Areas, a diversity of uses are encouraged. Mixed use developments combining retailing with entertainment and leisure uses should be encouraged to promote lively centres as well as reducing the need to travel to visit a range of facilities. Given the retention of the commercial unit at ground floor level, the proposal is broadly in keeping with this Policy (with the exception of the residential element at ground floor).</p>
5.7	<p>On the basis of the above, the principle of development is considered broadly acceptable, subject to the application satisfying a number of material considerations which are detailed below.</p>
5.8	<p><u>Proposed change of use</u></p>
5.9	<p>The application site is situated within the settlement boundary and therefore the principle of changing the use to residential would normally be considered acceptable. However, the site is also situated within the boundary of the Ebbw Vale (District) Town Centre where the requirements of LDP Policy DM5 are applicable.</p>
5.10	<p>The proposed change of use of the lower ground floor from storage to a tanning salon accords with policy DM5 of the adopted Local Development Plan which encourages a diversity of uses within the town centre (outside the primary retail area). It is therefore considered that the proposed use is considered acceptable in this location.</p>

5.11	<p>The principal of residential accommodation on the upper floors of properties within the town centre is supported by policy DM5. Such development can provide a useful addition to the residential stock, bring new life to town centres and contribute to the mix of dwelling types within the County Borough, in compliance with LDP Policies SP4 and SP5.</p>
5.12	<p>However, criterion d of Policy DM5 states that the change of use of ground floor units to residential uses will not be permitted. Therefore, the partial change of use of the ground floor as proposed is contrary to this criteria of the policy. However, it is considered that there are other material considerations which should be taken into account when determining this application.</p>
5.13	<p>The proposed flat would not face onto Market Street, but would be located to the rear of the property from where access would also be gained. As the active commercial unit and shopfront will be retained, the residential flat would not form part of the town centre street frontage. Although the town centre boundary was drawn to follow a logical line which includes the rear of the properties, meaning the proposed flat would be therefore be within the town centre, it would not be visible from within the town centre. As such it is considered that it would not have a detrimental impact on the vitality, viability or visual amenity of the town or streetscape.</p>
5.14	<p>As with the flats proposed for the upper floors of the building, it is considered that self-contained flat ground floor unit would contribute to the mix of dwelling types to meet the demand of Blaenau Gwent's current and future population and would bring new life to the town centre in compliance with LDP Policies SP4 and SP5.</p>
5.15	<p>Accordingly, in land use terms whilst the conversion of part of the ground floor is contrary to Policy DM5, for the reasons outlined above there are material planning considerations to justify deviating from the Policy. It is not considered that this development would undermine the implementation of the Local Development Plan.</p>
5.16	<p><u>Design and Amenity</u></p>
5.17	<p>As detailed above, the plans propose the installation of a new shop front, installation of a roller shutter and alterations to the existing upper storey windows.</p>
5.18	<p>The alterations as proposed are considered to be welcome additions to the existing property and will give the appearance of a more traditional shopfront design. It is therefore considered that the replacement shopfront would be a</p>

	<p>betterment to the existing and to the overall street scene and wider townscape in accordance with LDP Policies DM1 and DM2.</p>
5.19	<p>The Shopfronts and Advertisements SPG states that external roller shutters may be considered, depending on the type and location of the building. Solid metal shutters are not acceptable, the housing of any proposed roller shutters must be a minimum 2.1 m above ground level, and that the locking system and guides of the roller shutters must not encroach onto the public highway. External roller shutters that are lattice or brick bond grille style allow the shopfront to be seen and is generally less foreboding than a solid metal shutter and the housing box should be hidden behind the fascia.</p>
5.20	<p>The proposed shutter would be perforated to the top half, the housing would be greater than 2.1 metres above ground level and they would be concealed in timber boxing with decorative mouldings. Given the location and design of the roller shutter, it is considered to comply with the SPG and would not result in a detrimental impact on the character and appearance of the host property or wider streetscene.</p>
5.21	<p>The premise currently has an existing 7.25m deep two storey extension which projects to the rear boundary of the site. The proposed extension will infill the gap remaining at lower ground and ground floor level and provide additional floors at first and second floor level.</p>
5.22	<p>It is acknowledged that the extension is quite large and bigger than what would be allowed on a residential property. However, there are a number of existing extensions of a similar scale within the street and as such I consider the proposal will not be out of keeping with streetscene.</p>
5.23	<p>In terms of amenity, there are flats in the upper floors of the adjoining properties and the extension will undoubtedly have an impact on the outlook from these flats. However, it is noted that the outlook is unimpeded in all other directions and as such the impact on the amenity is not so severe as to justify refusal of the application. I am also mindful that an application for a similar scheme was approved in 2015 (Application C/2015/0014 refers).</p>
5.24	<p>As no windows are proposed in the side elevations of the proposed extension, I am satisfied that no loss of privacy will result.</p>
5.25	<p>Following direct neighbour notification and the erection of a site notice, no public objections or representations have been received.</p>



5.26	Although the proposed flats are quite small in size, varying between 48.5 and 49.5 square metres, given the likely number of occupants, on balance the amenity level are considered acceptable. Whilst there is no outdoor amenity space proposed, this is not unusual for flats within town centres, therefore the proposal is considered acceptable and is in accordance with policies DM1 and DM2.
5.27	<u>Highways</u>
5.28	There is no off street parking proposed for the additional residential flats. Whilst on-street car parking is restricted due to its siting within the town centre and on street parking restrictions, there is a public car park within walking distance of the application site and the site is within a sustainable location.
5.29	Policy 2 ‘Shaping Urban Growth and Regeneration’ - Strategic Placemaking’ of the Future Wales- The National Plan 2040 states that ‘To create activity throughout the day and enable people to walk and cycle, rather than being reliant on travelling by car, places should have a rich mix of residential, commercial and community uses within close proximity to each other’.
5.30	Following consultation, the Council’s Highways Manager has confirmed they have no objection to the proposal and I am satisfied that the proposal is acceptable and there would not have a detrimental impact on highway safety.
5.31	<u>Ecology and Biodiversity</u>
5.32	In accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation and enhancement. No details have been submitted with the application however these details can be secured by condition.
5.33	<u>Conclusion</u>
5.34	In conclusion, the proposed development as set out in my report is considered to be acceptable in compliance with LDP Policies SP3, SB1, DM1, DM2 and the adopted SPGs and is an acceptable departure from the criteria d of Policy DM5. I therefore recommend approval accordingly.
<b>6. Legislative Obligations</b>	
6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of

6.2	<p>sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p> <p>The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.</p>
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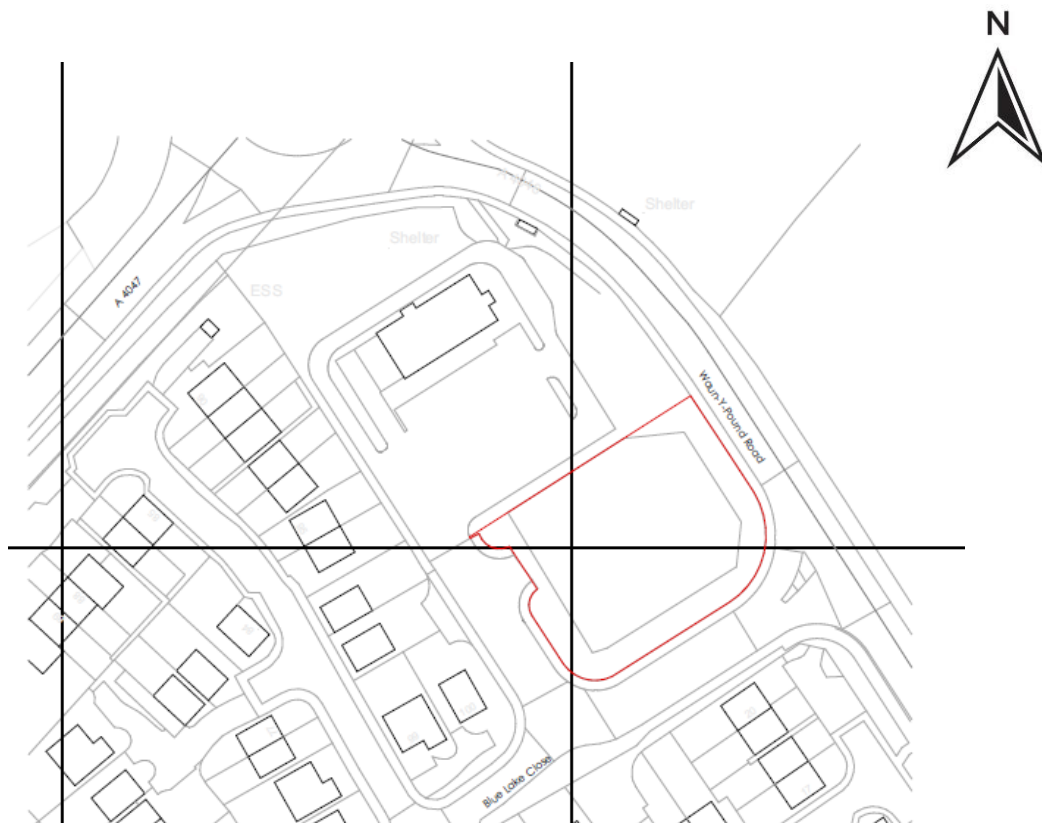
**7. Conclusion and Recommendation**

7.1	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1. The development shall begin not later than five years from the date of this decision notice. Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</li> <li>2. The development shall be completed in full accordance with the following approved plans and documents: <ul style="list-style-type: none"> <li>Plan No 22-099/P/01 Site location plan</li> <li>Plan No 22-099/P/04 Rev B Proposed plan 1</li> <li>Plan No 22-099/P/05 Rev A Proposed plan 2</li> <li>Plan No 22-099/P/06 Rev A Proposed Front Elevation</li> <li>Plan No 22-099/P/07 Proposed elevations</li> <li>Plan No 22-099/P/08 Rev A Proposed site plan</li> </ul> Reason: To clearly define the scope of this permission.</li> <li>3. Prior to the commencement of development a scheme of ecological enhancement shall be submitted for the approval of the Local Planning Authority. Such measures as approved shall be installed within 3 months of the development being brought into beneficial use. Reason: In the interests of the ecological and biodiversity value of the site.</li> <li>4. Prior to the commencement of development a scheme of sound proofing shall be submitted for the approval of the Local Planning Authority. Such details as approved shall be installed prior to the occupation of the flats hereby approved.</li> </ol>
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	<p>Reason: In the interests of residential amenity.</p> <p><u>Informative Advice</u></p> <p>1. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system</p> <p>2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of <a href="http://www.dwrcymru.com">www.dwrcymru.com</a></p> <p>3. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.</p>
<p><b>8. Risk Implications</b></p>	
<p>8.1</p>	<p><b>None</b></p>

## Planning Report

<b>Application No:</b> C/2022/0250	<b>App Type:</b> Full
<b>Applicant:</b> Mr James Marshall Commercial Development Projects Ltd Huddersfield Rd Elland HX5 9BW	<b>Agent:</b> Mr Matthew Gray Montagu Evans LLP 70 St Mary Axe London EC3A 8BE
<b>Site Address:</b> Land adjacent to KFC, Waun-Y-Pound Road, Ebbw Vale, NP23 6LE	
<b>Development:</b> Erection of a drive thru bakery (Class A1/A3 use) and associated development	
<b>Case Officer:</b>	Sophie Godfrey



<b>1. Background, Development and Site Context</b>	
1.1	This application seeks full planning permission for the erection of a drive thru bakery with internal and external seating area (Use Class A1/A3) and other

associated development at land adjacent to KFC, Waun-y-Pound Road, Ebbw Vale.

1.2

At present the site consists of an unused parcel of grassland. KFC drive thru is located to the north, Waun-y-Pound Road to the east, and residential development known as Blue Lake to the south and west. The site is broadly rectangle in shape and measures approximately 0.2ha. The topography of the site is a gentle slope from north-west to south-east. The site is within the settlement of Ebbw Vale, with Ebbw Vale Town Centre approximately 1.42km to the south east. The application site is allocated in the adopted Local Development Plan (LDP) under Policy MU1 for mixed use development as part of the Ebbw Vale Northern Corridor.



Figure 1.1 Existing Site

1.3

The proposal would include the erection of a drive thru bakery, with access gained off Waun-y-Pound Road to the east of the site and then via an internal road to the west. The drive thru would wrap around a centrally positioned building within the application site. The main customer/ pedestrian entrance would be located to the south east of the site through glazed double doors. The drive thru service window would be located to the east of the site.



Figure 1.2 Proposed Site Plan

1.4

The building would be typical of a 'Greggs' building; clad in anthracite grey and cornflower blue feature panels, with the company logo on all elevations (which will require separate Advertisement Consent).



Figure 1.3 Proposed Elevations

<p>1.5</p> <p>1.6</p>	<p>The internal layout would comprise of a kitchen area, toilet facilities and dining area to enable customers to consume food and drink on the property. Further outdoor seating/dining facilities are to be provided to the south/south west of the property. 14no. parking spaces would be provided to the south west of the site, in addition to 1no motorcycle space and a waiting bay to provide a waiting area for 2no. cars.</p> <p>This application is being presented to committee as several objections have been received from neighbouring properties, which raise some concerns that are considered to be of wider public interest.</p>						
<p><b>2. Relevant Site History</b></p>							
	<table border="1"> <thead> <tr> <th data-bbox="225 779 512 864">Ref No</th> <th data-bbox="512 779 1289 864">Details</th> <th data-bbox="1289 779 1540 864">Decision</th> </tr> </thead> <tbody> <tr> <td data-bbox="113 864 225 909">2.1</td> <td colspan="2" data-bbox="225 864 1540 909">None</td> </tr> </tbody> </table>	Ref No	Details	Decision	2.1	None	
Ref No	Details	Decision					
2.1	None						
<p><b>3. Consultation and Other Relevant Information</b></p>							
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p>	<p><b><u>Internal BG Responses</u></b></p> <p><u>Service Manager Infrastructure:</u></p> <p>Highways:</p> <p>Highway observations: The submitted planning application complies with the Council’s ‘Access, Car Parking and Design SPG’, and Policy DM 1 (3 a, b, c &amp; d). There are no objections subject to the following:</p> <ol style="list-style-type: none"> <li>1. The proposed car parking and servicing areas are to be fully constructed prior to the facility becoming operational and retained thereafter.</li> <li>2. Two cycle stands are to be provided. It is stated in the Transport Statement that ‘Sheffield’ cycle stands will be provided for cyclists however no details have been submitted or indicated on the site layout plan. This can be a planning condition.</li> </ol> <p>Drainage: No objections in principle providing it meets all the requirements of the SAB. This development will have to obtain SAB Approval before commencing work on this site.</p> <p>Landscape:</p>						

3.8	No objections in principle. The native hedgerow, flowering lawn and trees go some way to improving biodiversity and connectivity to existing green infrastructure.
3.9	The proposed trees need to be of a more advanced stock, not only for initial impact but also to be robust enough to deter being vandalised/snapped (Minimum 18-20cm girth required).
3.10	Ulmus 'New Horizon' tree planting should be increased by an additional 4 trees at the same spacing distances as the 3 proposed, north-west adjacent proposed hedgerow and ornamental shrub bed.
3.11	Ecology:
3.12	No objection in principle. If the proposal is approved more biodiversity enhancements should be implemented on site to provide net gain.
3.13	<u>Service Manager Public Protection:</u>
3.14	<p>The Noise assessment concludes that the noise levels from the site will be of low impact. However, the following conditions should be added:</p> <ul style="list-style-type: none"> <li>• Plant Noise – 0dBA Above Background</li> <li>• Delivery Times</li> <li>• Fume Extraction</li> <li>• Floodlighting</li> <li>• Standard Land Contamination</li> <li>• Air Quality</li> </ul>
3.15	<b><u>External Consultation Responses</u></b>
3.16	<p><u>Welsh Water:</u> No objection subject to standard informatives and condition regarding the installation of an adequate grease trap.</p>
3.17	<p><u>Western Power:</u> Identified Assets in the vicinity.</p>
3.18	<p><u>W&amp;W Utilities:</u> Identified Assets in the vicinity.</p>
3.19	<p><u>Coal Authority:</u> No objection subject to conditions requiring an intrusive site investigation, associated remedial works where necessary and verification that such works have been carried out.</p>



