

<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>1<sup>st</sup> June 2022</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>16<sup>th</sup> June 2022</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/2022/0060	5 Village Lane, Victoria Ebbw Vale
C/2022/0047	7 Beaufort Terrace Ebbw Vale
C/2021/0278	Vacant Plot North & East of Rassau Industrial Estate, Rassau, Ebbw Vale
C/2021/0378	1 Hawthorn Glade Tanglewood
C/2022/0014	Glandovey House
C/2021/0362	Fair Deal Aberbeeg
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Report

<b>Application No:</b> C/2022/0060	<b>App Type:</b> Full
<b>Applicant:</b> Mr Merion Morgan 5 Village Lane Ebbw Vale NP23 6AR	<b>Agent:</b> Creative Design Wales Mr Paul Parsons 88 Bailey Street Brynmawr NP23 4AN
<b>Site Address:</b> 5 Village Lane, Victoria, Ebbw Vale, NP23 8AR	
<b>Development:</b> Proposed first floor rear and side extension	
<b>Case Officer:</b> Joanne Clare	



## 1. Background, Development and Site Context

1.1 Planning permission is sought to erect a first floor side and rear extension to provide larger bedrooms to the first floor of 5 Village Lane, Victoria. The footprint of the dwelling will not alter as the first floor extension will sit on an existing single storey extension. The property is a detached two storey dwelling located within a modern housing estate.

1.2 The proposed extension will have a hipped roof as viewed from the principal (north elevation) and will have a rear projecting gable. The extension will measure approximately 6.3m at its widest point by 6.5m long. It will be constructed from materials which match the existing arrangement consisting of a tiled roof, rendered walls with brick quoins to the front elevation with face brick to the side and rear.

1.3



Fig 1. Proposed Principal (north) Elevation

1.4



Fig 2. Proposed Rear Elevation

1.5

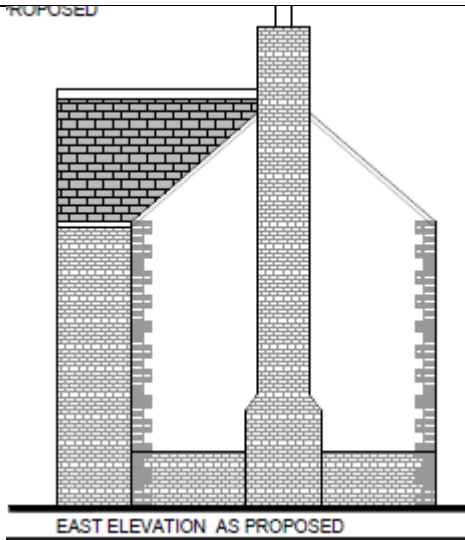


Fig 3. Proposed Side Elevation directly fronting Village Lane

1.6



Fig 4. View from Village Lane, approaching from the South

1.7



Fig 5. View of principal elevation, from the north

## 2. Site History

	Ref No	Details	Decision
2.1	C/1999/0139	Garage	Approved 25.11.1999
2.2	C/2007/0262	Two storey extension	Approved 05.06.2007

## 3. Consultation and Other Relevant Information

### 3.1 Internal BG Responses

3.2 Team Leader Building Control: No response received.

### 3.3 External Consultation Responses

#### 3.4 Welsh Water:

Requested that condition be attached that no surface water and/or land drainage should be allowed to connect directly or indirectly with the public sewerage network.

#### 3.5 Public Consultation:

- 7 letters to nearby houses
- website public register of applications
- ward members by letter
- all members via weekly list of applications received

3.6 Response: No letters of objection have been received.

3.7	A ward member has requested that the application is presented to planning committee as they consider a refusal is unjustified as the development will not have an impact upon the neighbouring properties.
<b>4. Planning Policy</b>	
4.1	<u>LDP Policies:</u> DM1 New Development DM2 Design and Placemaking
4.2	Supplementary Planning Guidance Householder Design Guidance Note 1: Extensions and Conservatories
<b>5. Planning Assessment</b>	
5.1	The proposal has been assessed against policies DM1 and DM2 of the adopted Local Development Plan (LDP) and the adopted Supplementary Planning Guidance for Householder development, Note 1: Extensions and Conservatories.
5.2	The above SPG sets out guidance on the standard of design for householder developments within the borough. It provides a sound and consistent baseline for assessing applications and providing certainty to developers of the parameters that would be used for assessing proposals.
5.3	Policy DM2 amongst other things seeks to ensure extensions are of a good design which reinforce local character and reflect, complement or enhance the form, architectural details and character of the original building and the wider area. In the context of this site, the main dwelling has an up-and-over roof whilst the proposed extension will introduce a hipped roof which will appear unbalanced, will fail to respect the host dwelling and is of poor design. This also applies to the window configuration to the principal (north) elevation which will appear unbalanced. Furthermore, the continuation of the main ridge line and the lack of set-back from the principal elevation will result in an elongated elevation that is out of character with the surrounding area and does not appear subservient to the main house. I therefore consider that the design and form of the extension is contrary to LDP Policy DM2(d).
5.4	Whilst the property sits side on to the road, the rear extension is highly visible from Village Lane. The proposed extension, which projects from the main ridge height and measures 6.3m wide does not appear subservient to the original dwelling contrary to the Householder SPG Note 1.
5.5	In considering the impact upon the neighbouring amenity, there will be some impact upon the properties at numbers 4 & 6 Village Lane. In particular, I

5.6	<p>consider the scale and mass of the first floor extension in such close proximity to the neighbouring boundary will have an overbearing impact upon the amenity of the occupiers of 4 Village Lane contrary to Policy DM1 2c of the adopted LDP, which seeks to ensure that proposals do not have an unacceptable adverse impact upon the amenity of neighbouring occupiers.</p> <p>Members should note that whilst there are other houses within the vicinity that have benefitted from two storey extensions, these relate to rear extensions that are smaller in scale than the one proposed with ridgelines that are set below the main dwelling ensuring that they remain as subservient additions. As such I consider the proposal contrary to Policies DM1 2b and DM2 d of the LDP.</p>
<b>6. Legislative Obligations</b>	
6.1	<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>
6.2	<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>
<b>7. Conclusion and Recommendation</b>	
7.1	<p>It is felt that the proposed first floor extension would have an overbearing impact on the amenity of neighbouring property 4 Village Lane, and would have a detrimental visual impact upon the street scene. The proposal is of poor design which fails to respect the host dwelling and does not appear as a subordinate addition. The proposal fails to accord with Policies DM1, DM2 and the Householder SPG Note 1, and therefore this application is recommended for refusal.</p> <p>Planning permission be <b><u>REFUSED</u></b> for the following reason(s):</p> <ol style="list-style-type: none"> <li>1. The proposed first floor extension by virtue of its position, mass and scale will have an unacceptable overbearing impact upon the amenity of the neighbouring property and as such is contrary to Policy DM1 2c of the adopted Blaenau Gwent Local Development Plan (Nov 2012) and</li> </ol>

	<p>adopted Householder Design Guidance Supplementary Planning Guidance Note 1 (Feb 2016).</p> <p>2. The proposed first floor extension by virtue of its scale, design and relationship to the existing house, is considered to be out of keeping with the character and appearance of the existing building and streetscene contrary to Policy DM1 2b and Policy DM2 d of the adopted Blaenau Gwent Local Development Plan (Nov 2012) and adopted Householder Design Guidance Supplementary Planning Guidance Note 1 (Feb 2016).</p>
<p><b>8. Risk Implications</b></p>	
<p>8.1</p>	<p>Granting planning permission contrary to the recommendation of this report undermines the principles of the adopted LDP policies and Supplementary Planning Guidance. Such a decision would demonstrate an inconsistent approach in the planning process and would set a precedent for unacceptable extensions in the locality.</p>



## Planning Report

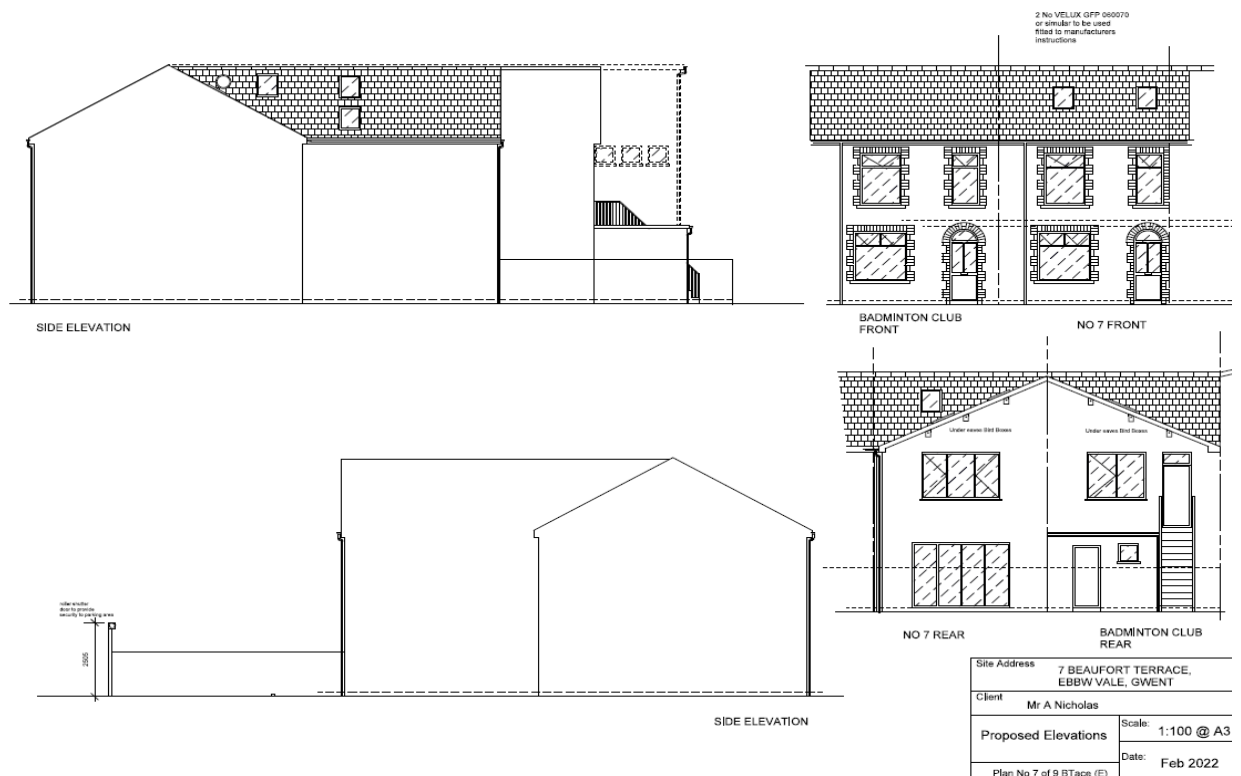
<b>Application No:</b> C/2022/0047	<b>App Type:</b> Full
<b>Applicant:</b> Mr Andrew Nicholas Beech House 29 Garnlydan Ebbw Vale NP23 5NR	<b>Agent:</b> Mr Andrew Nicholas Beech House 29 Garnlydan Ebbw Vale NP23 5NR
<b>Site Address:</b> 7 Beaufort Terrace, Beaufort, Ebbw Vale, NP23 5NN	
<b>Development:</b> Proposed two storey rear extension to provide kitchen, lounge, bedroom, bathroom and ensuite and change of use to bed and breakfast.	
<b>Case Officer:</b>	Helen Hinton



## 1. Development and Site Context

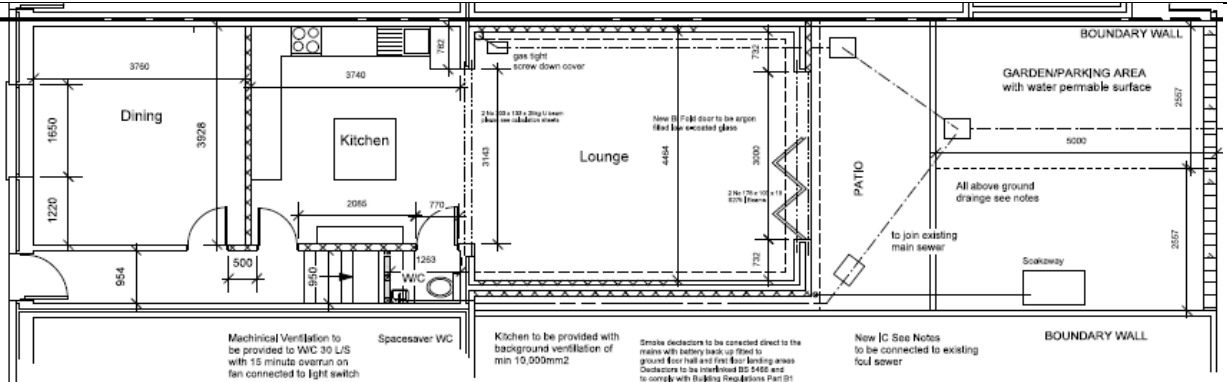
1.1 This application seeks full planning permission for the demolition of an existing, half width, single storey extension adjoining the rear (western) elevation, the development of a two storey extension in its place and to change the use of the premise from a dwelling (C3) to a bed and breakfast (C1).