<p>3.20</p> <p>3.21</p>	<p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"> <li>• 22 letters to nearby houses</li> <li>• 2 site notice(s)</li> <li>• website public register of applications</li> <li>• ward members by letter</li> <li>• all members via weekly list of applications received</li> </ul> <p><b><u>Response:</u></b></p> <p>9 letters have been received from neighbouring properties raising the following concerns:</p> <ul style="list-style-type: none"> <li>• Impact on highway safety due to increased traffic movements around the site and into the access road for the housing estate at Blue Lake Close. Traffic already queues to KFC;</li> <li>• Negative Impact on value and saleability of nearby houses;</li> <li>• Increase in smells;</li> <li>• The proposal will encourage unhealthy eating;</li> <li>• The proposal would be better suited in a different location away from residential areas;</li> <li>• Increase in anti-social behaviour;</li> <li>• Many of the surrounding properties have already seen many rodents in gardens and this will undoubtedly attract more;</li> <li>• There is a significant amount of debris and rubbish, already coming from KFC, including strong smells, let alone having to contend with additional debris, general waste and further cooking smells that a drive through Gregg's will 100% cause;</li> <li>• Negative impact on air quality due to additional idling cars;</li> <li>• Negative impact on Ebbw Vale Town Centre - There is an existing Greggs in the town centre and as a council maintaining the footfall of the town should be a priority. There are cafe facilities at the store and it is busy throughout the day with people queuing at busy times. Do the Council want to jeopardise that business?</li> <li>• When surrounding residents purchased their homes from Lovell, they were advised that KFC would be moving; this did not happen.</li> </ul>
<p><b>4. Planning Policy</b></p>	
<p>4.1</p>	<p>Following initial consultation, Planning Policy were satisfied that the sequential tests had been met. However, further information was required from the</p>

	applicant to demonstrate qualitative need and requested a Retail Impact Assessment to demonstrate compliance with PPW11 and TAN 4.
4.2	Following receipt of additional information, Planning Policy accept that the use is a leisure use which is different in operation and usage to a convenience store in the town centre. The use will primarily attract passing vehicles on the highway network.
4.3	The Council's Retail and Leisure Study identifies capacity for additional leisure spend on a year by year basis up to 2.9% on the basis of a growth in expenditure. The study also identifies a shortfall of existing food and drink facilities within the County Borough.
4.4	The proposed development will positively contribute to closing this shortfall and Planning Policy have <b>no objections</b> to the proposal.
4.5	<u>LDP Policies:</u>
4.6	SP1 – Northern Strategy Area – Sustainable Growth and Regeneration SP3 – The Retail Hierachy and Vitality and Viability of the Town Centre SB1 – Settlement Boundaries DM1 – New Development DM2 – Design and Placemaking DM3 – Infrastructure Provision MU1 – Ebbw Vale Northern Corridor R1 – Retail Allocation
4.7	<u>Supplementary Planning Guidance</u> Access, Car Parking and Design (March 2014) Supplementary Planning Guidance
4.8	<u>PPW &amp; TANs:</u> Future Wales 2040 Planning Policy Wales 11: section 4.3 (February 2021) Technical Advice Note 4: Retail and Commercial Development (November 2016)
4.9	Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was

	<p>adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
<p><b>5. Planning Assessment</b></p>	
<p>5.1</p>	<p>The Blaenau Gwent Local Development Plan (LDP) indicates that the proposed site lies within the settlement boundary (Policy SB1) within which development is generally permitted subject to policies in the Plan and other material considerations. The application site is allocated for mixed use development as part of the MU1 Ebbw Vale Northern Corridor allocation. There are no known constraints as per the Constraints Map.</p>
<p>5.2</p>	<p>Strategic Policy SP1 requires proposals within the ‘Northern Strategy Area’ to deliver sustainable growth and regeneration. This will be achieved by: Supporting the creation of a network of sustainable hubs around the principal hub of Ebbw Vale (criterion a);</p> <ul style="list-style-type: none"> <li>• Promoting Ebbw Vale as the principal hub for Blaenau Gwent, where majority of social and economic growth will be accommodated including major retail expansion...(criterion b); and</li> <li>• Deliver strategic sustainable regeneration flagship schemes at The Works and Ebbw Vale Northern Corridor (criterion c).</li> </ul>
<p>5.3</p>	<p>The application site is allocated for mixed use development. Policy MU1 identifies the Ebbw Vale Northern Corridor for the construction of 805 homes, a commercial leisure hub, road side services, employment, a strategic mixed use employment and a network of green links. An indicative concept plan accompanies the policy and identifies the application site as white land i.e. no specific land use has been identified for the site.</p>
<p>5.4</p>	<p><u>Out of Centre Retail Development</u></p> <p>Future Wales - the National Plan 2040 was published on the 24<sup>th</sup> February 2021, and therefore is relevant to this application as it now forms part of the Development Plan. Welsh Government has adopted a town centre first approach and requires that significant new commercial, retail, education, leisure and public service facilities must be located within town centres. They should have good access by public transport to and from the whole town and, where appropriate the wider region. A sequential approach must be used to inform the identification of the best location for these developments.</p>
<p>5.5</p>	<p>This is further supported by Planning Policy Wales (PPW) 11 para 4.3.2 which identifies that that retail and commercial centres should be identified in</p>

	<p>development plans and include established city, town, district, local, village and neighbourhood centres.</p>
5.6	<p>The LDP does not contain a development management policy that deals specifically with out of centre retail developments, but instead, relies on the requirements set out in national planning policy. PPW and TAN 4 sets out the tests that need to be applied when determining a retail application:</p>
5.7	<p><u>Quantitative Need</u> It is important that communities have access to adequate levels of retail provision. Evidence should demonstrate whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need). PPW is clear that precedence should be given to quantitative need for the proposed development (paragraph 4.3.15).</p>
5.8	<p>As part of the evidence base for the preparation of the replacement LDP (RLDP) the Council commissioned a 'Blaenau Gwent Retail and Leisure Study' (the 'Retail Study' or the 'Study'). The Retail Study was finalised in August 2021 and provides the best available information. Whilst the Study does not form part of the adopted LDP its should be considered as a material planning consideration. The Study concludes that the there is no quantitative retail need for additional food (convenience) and non-food (comparison) retail floor space in the Borough during the plan period 2018-2033, even before an allowance is made for committed retail developments.</p>
5.9	<p>However, the proposal is for a mixed use (A1/A3) which incorporates both an A1 use (bakery) and an A3 use (café). An A3 use is defined as being the sale of food and drinks for consumption on the premises. Inherently, cafes have become places to socialise and as such, the study identifies A3 uses as a leisure use.</p>
5.10	<p>Given the nature of the development, it is considered that the proposal would be classified as a leisure use, rather than solely retail.</p>
5.11	<p>The Study identifies capacity for additional leisure spend on a year by year basis up to 2.9% on the basis of a growth in expenditure. The study also identifies a shortfall of existing food and drink facilities within the County Borough. The proposed development will therefore positively contribute to meeting this shortfall. It is therefore considered the applicant has demonstrated the quantitative need of the development.</p>

5.12	<p>In response to objector comments regarding the loss of business at the town centre Greggs, it is considered that the proposal would be different in operation and customer draw relative to a store in the town centre. The existing Greggs located within the Town Centre would primarily attract footfall from people already within the town for shopping/work purposes whilst the proposed new unit with drive-thru will primarily attract passing vehicles on the highway network. It may also draw customers from a wider area, such as those travelling along the A465 who otherwise would by-pass the area. The impact upon the existing Greggs stores is also discussed in turn under Retail Impact Assessment.</p>
5.13	<p><u>Qualitative Need</u></p>
5.14	<p>Qualitative need identifies if there is a lack of retail quality, range of goods or accessibility.</p>
5.15	<p>Proposals based on this approach should be closely scrutinised to ensure that their development does not have unintended consequences and detrimental impact on existing retail activity within retail and commercial centres (Technical Advice Note 4, paragraph 6.6). PPW sets out a number of criteria which should be considered as part of a qualitative assessment and TAN 4 indicates that a combination of these criteria will need to be met in order to justify new retail development:</p>
5.16	<ul style="list-style-type: none"> <li>• support the objectives and retail strategy of an adopted development plan or the policies in this guidance</li> </ul>
5.17	<ul style="list-style-type: none"> <li>• are highly accessible by walking, cycling or public transport and/or contributes to a substantial reduction in, or alleviation of, car journeys, traffic congestion or over-trading</li> </ul>
5.18	<ul style="list-style-type: none"> <li>• contribute to the co-location of facilities in retail and commercial centres identified in the retail hierarchy; and/or significantly contributes to the vibrancy, attractiveness and viability of such a centre.</li> </ul>
5.19	<ul style="list-style-type: none"> <li>• address locally defined deficiencies and alleviates a lack of convenience provision in a disadvantaged area.</li> </ul>
5.20	<p>It is not considered that the above points can be applied to the proposed development as the site is in an out of centre location and proposes a drive thru which is therefore car dependent.</p>
5.21	<p>However, TAN 4 recognises that regeneration and additional employment benefits may be a material consideration in making a decision on a planning application such as this. This has been raised as a consideration in the applicants supporting statement, with confirmation that the development will create 15-20 jobs.</p>

<p>5.22</p>	<p><u>The Sequential Test</u>          PPW 11 (February 2021) outlines The Welsh Government operates a ‘town centres first’ policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres. If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered.</p>
<p>5.23</p>	<p>It is noted that a sequential test has been completed for both Ebbw Vale and Tredegar Town Centres. The Test concluded that there were no available sites that would offer the floor space required for the development, therefore there were no suitable, available and viable alternatives to the Site. Planning Policy agree with the findings in respect of the existing development opportunities in Tredegar Town Centre and Ebbw Vale.</p>
<p>5.24</p>	<p><u>Retail Impact Assessment</u>          The national requirement for impact assessments to be undertaken for proposed retail uses as set by PPW is 2,500 sq. m. The proposed leisure use sits at just 6.6% of the threshold. Notwithstanding this, an assessment of Retail Impact is provided in the Planning and Retail Statement which supported the Application.</p>
<p>5.25</p>	<p>The applicant undertook a Retail Impact Assessment which concluded that any impact from the proposal would be limited to bakeries, predominantly the existing Greggs located in the town centres of Ebbw Vale and Tredegar. However, as the main trade of the proposed unit would be passing motorists, the impact on the existing shops is considered to be minimal. The assessment concludes the new unit can operate in addition to existing stores without a detrimental impact upon their operation and the existing Ebbw Vale and Tredegar stores will remain in open. Planning Policy have confirmed they are satisfied with this conclusion.</p>

5.26	Having considered all of the above, Planning Policy have confirmed they have no objection in terms of land use. I concur with this view and consider that the proposal in land use terms is acceptable and compliant with local and national planning policy and will not result in an unacceptable detrimental impact on Ebbw Vale or Tredegar town centres.
5.27	<p><u>Layout, Scale, Design</u></p> <p>In terms of layout and scale, the proposal is considered to be of a suitable scale, with adequate space to allow for planting and landscaping. The building is positioned towards the north east of the site, away from the residential dwellings at Blue Lake Close which is welcomed. The drive thru service window would be located to the eastern elevation of the building facing Waun-y-Pound, creating an active frontage facing the public highway.</p>
5.28	<p>In terms of design, the proposal is typical of a drive thru restaurant, clad in anthracite grey and cornflower blue panels, with the company logo on all elevations (which will require separate Advertisement Consent). In addition, there is a planting/hedgerow scheme proposed around all boundaries of the site. Given the presence of the existing KFC drive thru to the north of the site, it is considered the proposal is acceptable in terms of layout, scale and design and would not have a detrimental impact upon the visual amenity of the surrounding area and wider landscape.</p> <p><u>Amenity</u></p>
5.29	The nearest residential dwellings would be located approximately 21 metres away to the south and west of the site. Given the separation distance and as the proposal would be single storey in height, it is not considered that there would be a loss of privacy, loss of light or overbearing impact on any neighbouring residential property.
5.30	It is acknowledged that eating establishments have the potential for smells and noise which can impact on neighbouring properties. However, a Noise Impact Assessment has been submitted with the application which concludes that noise from the site will be of a low impact. The Council's Environmental Health Officer has confirmed he has no objections subject to conditions including a condition that restricts noise levels. I am therefore satisfied that the imposition of such conditions will ensure noise levels can be adequately controlled.
5.31	The Planning Statement and Application Form submitted with this application states the site is required to operate 24 hours a day in accordance with other Greggs Drive Thru. Given the location of the site in close proximity to residential properties, I have concerns that there would be a detrimental impact upon neighbouring amenity in terms of noise and disturbance from

	<p>customers and deliveries entering the site should it operate on a 24-hour basis. Therefore, in order to protect neighbouring amenity, conditions will be attached restricting delivery times and customer opening times between the hours of 07:00 to 22:00. The applicant is in agreement for such conditions to be attached to any subsequent permission.</p>
5.32	<p>No details have been provided in regards to extraction equipment from the food preparation areas. To ensure there is not a detrimental impact in terms of smell pollution, the Environmental Health Officer has requested a condition requiring details of fume extraction together with a condition for details of a lighting scheme to ensure no light pollution would be experienced by nearby residential properties. These conditions are considered to be necessary to protect amenity of neighbouring properties.</p>
5.33	<p>Concerns from residents regarding increased levels of rubbish and rodents in the area are noted. The Council's Environmental Health Section has appropriate powers to deal with noise, pest and odour nuisance complaints. Nevertheless, a condition requiring adequate waste facilities to be provided on site can be imposed.</p>
5.34	<p>In terms of impact upon the existing cemetery to the south, it is noted that the site is in excess of 90m away with residential properties and the access road separating the land uses. It is therefore considered that the development would have a negligible impact upon the cemetery.</p>
	<p><u>Air Quality</u></p>
5.35	<p>It is noted concerns have been raised by neighbouring properties in regards to the impact on air quality from increased traffic movements and cars idling at the site. An Air Quality Assessment has been submitted in support of the application. The report states that the impact on air quality at existing receptor locations will be negligible and the pollutant concentrations will remain below the appropriate air quality standards. The Council's Environmental Health Officer has reviewed the information and confirms he has no objections in terms of impact on air quality.</p>
	<p><u>Highways</u></p>
5.36	<p>Access to the site would utilise the existing access that is used by the residential development at Blue Lake Close and the existing KFC unit. The drive thru would wrap around the building, with 14no. parking spaces provided to the south west of the site, in addition to 1no motorcycle space and a waiting bay to provide a waiting area for 2no. cars.</p>
5.37	<p>The submitted Transport Assessment has been completed by an independent consultant which has concluded that:</p>



5.38	<ul style="list-style-type: none"> <li>• A swept-path analysis has been undertaken for a 7.5 tonne Box Van which demonstrates that the required delivery vehicles will be able to safely manoeuvre within the proposed development site.</li> </ul>
5.39	<ul style="list-style-type: none"> <li>• The highway accident data has been reviewed for the most recently available three-year road safety record for the area surrounding the site. The data does not demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals.</li> </ul>
5.40	<ul style="list-style-type: none"> <li>• The accessibility of the site for non-car modes of travel has been assessed. It is considered that the site is located to allow for some journeys by sustainable modes for both customers and staff.</li> </ul>
5.41	<ul style="list-style-type: none"> <li>• The trip generation assessment shows that the proposed drive-thru food-to-go unit would generate a maximum of 72 trips during the peak-hour periods. However, as the proposed development is located to draw a large proportion of trade from passing vehicle traffic on the surrounding highway network, the proposals are likely to generate a relatively low level of ‘new’ or ‘primary’ vehicular trips.</li> </ul>
5.42	<p>The Council’s Highways Manager has confirmed that the planning application complies with the Council’s ‘Access, Car Parking and Design SPG’, and Policy DM 1 (3 a, b, c &amp; d). There are no objections subject to conditions requiring the parking and servicing areas to be fully constructed prior to development and details of cycle stands to be provided.</p>
5.43	<p>I appreciate the concerns raised by local residents with regards to the impact on highway safety and air quality through increased traffic visiting and idling at the application site. However as outlined above, the Council’s Highways Manager has confirmed there no objections to the proposal and it is in accordance with the relevant LDP policies and SPG. There is sufficient parking proposed at the site and as the drive thru wraps around the building and there is a waiting area proposed for customers using the drive thru, it is not considered it would result in increased congestion on the access road and junction leading off Waun-y-Pound Road. The submitted Transport Assessment further states that it is likely a large number of customers would be passing trade so the proposals are likely to generate a relatively low level of ‘new’ or ‘primary’ vehicular trips.</p>
5.44	<p>Having taken the above into consideration, subject to conditions suggested by the Highways Manager, I am satisfied that the access, parking and servicing provisions, are acceptable and the development complies with LDP Policy DM 1 (3 a, b, c, d &amp; e).</p>

<p>5.45</p>	<p><u>Drainage</u>                  Since 7<sup>th</sup> January 2019 any development proposals that have a hard surface area exceeding 100m<sup>2</sup> require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly will require approval of Sustainable Drainage Systems (SuDS). The Council's Drainage Manager has confirmed he has no objections in principle to this application providing it meets all the requirements of the SAB. An informative note will be added to ensure the developer is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.</p>
<p>5.46</p>	<p><u>Ground Conditions</u>                  The site is located within a development high risk area as defined by the Coal Authority and as such a Coal Mining Risk Assessment has been submitted. The Coal Authority has been consulted on the application and confirmed they have no objections to the proposal subject to conditions requiring the intrusive site investigation and verification report being submitted.</p>
<p>5.47</p>	<p>In respect of contamination, the Council's Environmental Health Officer has confirmed the site is approximately 300m away from a closed former domestic refuse landfill site and is adjacent to an industrial estate where there have been historical solvent spillages/ incidents on the industrial estate. The site is also approximately within 25m of a residential estate. They do not object to the proposed development but advise that the standard land contamination condition and air quality condition are imposed.</p>
<p>5.48</p>	<p><u>Landscape &amp; Ecology</u>                  The applicant has submitted a detailed soft landscape plan and Landscape Design Statement, Specification &amp; Management Plan with the application. The Council's Landscape Officer has confirmed they have no objection to the proposal subject to conditions requiring more advanced tree stock to be planted and an increase in the number of trees. Conditions would therefore be imposed.</p>
<p>5.49</p>	<p>In line with WG guidance and for compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policies DM1, SP10 and SP14 each application for planning permission must now propose ecological and biodiversity mitigation and enhancement. The Council's Ecologist was consulted on the application and confirmed whilst in principle they have no objection to the development biodiversity enhancements should be implemented on site to provide net gain. An appropriately worded condition will ensure this is achieved.</p>

5.50	<u>Other matters:</u>
	Other concerns raised such as the relocation of KFC, increase in anti-social behaviour, unhealthy eating and the negative impact on value and saleability of nearby houses are not material planning considerations.
5.51	In conclusion, whilst the development is out-of-centre it is considered to be a leisure use and would not have a detrimental impact upon the town centres of Ebbw Vale or Tredegar. Inherently, as a drive thru it will attract vehicular traffic. However, it has been demonstrated that a large proportion of trade will be from passing vehicular traffic on the surrounding highway network rather than ‘new’ or ‘primary’ vehicular trips. It is also worth noting that the ‘eat in’ restaurant element would serve the recently constructed residential developments at both Blue Lake Close and Carn-y-Cefn (old college site), both of which are within walking distance to the site.
5.52	On balance it is considered that the erection of a drive thru bakery (Use Class A1/A3) and other associated development is considered to be acceptable in compliance with LDP Policies SP1, SP3, SB1, DM1, DM2, DM3, MU1 and R1 and the adopted SPGs. I therefore recommend approval accordingly.

**6. Legislative Obligations**

6.1	The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
6.2	The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

**7. Conclusion and Recommendation**

7.1	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <ol style="list-style-type: none"> <li>1. Standard time condition</li> <li>2. Condition listing approved plans and documents.</li> <li>3. Condition that surface water drainage not approved.</li> <li>4. Condition requiring intrusive site investigation and any remediation to be carried out with a verification report submitted prior to occupation of the building.</li> </ol>
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	<ol style="list-style-type: none"> <li>5. Standard condition in the event of unforeseen contamination.</li> <li>6. No surface water to drain directly or indirectly to public sewerage system.</li> <li>7. Condition limiting noise levels from plant equipment</li> <li>8. Submission of details and installation of fume extraction</li> <li>9. Details of grease trap as requested by Welsh Water</li> <li>10. Submission of details of floodlighting prior to installation</li> <li>11. Condition restricting delivery hours (no deliveries between 22:00 and 07:00 on any day.</li> <li>12. Condition restricting opening hours (The property shall not be open to customers outside the following times: 07:00 to 22:00 Mondays to Sundays inclusive).</li> <li>13. Condition requiring car parking and servicing areas to be fully constructed prior to the facility becoming operational and retained thereafter.</li> <li>14. Condition requiring details and installation of bicycle stands</li> <li>15. Condition requiring adequate litter bins provided on site</li> <li>16. Details of biodiversity and ecological mitigation</li> <li>17. Condition requiring further landscape details</li> </ol> <p>Informatives:</p> <ol style="list-style-type: none"> <li>1. Requirements of SAB</li> <li>2. Applicant will need to apply for Advertisement Consent separately</li> <li>3. Dwr Cymru Welsh Water information</li> <li>4. Wildlife legislation obligations</li> </ol>
<b>8. Risk Implications</b>	
8.1	None

## Planning Report

<b>Application No:</b> C/2022/0332	<b>App Type:</b> Full
<b>Applicant:</b> Pauline Moody Brookfield Hawthorn Road Ebbw Vale NP23 5HS	<b>Agent:</b> Pauline Moody Brookfield Hawthorn Road Beaufort Ebbw Vale NP23 5HS
<b>Site Address:</b> Brookfield Hawthorn Road Beaufort Ebbw Vale NP23 5HS	
<b>Development:</b> Retention of change of use of land to incorporate it as residential curtilage including boundary treatments.	
<b>Case Officer:</b>	<b>Sophie Godfrey</b>



SITE LOCATION PLAN 1:500

## 1. Background, Development and Site Context

- 1.1 This application relates to a detached dwelling known as 'Brookfield' located at Hawthorn Road, Beaufort.
- 1.2 The application site is surrounded by residential dwellings to the north, south and west. To the east is the Mynydd Carn-y-Cefn and Cefn yr Arail Special Landscape Area (SLA).
- 1.3 The existing dwelling and original rear garden lie within the settlement boundary as defined by the Adopted Local Development Plan (LDP) and outside the SLA. The extended area of garden lies outside of the settlement boundary in 'open countryside' and within the SLA.

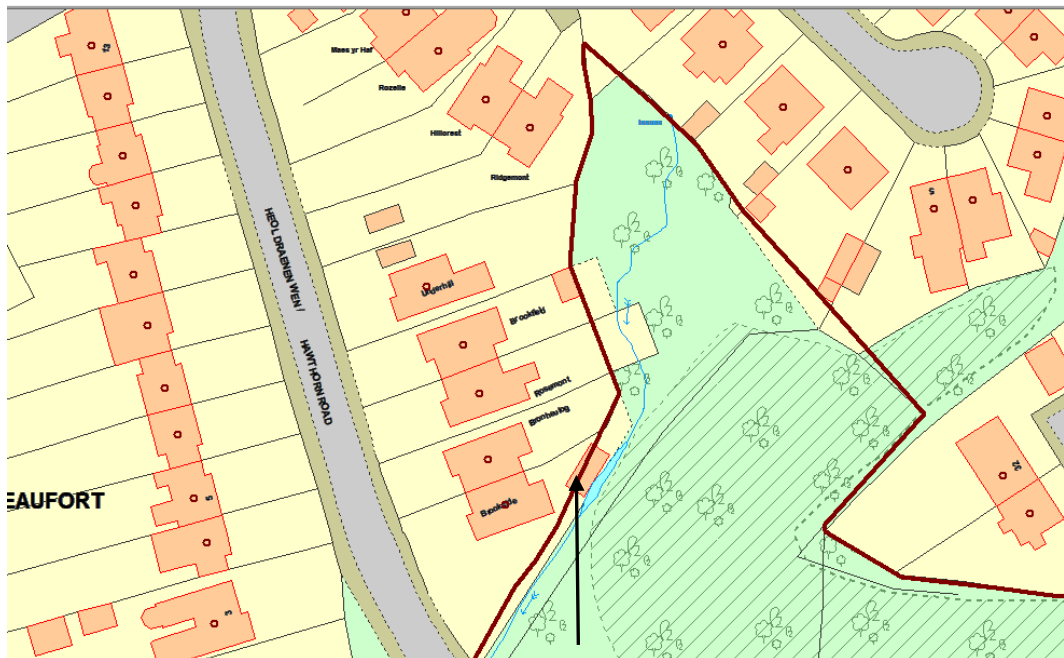


Figure 1 – Red line shows settlement boundary

- 1.4 Following a site visit from the Enforcement Officer it was established that the original rear garden of the site had been extended. As this extension changed the use of the land to residential amenity space, planning permission is required for the works.
- 1.5 This application now seeks planning permission for the retention of the change of use of the land to incorporate it as part of the residential curtilage of Brookfield and associated boundary treatments.

1.6 The extended parcel of residential curtilage is found to the east of the existing site, and measures a maximum of 7.2 metres in depth and 9 metres in width (a total area of 51.2sq metres).

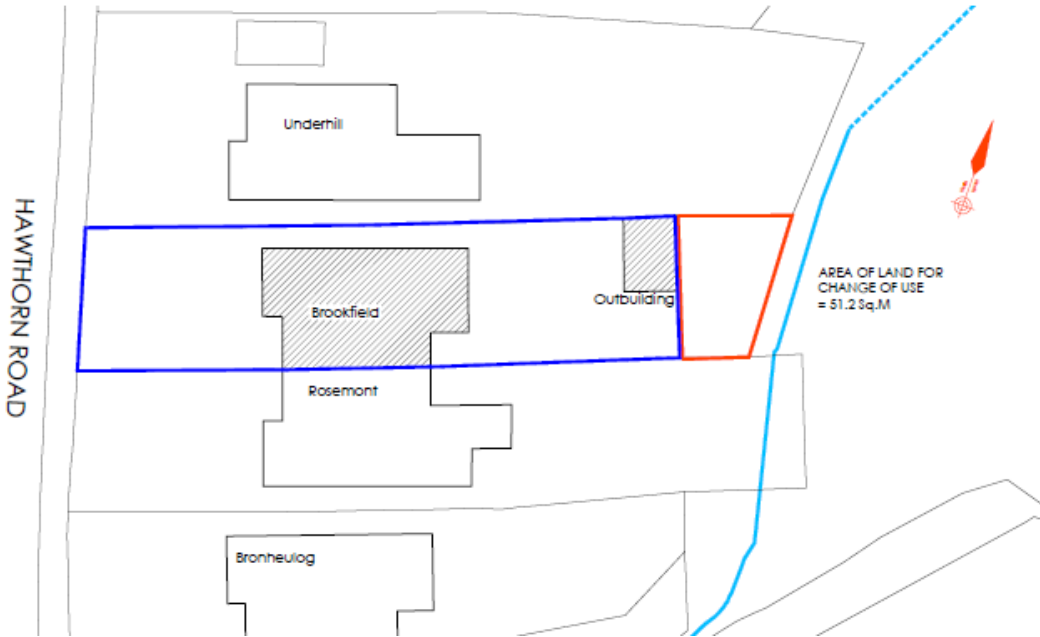
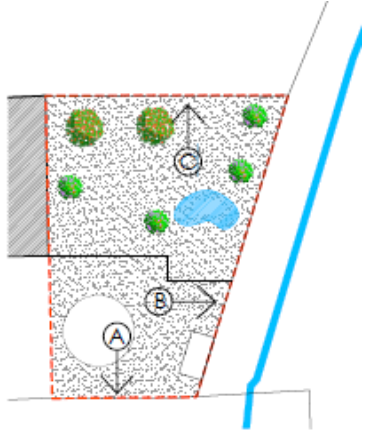
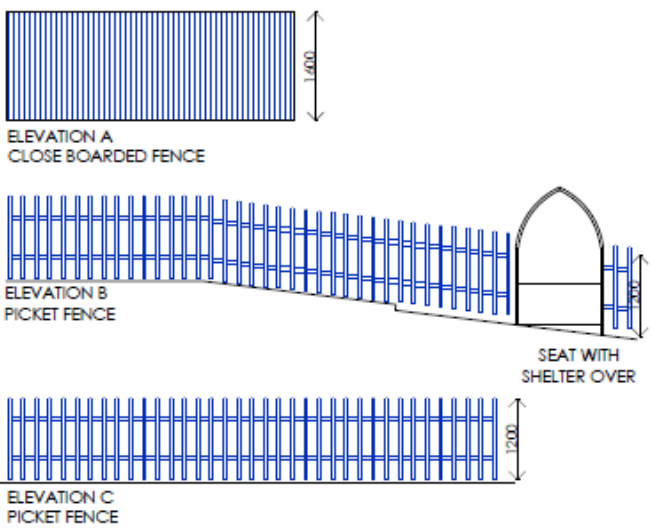


Figure 1.2 Red outline shows area of extended residential curtilage

1.7 The boundary treatments consist of 1.2 metre high picket fences to the north and east boundaries and a 1.6 metre high close boarded fence to the southern boundary.



LEGEND PLAN 1:100

BOUNDARY TREATMENT ELEVATIONS 1:50

Figure 1.3 Boundary treatments

1.8 The extended area of residential curtilage comprises of a paved area, sheltered seat and pond.

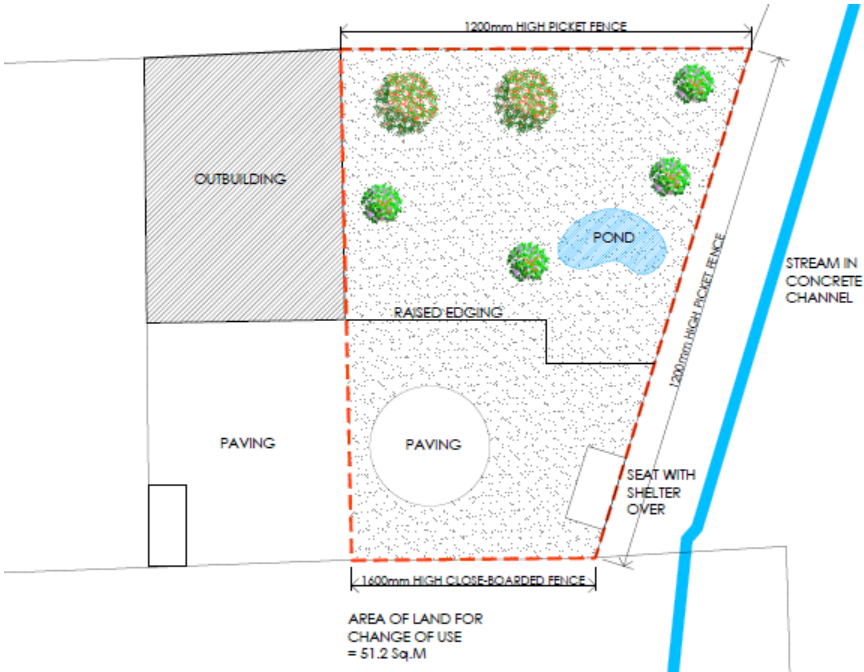


Figure 1.4 Site Plan





Figure 1.5 Photo of extended area of residential curtilage

## 2. Site History

None.

## 3. Consultation and Other Relevant Information

### 3.1 Internal BG Responses

#### Service Manager Infrastructure:

### 3.2 Landscape:

The proposal has no unacceptable adverse visual impact upon the landscape', and includes indications of soft landscaping and a pond which will provide connectivity to adjacent green infrastructure with additional benefits to biodiversity.

### 3.3 Ecology:

The proposal has no foreseen impact on the ecology of the site as the conversion to a garden has already occurred. It is council's duty under the Environment (Wales) Act 2016 to seek to 'maintain and enhance' biodiversity and also seek to 'promote the resilience of ecosystems. 'To comply with this we recommend that any future garden work that occurs ensures consideration for wildlife. Any planting should be comprised of native species.

### 3.4 Estates:

<p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p>	<p>No observations from estates as land is private and in unknown ownership</p> <p><b><u>External Consultation Responses</u></b></p> <p>Welsh Water: No objection.</p> <p>Coal Authority: No objection.</p> <p><b><u>Public Consultation:</u></b></p> <ul style="list-style-type: none"> <li>• 2 letters to nearby houses</li> <li>• 1 site notice</li> <li>• 1 press notice</li> <li>• website public register of applications</li> <li>• ward members by letter</li> <li>• all members via weekly list of applications received</li> </ul> <p>Response: No responses received.</p>
<p><b>4. Planning Policy</b></p>	
<p>4.1</p>	<p><b><u>Team Manager Development Plans:</u></b></p> <p>Although the proposal is strictly contrary to policy SB1, planning policy consider that the fact that there is no built development proposed, just a pond and other garden features is a key consideration. The special landscape area evidence refers to the need to conserve the open character of the area. The development has achieved this (as shown in the retrospective photos). Planning Policy also consider that the development has met policy ENV2 and conformed to high standards of design. Therefore, planning policy consider that the above considerations should be taken into account by the case officer in the determination of the planning application.</p> <p><b><u>LDP Policies:</u></b>          ENV2 – Special Landscape Areas          DM1 – New Development          DM2 – Design and Placemaking          DM15 – Protection and Enhancement of Green Infrastructure          DM16 – Trees, Woodlands and Hedgerow Protection          SB1 – Settlement Boundaries</p>

	<p><b>PPW &amp; TANs:</b>          Planning Policy Wales (PPW) (Edition 11)          Future Wales: The National Development Plan for Wales 2040 (February 2021)</p> <p>Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
<b>5. Planning Assessment</b>	
5.1	<u>Principle of Development</u>
5.2	<p>Future Wales - the National Plan 2040 was published on the 24th February, and therefore is relevant to this application as it now forms part of the Development Plan. The specific purpose of Future Wales is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies. The relevant policies in relation to this development are Policies 1 and 2. Policy 1 promotes continued growth and regeneration in the area. Policy 2 supports a rich mix of residential, commercial and community uses within close proximity to each other and to create activity throughout the day to enable people to walk and cycle rather than being reliant on travelling by car. Being mindful of the nature of the proposal and its location, the application is considered compliant with these policies.</p>
5.3	<p>With regards to the Blaenau Gwent County Borough Council Local Development Plan (LDP), the original dwelling and rear garden sit inside the settlement boundary as defined by Policy SB1 However the parcel of land that forms the extended residential curtilage, that is the subject of this application, falls outside the settlement boundary. The extended area also falls within the Mynydd Carn-y-Cefn and Cefn yr Arail Special Landscape Area (SLA).</p>
5.4	<p>Settlement boundaries are a key mechanism for helping deliver the LDPs objective of maximising the use of land. They define the area within which development will normally be permitted subject to other policies in the Plan and material considerations. The other aim of the policy is to prevent inappropriate development in the countryside. The Plan relies heavily on national guidance set out in Planning Policy Wales (PPW) (Edition 11) to control any development outside of the settlement boundary. National policy</p>