1.2 The proposed extension would be full width in design and would measure 4.95m wide, 6.0m deep with a mono-pitch lean to roof with a maximum height of 7.95m falling to 5.6m at eaves level. The counterpart of the roof would be provided by an extension proposed to the rear of number 5 Beaufort Terrace which already forms part of The Badminton Club, which would be deeper than the development proposed as part of this application (undetermined application C/2022/0049 refers). Externally the extension would be finished with render elevations, a slate tiled roof with upvc windows and doors. Internally the extension would provide a living room at ground floor level with a master bedroom at first floor level.

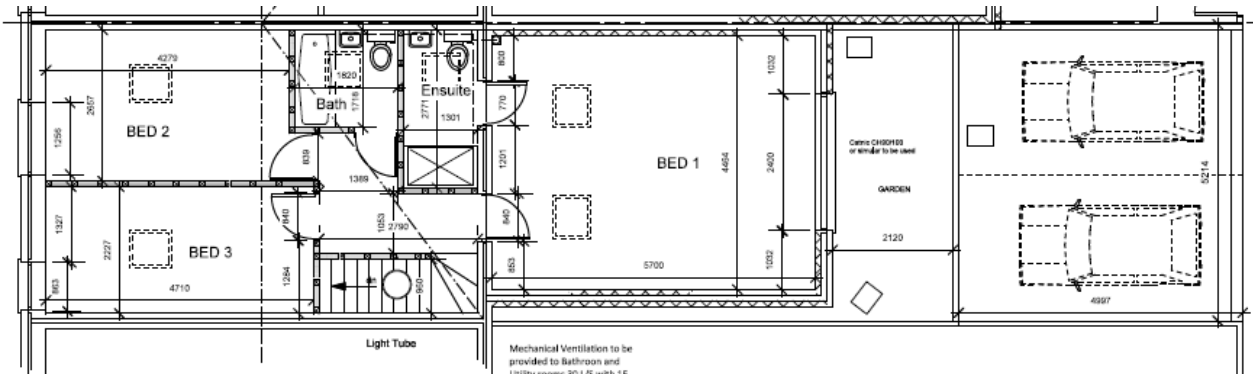


Proposed elevations

1.3 As a whole the property would accommodate a ground floor dining room, kitchen, lounge and WC with three bedrooms, a bathroom and ensuite at first floor level. As specified above, the applicant intends to use the property as a bed and breakfast.



Proposed ground floor plan



Proposed first floor plan

1.4

The application site comprises a two storey, single fronted, mid terrace dwelling with existing single storey half width rear extension, positioned on the western side of Beaufort Terrace. The property is street fronted and benefits from an enclosed garden to the rear (west).



1.5

The site is located within the settlement boundary of Ebbw Vale as defined by the proposals map of the Blaenau Gwent County Borough Council Local

	Development Plan (LDP), a C2 flood zone as defined by the Development Advice Maps of Technical Advice Note (TAN15)- Development and Flood Risk, flood zone 3 Rivers as defined by Flood Map for Planning (FMfP) and a High Risk Coal Mining Area. The application is therefore supported by a Flood Consequences Assessment and a Geological Review & Investigation Report.		
<b>2. Site History</b>			
	Ref No	Details	Decision
2.1	None		
<b>3. Consultation and Other Relevant Information</b>			
3.1	<b><u>Internal BG Responses</u></b>		
3.2	<u>Service Manager Infrastructure:</u>		
3.3	Highways: No objection		
3.4	<u>Service Manager Public Protection:</u> No objection		
3.5	<b><u>External Consultation Responses</u></b>		
3.6	<u>Natural Resources Wales:</u> No objection advice provided with regards to flood risk		
3.7	<u>Welsh Water:</u> Advice provided with regards to the location of apparatus and a condition recommended preventing the disposal of surface water into the public sewerage system.		
3.8	<u>Coal Authority:</u> Although an objection was initially raised to the proposal, following the provision of additional information, this objection has been withdrawn.		
3.9	<b><u>Public Consultation:</u></b> <del>Strikethrough to delete as appropriate</del> <ul style="list-style-type: none"> <li>• Four letters to nearby houses</li> <li>• Erection of a site notice</li> <li>• <del>Press notice</del></li> <li>• Website public register of applications</li> <li>• Ward members by letter</li> </ul>		

3.10	<ul style="list-style-type: none"> <li>• All members via weekly list of applications received</li> <li>• <del>Other</del></li> </ul> <p><u>Response:</u> No public objections or representations have been received.</p> <p>Two Ward Members have requested the application be presented to Committee to allow a further assessment with regards to the impact of the development on the residential amenity of the neighbouring dwellings and the character and appearance of the area.</p>
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#### 4. Planning Policy

4.1	<p><u>Team Manager Development Plans:</u></p> <p><u>LDP Policies:</u>  SP1- Northern Strategy Area – Sustainable Growth and Regeneration  SP7 – Climate Change  SP10- Protection and Enhancement of the Natural Environment  DM1- New Development  DM2- Design and Placemaking  DM14- Biodiversity Protection and Enhancement  SB1- Settlement Boundaries</p> <p><u>Supplementary Planning Guidance (SPG):</u>  Access, Car Parking and Design  Householder Design Guidance  Nature Conservation Planning Guidance</p> <p><u>PPW &amp; TANs:</u>  Future Wales: The National Plan 2040  Planning Policy Wales Edition 11 (Feb 2021)  Technical advice note (TAN) 5: nature conservation and planning  Technical advice note (TAN) 15: development and flood risk</p>
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#### 5. Planning Assessment

5.1	<p><u>Policy Overview:</u></p>
5.2	<p>Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health</p>

	<p>and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework, which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.</p>
5.3	<p>The primary objective of Planning Policy Wales (PPW) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.</p>
5.4	<p>A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process, which is conducive to maximising its contribution to the well-being of Wales and its communities.</p>
5.5	<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, provided it meets the requirements of relevant LDP policies and satisfies other material considerations.</p>
5.6	<p><u>Flood Risk and Drainage</u></p>
5.7	<p>The site is located within flood zone C2 as defined by the Development Advice Maps (DAM) associated with Technical Advice Note 15: Development and Flood Risk (2004) (TAN 15) and flood zone 3 Rivers as defined by the Flood Map for Planning (FMfP).</p>
5.8	<p>Dwellings and bed and breakfast properties are both considered highly vulnerable development in terms of flood risk as defined by para 5.1 of TAN 15, with emphasis placed on directing new development away from such locations. In such circumstances the Local Planning Authority must consider whether the development meets the justification tests outlined in Para 6.2 of the TAN. Following review, it is considered that the proposal is:</p> <ul style="list-style-type: none"><li>• required to sustain an existing settlement;</li><li>• the proposal concurs with the aims of PPW;</li><li>• meets the definition of previously developed land (PPW fig 2.1); and</li><li>• the potential consequences of a flooding event for the particular type of development have been considered.</li></ul>

5.9	It is therefore considered that the proposal meets the tests. However, whether the development should then proceed depends on whether the consequences of flooding can be managed at a level appropriate to the development (TAN 15 para 7.2). For this reason, the developer has submitted a Flood Consequence Assessment (FCA).
5.10	The document has considered the potential sources of flood risk and concluded that the proposal would remain flood free in the 1 in 100 year plus climate change scenario, the depth of water in the 1 in 1000 year floor even would be within the tolerable limits and the proposal would not increase flooding elsewhere. Following review of the FCA, Natural Resources Wales have raised no objection to the proposal, subject to the developer being made aware of the potential flood risk and advised to install flood resistance/resilience measures into the design and construction of the development.
5.11	As the cumulative area of the extension and parking area is less than 100m <sup>2</sup> the proposal does not need a Sustainable Drainage System (SuDS) to manage on-site surface water.
5.12	On the basis of the above, the application is considered compliant with TAN 15 and LDP policies SP7 and DM1 2.e
5.13	<p><u>Ground Conditions</u></p> <p>The application site constitutes developed land located within a High Risk Coal Mining Area, with the application supported by a Geological Review &amp; Investigation Report. Following an initial consultation, the Coal Authority objected to the proposal on the basis that the report did not adequately address the impact of Coal Mining legacy on the proposed development. However, following the submission of additional information by the agent, the Coal Authority have confirmed that the report is justified and, on the basis that the professional opinion of the competent person is that this part of the wider development site is also safe and stable, have withdrawn their objection to the application. The proposal is therefore considered compliant with relevant national and LDP policy DM1. 2i</p>
5.14	<u>Access and Highway Safety</u>
5.15	The Access, Car Parking and Design SPG specifies that hotel developments (ie serviced accommodation akin to a Bed and Breakfast use) should seek to provide where possible, 1 operational commercial vehicle parking space, 1

	space per 3 non-resident staff and 1 space per dwelling created. This requires a maximum provision of 5 parking spaces.
5.16	Although the application site has a sizeable rear garden it does not currently benefit from any off street parking provision. The plans submitted detail the provision of two parking spaces within the garden to the west of the extension with access gained from the rear lane. Although the provision is less than that required by the SPG, being mindful that the premise would be operated in conjunction with The Badminton Club and the lack of existing provision, the two spaces proposed represent a highway gain and as a result the proposal would not have a detrimental impact on the highway safety and free flow of traffic in the area.
5.17	Following consultation, the Council's Team Leader – Infrastructure has raised no objection to the development. The application is therefore considered compliant with LDP policy DM1 3.d
5.18	<u>Siting, Design and Residential Amenity</u>
5.19	New developments must enhance and respect their surroundings and be of an appropriate type, form and scale for the proposed location. As specified above, the applicant intends to operate the property as a bed and breakfast which falls within the C1 use class and from which there is no permitted change. However, being mindful that the existing property is a mid-terrace dwelling located within an established residential area, any future planning application to convert it back to purely residential (C3 use) would be acceptable in principle. As result, it is considered that the proposal should be assessed relative to the requirements of the Householder Design Guidance SPG
5.20	To overcome potential overbearing impact, the SPG advises that first floor rear extensions should be limited to a depth of 4.5m, when measured from the main back wall of the original house. The applicant was advised of this requirement as part of previous discussions and a reduction has been sought as part this application. However, they have requested the application be determined in its current form.
5.21	The application site is positioned at the southern end of Beaufort Terrace. Although there are other first floor extensions in the street, based on the latest aerial images, other than the Badminton Club building to the south and number 37 at the northern end of this part of the terrace, the existing extensions are not as deep as the development currently proposed. Although some may be deeper than that advocated by the current guidance, consideration must be



given as to when these were approved relative to the adopted date of the SPG. In this instance, it is considered that there is not such an overwhelming pattern of development to justify an extension deeper than that advocated as part of the guidance.