	<p>is clear that there needs to be strict controls on development in the open countryside. Paragraph 3.60 of PPW states that: <i>"Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation."</i></p>
<p>5.5</p>	<p>Policy ENV2 states that development within special landscape areas will be expected to conform the highest standards of design, siting, layout and materials appropriate to the area. This is supported in PPW 11 (paragraph 3.60) which states that all new development should be of scale and design that respects the character of the surrounding area. Evidence to support the designation of the Mynydd Carn-y-Cefn and Cefn yr Arail SLA was prepared by Bronwen Thomas in a report entitled Proposals for Designation of Special Landscape areas in Blaenau Gwent. The site is within the north slopes of the Mynydd Carn y Cefn and Cefn yr Arail SLA where low values are recorded in LANDMAP. The primary landscape qualities and features in the North Slopes area area: Areas of 'patches' (early opencast workings) of historic value; and Backdrop to Ebbw Vale and Brynmawr, Key policies and management for the North Slopes section of the SLA identified are to conserve areas of patches and tips for historic value; and conserve the open character of the area.</p>
<p>5.6</p>	<p>Although the proposal is strictly contrary to policy SB1, Planning Policy consider that the fact that there is no built development proposed, just a pond and other garden features, is a key consideration. The special landscape area evidence refers to the need to conserve the open character of the area. The development has achieved this (as shown in the retrospective photos and submitted plans). Planning Policy also consider that the development has met policy ENV2 and conforms to high standards of design. Therefore, Planning Policy consider that the above considerations should be taken into account in the determination of the planning application. It is therefore considered to be in accordance with local and national policy.</p>
<p>5.7</p>	<p><u>Landscape</u></p>
<p>5.8</p>	<p>The site is located within an area designated in the LDP as a Special Landscape Area. Whilst LDP Policy ENV2 does not prevent development in these areas it does require development to 'conform to the highest standards of design, siting, layout and materials appropriate to the character of the area'. The Landscape Officer has been consulted on this application and confirmed that the proposal has no unacceptable adverse visual impact upon the landscape on the basis that it includes indications of soft landscaping and a pond which will provide connectivity to adjacent green infrastructure with</p>

	additional benefits to biodiversity. I am therefore satisfied the development has due regard to Policy ENV2.
5.9	<u>Ecology</u>
5.10	The Council's Ecology Officer has also been consulted on the application and confirmed the proposal has no foreseen impact on the ecology of the site as the conversion to a garden has already occurred. It is council's duty under the Environment (Wales) Act 2016 to seek to 'maintain and enhance' biodiversity and also seek to 'promote the resilience of ecosystems.' To comply with this, the Ecologist recommends that any future garden work ensures consideration for wildlife with any planting being comprised of native species.
5.11	<u>Amenity</u>
5.12	I consider the impact of the development upon neighbouring amenity will be negligible. The retention of the change of use of land to incorporate into residential curtilage is located to the end of the rear garden, and is not in close proximity to any neighbouring residential dwelling. The boundary fences are quite limited in height at 1.2m and 1.6m and as there are no permanent structures or outbuildings located on the extended area of garden it is not considered that there would be a detrimental impact on neighbouring amenity as a result of an unacceptable level of overshadowing, loss of light or overbearing impact.
5.13	Due to its location, the development is not visible from the streetscene or wider area. It is noted that there is no built development just a pond and other garden features which maintain the open character of the area. It is however considered pertinent to impose conditions onto the permission to remove permitted development rights, to prevent the erection of outbuildings etc. on the site which would have a detrimental impact on the openness of the area. Subject to these conditions, the development is considered to accord with LDP policies DM1 and DM2.
5.14	<u>Conclusion</u>
5.15	I acknowledge that the development to extend the residential curtilage of the property is a departure from policy SB1 of the LDP (and has been advertised as such). However, on balance, having considered the above, I am satisfied that the development is acceptable subject to conditions and accords with LDP Policies DM1, DM2 and ENV2. The retention of the change of use of land to incorporate it as residential curtilage including boundary treatments would not have a detrimental impact on neighbouring amenity, on the visual amenity of

	<p>the streetscene or wider SLA or countryside. I therefore recommend approval accordingly.</p>
<p><b>6. Legislative Obligations</b></p>	
<p>6.1</p>	<p>The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.</p>
<p>6.2</p>	<p>The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.</p>
<p><b>7. Conclusion and Recommendation</b></p>	
<p>7.1</p>	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <p>1. The development shall be completed in full accordance with the following approved plans and documents:</p> <ul style="list-style-type: none"> <li>• Site Location Plan – Drawing No. 22-126/P/01 recorded received 23<sup>rd</sup> November 2022;</li> <li>• Block Plan – Drawing No. 22-126/P/02 recorded received 23<sup>rd</sup> November 2022;</li> <li>• Site Plan – Drawing No. 22-126/P/03 recorded received 23<sup>rd</sup> November 2022;</li> <li>• Boundary Treatment Elevations – Drawing No. 22-126/P/04 recorded received 28<sup>th</sup> November 2022;</li> </ul> <p>Reason: To clearly define the scope of this permission.</p> <p>2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification), no garages or other outbuildings shall be erected other than those expressly authorised by this permission.</p> <p>Reason: In view of the restricted nature of the site and the need to retain effective planning control of the site in the interests of amenity.</p>

	<p>3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking or re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected.</p> <p>Reason: In view of the restricted nature of the site and the need to retain effective planning control of the site in the interests of amenity.</p>
<b>8. Risk Implications</b>	
8.1	None.

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**BLAENAU GWENT COUNTY BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**The Developments of National Significance  
(Wales) Regulations 2016**

**LOCAL IMPACT REPORT**

Application by: Pennant Walters Ltd via David Kenyon, Wood Group UK

Site: Approximately 500m west of Abertillery and accessed via a forestry haul road off the A4046 Aberbeeg Road.BG: CON/2022/0004

Planning Inspectorate Reference: DNS/3270299

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<b>1.0</b>	<b>INTRODUCTION</b>
1.1	This Local Impact Report (LIR) has been prepared to meet the requirements of Section 62K of the 1990 Act, and Regulation 25 of the Developments of National Significance (Procedure) (Wales) Order 2016. The LIR has been prepared to inform the Planning Inspectorate of the likely impact of the proposed development on the area. The report is based on existing local knowledge and evidence of local issues.
1.2	In accordance with Section 62K the LIR will set out at a minimum: - <ul style="list-style-type: none"><li>• Planning history of the site</li><li>• Local designations relevant to the site / surroundings</li><li>• Any relevant local planning policies, guidance or other documents</li><li>• Evidence of the Publicity undertaken by the LPA in accordance with the Procedure Order, i.e. a copy of the Site Notice, a photograph of the Site Notice on display and a map showing the location of the Site Notice.</li><li>• The likely impact of the development on the area</li><li>• Secondary consent requirements</li><li>• Draft conditions or obligations which the LPA considers necessary for mitigating any likely impacts of the development</li></ul>
1.3	This LIR is reliant upon information available within the submitted documents and prior knowledge of the site, and has regard to the relevant procedural guidance contained at Appendix 5 of the Welsh Government's 'Guidance on Developments of National Significance'.
1.4	The LIR is a factual document that should not weigh evidence or make recommendations. Accordingly, this LIR will not qualify impacts other than stating whether impacts are anticipated to be positive, negative or neutral, since to do otherwise would be to apply weighting which is expressly excluded in the relevant advice.
<b>2.0</b>	<b>SITE AND SURROUNDINGS</b>
2.1	The application site lies wholly within the administrative area of Blaenau Gwent County Borough Council (BGCBC). The eastern boundary of the site is located approximately 500m from the western side of Abertillery with the site separated from the town boundary by a 200-300m buffer of mature trees. The village of Cwm is located approximately 700m to

	<p>the north-west. The closest point of Marine Industrial Estate, is set approximately 150m lower than the site.</p>
2.2	<p>The site encompasses an area approximately 208 hectares (ha), comprising a mix of semi-improved and improved grass land which forms the southern end of a forked upland ridge between the Ebbw Fawr valley and the Ebbw Fach valley. The land-use of the more elevated section to the north is mainly unimproved upland moorland with an absence of field boundaries and a substantial area that is used for motorbike scrambling. The more southerly and westerly parts of the site are characterised by improved and semi-improved grazing land with distinctive angular shaped field patterns defined by a combination of stone walls, post and wire fencing and isolated lengths of beech hedgerow. The steeper valley sides are mainly used for commercial woodland, which is a mixture of coniferous and broadleaved species.</p>
2.3	<p>The site is split by an area of coniferous plantation woodland on the western slopes, a forestry haul road and the operational Hafod Y Dafal solar farm which extends to 28.6 hectares. The site is accessed via the forestry haul road which connects with the A4046 Aberbeeg Road to the west. Hafod Y Dafal farm house and buildings are located centrally within the western spur with Arail Farmhouse and outbuildings located to the south of the eastern spur.</p>
2.4	<p>There are substantial levels of public access across the site with several Public Rights of Way (PRoW) allowing access from the adjacent settlements. The north-west corner of the Site is Access Land. This Access Land extends northwards along the top and upper slopes of the ridgeline, past Mynydd Carn y Cefn as far as Beaufort. The areas of woodland that surround the western spur of the Site are also Access Land.</p>
<b>3.0</b>	<b>THE PROPOSED DEVELOPMENT</b>
3.1	<p>The Proposed Development would comprise the following elements:</p> <ul style="list-style-type: none"><li>• Up to eight wind turbines, with a maximum hub height of 105m and a maximum height to blade tip of 180m;</li><li>• Substation and control buildings;</li><li>• Temporary construction compound (50m x 50m)</li><li>• Laydown and storage area;</li><li>• Temporary site office;</li><li>• Crane pads and cabling;</li></ul>

<p>3.2</p> <p>3.3</p> <p>4.0</p>	<ul style="list-style-type: none"> <li>• Access track construction</li> </ul> <p>It is anticipated that the turbines would have an operational life of 30 years and an electrical export capacity of up to 34MW</p> <p>This LIR will primarily consider the works within BGCBC however, it will also address wider impacts the development may have upon BGCBC.</p> <p><b>PLANNING HISTORY</b></p>												
	<table border="1"> <thead> <tr> <th data-bbox="341 629 660 674">Application No</th> <th data-bbox="660 629 1289 674">Proposal</th> <th data-bbox="1289 629 1506 674">Decision</th> </tr> </thead> <tbody> <tr> <td data-bbox="341 674 660 1182">C/2014/0126</td> <td data-bbox="660 674 1289 1182">Provision of photovoltaic solar park (14mw) comprising of 53,955 photovoltaic solar panels over 28.6 HA of agricultural land and ancillary infrastructure to include 1 substation, 11 inverter stations, pole mounted security cameras, security fencing, creation of an all-weather access route for maintenance, excavation of a cable trench to the south for grid connection and landscaping.</td> <td data-bbox="1289 674 1506 1182">Approved 07.11.2014</td> </tr> <tr> <td data-bbox="341 1182 660 1532">C/2013/0295  APP/X6910/A/15/2230097</td> <td data-bbox="660 1182 1289 1532">The erection of 2 wind turbines with a max blade tip height of up to 131m, together with assoc, hard standings, a substation &amp; control building, an improved access track, connecting internal access tracks, a temp construction compound &amp; turning area, &amp; other related infrastructure.</td> <td data-bbox="1289 1182 1506 1532">Refused 30/07.2014  Appeal Dismissed 23.09.2015</td> </tr> <tr> <td data-bbox="341 1532 660 1621">C/2004/0363</td> <td data-bbox="660 1532 1289 1621">Land reclamation &amp; associated coal recovery</td> <td data-bbox="1289 1532 1506 1621">Approved 12/04/2005</td> </tr> </tbody> </table>	Application No	Proposal	Decision	C/2014/0126	Provision of photovoltaic solar park (14mw) comprising of 53,955 photovoltaic solar panels over 28.6 HA of agricultural land and ancillary infrastructure to include 1 substation, 11 inverter stations, pole mounted security cameras, security fencing, creation of an all-weather access route for maintenance, excavation of a cable trench to the south for grid connection and landscaping.	Approved 07.11.2014	C/2013/0295  APP/X6910/A/15/2230097	The erection of 2 wind turbines with a max blade tip height of up to 131m, together with assoc, hard standings, a substation & control building, an improved access track, connecting internal access tracks, a temp construction compound & turning area, & other related infrastructure.	Refused 30/07.2014  Appeal Dismissed 23.09.2015	C/2004/0363	Land reclamation & associated coal recovery	Approved 12/04/2005
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4.1	A copy of the appeal decision APP/X6910/A/15/2230097 is provided at appendix 1.												
5.0	<b>LOCAL DESIGNATIONS RELEVANT TO THE SITE / SURROUNDINGS</b>												
5.1	The proposals and constraints maps forming part of the Blaenau Gwent												

	<p>County Borough Council Local Development Plan (LDP), adopted in 2012, provides the following information:</p>
5.2	<p>The site is located in an area of open countryside outside of any defined settlement boundary.</p>
5.3	<p>Whilst the site is not covered by any statutory environmental designations, the following local designations fall within the site:</p> <ul style="list-style-type: none"> <li>• Special Landscape Area (SLA) of Mynydd Carn y Cefn and Cefn yr Arail (ENV2.4)</li> <li>• Site of Importance for Nature Conservation (SINC) ENV3.6 – Craig –y-Deri Pond;</li> <li>• SINC ENV3.20 – Mynydd Carn-y-Cefn and Cefn-yr-Arail, Ebbw Vale and Upper Ebbw Fach;</li> <li>• SINC ENV3.24 – Pond Group 3;</li> <li>• SINC ENV3.105 – Arail Farm Slopes North;</li> <li>• SINC ENV3.107 – Arail Pond;</li> <li>• SINC ENV3.115 – Cefn Bach, Abertillery;</li> <li>• SINC ENV3.124 – Hafod-y-Dafal Acid Grasslands;</li> <li>• SINC ENV3.126 – Cwm Big North;</li> <li>• SINC ENV3.128 – Coetgae Pond;</li> <li>• Aggregate Safeguarding Area – Sandstone (M1);</li> <li>• Mineral buffer zone for Six Bells and Vivian Tips, Six Bells (500 metre buffer) (M2)</li> <li>• Preferred mineral extraction area and buffer zone (M4.3)</li> <li>• High Risk Coal Mining Areas;</li> <li>• Numerous Rights of Way;</li> <li>• Tree Preservation Orders – single, group and woodland and</li> <li>• An area of Ancient semi-natural woodland is located on the south-western edge of the eastern spur.</li> </ul>
5.4	<p>With regards to surrounding designations, The Brecon Beacons National Park (BBNP) and the Usk Bats Site of Special Area of Conservation (SAC) lie approximately 8.5km and 10km (respectively) to the north with the Cwm Merddog Woodlands Site of Special Scientific Interest approximately 1.4km to the north west. The Aberbargoed Grasslands SAC is located approximately 7km to the south-west of the site.</p>
5.5	<p>Blaenavon World Heritage Site (WHS) is located approximately 6km to the north east with the Blaenavon Coity Mountain Historic Landscape</p>

	<p>(HLCA020) located approximately 1.2km north-east. Although there are no recorded heritage assets within the redline boundary of the application site, there are a number of Scheduled Ancient Monuments and Listed Buildings within the surrounding urban areas and landscape that fall within the Zones of Theoretical Visibility (ZTV) as shown on figure 7.2 as supplied by the applicant.</p>
5.6	<p>An area of recorded landslip is located approximately 2.5km to the north of the site. A copy of the slope monitoring report is provided at Appendix 2.</p>
5.7	<p>An extract of the LDP Proposals map is attached at Appendix 3. Locational details of the constraints outside of the redline boundary but within the wider locality are given at figure 7.2, 8.1, 8.2, 8.3, 11.2 and 16.2 of the applicant's submission.</p>
<b>6.0</b>	<b>LOCAL DEVELOPMENT PLAN</b>
6.1	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that all planning applications are determined in accordance with the relevant development plan policies, unless material considerations indicate otherwise.</p>
6.2	<p>The Development Plan for the area comprises the Blaenau Gwent County Borough Council Local Development Plan (LDP). Whilst the plan is currently under review, with regard to the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the LDP, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.</p>
6.3	<p>The following policies are of relevance:</p> <p><u>Strategic Policies</u></p> <ul style="list-style-type: none"><li>• SP2- Southern Strategy Area- Regeneration</li><li>• SP7- Climate Change</li><li>• SP8- Sustainable Economic Growth</li><li>• SP9- Active and Healthy Communities</li><li>• SP10- Protection and Enhancement of the Natural Environment</li><li>• SP12- Securing an Adequate Supply of Mineral</li></ul> <p><u>Topic Based Policies</u></p>

	<ul style="list-style-type: none"><li>• DM1- New Development</li><li>• DM2- Design and Placemaking</li><li>• DM4- Low and Zero Carbon Energy</li><li>• DM14- Biodiversity Protection and Enhancement</li><li>• DM15- Protection and Enhancement of the Green Infrastructure</li><li>• DM16- Trees, Woodlands and Hedgerow Protection</li><li>• DM19- Mineral Safeguarding</li><li>• SB1- Settlement Boundary</li><li>• ENV2- Special Landscape Areas</li><li>• ENV3- Sites of Importance for Nature Conservation</li><li>• M1- Safeguarding of Minerals</li><li>• M2- Mineral Buffer Zones</li><li>• M4- Preferred Areas</li></ul>
6.4	A copy of the relevant LDP Policies are attached at Appendix 4.
6.5	<p><u>Supplementary Planning Guidance</u></p> <p>The following approved Supplementary Guidance is also considered to be of relevance to this application:-</p> <ul style="list-style-type: none"><li>• Nature Conservation Planning Guidance</li></ul>
6.6	<p><u>Interim Planning Guidance</u></p> <ul style="list-style-type: none"><li>• Planning Obligations (September 2011)</li></ul>
6.7	The following study document is also considered relevant: Sensitivity and Capacity Study for Renewable Energy Development, Blaenau Gwent County Borough Council and Torfaen County Borough Council (October 2021)
6.8	A copy of the documents are provided at appendix 5
<b>7.0</b>	<b>PUBLICISING THE DNS APPLICATION</b>
7.1	By letter dated 23 <sup>rd</sup> November 2022 PEDW confirmed that the DNS application had been accepted, determined as valid and the application process had commenced.
7.2	BGCBC hereby confirm that, in compliance with Regulation 20 of The Order, the documents required to be placed on the planning register, and described in the PINS validation letter, were placed on the Council's online planning register: <a href="https://www.blaenau-gwent.gov.uk/media/fyifz3vq/week-47.pdf">https://www.blaenau-gwent.gov.uk/media/fyifz3vq/week-47.pdf</a> within the required 5 working days.