5.22 Given the scale of the first floor extension, in conjunction with its positioning to the south of the adjoining dwelling, which benefits from ground and first floor habitable room windows in the original rear elevation, immediately adjacent to the proposal, it is considered the development would generate an increased level of overshadowing, loss of light and overbearing impact to both the dwelling and garden that would have a detrimental impact on the long term residential amenity of the neighbour. The proposal is therefore considered contrary to LDP policy DM1. 2a which is supported by Householder Design Guidance SPG.

5.23 Ecology

5.24 In compliance with Welsh Government guidance, each application for planning permission must provide ecological mitigation and enhancement. Although the proposed development would adjoin with the eaves and the roof of the existing dwelling, being mindful of existing levels of illumination, the lack of connecting green infrastructure and the well maintained condition of the premise, it is considered unlikely that the roof will be in use by bats. In this instance, the proposed elevations indicate the provision of under eaves bird boxes on the gable end of the proposal. Given that nature and scale of the proposal, the provision is considered sufficient and the application is compliant with the LDP policy DM14.

<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 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.
<b>7. Conclusion and Recommendation</b>	
7.1	<u>Conclusion</u>
7.2	Based on the plans and documents submitted, it is considered that the development would not be detrimentally affected by flooding and would not cause or exacerbate flooding elsewhere. It is also considered that the proposal would not have a detrimental impact on the highway safety and free flow of traffic or the ecological value of the area.
7.3	<p>However, it is considered that the mass, size, scale and position of the first floor extension proposed, would have an overbearing impact and would generate an increased level of overshadowing and loss of light detrimental to the long term residential amenity of those living closest to the site. The application is therefore considered contrary to LDP policies DM1. 2a and the supporting Householder Design Guidance Supplementary Planning Guidance and it is recommended that planning permission be <b><u>REFUSED</u></b> for the following reason(s):</p> <ol style="list-style-type: none"> <li>1. The proposed first floor extension, as a result of its mass, size, scale and positioning would have an overbearing impact and generate an increased level of overshadowing and loss of light detrimental to the residential amenity of those living closest to the site, contrary to Policy DM1. 2a of the Blaenau Gwent County Borough Council Local Development Plan.</li> </ol>
<b>8. Risk Implications</b>	
8.1	No risks identified.

## Planning Report

<b>Applic No:</b>	C/2021/0278	<b>App Type:</b>	Full – with Environmental Statement
<b>Applicant:</b>	Mr. Mehmet Ali Erdogan CiNER Glass Property Ltd 2nd Floor 23 College Hill London EC4 2RP	<b>Agent:</b>	Mr. Tom Watson Arup 4 Pierhead Street Capital Waterside Cardiff CF10 4QP
<b>Site Address:</b>	Vacant Plot North & East of Rassau Industrial Estate, Rassau, Ebbw Vale		
<b>Development:</b>	Construction and operation of a purpose-built glass manufacturing facility, and associated development		
<b>Case Officers:</b>	Steve Smith & Steph Hopkins		

**Figure 1 - Site Location Plan**



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## 1.0 Executive Summary

### 1.1 Introduction

This report considers a major planning application submitted to the Council for a glass manufacturing facility on land at Rassau Industrial Estate (RIE).

1.2 The planning application and associated documentation is technical and voluminous. The purpose of this Committee report is not to repeat at length the information contained in the Environmental Statement (ES) submitted by the applicant. Rather, it will attempt to set out in clear and concise terms the project and its impact on the area. It includes proposed impact avoidance measures, mitigation, potential benefits and critically whether in planning terms it is an acceptable and sustainable development.

1.3 The scale of the project is not to be underestimated. The site area is 21.5ha and takes in land previously created for industrial development as well an area beyond the existing estate. The proposed buildings are of a mass and scale not previously seen on RIE.

1.4 The planning application has been the subject of extensive publicity and consultation. All the views expressed are captured in this report.

1.5 As always, when dealing with major schemes, it is necessary to assess the proposal in light of all the issues in the round. One must discard the irrelevant matters and attach weight to each material (or relevant) planning issue. In weighing up the material issues, the Council is required to make a balanced decision based on the planning merits.

1.6 As required by law, the starting point for this decision making is the Local Development Plan. This report discusses the project in the light of this key, statutory land use plan, other relevant policies and guidance and all other issues that Planning Committee must have regard to.

1.7 The recommendation in this report is that planning permission be granted. This is subject to a number of detailed conditions that are required to either make the development acceptable, mitigate an impact or exercise future control over the site.

1.8 This recommendation is not made lightly. I have critically analysed the information and had regard to the acknowledged negative impacts and concerns expressed by consultees and the public. However, I am confident that the recommendation is the correct one and development should proceed. It could deliver economic benefits without causing an impact that cannot be managed or mitigated.

1.9 That is not to say the objections and concerns that have been raised are not legitimate. It can be argued there is conflict with some planning policies. That is the challenge for Members of Planning Committee. They must have regard to all the issues and come to a view based on all relevant factors.



1.10 Background

Officers have been in discussion with the applicants for a number of years. All these discussions were held on a “*without prejudice*” basis and culminated in the submission of a planning application in September 2021.

1.11 In presenting the report, three officers and two members (of the former Council but re-elected) have had the benefit of visiting the existing plant operated by CiNER in Turkey in February 2020 prior to the planning application being submitted. The purpose of the visit was to view first-hand the nature of operation being proposed for our County Borough.

1.12 Officers from Regeneration, Environmental Health and Planning witnessed the process from the delivery and mixing of raw materials, manufacturing and packaging through to despatch. This assisted enormously in preparing this report.

1.13 Making a Decision

The key questions now facing Council are;

- i. Do we have sufficient and robust information to decide the application?
- ii. Does the development fit broadly within the terms of the Local Development Plan for the area as well as wider planning policy?
- iii. Are there any relevant considerations that outweigh the presumption in favour of the LDP?
- iv. Can negative impacts be avoided or appropriate mitigation measures secured to offset the effects?
- v. Are the claimed positive impacts reasonable and deliverable?

1.14 In terms of the first question, my advice is that the answer is yes. The original submission was initially the subject of a scoping exercise involving Council departments, NRW and other stakeholders to identify the issues to be included in the ES.

1.15 Upon completion of the initial round of consultation on the ES, further information in the form of two addendums to the ES were submitted to address issues raised by consultees and the public. These were submitted in January 2022 and April 2022. These second and third submissions were subject to further consultation and publicity.

1.16 The Planning Committee must consider each and every detailed aspect of the scheme as outlined in this report to satisfy themselves of the answers to the remaining questions above.

1.17 The following is a brief overview of the six main issues that have emerged. Each is the subject of a detailed discussion later in this report together with all other material considerations:

1.18 The Issues

1.19 1. Land Use: RIE was originally created to accommodate industrial and manufacturing uses. The application site (eastern extremity excluded) is one of the few undeveloped plots on RIE of appreciable size.

- 1.20 It was anticipated that this part of RIE would grow more organically with smaller developments of lesser scale and not one large user or a building of the magnitude now proposed. That is not to say that this scheme is unacceptable on this premise alone.
- 1.21 The application site can be divided into three distinct parts. Firstly, that part that is on the established RIE. Secondly there is an area allocated in the LDP as the eastern extension to the estate. Lastly, land further east beyond the existing or proposed RIE to be used for drainage, landscaping and ecology mitigation.
- 1.22 To challenge the principle of industrial use on the site isn't a tenable position in my view; the Council's current and predecessor Development Plans (which themselves were the subject of extensive public consultation prior to adoption) allocated the majority of the CiNER site for industrial use.
- 1.23 Further, to question the principle of industrial development is to challenge the legitimacy of any other schemes that could come forward on RIE.
- 1.24 In a plan led system (which operates in Wales), where a scheme complies with the LDP and is compatible with surrounding uses, the principle of development should be viewed as acceptable.
- 1.25 **2. Air Quality:** This is perhaps the single most important consideration. It is the main theme common to most of the public objection letters.
- 1.26 Previous developments on the estate have given rise to pollution incidents and the legacy of this remains in the memory of residents. That, and a natural and understandable scepticism of a report commissioned by the developer to validate their own scheme has led many to question whether approval of this application will lead to a new and significant source of pollution that could impact on human health.
- 1.27 The challenge faced by CiNER is that whilst there are existing established glass manufacturers in the UK, they are required to meet less stringent targets for air quality than this project. This is as a result of the industry being given time to incorporate best available techniques. This is known as a derogation period. As is standard practise, as a new build project CiNER must meet these more demanding targets from the outset. CiNER has set out how they will comply with emission limits that are below best available techniques. This presents a significant challenge.
- 1.28 Whilst on an industrial estate, the facility would be in proximity to a National Park and residential areas to the south and south east.
- 1.29 The proposal does not involve innovative or new processes. Glass manufacturing is a proven technology and well understood. The issue for this Council (in terms of air quality) is whether the specifics of this plant or characteristics of the site result in an unacceptable impact having regard to UK and Welsh planning/emissions regulations and policy.
- 1.30 In preparing this report, the Council's Environmental Health team have been consulted. They are experienced in dealing with emission control, abatement techniques and permitting. They have also taken the further step of instructing an

independent consultancy to review the methodology of the air quality reports submitted by Arup who act on behalf of CiNER. Other key bodies such as Public Health Wales have also been included in discussions.

- 1.31 For the record, NRW have not commented on air quality issues as the permitting process in this instance falls to BGCBC.
- 1.32 The outcome of this lengthy discussion is that the Council can have confidence that the predicted emissions are within acceptable tolerances. It will be for CiNER via the environmental permit process to achieve these values in a real world setting.
- 1.33 I am satisfied that through controls exercised as part of the planning process (and the subsequent environmental permitting of the furnaces/manufacturing process) that the facility will not give rise to exceedances to give rise to health impact concerns.
- 1.34 Compliance with these controls will need to be the subject of ongoing monitoring by Environmental Health. This is standard practise.
- 1.35 3. Noise:  
There is a potential for noise issues during the construction and operational phases. The ES has established the baseline noise environment via noise monitoring equipment and this is the starting point.
- 1.36 Construction Phase – noise issues could arise from general construction activity but particularly during any piling/foundation works and from traffic. Much of this temporary disturbance can be alleviated by considerate working practises and through compliance with a Construction and Environmental Management Plan (CEMP).
- 1.37 The CEMP is a common tool used in the planning process and can specify matters such as working hours, traffic routing and dust suppression. Even in the unlikely event that problems still occur, the Council has retained powers under environmental health legislation to deal with substantiated complaints.
- 1.38 Operational Phase - the ES sets out how the scheme has been designed with embedded mitigation which includes the building incorporating soundproofing, fans/ductwork being enclosed, acoustic louvres around any openings and careful selection of plant (e.g. compressors and generators).
- 1.39 The Council's Environmental Health team have confirmed that if despite these measures, a problem exists then they have powers available to deal with any nuisance. However, this is considered unlikely. The ES states that the nearest residential properties are some distance away at a different level and the other side of the trunk road. The noise modelling indicates that any increase will be significantly below a 5dB increase. There is one residence which could experience a rise of up to 0.5dB above existing background but not during night-time operations.