7.3	BGCBC also confirm that the site notices issued to them were displayed on site on 29 <sup>th</sup> November 2022, in compliance with Regulation 19 and Regulation 25 (2) (c) of The Order. An ordnance survey based plan identifying the location of the site notices and photographic evidence of the site notices as displayed is provided at Appendix 6 and 7.
<b>8.0</b>	<b>IMPACT OF THE DEVELOPMENT ON THE AREA</b>
8.0.1	<u>Landscape and Visual Impact Assessment (LVIA)</u>
8.0.2	The application site is located within the pre assessed area (PAA) for wind, as defined by Future Wales: the national plan 2040. In designating these areas, the Welsh Government has undertaken an assessment to provide certainty where, in principle, developments would be acceptable. As a result, there is a presumption in favour of large-scale on-shore wind energy development and the associated landscape change subject to the criteria in policy 18.
8.0.3	Irrespective of location or scale, the policy advises that the design and micro-siting of proposals must seek to minimise the landscape and visual impact, particularly those in close proximity to homes and tourism receptors. Both within and outside Pre-Assessed Areas, communities should be protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes.
8.0.4	As detailed in appendix 5, TACP, a landscape consultant, was commissioned by BGCBC and Torfaen County Borough Council (TCBC) to assess the sensitivity and potential capacity of their landscapes to wind and solar development. The study follows on from the Carbon Trust Renewable and Low Carbon Energy Assessments that were completed for each Authority in 2020 and which identify potentially suitable areas for both wind and solar power generation.
8.0.5	For the purpose of the study a large turbine is deemed to comprise a tip height 151m to 180 metres at spacing of 0.24 km <sup>2</sup> per turbine with small group comprising 1-3 turbines.
8.0.6	Landscape Assessment Units (LAU) comprising consistent landscape types were developed from LANDMAP landscape aspect areas and visual and sensory data to provide the basis for the assessment.

	<p>The landscape capacity assessment identifies the quantity and type of development that can be accommodated within a given LAU based upon:</p> <ul style="list-style-type: none"> <li>• The overall sensitivity to renewable energy development derived from the landscape and visual sensitivity assessments.</li> <li>• Operational and consented renewable energy development within and adjacent to each LAU. This also includes consideration of the PAA;</li> <li>• The size of each LAU i.e., there may be scope for a larger number of developments within larger LAUs before a capacity threshold is reached. depending on current land use, aspect and topography all of which may be limiting factors to accommodating further development.</li> <li>• The agreed development typologies.</li> </ul>
8.0.7	<p>The application site is located within LAU 18 and 20. The report advises that the site comprises an area Upland Valleys and Exposed Upland/Plateau.</p>
8.0.8	<p>With regards to LAU 18, the area is deemed to be of high sensitivity with the southern part of the area falling within the PAA for wind development as detailed in Future Wales 2040. Although one of the larger LAU areas, the landscape sensitivity is classified as high due to its undeveloped condition and lack of existing turbines within this landscape unit. The report details that the landform and visual qualities of the area would only be able to accommodate wind development in limited situations.</p>
8.0.9	<p>LAU 20 also comprises a larger area falling within the PAA. However, it includes many steep slopes which may constrain access and development. The landscape sensitivity is classified as medium, meaning the landform and visual qualities of the area would have some potential to accommodate this type of development in particular areas.</p>
8.0.10	<p>The report identifies that individual and small groups of turbines may be considered within this area. However, siting must be carefully considered (recommendations are provided) to avoid cumulative effects with the PAA development.</p>
8.0.11	<p>The landscape and visual impact assessment in support of the application considers the effects of the proposed development on landscape character and visual amenity within a study area up to 28 km from the site. The applicant has advised that the LVIA has been undertaken in accordance with all relevant published guidance on the topic, and has involved desk-based and field-based assessments.</p>

8.0.12	<u>Assessment of effects: LANDMAP Aspect Areas</u>
8.0.13	The reports submitted have assessed the proposal relative to two Geological Landscape Aspect Areas (GLAAs) - Mynydd Carn y Cefn (BLNGWGL013) and Cefn yr Arail (BLNGWGL017). Both are deemed to have a high landscape value; a medium-low landscape susceptibility and an overall landscape sensitivity of medium. However, the magnitude of change arising from the development is deemed to be low with a moderate/ minor to no level of effect. Given the above, it is anticipated that the impact of the proposal on the GLAAs would be neutral.
8.0.14	<u>Landscape Habitats Aspects Areas</u>
8.0.15	Four Landscape Habitats Aspects Areas (LHAA) receptors within the Study Area have been assessed as part of the proposal. At its greatest impact, it is considered that the proposal would generate a low magnitude of change with a moderate to minor level of effect. Given the above, it is anticipated that the impact of the proposal on the LHAA's would be neutral.
8.0.16	<u>Visual and Sensory Aspect Areas</u>
8.0.17	The study has reviewed 40 Visual and Sensory Aspect Areas (VSAA) within the Study Area. Of these, eleven have been identified as likely to experience significant landscape effects. Given the proportion unlikely to be affected the impact of the proposal with this regard is anticipated to be neutral
8.0.18	<u>Historic Landscape Aspect Areas</u>
8.0.19	Of the 60 Historic Landscape Aspect Areas (HLAA) receptors within the study area, two (Hafod Y Dafal and St Illtyds Fieldscape) are considered to experience significant landscape effects as a result of the proposal. Given the number of receptors unaffected, the impact of the proposal with this regard is anticipated to be neutral.
8.0.20	<u>Cultural Landscape Services Aspect Areas</u>
8.0.21	Six Cultural Landscape Services Aspect Areas (CLSAA) have been scoped into the preliminary assessment of effects. Whilst the applicant's submission identifies that no CLSAAs are predicted to

	<p>experience significant landscape effects all would experience a medium magnitude of change and a moderate (potentially significant) level of effect. The effect of the proposal with this regard is anticipated to be negative, not significant.</p>
8.0.22	<p><u>Local Landscape Designations</u></p>
8.0.23	<p>The application site is located within the Mynydd Carn y Cefn and Cefn yr Arail Special Landscape Area (SLA).</p>
8.0.24	<p>The SLAs have been designated to protect areas that are considered to be important to the overall landscape, history, culture, biodiversity and geology of the County Borough. The designation of these landscape areas has been undertaken as a local level, using a regionally agreed methodology and takes into consideration factors such as:</p> <ul style="list-style-type: none"> <li>• Prominence;</li> <li>• Spectacle- dramatic topography and views;</li> <li>• Unspoilt areas- pre-industrial patterns of land use;</li> <li>• Remoteness and tranquillity</li> <li>• Vulnerability and sensitivity to change;</li> <li>• Locally rare landscape; and</li> <li>• Special landscapes</li> </ul>
8.0.25	<p>The value of the Mynydd Carn y Cefn and Cefn yr Arail SLA is assessed as High to Medium. The susceptibility of the primary landscape qualities and features of the SLA to the type of development proposed is assessed as Medium to High.</p>
8.0.26	<p>Seven of the eight proposed turbines are located within the Southern End landscape type which features characteristics such as a complex landform (i.e the “Distinctive forked ‘stop-end’ to ridge”) and a “Well-preserved pattern of pre-industrial farmland of small rectangular fields with distinctive stone walls and overgrown beech hedges” with a management guideline to “conserve remoteness and tranquillity”, all of which are physical and perceptual characteristics that are more susceptible to wind farm development. The remaining turbine would be sited within the Open Upland Ridge landscape type whose visual characteristics include a “distinctive open skyline seen from valleys on either side” and where the “Main length of open upland is away from evidence of industrialisation”. As a consequence, the overall sensitivity</p>

	of this landscape to a wind farm development is assessed as High (High to Medium value and Medium to High susceptibility).
8.0.27	As noted in section 6.11.1 of the applicant's submission, as the SLA would host all eight proposed turbines plus the access tracks and the ancillary elements it would experience direct effects and the operational turbines would be a dominant landscape element across the SLA, with the exception of the northern slopes, far northern section of the Open Upland Ridge landscape types and parts of the Ebbw Fawr Valley Sides which lie outside of the ZTV.
8.0.28	Although the field pattern across the Southern End would be largely maintained, the distinctive landform would become dominated by the turbines due to their scale, number and elevated location. The open skyline with its absence of industrialisation would also be significantly altered by the proposal. The alteration to a proportion of some of the primary landscape qualities and features as a consequence of the introduction of uncharacteristically large-scale elements would give rise to a Medium to High magnitude of change across the Southern End and Open Upland Ridge landscape types defined within the SLA, which would change to a Low to Zero magnitude across the wooded Ebbw Fach and Ebbw Fawr valley sides and across the far northern slopes where the primary landscape qualities and features would be unaffected. The level of effect would therefore range from Major and Significant to None and Not Significant. The nature of these effects would be long-term (reversible), direct, and adverse.
8.0.29	Given the above, it is anticipated that the impact on the turbines due to the size, scale, density of provision and the undeveloped area within the SLA would have a negative impact on the designation.
8.0.30	The Mynydd Carn y Cefn and Cefn yr Arail SLA is also host to the grid connection corridor which would cross the Southern End landscape type. The "Steep densely forested sides gives very enclosed character to valley" are amongst its primary qualities and features. The applicant's submission concludes the loss the trees within the wayleave would not be uncharacteristic given that this is actively managed forestry whilst the introduction of the grid connection and wooden poles would have limited characterising influence beyond the immediate grid connection corridor.
8.0.31	Given the regular spacing of wooden poles through the wayleave, in close proximity to the straight vertical tree trunks of the coniferous

	<p>forestry trees would reduce visual contrast, the magnitude of change has been assessed as very Low. Given the actively managed context of the site, it is anticipated that impact of the grid connection would be neutral.</p>
8.0.32	<p><u>Indirect landscape effects on SLAs and Visually Important Local Landscapes</u></p>
8.0.33	<p>Of the 16 local landscape designations entirely or partly located within 10km of the proposed turbines which have been scoped into the assessment of landscape effects, significant landscape effects are predicted for the following SLAs and/ or Visually Important Local Landscapes (VILLs):</p> <ul style="list-style-type: none"> <li>• Eastern Ridge and Mynydd James SLA;</li> <li>• Cwm Tyleri and Cwm Celyn SLA;</li> <li>• Cefn Manmoel SLA;</li> <li>• St. Illtyd Plateau and Ebbw Eastern Sides SLA; and</li> <li>• Manmoel VILL.</li> </ul>
8.0.34	<p>With regard to the designations closest to the site (Eastern Ridge and Mynydd St James Cwm Tyleri and Cwm Celyn), it is noted from the applicant's submission that the turbines could appear as a new prominent sometimes dominant feature on the skyline and views out of the valley. These would contrast with the small-scale valley landform and could reduce the strong rural character and hidden tucked away qualities of the landscape.</p>
8.0.35	<p>It is therefore anticipated that the size, scale, visual prominence and dominance of the on the turbines would have a negative impact on the designations.</p>
8.0.36	<p><u>Assessment of visual effects</u></p>
8.0.37	<p>With regards to visual effects the applicant's submission has reviewed the proposal relative to 104 receptors comprising settlements (both within and outside the BGCBC boundary), recreational routes (national/ regional), locally promoted recreational routes, recreational and tourist designations and A and B classified highways. Of these receptors 41 would experience significant effects.</p>
8.0.38	<p>Of the 14 settlements that would experience significant effects 11 are within the BGCBC. It has been determined that views in the direction</p>

	<p>of the sites from these receptors are generally medium to high value with all having a high sensitivity with residents within these locations having a High susceptibility to change. Whilst the magnitude of change experienced, would range from zero to high as to be expected the impact experienced is affected by intervening landforms, buildings, tree or vegetation cover, the overall orientation of the settlement and dwellings and elevation. In conjunction with the above factors the level of effect would range from no effect to major. Of the 11 settlement the effect would be not significant for four (36.3%), potentially significant for 1 (9.09%) and significant for 6 (54.54%) with the nature of the effect being long-term (reversible) indirect and adverse. It is therefore anticipated that the impact of the proposal would be negative.</p>
8.0.39	<p><u>Residential Visual Amenity Assessment (RVAA)</u></p>
8.0.40	<p>A Residential Visual Amenity Assessment (RVAA) has been undertaken for the closest settlements and individual dwellings outside of settlement boundaries but within 2km of the proposed turbines and the blade tip zone of theoretical visibility.</p>
8.0.41	<p>The RVAA concludes that the Proposed Development would not have an overbearing effect or otherwise affect the living standards of individual properties such that any of these would become an unattractive place to live (as opposed to less attractive) when judged objectively. This is due largely to the intervening distance, topographical screening and the set back of the turbines from the edge of the ridge, to the extent that the submission concludes that the living standards would not be affected and the property would not be adversely affected by 'visual dominance' to such an extent that it would become an unattractive place to live when judged objectively and in the public interest. However, given the number of receptor dwellings in the study area, the density of occupation in conjunction with location specific environmental, topographical and social conditions, it is anticipated that the impact of the proposal would be negative.</p>
8.0.42	<p><u>Visual effects from promoted long-distance footpaths and cycle routes</u></p>
8.0.43	<p>With regard to the two long-distance, promoted footpaths (Ebbw Valley Walk and the Sirhowy Valley Ridgeway Walk) which run through BGBCB, it has been determined that the views in the direction of the site are high and are subject to high sensitivity. As a result of intervening landform and screening provided by vegetation the magnitude of change would range from zero to high with the resulting</p>

	level of effect ranging from no view to major and significant. The nature of the effect would be long-term (reversible), indirect and neutral to adverse. Given the known and perceived vulnerability of users and the scale of the development, it is anticipated that the impact of the proposal would be negative.
8.0.44	National Cycle Route 465, 466 and 467 connect Llanhilleth in the south with Brynmawr to the north (465); Aberbeeg with Rassau (466) and Blackwood with the Sirhowy Valley (467).
8.0.45	In all three cases it is determined that cyclists have a high susceptibility to change. Views in the direction of the site are deemed to be medium value with a high sensitivity and a magnitude of change ranging from no change to high, for selective sections. The resulting level of effect would range from no effect for the majority of the routes to major and significant for a 0.7km stretch along the 456. The nature of the effect would be long-term (reversible), indirect and adverse. Given the modest length of the paths subject to major and significant effects, on balance the anticipated impact is considered neutral.
8.0.46	<u>Assessment of visual effects from Historic Parks and Gardens, Golf Courses, Country Parks, PRow, and Open Access Land</u>
8.0.47	With regards to the above assessed receptors it is noted that Brynbach Parc Open Access land and numerous PRow fall within the 5km-10km buffer of the proposed turbines.
8.0.48	Although users of Brynbach Parc have a High susceptibility to change and the views in the direction of the Site are assessed to be of Medium to High value resulting in an overall High sensitivity. The magnitude of change would range from Zero to Low and the resulting level of effect would range from No View to Moderate and Not Significant given the limited and restricted nature of views from the park. The anticipated impact is therefore likely to be neutral.
8.0.49	In terms of designations within 5km of the site it is noted that a large proportion of the upland land landscape to the north and east of the Site, above the settlements in the valleys is designated as open access land and also contains a high density of PRow.
8.0.50	High points where the proposed development would be prominent include Cefn Yr Arail in close proximity to the northernmost turbine, Mynydd Carn y



	<p>Cefn to the north, Mynydd James, Coety Mountain and Twyn Pentre to the northeast. Unrestricted views would also be available from parts of the open access land and PRoW at Cefn Manmoel and Darrne Ddu to the northwest and elevated land to the east and southeast of Abertillery. Views would also be available of the access tracks and grid connection poles.</p>
8.0.51	<p>Users of the open access land have a High susceptibility to change and the views in the direction of the Site are assessed to be of Medium to High value resulting in an overall High sensitivity. The magnitude of change would range from Zero to High. The resulting level of effect would range from No View to Major and Significant. The nature of the effects experienced by users of the open access land would be long-term (reversible), indirect and neutral to adverse. The anticipated impact of the proposal is therefore likely to be negative.</p>
8.0.52	<p>With regard to designations within 5-10km of the site the applicant's submission details that a proportion of the upland landscape to the north and west of the Site is designated as open access land that falls within the ZTV.</p>
8.0.53	<p>Users of the open access land have a High susceptibility to change and the views in the direction of the Site are assessed to be of Medium to High value, resulting in an overall High sensitivity. Locations within the County Boundary where the Proposed Development would be clearly visible with hub visibility include, Mynydd Bedwellte and Rhymney Hill. At these locations, the magnitude of change would range from Zero to Medium or High/Medium. The resulting level of effect would range from No View to Major or Major/Moderate and Significant. The nature of the effects experienced by users of the open access land would be long-term (reversible), indirect and neutral to adverse. The anticipated impact of the proposal is therefore likely to negative and significant.</p>
8.0.54	<p>Of the locally promoted walking routes assessed within 5km it is noted that the walkers on the routes have a High susceptibility to change and the views in the direction of the Site are assessed to be of High value resulting in an overall High sensitivity. The magnitude of change would range from Zero up to High where less restricted views are available. The resulting level of effect would range from No View to Major with 90 of the routes experiencing a significant impact. The nature of these effects would be long-term (reversible), indirect and neutral to adverse. The anticipated impact of the proposal is therefore likely to negative.</p>

	<p>With regard to the Transport Routes (A and B roads) assessed that fall within the County Boundary, it is noted that users would have at worst a medium susceptibility to change with views in the direction of the site being of medium to low value resulting in an overall medium sensitivity. Typically, there would be no change from the routes. The resulting level of effect would range from No Effect from the majority of the route to Minor and Not Significant. The anticipated impact of the proposal is therefore likely to be neutral.</p>
8.0.55	<p><u>Assessment of Cumulative Effects</u></p>
8.0.56	<p>Cumulative effects can arise from the construction and operation of other wind farms. The Proposed Development is located within 3.1km of three proposed Developments of National Significance (DNS) wind farm applications which are at scoping stage – Mynydd Llanhilleth wind farm (12 turbines), Abertillery wind farm (7 turbines), Manmoel wind farm (5 turbines) – and within 10km of 5 consented wind turbines and one 1 turbine at the planning application stage.</p>
8.0.57	<p>There are 66 wind energy developments in total within 28km of the Proposed Development (comprising 17 consented turbines, 217 operational turbines, 3 turbines in planning and 58 turbines at scoping stage). The largest operational wind farm is Mynydd Bwllfa (comprising 9 turbines) which is some 23.5km from the current proposal.</p>
8.0.58	<p>Of the receptors analysed with regards to cumulative impact it is noted that 80% are deemed to have a high sensitivity to change with the remaining 20% being medium.</p>
8.0.59	<p>With regards to the magnitude of scale 29.5% of receptors are graded as high, 8.1% High-Medium; 6.5% medium-high; 50.8% medium; 1.63% Medium to low and 3.2% low.</p>
8.0.60	<p>In relation to the significance of the impact of the proposal, 32.7% of receptors were graded as Major; 4.9% as Major- major/moderate; 44.2% as major/ moderate and 18.0% as moderate. 100% were graded as a significant impact.</p>
8.0.61	<p>Policy 18 of Future Wales specifies that proposal must seek to minimise the landscape and visual impact, particularly those in close proximity to homes and tourism receptors. Both within and outside Pre-Assessed Areas, communities should be protected from significant cumulative</p>

	impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes.
8.0.62	When reviewing the proposal relative to operational windfarms, consented turbines plus those within the planning and scoping stages plus the landscape sensitivity which is classified as high due to its undeveloped condition and lack of existing turbines within the landscape unit, it is anticipated that the cumulative impact would be negative.
8.0.63	In summary the development will introduce eight 180m high wind turbines into an SLA and wider landscape that is designated for its unspoilt areas- pre-industrial patterns of land use, remoteness and tranquillity and vulnerability and sensitivity to change
8.0.64	The Council anticipate that the introduction of substantial new manmade prominent and dominant structures into the landscape, skyline and views out of the valley, that would contrast with the small-scale valley landform, could reduce the strong rural character and hidden tucked away qualities of the landscape. Further it is noted that the insufficient information has been submitted with regards to the programmed felling of coniferous forestry and the implication this could have on the localised landscape and changes to the nature of available views to a number of visual receptors within the LVIA study area
8.0.65	It is therefore anticipated that the size, scale, elevated position, visual prominence and dominance of the on the turbines would have a negative impact upon the landscape character areas within BGCBC.
<b>8.1</b>	<b>Impact on Biodiversity</b>
8.1.1	The proposed development site comprises semi-natural and improved habitats including improved grassland, species poor semi-improved grassland and semi-improved acidic grassland, dry heath/ acid grassland and areas on continuous bracken. Within the site specific boundary there is a large number of mature tress scattered throughout the grassland and along the field boundaries.
8.1.2	The surrounding area is dominated by managed forestry comprising conifer plantations immediately adjacent to the western and north-western boundaries and in between the forked upland ridges with areas of larch, Scots pine and Sitka spruce.

8.1.3	On the north-west and south-eastern boundaries there is semi-natural broad leaved woodland with high canopies.
8.1.4	There are four statutorily designated nature conservation sites- three special Areas of Conservation (SACs) and one Site of Special Scientific Interest (SSSI) within the 2km and 10km study area, plus the Usk Bat Sites SAC to the north and numerous SINC sites as referred to in subsection 4 above. Ancient Woodlands are also present within and immediately adjacent to the site.
8.1.5	A Phase 1 Habitat Survey, Preliminary Ecological Appraisal, Bat, Reptile Dormouse surveys have been submitted as part of the Environmental Statement. The Council's Ecology Officer has reviewed the submitted reports and has provided the following response:
8.1.6	"The survey efforts and methodology as undertaken are robust and it is considered that no further surveys are required. However, it is noted (and as agreed as part of consultation meeting held with the applicant in March 2022) that the Habitat Management Plan (HMP) should include a level of invertebrate monitoring.
8.1.7	As there are lesser horseshoe bats and roost sites on the proposed development site and the potential connectivity with the Usk bat site SAC a Habitats Regulation Assessment (HRA) was undertaken. As a result of lower recorded levels of activity and lower collision risk of the species, the HRA concluded there would be no significant effect on the integrity of species. It is therefore anticipated that the impact on the less horseshoe bats could be neutral.
8.1.8	As specified in the submission, it is agreed that the magnitude of change on the USK Bat site SAC would be negligible, not significant, with the bat surveys recording low activity levels (recorded at 6/8 turbine sites) and Lesser Horseshoe Bats being considered a lower collision risk species.
8.1.9	However, it is noted that common pipistrelles, soprano pipistrelles and noctule bats were recorded on site. These species are considered high collision risk and likely to experience increased mortality as a result of barotrauma <sup>1</sup> . Four of the turbines are considered as high risk for collision (turbine locations 2, 5, 7 and 8). The report suggests that

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<sup>1</sup> 1 Damage to lungs caused by air pressure variations associated with the blades of the turbines

	<p>“measures include a minimum measure of 50 m standoff between all turbine blade tips and nearest point of liner/forage feature”.</p> <p>8.1.10 Guidance provided by Natural England Technical Information Note: TIN051, recommends turbines should be situated a minimum distance of 50m from the tip of blade, away from any linear feature e.g. tree/woodland lines, hedgerows etc.). Therefore, it is necessary to calculate the distance between the edge of the feature and the centre of the tower to ensure a reasonable buffer zone. With a three bladed rotor diameter of up to 150m, a hub height of up to 105m and a max height to blade tip of 180m significant concerns are raised as to whether a minimum distance of 50m is sufficient. The recommended buffer should be calculated using the formulae within the TIN 051. There is no evidence of the formula being used to calculate the recommended buffer. It is therefore considered that the location of 6, 7, and 8 fails to meet the minimum requirements of 50m distance. Furthermore, a greater minimum distance may be required in this instance due to the scale of the proposed turbines.</p> <p>8.1.11 At this time, it is considered that insufficient information has been submitted to justify and determine the location of the turbines. It is therefore anticipated that the development will have a negative impact on the population of protected species within the site.</p> <p>8.1.11 Based on the details submitted it is noted that a hibernation and summer day roost for pipistrelles was located 337m away in built structure B3 with very high levels of foraging and commuting activity across all areas of the site, throughout the season. As a result of the proximity of the turbine to the hibernation and summer day roost, the high levels of recorded activity and high collision risk of the species, it is anticipated that turbine 8 would have a negative impact on the population of protected species within the site.</p> <p>8.1.12 It is noted that the majority of the SINCS surveyed are in poor condition and degraded. Of the nine SINCS surveyed three would contain at least one turbine with two further SINCS accommodating access tracks of the route or the grid connection corridor. The overall magnitude of change is deemed to be negligible, low or very low. Whilst some temporary and permanent loss of habitat will be experienced, generally the habitats are common and widespread across the site. In comparison to the retained areas of the SINC and the generally low ecological value of the habitats, it is anticipated that the proposal would have no effect on</p>
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	<p>the integrity of the conservation status of the SINCS with the scale of impacts being anticipated as not significant.</p>
8.1.13	<p>Given the mitigation and compensation measures proposed there is the opportunity to enhance the ecosystem resilience of the designated SINCS not only as a habitat but also for associated species. Areas of heathland should also be restored and improving connectivity of this habitat. It is therefore anticipate that the proposal would have a positive impact in this regard.</p>
8.1.14	<p>At the time of EIA scoping consultation comments (May 2021) BGCBC had not been aware that there are at least a further four potential applications for DNS windfarms in or adjacent to the southern part of the authority. If all DNS were approved and given the go ahead this would result in a total of 42 wind turbines. Therefore, the proposal needs to take into consideration in combination of the likely significant effects with the other proposed wind farm schemes. As a result, concerns are raised that in combination, this may have a detrimental impact to protected species; especially bird species (schedule 1 species have been recorded on site). These larger scale wind farms are in the early stages of application, so detailed assessments including Collision Risk Monitoring (CRM) is not available for any of these sites. As a result, it is difficult to make a fully informed assessment of the in combination effect. However, if all DNS windfarms were in operation this would evidently result in scale of magnitude change, resulting in long term negative effects through habitat fragmentation and increased collision risks (and direct effects upon local population sizes). Therefore, the cumulative impact would be negative and further consideration is needed in the absence of this information.”</p>
8.1.15	<p>To conclude it is anticipated that the development proposed would have a positive impact on the ecological value of the SINCS and a neutral impact on the USK Bats SAC. However, it is considered that the information provided within the application submissions is insufficient / inadequate to allow a full assessment to be made of the impact this proposal and the cumulative effects of other DNS applications in the immediate vicinity, would have upon biodiversity, most notably on specific species of bats and schedule 1 species recorded on the site. Accordingly, it is anticipated that the proposal would have a negative, significant impact.</p>
<b>8.2</b>	<b>Highways</b>

<b>8.2.1</b>	It is anticipated that public highways A4046 (Ebbw Vale); A4046 (Aberbeeg): and A467 (Brynithel) would be used by all construction and operational traffic generated by the proposal.
8.2.2	Site specific access would be gained via the existing forestry haul road with adjoins with the A4046, approximately 1.8 km north-west of the A467/A4046/Aberbeeg Road/B471 junction. The A4046 operates under the national speed limit in the vicinity of the site access. The site access route approach to the A4046 is on a relatively steep gradient.
8.2.3	At this stage, it is assumed that Swansea seaport would be used to deliver abnormal loads. Based on the Abnormal Indivisible Loads (AIL) access study, likely AIL routes are identified as follows:
8.2.4	AIL Route Option 1 (preferred): Swansea Docks – Baldwins Crescent – A483-A483/Ffordd Amazon/Ashleigh Terrace Roundabout - A483-A483/M4 - M4 - A4051 - A4042 - A4042 Turnpike Road - A472 - A467-A4046 - Site.
8.2.5	AIL Route Option 2: Swansea Docks – Baldwins Crescent – A483 - A483/Ffordd Amazon/Ashleigh Terrace Roundabout - A483 - A483/M4 - M4 - A4051 - A4042 - A4042 Turnpike Road - A465 Heads of the Valleys Road - A467 - A4046 – Site.
8.2.6	Following detailed analysis of the A4046 (Ebbw Vale and Aberbeeg), the applicant's submission concludes that the traffic generated by the proposal would not lead to any significant severance or separation of people from places and other people. Relative to existing volumes the increase in traffic due to the proposed development would be negligible. The ability of people to cross roads and the effect on the relative pleasantness of a pedestrian journey would be negligible. The levels of fear and intimidation experienced by pedestrians and cyclists, as a result of the developments proximity to people or the lack of protection caused by such factors as narrow pavement widths would also be negligible. Finally, following review of records of personal injury accidents (PIAs) obtained from the CrashMap database ( <a href="https://www.crashmap.co.uk">https://www.crashmap.co.uk</a> ) which uses information collected from the Police, no accident hot spots have been identified on this link. As such there are no existing highway safety issues that would be exacerbated by the construction vehicle movements associated with the construction of the proposed wind farm.

8.2.7	The Highways Authority has been consulted and advised that the information supplied is sufficient and they have no objection to the proposal subject to conditions requiring the submission of a Construction Traffic Management Plan, Traffic Management Plan. As such it is considered that the development would have a neutral impact upon the highway network and upon highway and pedestrian safety.
<b>8.3</b>	<b>Noise Impacts</b>
8.3.1	As part of the submission the applicant has carried out a noise impact assessment using government approved guidance ETSU-R-97 and the Institute of Acoustics Good Practice Guides.
8.3.2	In order to determine the existing background noise climate, the applicant has carried out noise monitoring in the vicinity of sensitive receptors within a 10km radius of the proposed. The applicant has then compared these background noise levels at varying wind speeds with the predicted noise impact from the turbine at the nearest sensitive receptor on 20 locations
8.3.3	From this assessment the applicant has concluded that the installation of the wind turbines at Mynydd Carn-y-Cefn will result in noise emissions at the nearest residential properties at to the west that fall below the levels in ETSU-R-97 and fall below the underlying background noise levels with the exception of one location at 3 wind speeds where slight exceedances have been predicted.
8.3.4	The conclusions provided are considered to be robust and as such it is anticipated that subject to the imposition of mitigation to control the effect on the one location, the proposal would have a neutral effect.
<b>8.4</b>	<b>Shadow Flicker</b>
8.4.1	The shadow flicker assessment comprises a numerical modelling of the proposed turbines and receptors within the defined study area. The applicants have used an industry standard software package to undertake the modelling. The assessment is based on turbines with a rotor diameter of up to 150m and a 50m micro siting, giving a total study area of 1550m.
8.4.2	20 receptor locations throughout the study area were analysed with the details given at Figure 15.1 of the applicant's submission. The closest receptor area is located 528m from the application site. Due to the



	<p>number of properties within the study area, a number of properties were chosen to illustrate the potential effects of shadow flicker. As many of the properties are grouped closely together and experience similar levels of potential effect, a sample property was chosen from each group. The representative property has the highest predicted levels of effect within the group.</p>
8.4.3	<p>Based on the detailed results of the model, receptors 1, 2, 3, 6, 7, 9, 10, 11, 12 and 14 would not experience any shadow flicker as a result of the development. It is noted that these receptors are generally located to the west and south-east of the site. The remaining 10 receptors would experience between 11.2 and 59.8 hours of shadow flicker per year, based on the worst case model. A worst-case model assumes each property is occupied, that there are windows or doors facing the turbines, that there are not intervening obstructions, that the sun shines throughout the daylight hours, that the wind blows constantly within the operating parameters of the turbine and that the rotor is always orientated towards the receptor.</p>
8.4.4	<p>It is noted that 6 out of 10 of the effected receptors (15, 16, 17, 18, 19 and 20) are located 535-1292m to the north-east of the site within one of the most densely populated areas of the Borough.</p>
8.4.5	<p>Receptor locations 4, 5 and 8 are rural and could experience between 11.2 and 12.9 hours of potential shadow flicker per year. The effect is therefore deemed to be low and not significant.</p>
8.4.6	<p>Receptor location 8 is again rurally located and set slightly higher than the base location of turbines 6, 7 and 8. The receptor could experience up to 59.8 hours per year of potential shadow flicker. The effect is therefore deemed to be medium and significant</p>
8.4.7	<p>As specified above receptor locations 15, 16, 17, 18, 19 and 20 are located within one of the most densely populated areas of the Borough. The model suggests that the representative property for this group of receptors (ie the receptor that has the highest predicted levels of effect within the group) would experience an effect from turbines 1, 2, 4 and 5 and could experience up to 57.1 hours of potential shadow flicker per year. This effect is deemed to be medium and significant.</p>
8.4.8	<p>In order to mitigate the impact of the effect on receptor locations 8, 15, 16, 17, 18, 19 and 20 it is proposed that a control system/ module be installed which can be programmed to shut down the wind turbine to</p>