- 1.40 It is not considered that noise will be an issue to cause concern. During the visits to the existing CiNER facility in Turkey, officers did not experience any noise issues at a time when the facility was operating at normal capacity.
- 1.41 4. Traffic:  
Rassau Industrial Estate benefits from being located adjacent to the main trunk road linking the heads of the valley area to West Wales and the midlands. The recently dualled section provides the estate with excellent transport links for both east/west bound traffic.
- 1.42 In terms of the local network, the highway infrastructure operates well within design capacity. This has been set out in the traffic modelling in the ES and confirmed by the Highway Authority.
- 1.43 The site will require some minor alterations to the access and new traffic orders to prevent overspill parking on the highway but I have not been presented with any evidence to suggest the site will prejudice users of the local highway network and strategic trunk roads.
- 1.44 The internal site layout provides for vehicle and cycle parking and a Travel Plan has been submitted which will require further development. All of these measures are aimed at encouraging sustainable forms of transport.
- 1.45 5. Visual Impact: The development will present a new and in many respects dominating feature on a prominent site adjacent to the A465.
- 1.46 The building form is a result of its function. It is a large manufacturing facility producing significant volumes of glass containers. It requires a large footprint for manufacture, storage and despatch.
- 1.47 It is not possible to “hide” the building. That said, it is designed and sited at a sufficient distance from sensitive receptors such as the residential areas in Rassau that are closest to the site to minimise visual impact.
- 1.48 The trunk road provides a strong physical barrier between RIE and residential areas. It will not be readily visible to the closest properties due to landform and planting already in place.
- 1.49 However, it will be highly visible to through traffic on the A465 and from longer distance views from north, south, south-east and west. It will also be visible from within Brecon Beacons Nation Park (BBNP).
- 1.50 The approach taken by CiNER is to use modern, reflective materials. The use of solid colours was the subject of discussion but the applicant is of the view that this approach would only serve to accentuate the scale and mass of the buildings.
- 1.51 In my view, the use of reflective materials is an opportunity to provide a landmark, modern building that responds to the changing climatic and lighting changes. NRW have objected to the scheme on landscape and visual grounds as they perceive significant adverse effects predicted on BBNP. They are of the view that due to the scale/massing, traditional mitigation methods such as tree planting or other visual

screening would not be effective in helping to integrate the development into its setting. NRW are of the opinion that the proposed reflective cladding would be unlikely to achieve a recessive building or integrate from most viewpoints. Therefore, regardless of the efforts being made in an attempt to reduce the visual effects, NRW consider the impact on BBNP will be significant and negative. For the reasons set out in this report, I do not share this opinion.

- 1.52 The two stacks will be 75m high. To put this into context, the wind turbine immediately to the south near the former TechBoard Factory is 77m high. The reason for this height is to ensure dispersion of emitted gases. Reducing the height might lessen the visual impact but would not allow for adequate dispersion. RIE already contains tall structures in what is an industrial setting. Flue, buildings and pylons already characterise this part of the Borough.
- 1.53 6. Ecology: Much of the site is brownfield and part conifer plantation. Whilst this isn't priority habitat, the site should be viewed holistically as part of wider mosaic of habitats.
- 1.54 The area is used for foraging by bats. The Usk Bats SAC is relatively close by. Bats are a European Protected Species; given the proximity of the SAC, a Habitats Regulations Assessment (HRA) has been completed by BG officers prior to presenting this report. The screening process identified that there will be an impact but following a subsequent detailed assessment, subject to mitigation the impact will not be significant. NRW have been consulted and not responded at the time of writing. Nevertheless, the HRA process has been followed and now enables the Planning Committee to consider the merits of the planning application.
- 1.55 This report also considers the issue of greater crested newts (GCN). Survey work to date suggests that GCN may be present in one pond. The ES has assumed a small breeding population and a mitigation strategy for translocation to a donor pond.
- 1.56 Further survey work is scheduled in the weeks preceding the Planning Committee. If the survey confirms that GCN are not present, then that is the end of the matter.
- 1.57 However, if GCN are present then this report as currently written is relevant. NRW do not support the CiNER approach. They take the view that until the absence of GCN is confirmed, it should be assumed the site is home to a large colony.
- 1.58 Neither the Council's Ecologist nor I agree. If GCN are present, it is highly unlikely to be a large breeding colony. If present, they are in one pond only. The mitigation strategy is in my view proportionate and meets the test not only of suitable mitigation but enhancement. This enhancement will be via the design of the mitigation pond and its positive management to create a better habitat than currently exists.
- 1.59 In any event, if GCN are found a licence from NRW will be required to handle and transport what is also a European Protected Species (EPS). The timing and suitability of the translocation can be controlled under this separate regime.
- 1.60 Other ecology matters are capable of being addressed by planning condition to implement the strategies submitted as part of the planning application.

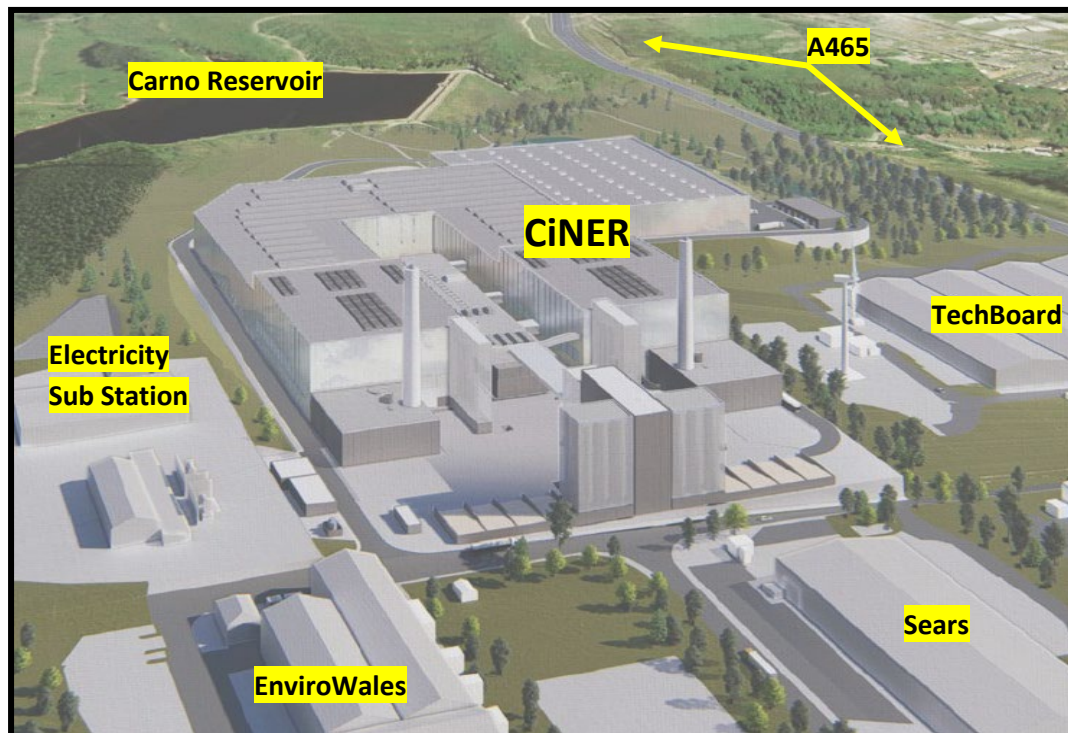
- 1.61 Other Matters - The development brings with it the potential for significant employment opportunities both during construction and the operational phase. There will also be supply chain benefits. The applicant has expressed concern that sourcing the required number of suitably skilled and trained employees will be a challenge. This will require the Council (in its economic development role), the developer and partner organisations to work together.
- 1.62 Nevertheless, the estimate of nearly 600 direct jobs (once operational) taken with the transient construction jobs and longer term supply chain benefits is a significant boost to the local and regional economy. It is an issue to which significant weight should be attached.
- 1.63 The development will inevitably have a carbon footprint. Consideration of this issue is complex. It is too simplistic to take the approach of advocating the Council preventing development based on an acknowledged gross carbon footprint i.e. "it's better to do nothing" approach.
- 1.64 In order for communities to be sustainable, economic well-being is a consideration of equivalent importance to environmental and cultural matters. The local economy is in need of private sector investment to provide employment with all the related benefits this brings including stabilising the population, sustaining town centres and boosting the housing market.
- 1.65 If this scheme does not come forward, then the need for employment remains. The land would still be allocated in the LDP for employment until such time that a replacement Development Plan is adopted that changes that policy context.
- 1.66 Any alternative scheme would also bring with it its own carbon footprint. It is a futile exercise to speculate on the difference between this proposal and other hypothetical future schemes; Members should consider the sustainability credentials of this scheme on its own merit. They should also have regard to climate change issues and whether the impact is so significant and unacceptable to justify refusal. That task requires more than a cursory comparison of the scheme to a vacant site.
- 1.67 I am also mindful of the case for glass containerisation. It is a more sustainable material than plastic which is a petro-chemical based product. Government policy is shifting away from single use plastic; glass is an environmentally friendlier option. The facility will use recycled glass as a key raw material and has the potential to become an important regional centre for recycling this product.
- 1.68 Conclusion  
In my view, the development is in general conformity with policy and subject to mitigation identified either through the Environmental Statement, via consultees or required by planning condition/s106 obligation, there is no substantive reason to refuse planning permission.
- 1.69 I acknowledge the number of objectors and the content of their correspondence. They have expressed their objections in detail, with passion and understandable concern. Their views are relevant to the decision making process. It is for Members to decide how much weight is to be attached to the public response.

- 1.70 The fact that objectors outweigh supporters is not in itself a deciding factor. Members should ask themselves whether there is evidence to substantiate the objection, whether that same impact has been identified by experts such as the Environmental Health team, the Highway Authority or NRW. Where it has, can the concern be mitigated or avoided? If not, is that subject matter so serious (on its own or taken with other issues) as to outweigh all other matters to the point it justifies refusing planning permission.
- 1.71 In my view, all the matters raised by third parties are either;
- a) legitimate but capable of being addressed by planning or other regulatory processes;
  - b) outweighed by other considerations;
  - c) based on a misunderstanding or misconception of the application; or
  - d) not relevant to planning as set out in case law.
- 1.72 Many of the issues being raised are subjective such as visual impact. Some have a more scientific basis such as transport, noise and air quality where studies can establish baseline conditions and modelling can predict real world impact.
- 1.73 Each topic area must be assessed with this in mind. Planning Committee must then attach weight to each consideration and come to a view on the acceptability.
- 1.74 If the recommendation to grant planning permission is accepted, a further consent in the form of an Environmental Permit will be required from colleagues in the Environmental Health team. This provides an additional safeguard to air quality which is a subject raised by many as being of particular concern.
- 1.75 I invite Planning Committee to carefully consider the issues raised in this report and the recommendation to grant planning permission subject to conditions and a s106 legal obligation document.

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## 2.0 Planning Process, Site Details and Development

Figure 2 - Artist Impression looking eastward



### 2.1 The Planning Application

The planning application was registered as valid on 22<sup>nd</sup> September 2021. It was accompanied by land ownership certificate B. This certificate is appropriate when the applicant does not own all the land within the development site. Notice was formally served by the applicant upon Welsh Government (WG) and BGCBC as landowners.

2.2 Given the site area and building floor space, the application is defined as a 'major' development" by WG. This requires the applicant to undertake mandatory pre-application consultation (known as "PAC") prior to submitting the scheme to the Council.

2.3 The PAC includes all the information that will be submitted with a subsequent planning application including the Environmental Impact Assessment (EIA). The purpose is to engage with stakeholders such as the local community, Ward Councillors and consultees. The developer is then able to garner opinion and make any revisions before they submit a planning application.

2.4 The PAC process was undertaken over the summer of 2021. The planning application is accompanied by a PAC report which provides details of all consultation responses received and any changes made as a result.

2.5 The application is accompanied by an Environmental Statement (ES). This is required due to the scale of the project, its associated potential impacts and the context of the site. I will deal with this in more detail later in this report.

2.6 The ES comprises of four volumes:

- Volume 1 Technical Assessments
- Volume 2 Appendices
- Volume 3 Figures
- Volume 4 Non-Technical Summary (NTS)

2.7 The planning application is also accompanied by the following reports:

- i. Planning Statement
- ii. PAC report
- iii. Design and Access Statement
- iv. Transport Statement
- v. Drainage Strategy Report
- vi. Arboriculture Survey
- vii. Outline Landscape Management Strategy
- viii. Hard and Soft Landscaping Plan
- ix. Ecology Bat Report
- x. Materiality and Lighting Consideration Document
- xi. Environmental Colour Assessment
- xii. Conservation Strategy
- xiii. Geotechnical and Geo-Environmental
- xiv. Suite of detailed plans

2.8 Following the consultation process a number of issues were raised by consultees. Additional information was submitted in January 2022 comprising:

2.9 New Documents:

- i. Site Traffic Management Plan;
- ii. Transport Statement Clarifications Note;
- iii. Energy Statement;
- iv. Air Quality Clarifications Note; and,
- v. Response to public comments on the planning application.

2.10 Updated Documents:

- Environmental Statement (Volume 1);
- Environmental Statement (Volume 4);
- Great Crested Newt Strategy; and

2.11 Additional Plans;

- Proposed Retaining Wall Long and Cross Sections Sheet 1;
- Proposed Finished Levels;
- Process Buildings: North/South General Arrangement Section;
- Process Buildings: East /West General Arrangements Sections;
- Proposed Cross Sections.

2.12 A full re-consultation exercise was undertaken on this additional information.

- 2.13 Additional information was submitted in April comprising of a revised ES (Air Quality Chapter, updated Planning Statement and ecology issues). Again, a full re-consultation exercise was undertaken.
- 2.14 **Process**  
EIA is a process of identifying the impact of a development, assessing options and securing means of avoiding or mitigating that impact.
- 2.15 The activity of an EIA results in the production of an ES. The process derives from European law enacted in the UK. The regulations prescribe and advise when EIA is required.
- 2.16 Where a scheme falls into Schedule 1 of the Regulations, EIA is mandatory and always required. Where a development falls into Schedule 2, it must be “screened” to establish whether EIA is necessary.
- 2.17 The proposed scheme falls under Schedule 2 of the Regulations. A Screening Opinion was issued by Welsh Ministers on 19<sup>th</sup> November 2020 that concluded that the proposal requires an Environmental Impact Assessment.
- 2.18 In Spring 2021, the Council received a scoping request from Arup. The purpose of scoping is to identify all the potentially significant environmental effects so that the future ES focuses upon and addresses the main impacts.
- 2.19 Having consulted widely on the information provided by the applicants, the Council’s formal scoping opinion was issued on 5<sup>th</sup> July 2021. This outlined the information the Council required as part of the ES.
- 2.20 The ES is a key document. It must set out the environmental effects of the proposal. It must provide the Council with sufficiently robust information to make a decision.
- 2.21 **Site Context**  
The following site description draws from text in the ES as it represents a reasonable description of the site.
- 2.22 The application site is located at the north and eastern extent of the Rassau Industrial Estate (RIE) and is accessed via the A465 Head of the Valleys Road.
- 2.23 The site is approximately 21.5ha and comprises a vacant plot currently within the ownership of either Welsh Government or BGCBC.
- 2.24 The surrounding occupiers/landowners consist of business/light industrial (B1), general industrial (B2), storage & warehousing (B8) and some developments in a use class of their own (known as *sui generis* uses).
- 2.25 The northern boundary is shared with the National Grid 400kV Rassau sub-station and EnviroWales (B2 use). The western boundary abuts the RIE highway network and Sear Seating manufacturing (B2). Undeveloped land and the Carno Reservoir lie to the east. To the south lies the former TechBoard building (B2) and a wind turbine (77m tip height).

- 2.26 RIE is situated immediately north of the A465 and is comprised of industrial/manufacturing units, sitting within the Ebbw Vale Enterprise Zone (EVEZ).
- 2.27 The majority of the development would take place on a cleared plateau which is designated as employment land in the LDP or allocated extension to RIE. Parts of the land have become overgrown with scrub vegetation.
- 2.28 The remainder of the development would be on undeveloped land to the east of the LDP allocation. This is required to provide parking, sustainable drainage (SUDS) and onsite ecological mitigation and enhancement.
- 2.29 The site access is at the north-west corner of the development area off an existing roundabout.
- 2.30 The site assumes a prominent position located immediately north of the A465 Heads of the Valleys Road which is a strategically important route between the Midlands and South Wales.
- 2.31 Pedestrian access is from the west via Alan Davies Way. The footway extends onto the northern side of the A4281 where it becomes a shared footway and cycleway to Rassau. Alternative pedestrian/cycleway access is provided via an underpass below the A465.
- 2.32 The site is located close to National Cycle Network Route 46. This long distance east-west route connects areas of England and Neath and passes through several residential areas in Ebbw Vale.
- 2.33 A tributary of the River Ebbw (Afon Ebwy) bisects the site which has been previously diverted around the northern extent of the RIE. The River Ebbw is part of the South East Valleys catchment which eventually flows into the Usk Estuary.
- 2.34 The topography of the site is generally sloping, ranging from 390m above ordinance datum (AOD) at the southern extent rising to 427.5m AOD at the northern boundary.
- 2.35 The site is located in proximity to Usk Bat Special Area of Conservation (SAC) and Mynydd Llangattock Site of Special Scientific Interest (SSSI).
- 2.36 The site is also located close to Mynydd Llangynidr SSSI, designated for its geological interest. Both this site and Mynydd Llangatwg SSSI are also designated as Regionally Important Geodiversity Sites (RIGS).
- 2.37 Other protected sites in the area include Sites of Importance for Nature Conservation (SINC). The nearest is located adjacent to the east of the site at known as "Ebbw (Fawr) River North and South".
- 2.38 Brecon Beacons National Park (BBNP) lies circa 400m away from the northern boundary of the application site.



2.39 There are a number of sensitive receptors within 1km of the site. These include surrounding residential areas, a Nursery and Care Home. Some of those residential properties are located within 500m of the site boundary.

2.40 **Development Description**

This development description is also based on text in the Planning Statement and ES as it represents a fair and reasonable description of the proposal.

2.41 The applicant company is CiNER Group. They are a Turkish concern established in 1978 with business interests including mining, energy, glass, chemicals, media, maritime and tourism.

2.42 CiNER constructed a glass manufacturing facility in Bilecik, Turkey in 2013 and added a second manufacturing line to that facility in 2015.

**Figure 3: CiNER at Parc Cam, Turkey**



2.43 The proposed development at RIE would comprise:

- 2 no. furnaces with associated filters;
- 2 no. chimney stacks;
- 2 no. cullet buildings for storage/processing of rejected and recycled glass;
- 1 no. batch and 2no. silo buildings for storage/mixing of materials;
- 2 no. production lines for hot and cold processing, inspection and packaging of glass bottles including workshops and storage areas within the process building;
- Office/welfare buildings inc. canteen, infirmary and changing facilities;
- An automated warehousing facility;
- Utilities building which includes plant and workshops;
- Waste materials store;
- Liquefied Petroleum Gas (LPG) store
- Regulating and Metering Station (RMS) building;
- Back up fuel storage facilities;
- Main entrance security lodges and associated weighbridge;
- External hardstanding for the storage, parking and loading; and,
- Landscaping to the eastern side of the facility.

- Basements constructed at levels -01 and -02:

#### 2.44 Level -01

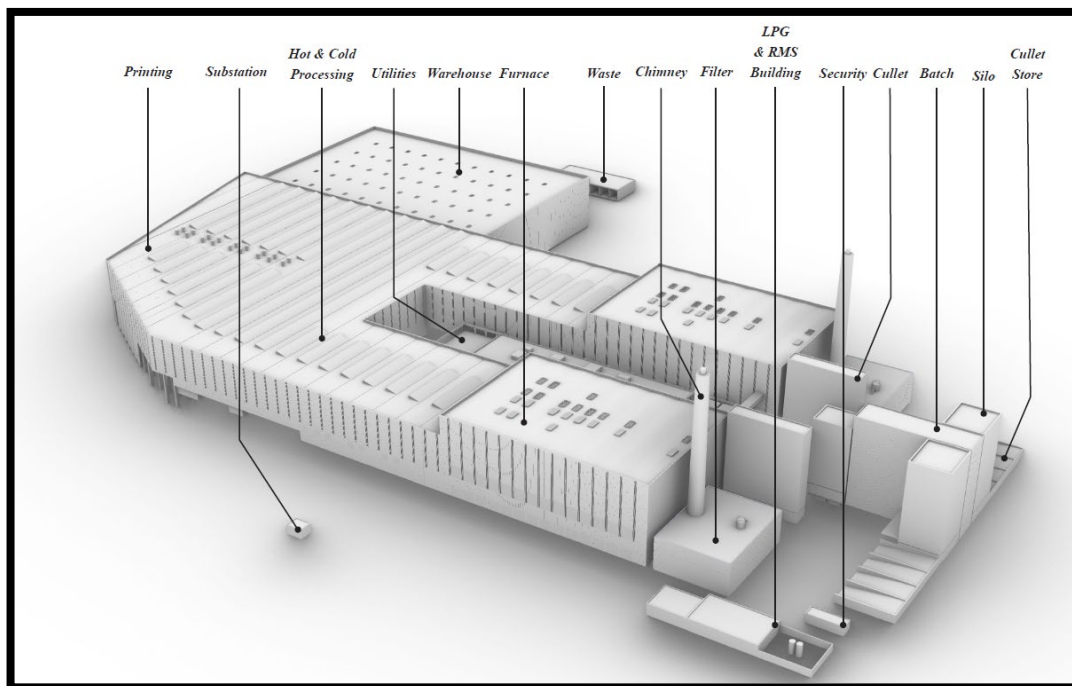
- Silo Basements 1 and 2
- Batch charge elevator basement
- Filter building basements
- Utilities basement
- Furnace basements 1 and 2
- Fusion pools 1 and 2

#### Level -02

- Cullet basements 1 and 2

2.45 The height of basement Level 1 (or Level -01) is 4m – i.e. 4m below ground level. The height of basement Level 2 (or Level -02) is 4.56m – i.e. 4.56m below Level -01.

**Figure 4: Proposed Factory Arrangement.**



#### 2.46 Site access

The existing vehicular access will be removed and re-located to the north-western corner of the site. The existing roundabout will be removed. All vehicles will access the site via the new main entrance with 24hour security. As with construction, vehicles are anticipated to use the same route as existing traffic to and from the RIE.

#### 2.47 Furnaces and Chimney Stacks

The facility would consist of two parallel processing lines, as shown in Figure 4. Furnaces are within the process building. Filter buildings and chimney stacks are situated to the western elevation.

- 2.48 Furnaces are required to heat raw and recycled materials. Filtering is required to minimise emissions before dispersal via the 75m chimneys. Both the furnaces and filters would be located internally and would not be visible from external views. The cumulative gross internal floor area associated with both would be approximately 16,500sqm.
- 2.49 The filter buildings would measure 42m x 31m with a 15m flat roof. They would have a concrete grey finish with 2no. roller doors to the front elevation of each building.
- 2.50 The 2no. chimney stacks would extend to a height of 75m. Each stack would be 7m in diameter and would be constructed of self-finished concrete with an affixed beacon light at the top in the interests of aviation safety.
- 2.51 **Cullet stores and buildings**  
Cullet is a term to describe recycled glass to be re-used in the manufacturing process. Two cullet stores would be situated on the western boundary. Each cullet store would include 4no. bays constructed of concrete. Bays would be three sided and opened roofed. Each would measure 41m x 29.3m and 6.3m high.
- 2.52 Each cullet building would measure 7m x 31.8m and 40m high. They would be constructed of grey concrete up to 4.6m in height with metallic opaque materials to reduce light spill.
- 2.53 The cullet buildings would have a basement level which is needed to enable the cullet to be processed as part of the site's operation.
- 2.54 **Batch Building and Silo Buildings**  
This is for the storage and mixing of raw materials with materials including silica sand, soda, ash and limestone.
- 2.55 The batch building would be on the western boundary and flanked by 2no. silo buildings to the north and south. It is connected to the process building via 'batch charge elevator'. The building would be 13.8m x 46.8m and 39.5m high. It would be constructed of grey coloured concrete.
- 2.56 Two silo buildings would be located on the western boundary. Each would accommodate 6no. silos for the storage of raw material. Each silo building would be 19.2m x 17.9m and 39.5m high and clad with an opaque façade to reduce light spill and cover an area of approximately 270sqm.
- 2.57 A loading bay would be provided in front of each silo structure measuring 19.4m x 7.0m and 4.7m high (flat roof) with a concrete finish.
- 2.58 The batch building would have a basement level which is needed to enable the material to be processed.