	<p>restrict effects to less than 30 minutes per day and / or 30 hours per year at any property. Once this mitigation is taken into consideration the effect is deemed to be low to medium in magnitude and not significant.</p>
8.4.9	<p>It is therefore concluded, subject to conditions requiring the control module to be installed in order to limit the potential shadow flicker effect, the anticipated impact of the development would be negative, not significant.</p>
<b>8.5</b>	<b>Contamination</b>
8.5.1	<p>The phase 1 geo environmental desk study submitted as part of the application has identified some potential pollutant linkages within the site arising from a former licensed landfill and other potential landfill areas, residual mine waste from onsite surface workings, made ground, historical farm operations including use of fuels/oils, agricultural chemicals such as pesticides, dilapidated farm buildings with possible asbestos content which may be released as asbestos fibres to ground, mine gas from former deep workings on the site and ad hoc use of the northern area of the Site for motorbike scrambling.</p>
8.5.2	<p>The submission therefore recommends that a Phase 2 intrusive geoenvironmental ground investigation be completed at the pre-construction stage to assess the presence of and characterise the soil chemistry at target areas and in shallow soils (top 0.3m) that could be subsequently mobilised by vehicles movements and construction activities, completed in accordance with the Environment Agency Land Contamination Risk Management guidance.</p>
8.5.3	<p>The assessment will determine whether the soil is suitable for use and this information will inform the materials management plan. If material is not suitable for use, then it will be disposed of offsite in accordance with the Waste Management Regulations.</p>
8.5.4	<p>It is indicated that potential risks to human health from any known, suspected or unexpected ground contamination will be avoided by adopting appropriate working methods and all aspects of construction will be completed in compliance with the Construction (Design and Management) Regulations 2015, CAR 2012 and the Health and Safety at Work Act (1974) and regulations made under the Act. These legal obligations include the requirement for risk assessments and method statements for all construction related activities and the use of</p>

	appropriate working methods, training and Personal Protective Equipment (PPE).
8.5.5	The application has been assessed by BGCBC's Land Contamination Officer who has concluded that the reports submitted are sufficient and supports the recommendation with regards to the need for an intrusive Phase 2 report. Standard conditions with regards to unforeseen land contamination are recommended.
8.5.6	In light of the reports submitted and conditions recommended, it is anticipated that the issues and impacts relating to land contamination would have be neutral.
<b>8.6</b>	<b>Ground Conditions and Stability</b>
8.6.1	The Phase 1 Geoenvironmental desk study and the Coal Mining Risk Assessment have identified that there is evidence of shallow mining related risk in the north of the site and a more widespread risk of displacement has been identified based on the occurrence of subsidence and fissuring/ fault reactivation across the site. Although there is no record of any recent subsidence, either anecdotal or from the Coal Authority. The council are aware of a recorded landslip 1.5km to the north of the site. Appendix x refer
8.6.2	Figure 11.1 of the applicant's submission indicates the location of a number of fault lines crossing the site with turbines 1, 2, 5 , 6 and 7 being positioned in close proximity. The notes associated within the figure specify:
8.6.3	<i>"There is evidence of subsidence and fissuring in several areas of the site. This does no corresponds directly to recorded or suspected shallow mining, which indicates that displacement many be associated deeper working, possibly as a result of fault reactivation and or lateral spreading.</i>
8.6.4	<i>Bedrock is shallow across the entire site. It is not known whether bedroll has a weathered upper layer which may require deepening of foundations.</i>
8.6.5	<i>Details provided at 11.5.10-12 clarify that the British Geological Survey (BGS) 1:50,000 scale geology mapping, GeoIndex Onshore map and BGS sheet 1:50 000 Abergavenny Sheet 232 Solid and Drift 1990 shows superficial deposits as thin or absent within the Proposed</i>

	<p><i>Development Site, that bedrock is generally close to surface (&lt;10m below ground level) or at surface; that bedrock geology on the site comprises the Hughes Member of the Pennant Sandstone Formation, which is described as “green-grey, lithic arenites ..., with thin mudstone/siltstone and seatearth interbeds, and mainly thin coals and a landslip and area of foundered strata (collapsed rock) in Cwm Big just beyond the southern boundary of the Proposed Development Site.”</i></p>
<p>8.6.6</p>	<p>To allow the potential subsidence risk to be better understood, further desk based investigations are recommended in the Coal Mining Risk Assessment, which will require intrusive investigations during the pre-construction phase eg boreholes that will clarify the extent or form of remediation that may subsequently be needed as well as the form and scale of the foundation</p>
<p>8.6.7</p>	<p>Following consultation, the Councils Geo-Technical Officer has confirmed that there are fissures atop the Carn y Cefn, and evidence of previous movement. Mitigation measures recommended as part of previous GEO landslip report (Appendix 2) recommended the provision of enhanced drainage and the provision of additional tree planting within the area.</p>
<p>8.6.8</p>	<p>Whilst the applicant has recommended the submission of further ground conditions be secured by condition, being mindful of known subsidence, fissures and fault lines within the site, in conjunction with areas of made up ground and the underlying sandstone bedrock, it is considered that insufficient information has been supplied to allow a full assessment to be made of the construction, the potential effect of operational vibration and any remediation required to mitigate the risks of adverse stability within the site and wider area. Given the proximity of the proposal to densely populated urban areas, it is considered that additional information with regard to this matter is required prior to determination. It is therefore anticipated that the development could have a negative and significant impact.</p>
<p><b>8.7</b></p>	<p><b>Minerals</b></p>
<p>8.7.1</p>	<p>The redline boundary of the application site is located within a minerals safeguarding area for sandstone (LPD Policy M1); a buffer zone for the open cast coal recovery operation at Six Bells (LDP Policy M2) and encompasses the majority of an allocated mineral resource preferred area and its associated buffer zone (M4).</p>

8.7.2	With regards to LDP Policy M1, the safeguarding area seeks to ensure that no known resources are needlessly sterilised by permanent development (LDP DM19).
8.7.3	Mineral buffer zones, allocated by LDP Policy M2 are drawn around all quarries and mineral operations including dormant sites. The purpose of the buffer zone is to safeguard mineral reserves for future working, by ensuring they are not sterilised by alternative development, but also to ensure the environmental effect of quarrying/ mining do not adversely affect sensitive development.
8.7.4	In order to meet the required resource allocation, Policy M4 of the LDP identifies three Preferred Areas and associated buffer zones. The justification of the policy defines Preferred Areas as “areas of known mineral resources with some commercial potential, and where planning permission might reasonably be expected”. The policy identifies three preferred areas, the last being the land south east of Cwm (designation M4.3) which would be affected by the proposal.
8.7.5	The Regional Technical Statement (RTS) 2nd Review (September 2020) seeks to provide a mechanism for encouraging the national sustainability objectives relating to minerals to be met by the individual Local Planning Authorities within each region over a period of up to 25 years (for crushed rock) or 22 years, in the case of land-based sand & gravel (sufficient to cover the Minerals Technical Advice Note 1: Aggregates requirements for maintaining minimum landbanks of 10 years and 7 years, respectively, throughout the full 15-year term of each LDP).
8.7.6	The RTS provides specific recommendations to the constituent LPAs regarding the quantities of aggregate which need to be supplied from each area (apportionments) and the nature and size of any allocations which may need to be made in their LDP to ensure that adequate provision is maintained throughout the relevant Plan Period.
8.7.7	Table 5.7 of the RTS specifies BGCBC Overall ‘Preferred’ Apportionment (Sand and Gravel and Crush Rock) as 0.201 million tonne (mt) of which 100% is historically supplied from crushed rock sources. The new annualised apportionment for crushed rock was set as 0.201mt given a total apportionment of 5.027mt required over 25 years. With existing permitted reserves at the end of 2016 of 1.320 mt <sup>4</sup> , and existing land bank of 6.6 years the authority has a shortfall of surplus or Shortfall (-) of existing permitted reserves of -3.707mt, with

	<p>a minimum allocation of 3.707mt needed to meet required provision. However, figure subsequently published by Welsh Government on the 11th November 2021, as part of a correction to the RTS, increased BGCBC apportionment by a further 3,373 tonnes per annum or an additional 0.085 million tonnes more over 25 years</p>
8.7.8	<p>Data supplied as part of the South Wales Regional Aggregates Working Party Annual report for 2019 (published May 2021) identified that the land bank for Blaenau Gwent has fallen to 3 years, giving a shortfall of 22 years and seven years less than the minimum 10 years required at any point in the plan period.</p>
8.7.9	<p>At this time, the data and recommendations contained in the RTS and the increased apportionment requirements issued in November 2021, reinforces the need to identify and retain the Preferred Areas as part of the LDP review and confirms that that the release of additional reserves are highly likely to be required during the replacement plan period.</p>
8.7.10	<p>It is believed that the designated area contains a potential reserve of between 50 and 60 million tonnes of high Polished Stain Vale (PSV) Sandstone. PSV is a high specification aggregate (HSA) sandstone used in road construction and repairs due to its ability to provide particular levels of surface skidding resistance and durability. Although relatively plentiful in Wales, it is unavailable in some parts of the UK and its importance in road construction justifies transportation over long distances. Although more detailed studies would be required as part of a planning application to determine the suitability of the land for extraction, the allocation would make a significant contribution towards the overall mineral need identified in the LDP and a national need for HSA sandstone.</p>
8.7.11	<p>Policy DM19 of the LDP does not permit development which would permanently sterilise important mineral resources within safeguarded areas. Exceptions are made in certain circumstances which include “the scale and location of the development would have no significant impact on the possible working of the resource” or “it is temporary development and can be implemented and the site restored within the timescale the mineral is likely to be required”. The justification of the policy gives further guidance and states that “In most instances, development may proceed within safeguarding areas as long as developers demonstrate the resource in question is of poor quality/quantity and not economical to exploit, or the nature of the development in question would not prejudice exploitation of the</p>

	<p>resource”. In addition, Policy M2 of the LDP states that within a mineral buffer zone “any proposed development that would prejudice the extraction of the mineral or operation of the site will be refused”.</p>
8.7.12	<p>As there is no current application on the site, the applicant has chosen to screen out minerals from the Environmental Statement. However, the Council are aware of ongoing discussions to develop a quarry within the Preferred Area. Whilst the absence of information regarding the potential future working of the Preferred Area means the allocation must be reviewed cautiously, as part of the previous Planning Inquiry for the site (Application No. C/2013/0295 and appeal decision APP/X6910/A/15/2230097 refer), it was determined that the scale of the operation could be in the region of 2 million tonnes per annum, with extraction beginning on the eastern boundary.</p>
8.7.13	<p>An anticipated operational lifespan of 30 years would bring the end date of the permission to approximately 2056 This would be in excess of the replacement plan period (15 years) and the 10 year landbank required at the end of the plan. Given other ongoing circumstances regarding the identified reserves at Trefil and Tir Pentwys it is highly likely that the reserve at Cwm will be needed if an adequate landbank and supply it to be is to be maintained. Although the time period of the proposed development would be limited, it would not have expired and the site restored before such time as the mineral is required.</p>
8.7.14	<p>The micro siting of turbine 6 would be within the 200m Buffer Zone around the Preferred Area as would the internal site access serving turbines 1, 2, 3, 4 and 5. Whilst it is acknowledged that the micro siting of turbine 6 could be restricted to prevent encroachment, concerns are raised regarding the potential to relocate the access as a result of the topography.</p>
8.7.15	<p>Whilst paragraph 11.5.22 of the applicant’s submission specifies: <i>“Given that there are no known proposals for mineral extraction at the Proposed Development Site and that the wind farm development footprint would only occupy a small proportion of the Proposed Development Site effects on minerals have been scoped out of the EIA.”</i></p>
8.7.16	<p>On the basis of the above, it is of the LPA’s opinion that the application has failed to acknowledge and appropriately consider the implications of the designations or demonstrate the impacts the proposal would have upon the current and likely future mineral designation and</p>

	<p>extraction. Given the close proximity of turbine 6 and the route of the primary access within the defined buffer zone, it is considered that the insufficient information has been submitted to demonstrate that the proposal would not have a detrimental impact. It is therefore anticipated that the proposal would have a negative, prejudicial and sterilising impact on the extraction of the mineral resource.</p>
<b>8.8</b>	<b>Cultural Heritage and Historic Environment</b>
8.8.1	<p>An Archaeological desk based assessment has been provided to inform the proposal. The study encompasses a 1km study area from the site boundary to identify heritage assets which may be subject to potentially significant direct effects and a 5km from the site boundary to identify heritage assess that may be subject to potentially significant indirect effects.</p>
8.8.2	<p>The report determines that there are 18 records of non-designated historic assets within the site boundary as detailed in table 7.7 and figure 7.1 of the applicant's submission. There are no designated historic assets within the site boundary.</p>
8.8.3	<p>One scheduled monument and six listed buildings are located within the 1km study area. Details are provided a Table 7.8 of the applicant's submission.</p>
8.8.4	<p>There are no conservation areas, World Heritage sites or registered parks and gardens within the 1 km study area.</p>
8.8.5	<p>With regard to Prehistoric, Roman and Medieval buried remains, the report identifies one potential archaeological record from the prehistoric period within the site boundary – The Abertillery Round Barrow (GGAT06967g). The asset is located on the north-western edge of the 50m micro-siting of turbine 2. Although the asset has been re-interpreted to be a post-medieval quarry, given the location of further Bronze Age barrows in the study area to the north, there is a moderate potential for pre-historic remains in localised areas of the site.</p>
8.8.6	<p>The report also notes that there are historic hedges within the application site that date to at least 1841. Some of these boundaries would be partially removed for entrances to accommodate site tracks.</p>
8.8.7	<p>A Stage 1 Assessment has identified five scheduled monuments, nine listed buildings, one historic landscape and one World Heritage Site</p>



	<p>within the 1-5km of the site that are subject to potential effects. Details are given at Tables 7.8, 7.9 and 7.13 of the applicant's submission.</p>
8.8.8	<p>Of these receptors, nine fall within the Zone of Theoretical Visibility (ZTV), six on the periphery and one outside. The Sensitivity/Importance/ value of all receptors is determined as high. The magnitude of change has been determined as negligible for six receptors, with low or no change experienced by the remaining 10. The significance of the environmental effects is deemed to be none to minor for 15 of the receptors with St Illtyd's Castle Mound Scheduled Monument experiencing a moderate effect.</p>
8.8.9	<p>With regard to St Illtyd's Castel Mound it is noted that the turbines would be sited approximately 1.65km from the monument and would be fully visible. This would alter views to the north across the Ebbw Fach River but would not alter the wider views in other directions or the relationship of the monument to St Illtyd's Church.</p>
8.8.10	<p>On the basis of the report submitted the LPA anticipate that the proposal would have a neutral impact on the majority of cultural heritage and historic assets within a 5km of the site.</p>
8.8.11	<p>However, whilst the Abertillery Round Barrow (GGAT06967g) is subject to reassessment, has been damaged and is deemed to be of local significance, it is considered that the siting of Turbine 2 could have a negative impact on any subsurface remains. It is also considered that the alterations to the historic hedgerows could dilute and diminish the historic legibility of the landscape.</p>
8.8.12	<p>It is therefore anticipated that the proposal could have a negative impact on historical assets of local importance. However, relative to the wider historical environment this would be not significant in scale. Additional information with regards to means of recording and protecting the sub-surface archaeology and historic hedges, required prior to commencement of the proposal, should be secured by condition.</p>
<b>8.9</b>	<p><b>Socio-economics including tourism and recreation</b></p>
8.9.1	<p>The Blaenau Gwent Destination Management Plan 2016-2019 (Blaenau Gwent County Borough, 2016) sets out the approach to developing the visitor economy in Blaenau Gwent. This approach has been revised and updated in the Destination Management Plan 2020-</p>

	<p>25 (Blaenau Gwent County Borough, 2020)<sup>16</sup>. The Destination Management Plan recognises the value of cultural heritage to the visitor offer including the recognition of the area being the home of the National Health Service linked to Aneurin Bevan. Approximately 4km to the north east (within Torfaen County Borough) is the Blaenavon Industrial Landscape World Heritage Site which extends to approximately 33km<sup>2</sup>. The World Heritage Site was inscribed by UNESCO in 2000.</p>
8.9.2	<p>Although the latest local wide tourism data available as set out in the Welsh Government’s Tourism Profile – Wales Local Authorities 2011-2019 (Welsh Government, 2021b) advises that BGCBC experiences a less than average income from domestic and international tourism, it is noted that the site is crossed by numerous public rights of way (PRoW), which include footpaths, bridleways and restricted byways that serve the local community.</p>
8.9.3	<p>Details submitted as part of the application confirm that some PRoW will be required to be temporarily closed during construction with safety signs erected during construction and future operation of the site. Active management must also be required during the construction period.</p>
8.9.4	<p>A distance of 200m from the turbines is required to reflect safety considerations for the users of bridleway PRoW. It is noted at figure 16.2 if the applicant’s submission that PRoW 331/68/1; 331/71/1; 331/70/1; 331/108/1; 331/109/1 Bridleway cross the 200m radii for turbines to 2, 3, 4 and 5.</p>
8.9.5	<p>With regard to PRoW 334/41/1 Byway; PRoW 331/75/1 Footpath; PRoW 331/68/1; 331/71/1; 331/70/1; 331/108/1; 331/109/1 Bridleway; PRoW 334/41/1 Byway; PRoW 331/75/1 Footpath there is potential for conflict to arise between PRoW users and site traffic.</p>
8.9.6	<p>In response the applicant has proposed a number of options to manage the use of the PRoW during construction and operation. Following review, the Council’s Public Rights of Way Officer has confirmed that the options presented reflect the ongoing discussions between the Authority and the applicant and that the diversion and/or extinguishment of public rights of way will need to be the subject of a separate application with regards the procedures specified as part of Section 257 of the Town and County Planning Act 1990 of Sections 118/ 119 of the Highways Act.</p>

8.9.7	<p>With regards to the options presented, the Officer notes any changes provided should be rational and evident to the public on the ground if they are to be followed in practice. There is a tension between proposing the stopping up of public rights along existing tracks whilst retaining those tracks on the ground for private use (or use on the basis of open access) if the justification for stopping up is safety. Further it is reasonably foreseeable that diverting intangible rights from clear linear tracks onto indistinct alignments through green space without accompanying surfaces or infrastructure setting out the new alignment is unlikely to be successful.</p>
8.9.8	<p>Preference is therefore given to option 2 over option 1. Though the truncation of bridleway rights south of turbine 5 within option 2 requires redress to ensure connectivity is retained for all classes of user, the viability of upgrading 31/113/1 and 31/113/2 to bridleway status along with associated connections should be explored to this end.</p>
8.9.9	<p>In conclusion it is noted that the proposal would have some impact on the existing PRowWs with diversion (or downgrading) with new permissive routes. As a result, it is anticipated that the effect of the proposal would be negative. However, subject to the embedded environmental measures and arrangements proposed being implemented, the overall effect with regard to the magnitude of change and the user experience could be neutral.</p>
8.10	<p><b>Renewable Energy</b></p>
8.10.1	<p>The Welsh Government's (WG) national legislative and policy background provides the context, specifically highlighting the positive approach to renewable energy generation within both Future Wales: The National Plan (2021) and Planning Policy Wales Ed 11 (2021).</p>
8.10.2	<p>Future Wales: The National Development Framework, outlines the Welsh Government's strong support for the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.</p>
8.10.3	<p>Policy 17 emphasis that in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate</p>

	<p>emergency. In Pre-Assessed Areas for Wind Energy (as in this instance) there is a presumption in favour of large-scale wind energy development (including repowering) subject to the criteria specific requirements of policy 18.</p>
8.10.4	<p>Planning Policy Wales Edition 11, reaffirms the Welsh Governments targets for renewable energy generation and sustainable development with an emphasis that Local Development Plan policies be supportive of renewable and low carbon energy development in all parts of Wales (para 5.9.10).</p>
8.10.5	<p>Policy SP7 of the LDP seeks to address the causes of climate change through “encouraging more of the County Borough’s electricity and heat requirements to be generated by renewable and low/zero carbon technologies”. Further guidance is given in Policy DM4 of the LDP which encourages major development proposals to incorporate schemes which generate energy from renewable and low/zero carbon technologies of which onshore wind is cited as an example.</p>
8.10.6	<p>In 2020, it was estimated that the renewable energy figures stand at 56% (up from 51% in 2019). The Energy Report (Welsh Government, 2022) notes that the conditions are challenging for delivery of renewable energy. Furthermore, it notes that Blaenau Gwent has one of the lowest installed capacities for renewable energy (22MW of electrical installed capacity) with BEIS data for 2020 stating this stands at 34MW<sup>26</sup>.</p>
8.10.7	<p>It is noted that the proposed development is for a Wind Farm of up to 34MW which is equivalent to providing enough power to meet the annual electricity needs of approximately 21,100 homes. By way of comparison, the BGCBC area is estimated to have 31,371 households as of 2020 (Stats Wales, 2021c). Accordingly, having regard to Future Wales, it is considered that this proposal would have a positive effect on meeting identified targets for Renewable Energy.</p>
<b>8.11</b>	<p><b>Secondary Consent Requirements</b></p>
8.11.1	<p>The development will need to be the subject of secondary consent. These include the following-</p> <ol style="list-style-type: none"> <li>1. Removal of the hedgerow – As a result of the age of the existing hedgerows and their reference within the Historic Environment Record, any proposed removal will need to be considered and</li> </ol>

	<p>consented as part of a separate application submitted with regards to the Hedgerows Regulations 1997.</p> <ol style="list-style-type: none"><li>2. Works to alter or fell any trees covered by a Tree Preservation Order will need to be considered and consented as part of a separate application submitted with regards to the Town and County Planning Act 1990</li><li>3. The diversion and/ or extinguishment of any public rights of way as required by Section 257 of the Town and Country Planning Act 1990 or Section 118/ 119 of or Highways Act 1980.</li><li>4. As the works seek to provide an area of hardstanding in excess of 100sqm, the application will require sustainable drainage systems (SuDS) consent for surface water disposal as detailed by Flood and Water Management Act 2010 (the 2010 Act).</li><li>5. Temporary Traffic Regulation Order (TTRs) will be required for each section of the route where the police may need to stop or hold traffic to allow the AIL vehicles to pass. This may involve applying to multiple highway authorities for TTRs.</li></ol>
9.0	<b>SUMMARY</b>
9.1	<p>BGCBC has reviewed the submitted information relating to the current proposal and considers that provided appropriate controls are in place through the recommended conditions, that the impacts of the development as a whole would be negative, which will need to form part of an overall assessment of the planning balance having regard to identified benefits arising from the production of renewable energy at the site.</p>
9.2	<p>However, it should be reiterated that the application lacks sufficient information to allow full and reasoned assessment with regard to visual impact, biodiversity, land stability and minerals. In this respect additional information is required before the LPA can provide a review of how these works would impact these subject areas. These issues should be considered prior to determination of this application.</p>
10.0	<b>PLANNING CONDITIONS</b>
10.1	<p>At this stage, and notwithstanding the comments above in respect of the need for additional information, without prejudice to the determination of the application or the matters raised in this LIR, the following planning conditions are currently recommended (and may be subject to amendment at a later stage).</p>

<ul style="list-style-type: none"><li>• Construction method statement</li><li>• Construction traffic management plan</li><li>• Traffic management Plan</li><li>• Water management plan</li><li>• Habitat Management Plan to include invertebrate monitoring, programme of annual bracken reduction, methods to control grazing pressure</li><li>• Intrusive SI phase 2 geo-environmental ground investigation with emphasis on site and wider land stability</li><li>• Mechanism to reduce shadow flicker</li><li>• Decommissioning of turbines and and restoration detail of turbines</li><li>• Updated cemp to include dust suppressant, air quality management, water resource protection, pre-construction surveys of the highway network; details with regard to vehicle movements, wheel washing, hours of construction, site lighting, Biodiversity protection measures, mitigation and enhancement, timing and location of works relative to breeding and nesting birds, material management including storage and management of soil, Fuel oil and chemical storage , crossing of surface water flow, details of PROW closure and signage</li><li>• Archaeological recording to include excavation and archaeological watching brief</li><li>• Protection of existing known archaeological assets within the site.</li><li>• Hedgerow loss details plus mitigation and enhancement</li><li>• Details of the measures proposed to mitigation the effect of the development on St Illtyd's Mound</li><li>• Shadow flicker control module</li><li>• Design and detail position of the turbines and access track</li></ul>
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	<ul style="list-style-type: none"><li>• Detail of specific travel routes for delivery vehicles</li><li>• HGV use of haulage routes</li><li>• Details of a curtailment regime for turbines 2, 5, 7 and 8 with regard to bat collision</li><li>• Post construction and operation bat monitoring</li><li>• Detailed drainage design</li></ul>
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# Agenda Item 7

Report Date:

Report Author:

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Appeals, Consultations and DNS Update February 2023</b>
<b>Report Author</b>	<b>Service Manager Development &amp; Estates</b>
<b>Report Date</b>	<b>28 January 2023</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>9<sup>th</sup> February 2023</b>

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update Members in relation to planning appeal and related cases.
<b>2.0</b>	<b>Present Position</b>
2.1	The attached list covers the “live” planning appeals and Development of National Significance (DNS) caseload.
<b>3.0</b>	<b>Recommendation/s for Consideration</b>
3.1	That the report be noted.

	<b>Application No Appeal Reference Case Officer</b>	<b>Site Address</b>	<b>Development</b>	<b>Type Procedure</b>	<b>Sit Rep</b>
1	CAS-02154-J7Z8W1 (C/2022/0047)  Helen Hinton	7 Beaufort Terrace Beaufort Ebbw Vale NP23 5NN	Proposed two storey rear extension to provide kitchen, lounge, bedroom, bathroom and ensuite and change of use to bed and breakfast	Planning Appeal  Written Reps	Appeal Start date 23.01.2023  Questionnaire Submitted to PEDW 30.01.2023

# Agenda Item 8

Report Date: 30<sup>th</sup> January 2023

Report Author:

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>List of applications decided under delegated powers between 19<sup>th</sup> December 2022 and 27<sup>th</sup> January 2023.</b>
<b>Report Author</b>	<b>Business Support Officer</b>
<b>Report Date</b>	<b>30<sup>th</sup> January 2023</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>9<sup>th</sup> February 2023</b>

## **1.0 Purpose of Report**

1.1 To report decisions taken under delegated powers.

## **2.0 Scope of the Report**

2.1 The attached list deals with the period 19<sup>th</sup> December 2022 and 27<sup>th</sup> January 2023.

## **3.0 Recommendation/s for Consideration**

3.1 The report lists decisions that have already been made and is for information only.

Application No.	Address	Proposal	Valid Date Decision Date
C/2022/0247	Plot 13 Former Pochin Works Site Newport Road Tredegar	Reserved Matters application for appearance, layout and scale pursuant to outline planning permission C/2021/0197.	26/08/22 19/12/22 Approved
C/2022/0246	Plot 12 Former Pochin Works Site Newport Road Tredegar	Condition 4 details of the siting, appearance and scale of individual dwellings (herein called plot reserved matters) shall be submitted to/ approved in writing by LPA before any works relating to the construction of such dwellings are commenced.	26/08/22 19/12/22 Approved
C/2022/0249	Plot 15 Former Pochin Works Site Tredegar	Reserved Matters application for appearance, layout and scale pursuant to outline planning permission C/2021/0197.	26/08/22 19/12/22 Approved
C/2022/0258	Land at Northgate Steel Works Road Ebbw Vale	Application for Discharge of Conditions: 13 (Travel plan) & 21 (Flood excavation plan) of planning permission C/2020/0201 - (Proposed Residential Development and Associated Works).	06/09/22 26/01/23 Condition Discharged
C/2022/0077	Site off Mountain View Cwm Ebbw Vale	Construction of four detached houses with associated landscaping and parking.	28/03/22 17/01/23 Approved
C/2022/0185	Land between 12A & Springfield Cottage Queen Victoria Street Tredegar	Proposed terrace of three properties with associated car parking and external works.	04/07/22 19/12/22 Refused

C/2022/0289	Glanhowy Primary School Vicarage Road Dukestown Tredegar	Proposed ramp.	11/10/22 20/12/22 Approved
C/2022/0284	48 Alexandra Road Six Bells Abertillery	Change of use from garage to a 2 bedroom ground floor apartment.	06/10/22 22/12/22 Approved
C/2022/0288	Hospital Garage Bournville Road Abertillery	Application for prior notification of proposed demolition of derelict workshop and commercial tyre & exhaust garage.	10/10/22 18/01/23 Prior Approval Required
C/2022/0307	14 The Crescent Ebbw Vale	Proposed garage and hardstanding with storage area below and gates.	04/11/22 20/12/22 Approved
C/2022/0296	Home Bargains Unit 3 Brynmawr Retail Park Blaina Road Brynmawr	Flexiface shop signs.	20/10/22 19/12/22 Approved
C/2022/0276	25 and 26 Maes Morgan Nantybwh Tredegar	Application for Discharge of Conditions 5 (Landscaping) and 8 (Balcony screens) of planning permission C/2021/0110 (Proposed development for two detached dwellings, boundary enclosures & associated works).	23/09/22 10/01/23 Condition Discharged

C/2022/0233	Plot adj 168 Near High Street Blaina	Construction of new detached dwelling including integral garage, on site parking, landscaping and services within curtilage of existing private dwelling with separate access to public highway.	06/12/22 11/01/23 Approved
C/2022/0294	Green Hill Farmers Hill Estate Dukestown Tredegar	Demolish 2no. existing sheds and erect new garage.	17/10/22 22/12/22 Approved
C/2022/0293	Vacant Plot between The Gables & Degfan Charles Street Tredegar	Proposed new house and associated external works.	19/10/22 20/12/22 Approved
C/2022/0303	Tredegar General Hospital Tredegar Health Centre and Bedwellty Park Park Row Tredegar	Installation of roof-mounted solar photovoltaic panels.	31/10/22 23/01/23 Approved
C/2022/0314	95 Queen Victoria Street Tredegar	Change of use of first floor retail area and second floor store area into 3 flats.	15/11/22 03/01/23 Approved
C/2022/0264	Land opposite 26-33 Pen Y Graig Terrace Brynithel Abertillery	Application for Variation of Conditions: Condition 1 (Revised site layout and revised plans for plot 1), Condition 4 (Revised boundary details) and Condition 7 (revised drainage details) of planning permission C/2011/0130 (5no detached dwellings with associated highway, access and groundworks, etc).	09/09/22 11/01/23 Approved

C/2022/0188	Phoenix House Surgery Road Blaina	Timber framed outbuilding to be used as a consultation/meeting room.	08/12/22 22/12/22 Approved
C/2022/0324	Blaina Integrated Childrens Centre High Street Blaina	Removal of demountable classroom and construction of a new single storey extension and internal alterations. Erection of 4no. timber framed canopies and 6no. Tensile sheet canopies. Change of use of land to car park. (include lighting, boundary treatments and EV charging points).	24/11/22 17/01/23 Approved
C/2022/0328	Gelli Crug House Gelli Crug Road Abertillery	Single storey side and rear extensions.	01/12/22 19/01/23 Approved
C/2022/0331	Salt Barn Silent Valley Waste Services Waun Y Pound Industrial Estate Access Road	Application for prior notification of proposed demolition of Salt Barn.	06/12/22 10/01/23 Approved
C/2022/0292	Thales Digital Exploitation Centre Regain Building Mill Lane Victoria Ebbw Vale	Application for partial discharge of condition 12 (Validation Report)of planning permission C/2020/0027 (Two storey building (B1 use) linked to Regain building with associated infilling of basement garden, access, parking and other infrastructure, and additional parking areas and service access to Regain building).	18/10/22 26/01/23 Condition Discharged
C/2022/0333	Land adjacent to Ty Coed Sycamore Drive Rassau Ebbw Vale	Application for Non-material amendment of planning permission C/2022/0081 (Detached dwelling) to increase height of main dwelling by 300mm and increase height of side annexe by 400mm.	06/12/22 21/12/22 Approved

C/2022/0321	48 Bethcar Street Ebbw Vale	Change of use of ground floor shop to residential.	28/11/22 19/01/23 Refused
C/2022/0322	Land adjacent to Whitehouse Farm Primrose Lane Beaufort Ebbw Vale	Application for discharge of conditions: Condition 3 (widening private access), Condition 4 (Construction Environmental Management Plan (CEMP: Biodiversity)), Condition 5 (external materials), Condition 6 (external lighting), Condition 7 (detailed landscaping scheme) of planning permission C/2022/0140 (Proposed construction of new dwelling and detached garage on land adjacent to White House Farm).	28/11/22 05/01/23 Condition Discharged
C/2022/0316	Plot 3 Land adj Brentwood Place Willowtown	Application for discharge of condition 5 (demolition/construction statement) & condition 6 (foul water drainage of planning permission C/2022/0145 (detached house and parking).	15/11/22 26/01/23 Approved
C/2022/0325	Land adjoining Verwey Road Nantyglo	Application for Variation of Condition 7 to extend the life of planning permission C/2017/0292 (Detached two storey cottage (with demolition of existing outbuilding) including parking).	29/11/22 17/01/23 Approved
C/2022/0337	Land adjacent to No.3 Aneurin Rise Tredegar	Application for Discharge of Condition 3 (Validation report) of planning permission C/2021/0266 (Two storey detached house with integral garage).	12/12/22 25/01/23 Condition Discharged