2.59 **Process Buildings**

The process building is the main component. Within these buildings will be two production lines for hot & cold processing, inspection and packaging of glass bottles.

2.60 The process buildings would measure 276m x 174m. A step change in height would be provided from approximately 35.4m at the furnace to 28.2m for the remainder of the process building.

2.61 The process buildings would be clad in grey metal fins and louvres upon glazed and door installations. The northern and southern elevations would contain glazing to occupied areas.

2.62 At the eastern end the facility would include welfare, office space, a canteen and changing facilities which would cover a total area of approximately 10,300sqm cumulatively.

2.63 **Warehouse Building**

This is at the south western end of the process building, accessible via the internal access road which connects from main site entrance. It will have an autonomous stacking system for the storage of finished bottles for distribution.

2.64 It would be serviced with 9 no. loading bays to the southern elevation with a hardstanding area for HGV manoeuvres.

2.65 The warehouse would be 148m wide at the southern elevation and extend 108m in depth from the process building. The warehouse building would provide a gross internal area of approximately 16,000sqm.

2.66 It would comprise of uniformed grey metal panelling on each elevation to reflect the landscape of adjacent areas.

2.67 **Utilities building**

The utilities building would be situated between the two process lines and would extend approximately 156m x 29m and a maximum height of 13.7m. It would be constructed of grey concrete at ground and first floor levels with metal opaque materials above to prevent light spill.

2.68 The building contains the majority of plant/equipment which service the two furnace buildings and production lines. The utilities building would include plant space, workshops, office space and welfare facilities for staff.

2.69 The utility building would have a basement level. This would be used for the running of power cables from the utility building, through to other parts of the site.

2.70 **Waste Building**

Located in the southern part of the site, the waste building would measure 40.3m x 20.7m and 5.2m high. The flat roof structure would accommodate a green roof for additional planting within the parapet structure. The building

would consist of 6no. bays, covering an area of approximately 800sqm and be constructed of grey concrete with metal fencing to the northern elevation.

**2.71 Office and welfare facilities**

The office and welfare facilities are located at the eastern extent of the main process building. They contain facilities for plant operations and visitors including offices and meeting rooms, a reception area, canteen, infirmary and changing facilities.

**2.72 The Liquid Petroleum Gas (LPG) Building**

The LPG and Regulating and Metering Station (RMS-C) building would be adjacent to the site entrance. The LPG building/tank is required as a back-up fuel supply. The RMS-C building is required to ensure a reliable supply and control of gas provision for manufacturing processes within the wider site.

2.73 The LPG tank situated to the west of the RMS building and measure 7.0m x 3.8m and 7.6m in height. The RMS-C structure would be 15.7m x 13.4m.

2.74 The adjoining LPG building would measure 24.2m x 10.9m with 8no. doors at the southern elevation and 4no. to the rear. Both adjoining buildings would have a flat roof of 7.6m high. It would be finished in grey coloured concrete and grey roller doors.

**2.75 Main entrance, security lodges and associated weigh bridge**

There would be one main entrance to the west of the site. The building entrances would be on the east of the facility.

**2.76 External hardstanding for storage and loading**

The area of hardstanding at the western extent of the site is required for the delivery and storage of materials. To the south adjacent to the warehouse, an area of hardstanding is required for the loading of glass bottles for despatch.

**2.77 Entrance Security Lodge**

A single storey security building would be at the site entrance and be 16.2m x 5.2m with a flat roof structure measuring 4.5m in height.

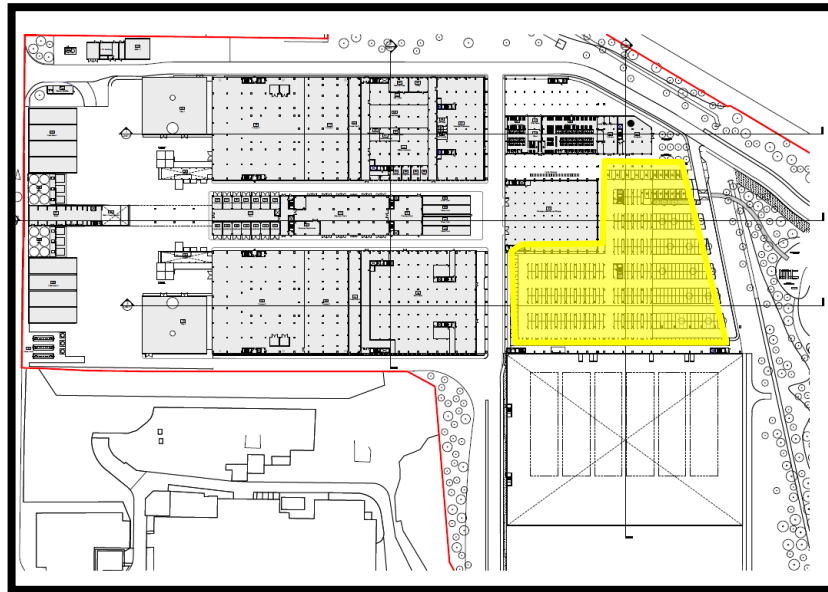
**2.78 Substation Building**

This would be located at the northernmost part of the site. The structure would measure 7.0m x 5.5m with a 4.2m tall flat roof.

**2.79 Car parking and cycle parking**

Car parking is provided to the east of the site adjacent to and below the staff and visitor entrances. 389 no. spaces are provided comprising 325 no. standard spaces, 39 no. ultra-low emission vehicle (ULEV) spaces, 19 no. disabled spaces and 6 no. visitor spaces. There is also provision for 22 no. covered cycle stands with room for further expansion.

2.80 Figure 5: Car parking arrangement (highlighted yellow)



2.81 **Landscaping and compensatory habitat**

Soft landscaping would be provided on the east of the site comprising outdoor amenity space for staff, tree planting, wetland and attenuation ponds.

2.82 Landscaping proposals are aimed at creating a sense of place as well as mitigating and enhancing ecology and provide habitats. It includes the planting of 566 new trees.

2.83 Pond areas would attenuate surface water and the built development. Compensatory habitat for Great Crested Newts (GCN) would be created within these areas.

2.84 **Project programme**

The development would be constructed over a period of approximately four years. Subject to all necessary consents, the first phase of construction is proposed to commence in summer 2022 with mobilisation and earthworks.

2.85 The superstructure for the first furnace would then commence construction in autumn 2022 and come into operation by Q4 of 2024 following an 18-month build programme.

2.86 Construction of the second furnace would be undertaken alongside the operational aspects of the first furnace with commencement in mid to late 2024 with a programme for this aspect of the scheme coming into operation by Q4 2025 following a 12-month build programme.

2.87 **Employment**

The proposed development would provide circa. 670 operational jobs and around 450 jobs during construction at peak times. The factory will operate 24 hours a day on 3x 8-hour shift patterns.

2.88 **Decommissioning**

The facility has been designed to a 60-year design life. Any environmental assessment of decommissioning is difficult as it is not known what the environmental baseline conditions will be at that time. As a result, decommissioning has been scoped out of the assessment and would be considered at the time of decommissioning.

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### **3.0 Site Planning History**

- 3.1 There is no planning application history of direct relevance other than historical applications associated with the creation of RIE in the 1970/80's.
- 3.2 These applications sought to create a strategic employment area comprising of mainly B1, B2 and B8 commercial/industrial uses.
- 3.3 The majority of the site is allocated in the LDP for employment purposes either as part of the existing estate or the eastern extension to RIE. This is discussed elsewhere in this report.
- 3.4 I have examined predecessor development plans to establish the length of time this area has been proposed for additional employment land. The LDP was preceded by the Unitary Development Plan (UDP) adopted in July 2006. The eastern extension to RIE was allocated in that plan.
- 3.6 These development plans were the subject of extensive public consultation prior to adoption.

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## 4.0 Consultation

4.1 All consultees were provided with access to the original planning application submission and the subsequent details submitted in January and April 2022.

### 4.2 Internal BG Responses

4.3 Team Leader Building Control: Building regulations consent required.

#### 4.4 Service Manager Infrastructure:

Highways: It is noted from the Transport Statement that when construction traffic is estimated to peak, it is anticipated a daily average of 511 vehicles arriving/departing the site.

4.5 Construction traffic has been assessed at 20 road network locations, all of which registered an increase ranging from <1% to 8% with the exception of Alun Davies Way northbound (12%).

4.6 The TS demonstrates that the percentage increase on all links for the construction phase are negligible and can be accommodated safely with no significant impact on the existing highway network.

4.7 It is requested that a Construction Traffic Management Plan (CTMP) be secured via a planning condition. This will ensure that reasonable steps are taken to minimise and mitigate any adverse effects of the construction process.

4.8 Once operational, it is anticipated to result in *'a total of 1,361 trips which are fairly well distributed across the day and as a result, there is likely to be an additional 214 trips in the typical AM peak hour (08:00–09:00) and up to 13 additional vehicular trips in the typical PM peak hour (17:00–18:00)'*, as outlined in the TS.

4.9 The peak period for traffic is 07:00-08:00 when 312 trips are anticipated. During operation, approximately 380 HGV daily journeys would be made which would provide deliveries of raw materials and export of finished products.

4.10 The impact of the development has been modelled and shows that the junction on Alan Davies Way operates well within capacity within the base and future years with development and committed development traffic. It is also noted that the Welsh Government Highway's Department has not raised any concerns with regards to resultant operational traffic impact on the A465.

4.11 The 'Site Traffic Management Plan' concludes that *'Based on these measures and facilities it is concluded that there will be sufficient space provided on-site for the stacking of vehicles with appropriate measures put in place to ensure that there is no detrimental impact on the local highway network surrounding the site.'* The Highway Authority is satisfied that these arrangements will ensure conflict between traffic movements is minimised and the surrounding highway network is not negatively impacted.

- 4.12 The junction design and on-site servicing areas can safely accommodate the access and turning movements of HGV's. The facility is well served by both the strategic highway network of the A465 (Heads of the Valleys Road) and primary routes on the local highway network.
- 4.13 The ES concludes that the impact on the highway network during operation would be negligible. The HA concur with these conclusions and do not raise any objections with regards to trip generation.
- 4.14 Cycle & Car Parking: The proposed development will provide 389 no. on site car parking spaces including standard, visitor, disabled and UELV spaces.
- 4.15 The operation of the facility would span four shift patterns, seven days a week. The TS states that car park occupancy is likely to peak at 382 spaces between 15:00 and 16:00. The proposed development is anticipated to provide adequate provision to accommodate each of the shift patterns without giving rise to any overspill onto the road network.
- 4.16 To ensure parking does not overspill resulting in obstruction or access issues, new traffic regulation orders must be provided within the vicinity on the public highway. This is to ensure access roads and junctions within the vicinity are protected and parking enforcement action could be undertaken if necessary.
- 4.17 It is proposed to provide 21 cycle stands providing storage for up to 42 bicycles. Facilities will also be provided including cloakrooms, showers and lockers which will aim to encourage staff to travel to the site sustainably by walking or cycling.
- 4.18 The TS references that advisory cycle lanes that were installed on RIE. These cycle lanes were installed on a trial basis and have subsequently been removed. This information has been considered and I am of the opinion that their removal does not unduly affect this planning application.
- 4.19 The site is recognised as being located close to Route 46 of the National Cycle Network (NCR). The HA is satisfied that the proposed cycle and car parking provisions are sufficient to meet the demands of this facility.
- 4.20 Framework Travel Plan (FTP): The objective of the FTP is to encourage sustainable travel behaviours. The HA have confirmed the draft is acceptable. However, a Full Travel Plan (FuTP) is to be submitted for approval prior to the facility becoming operational, secured via a planning condition.
- 4.21 Access & Off-site Highway Accommodation Works: The new access junction is acceptable. The swept-path analysis demonstrates that the new junction and access/exit points can accommodate the anticipated vehicular movements.
- 4.22 The provision of new footway links and informal crossing points will ensure pedestrians have a safe route to the facility.

- 4.33 All off-site highway improvements and accommodation works are to be constructed in accordance with the Council's specification. These works will be subject to a legal agreement and a full road safety audit process. The cost for all identified highway accommodation works are to be borne by the applicant and all works completed prior to the facility becoming operational.
- 4.34 The HA advise that this application complies with Policy DM 1 (3 a, b, c, d & e). There are no highway objections subject to the following requirements being secured by planning conditions:
1. CTMP be submitted for approval prior to commencement of development.
  2. The proposed off-site highway accommodation works are to be fully constructed prior to the facility becoming operational. The costs for all identified highway works, including any required traffic regulation orders and necessary road safety audits are to be borne by the applicant.
  3. The car parking and service areas being fully constructed prior to the facility becoming operational and retained there-after.
  4. The cycle parking provision is to be fully constructed prior to the facility becoming operational and retained thereafter.
  5. FuTP to be submitted for approval prior to the facility being operational.
  6. Highway condition survey to be completed prior to commencement.
- 4.35 Drainage: Sustainable Drainage Approval Body (SAB) approval will be required for surface water drainage.
- 4.36 Ground Stability: No objection. The Geotechnical & Geo-environmental Desk Study advises that the developer must undertake the site investigation works. This can be a pre-commencement condition. It is noted that the risk of ground stability associated with coal mining and mineral extraction is considered low.
- 4.37 Landscape: The ES considers the landscape visual impact. Pre planning consultation has taken place to identify representative locations for viewpoints and consideration of an appropriate response to dealing with the obvious mitigation requirements for such a large scale development.
- 4.38 From the outset it has been clear that the scale of the development would be far larger than any local feature or land use and that the following issues would need to be addressed:
- 4.39
1. Loss of existing woodland cover that provided an effective screen for the existing industrial estate
  2. Given the site location /topography and scale of units, screen planting would not be an option for visual mitigation of the immediate site, therefore effective architectural design and material choice to define a distinctive or iconic building is required.
- 4.40 There is a clear methodology and assessment process that follows the Landscape Institute and Institute of Environmental Management & Assessments Guidelines for Landscape Visual Impact Assessment.

- 4.41 A range of viewpoints have been identified within a 5km radius of the site. Detailed assessments have been completed. Having considered these, the officer is satisfied that they provide an accurate consideration of the visual consequences and identify high magnitude effects from within the BBNP and from the sensitive community residential areas of Garnlyddan and Beaufort to moderate impacts from a number of other key receptor viewpoints.
- 4.42 From viewing the assessment, the proposal has significant visual impact consequences which cannot be screened through localised woodland creation or other more traditional screen methods.
- 4.43 The ES refers to the architectural design and material choice (reflective sheeting) as helping to '*make the building appear recessive and integrate the buildings into the wider landscape*'. In considering the photomontages, the images provided portray an impression of the built elements as a greyed out image, lacking any detail that would suggest the effectiveness of the proposed technique. No other techniques have been tested as a solution such as colouration of fragmentation of what are very large bland façade.
- 4.44 There are a number of visuals from various angles providing more polished graphic representations of the proposed finish, but these remain somewhat unconvincing.
- 4.45 There are significant landscape visual impacts that must be balanced against the economic gains for the area. Further, the development will create a landmark building (for the right or wrong reasons) within an existing industrial context and this has its merits.
- 4.46 Should the proposed development be considered favourably, the officer recommends the following considerations;
1. Further demonstration of the effective use of the reflective surface materials.
  2. The potential for wider off site tree/woodland planting to address localised issues associated with visual impacts.
  3. Off site management actions to compensate for loss of existing woodland / habitat cover from the development area.
  4. A detailed landscape/ green infrastructure strategy including management plan for the development area.<sup>1</sup>
- 4.47 Ecology: The site comprises a mosaic of habitats which supports a range of species such as breeding birds, foraging and community bats, amphibians, reptiles, invertebrates and fungi species.
- 4.48 Pre- planning consultation has taken place regarding the scope of ecology surveys and potential mitigation. As part of the pre-consultations, potential offsetting was discussed. Potential sites were identified within BGCBC ownership. Where possible existing habitats are to be retained and to create enhancement opportunities on site to provide along with connectivity.

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<sup>1</sup> The officer has since left the Authority and has made no further comments in respect of the additional information that has been submitted.

- 4.49 The project will impact on priority habitats and species. In the absence of mitigation, effects could occur through habitat degradation, disturbances to protected species, mortality and injury to priority and protected species and loss of ecological connectivity through habitat fragmentation.
- 4.50 Amphibians: A Great Crested Newt (GCN) Conservation Strategy has been submitted. Based on the surveys carried out in 2020, there is assumed presence of GCN within the site. A development licence will be required and the mitigation to be implemented include species and habitat protection measures and landscaping. Landscaped habitats will require long term management. The species/habitat protection measures outlined is sufficient with additional surveys are to be carried out in spring 2022 to confirm presence of GCN.
- 4.51 Whilst not definitive, GCN surveys indicated presence of GCN on site. It is to be assumed GCN are present until further studies prove otherwise. The applicant must obtain a licence from NRW, for any translocation of this EPS.
- 4.52 A CEMP will be required detailing the management of dust/pollution which could be harmful to biodiversity during construction
- 4.53 Bats: The TechBoard site was identified as having 'moderate' potential for bat roosting.
- 4.54 There is bat activity at the northern end of the factory for foraging bats that share the boundary with the CiNER site. The majority of the woodland is to be lost. The design of the scheme will need to take this into consideration and implement measures that will ensure ecological corridors are maintained and enhanced.
- 4.55 Any additional lighting needs to be sensitive to bats ensuring dark corridors are maintained and disturbance is not caused.
- 4.56 Arboriculture: Whilst the aim is always to enhance and protect existing trees and woodlands, this must also be looked at in the context of the proposed development being located on RIE, an area identified in the LDP as a primary employment area.
- 4.57 The development will result in a net loss of a number of blocks of conifer and mixed woodland plantation on site which currently provides an effective screen for the existing industrial estate. The developer has gone some way to mitigate the proposed loss of trees and woodland with a landscaping scheme on the eastern edge of the site.
- 4.58 However, due to the location, topography and scale of development, tree planting would not be an option for screening. The developer should investigate the potential for off-site tree and woodland planting to mitigate for net loss of tree cover due to development.
- 4.59 Where loss of trees and woodland on site cannot be mitigated for at the same scale, supporting the long term management of 'off-site' habitats is appropriate.

Details will be required for off site management actions to compensate for loss of existing woodland / habitat cover from the development area.

- 4.60 Rights of Way: There are no public rights of way affected by the proposal. The developer should ensure that the opportunity to accommodate/ promote Active Travel should be explored.
- 4.61 Service Manager Public Protection (Environmental Health):  
Noise: No objection subject to the imposition of conditions to control plant noise, a Construction Environment Management Plan (CEMP) and construction hours, should planning permission be granted.
- 4.62 Contamination: The geotechnical & geo-environmental desk study report submitted with the application identifies potential pollutant linkages being present on the site and recommends that site investigation works are carried out including soil sampling and a ground gas risk assessment. No objection subject to the imposition of the standard land contamination condition.
- 4.63 Air Quality (comments based on most recent ES submission): Confirms that having reviewed the air quality assessment provided the officer is satisfied with the methodology used including the selection and type of pollutants likely to be released to atmosphere by this facility and the comparison of these emissions against air quality objectives and environmental assessment levels used. The assessment has also taken into account emissions from increased road traffic movements during the operational phase of the proposed facility.
- 4.64 In the assessment the applicant has used site specific emission limit values (SSELV's) for pollutants that will be released from the stacks which they will comply with using their proposed abatement technology. The emission limit values they have proposed are significantly lower than the emission limit values (BAT-AEL's) set out in guidance and applied to the existing plants in the UK.
- 4.65 The reason for the applicant using the SSELV's is because when using the BAT-AEL's they were getting results that demonstrated negative impacts at local receptors. They have provided details of the proposed abatement technology to be used to achieve the site specific emission limit values. The abatement technology they are proposing to use is called a catalytic candle filter and the officer states that he has contacted the other regulators of glass manufacturing facilities but has been unable to identify any glass manufacturing facilities in the UK that use this technology.
- 4.66 The applicant has also proposed two 75m stacks serving the furnaces to allow for the adequate dispersion of pollutants released from the stacks.
- 4.67 The outcome of the air quality assessment was that under normal operations both long term and short impacts are negligible at all appropriate receptor locations for all pollutants with the exception of Chromium (VI) (Cr VI). CrVI is specifically associated with the production of green glass bottles and is discussed in more detail below. The air quality assessment does not take into account the cumulative impacts of emissions from existing industrial processes on Rassau industrial estate, this issue is also discussed in more detail below.

- 4.68 As part of the review of this air quality assessment, the officer confirms he has consulted with the UK Health Security Agency and that the Council have employed air quality specialists Ricardo Energy & Environment to provide air quality advice on selected matters on the air quality assessment submitted.
- 4.69 The comments from the UK Health Security Agency were that while the current recommended guideline value for CrVI is aimed at offering a high level of protection against adverse health effects, it is a carcinogen and where possible they would advocate a progressive reduction in airborne concentrations below this guideline. They also recommended the use of more representative background air quality data for the site locality than the use of data from Swansea.
- 4.70 Cumulative impact assessment  
The applicant has not been able to obtain complete emissions monitoring data for the two NRW regulated sites on the Rassau Industrial estate; Enviro Wales and Yuasa Battery. A complete cumulative assessment of the emissions from these two sites and the proposed emissions from the glass manufacturing facility and impact on local receptors has not been carried out.
- 4.71 Arup were able to obtain some emissions rates and stack flow rates for the sites and carried out a revised H1 risk assessment which included a review of the specific pollutants emitted from both the existing and proposed installations. The outcome of the assessment was that the emissions/process contributions from the two existing installations are below the required amounts to result in a moderate adverse impact at receptor locations.
- 4.72 This assessment was reviewed by Ricardo for the Council and they also concluded that the cumulative impacts would remain negligible with the exception of CrVI which is discussed below in more detail.
- 4.73 CrVI Glass bottle production  
The outcome of the air quality assessment when green glass is produced was moderate adverse impacts at three receptor locations at Chestnut Close, Maple Way and Stonebridge Road, Rassau, Ebbw Vale.
- 4.74 For CrVI, the background concentration used as part of the air quality assessment was from Swansea, Arup are of the opinion that using these figures is a pessimistic assumption. The background figures used already exceeded the environmental assessment level for CrVI before the addition of process contributions from the proposed glass manufacturing facility.
- 4.75 This matter was reviewed by the Council's air quality consultants Ricardo who have experience of undertaking similar assessments for CrVI impact at various installations in the UK. They confirmed there is limited data available for CrVI and agreed that it was also most likely that the background concentrations at Ebbw Vale would be lower than those at the Swansea site. It is generally understood that the Cr VI objective is mostly exceeded across most of the UK.
- 4.76 Based on their experience they considered that although the significance is described as moderate adverse impacts, these would be negligible in practice.

They also identified that the process contribution from the proposed plant will be 1% of the health based air quality guideline which is a contribution which would not be detectable by any practicable means. They concluded that the forecast emissions of CrVI from the proposed facility would not lead to any significant environmental or health impacts.

#### 4.77 Conclusions

If the proposed facility is able to achieve the site specific emission limit values proposed (please see table below) it will set a new benchmark for this type industry as none of the other existing plants in the UK are anywhere near these emission limit values. This does raise concern as to whether these low site specific emission limit values can be achieved. This issue has been raised with the applicant's consultants on multiple occasions and they confirmed that this technology has been used in other sectors and they remain confident that the SSELV's are achievable. The risk of this lies solely with the operator.

#### 4.78 **Table 1: Specific Emission Limit Values**

Pollutant	BAT Daily mean (mg/Nm3)	Ciner proposed daily mean (mg/Nm3)
Oxides of nitrogen- Nox	500-800 (range between)	80
Oxides of sulphur- Sox	200-500 (range between)	50
Ammonia - NH3	5-30 (range between)	2

4.79 The officer does not object to the proposed development subject to the imposition of conditions to protect public health.

#### 4.80 Suggested Conditions:

- The facility shall operate in compliance with the emission limit values used for pollutants in the air quality assessment submitted.
- The facility shall only operate when the abatement technology is fully operational to achieve the emission limit values specified.
- The furnace stacks shall be maintained to a minimum height of 75m. This is to ensure there is adequate dispersion.
- Electric vehicle charging points to be provided at the facility.
- A section 106 agreement is put in place for air quality monitoring to be carried out and an updated air quality assessment provided for information purposes. It is advised that the air quality monitoring is carried out at a suitably agreed receptor location, the monitoring is for Chromium/Chromium (VI) and it is done over a 12-month period firstly when furnace 1 is operational producing green glass and then again when furnace 2 is operational (in combination with furnace 1) also producing green glass.

4.81 Odour: No objection. A condition is recommended requiring an odour management plan.

4.82 Lighting: No objection. A condition is recommended requiring a detailed lighting scheme.



- 4.83 Estates: Part of the application site is owned by the Council. The Council are in discussions with the applicant in respect of the sale of the land on terms to be agreed.
- 4.84 Service Manager Regeneration: The project is welcomed. It will act as a major catalyst for regeneration which will contribute to wider economic development outputs for Blaenau Gwent i.e. job creation, supply chain opportunities and significant private sector investment.
- 4.85 The CiNER business strategy is to be the world's largest glass producer using the latest and best technology; and to do so with a model that is environmentally friendly, sustainable, and values people. With key core values, a vision, strong leadership and a wonderful track record in businesses, Economic Development are extremely excited to support CiNER going forward creating significant employment opportunities within an economically challenged region will help tackle economic deprivation and create further economic opportunities for the wider community.
- 4.86 **External Consultation Responses**
- 4.87 Natural Resources Wales: Object on landscape and visual grounds because of the significant adverse effects predicted to impact on the Brecon Beacons National Park (BBNP) during the construction and operation of the development.
- 4.88 Landscape –The proposal will detract from BBNP's Special Qualities of sweeping grandeur & outstanding natural beauty, as well as peace and tranquillity. NRW consider the development would conflict with the primary purpose of the National Park regarding the conservation and enhancement of natural beauty. The ES states that there would be significant adverse visual effects during construction on receptors in the National Park. During operation there would be significant adverse visual effects on visitors to the National Park.
- 4.89 NRW notes that the LDP identifies that the site provides good views and that those views will need to be considered in any planning application. It is recognised that this is primarily in relation to Ebbw Vale, but it also infers that the development location is raised sufficiently to be a concern for visual impacts elsewhere. In NRW's opinion, this includes visual effects and therefore impacts on the Special Qualities of the National Park.
- 4.90 NRW recognise that the LDP has identified the RIE as suitable location for further industrial use and advise that their concern is regarding the sheer size and mass of the development proposal submitted in the application. They acknowledge that the objection will need to be considered in the balance of benefits and dis-benefits the development offers.
- 4.91 Visual Effects: The ES confirms that the development would have a significant adverse visual impact on views from a considerable area of BBNP to the north over the slopes of Mynydd Llangynidr. There is also likely to be adverse impact

from the slopes of Mynydd Llangatwg to the north east, and on views towards BBNP, from Mynydd Carn-y-Cefn.

- 4.92 The ES confirms that due to the scale/massing and tall features, traditional mitigation methods such as tree and woodland planting or other visual screening would not be effective in helping to integrate the development into its setting. It also could not screen or break up its visual appearance.
- 4.93 The ES states that the colour and finish of the building cladding has been sensitively designed to help make it appear recessive and integrate it into views. The proposed reflective cladding would be unlikely to achieve a recessive building or integrate it with views. Therefore, regardless of the efforts being made in an attempt to reduce the visual effects, the impact on BBNP will remain significant.
- 4.94 NRW provided further comments in relation to the subsequent submission of the Environment Colour Assessment & Materiality Study (ECA). They comment that the study explains that the aims of the ECA are to identify natural colours inherent and integral to local distinctiveness and sense of place. It should also provide a colour palette that emphasises distinctive character and qualities, provide guidance on design and to reduce the likely visual effects.
- 4.95 However, the report goes on to note that the ECA is not to prescribe a range of suitable colours that would blend with and complement naturally occurring landscape colours, but to enhance the local environment through high quality architectural design. It states that due to the prominent location it would be extremely difficult to camouflage or have a recessive effect. Instead the ECA has been used to identify colours to accent the new structures and buildings as a 'landmark'.
- 4.96 The approach is to use reflective cladding materials. The Landscape Institute guidance states if a development will be visible from afar and the objective is to 'lose' it in the landscape, tones are typically selected which match or are slightly darker than the tonality of the landscape background. In addition, matt finishes (not reflective) and the use of dark tones can help to reduce visual effects and also colours tend to look more chromatic and brighter from a distance. NRW do not consider that the proposed reflective cladding would achieve a recessive building or help to integrate it with views from BBNP.
- 4.97 Visual Effects at Night - Brecon Beacons International Dark Skies Reserve (BBIDSR): The development would increase light pollution being visible from and adversely affecting views from dark areas of the National Park at night-time as illustrated in the night-time visualisations from Mynydd Llangynidr.
- 4.98 Regarding the Special Quality of peace and tranquillity, noise impacts and movement of people/traffic, the ES states the development is not considered to have a significant effect. However, tranquillity does not relate only to noise and people/traffic movement, it is a perceptual quality and is also adversely influenced by views of development, particularly industrial development. Therefore, adverse effects on this Special Quality will occur from artificial lighting.

- 4.99 The Materiality & Lighting document sets out changes to some of the building cladding and efforts through directional lighting, both internally and externally, as well as the use of metal fins over some of the glazed area to help to reduce the light pollution. Roof lights are directed to the north-east to avoid Dark Sky Core Areas. However, there is likely to be visibility from BBNP in this direction on the slopes of Mynydd Llangatwg.
- 4.100 In NRW's opinion, there is likely to remain an adverse impact on views from dark skies within BBNP. The night-time assessment confirms that distant lighting is currently visible from the viewpoints, but very little lighting is visible within the National Park and little sky glow.
- 4.101 With regards to the Special Quality of Sweeping grandeur and outstanding natural beauty (including expansive views), the document considers that there would be no significant landscape effects but acknowledges significant visual effects, as set out in the ES. Since there would be significant adverse effects on views, and the nature of the views contribute to natural beauty; NRW consider that there would be adverse effects on this Special Quality.
- 4.102 Notwithstanding NRW's objection due to landscape impacts, they advise that planning controls would be required to overcome their concerns regarding protected species, protected sites, and land contamination:
- 4.103 Protected Species: Note that the site has been surveyed for great crested newts and bats, European Protected Species. They are legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals and their habitats.
- 4.104 Where an EPS is present, the development may only proceed under licence having satisfied the requirements in legislation.
- 4.105 With regard to GCN, a positive eDNA result was returned for Pond 4 and that a GCN Conservation Strategy has been prepared.
- 4.106 The strategy has been developed assuming the presence of a *small* population of GCN. Whilst NRW welcome a commitment to the management and monitoring of the site for at least 25 years (with appropriate monitoring) they have a number of concerns. They advise that these concerns are addressed prior to determination of the application via a revised strategy or a GCN survey is submitted demonstrating likely absence from the site.
- 4.107 The strategy has been developed assuming presence of a small population of great crested newts. NRW advise that designing a scheme in the absence of population surveys should assume a worst-case scenario i.e. the presence of a *large* population. Also express some concern about the methodology around site clearance. They advise that areas to be the subject of further surveys in 2022 are not subject to vegetation clearance beforehand; except for the corridors required to be cleared for the installation of the GCN fence, trap and clear exercise.

- 4.108 For mitigation, a GCN pond is proposed in the south-east of the site along with three SUDS ponds. Whilst NRW accept that SUDS features may also function as GCN habitat, their key purpose and function is to manage the drainage of the site. They advise that they cannot be considered as core GCN compensatory habitat and that the strategy is revised to provide two dedicated ponds.
- 4.109 Approximately 11.65ha of terrestrial habitat and 236m of linear terrestrial habitat will be lost including a significant proportion of the species-poor marshy grassland and scrub. Mitigation includes the enhancement of the retained area of marshy grassland with the inclusion of hibernacula but otherwise no provision of other terrestrial habitat. NRW are unsure how this figure has been established. They advise that all terrestrial habitat within 250m of waterbody 4 is compensated for.
- 4.110 Receptor Site - NRW note that pond creation and enhancement of retained habitat is proposed to occur only a month ahead of the translocation exercise with the remainder of the landscaping to be undertaken later in 2022. NRW advise that the proposed receptor site should be in place and in a condition to receive GCN; accordingly, and advise that new ponds are in place at least one year ahead of when they are expected to receive GCN.
- 4.111 NRW maintain their objection regarding GCNs following the most recent consultation.
- 4.112 Mitigation for Roads: NRW note the proposals to include amphibian friendly underpasses to maintain connectivity of habitat; we advise that the location of the proposed underpasses is included in the strategy.
- 4.113 Monitoring: Whilst NRW welcome that monitoring of GCN is proposed for the first five years, they advise that the strategy includes monitoring for the duration of the development, to include provision after the first five years and biennial abundance counts.
- 4.114 Summary: NRW consider that there is insufficient information with the application to confirm the likely impacts of the development on GCN.
- 4.115 Bats: The Usk Bat Sites Special Area of Conservation (SAC) lies approximately 900m north-east of the development. There is a legal requirement to assess any potential impact. Regulation 63 of the Regulations requires the Council to undertake a test of the likely significant effect of the proposal.
- 4.116 NRW note that a shadow Habitats Regulations Assessment has been produced; they understand that this is information for Blaenau Gwent to undertake a formal HRA. If it cannot be demonstrated that there will not be a significant effect, either alone or in-combination with other plans and projects, an appropriate assessment should be undertaken of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

- 4.117 Otters: No objection. Otters need to be considered as part of a lighting plan which should be conditioned.
- 4.118 Lighting: The ES has focussed on the design of the building and internal factory lighting and glazing/roof lights. NRW's concerns also relate to artificial lighting such as may be needed for safety and/or security purposes, on access roads and in car parks. NRW therefore maintain their advice that a condition requiring a lighting plan is submitted. This is for visual purposes and to protect impacts on lesser horseshoe bats.
- 4.119 Environmental Management: The site is hydrologically linked to the upper reaches of the River Ebbw. NRW welcome the scope and detail contained within the Outline CEMP and advise a full CEMP is controlled through planning condition if permission is granted.
- 4.120 Contaminated Land: Conditions should be imposed to secure details, controls and appropriate mitigation and validation.
- 4.121 Public Health Wales (PHW):  
There shall be no unacceptable impacts in terms of air quality.
- 4.122 The Council must be satisfied that the applicant's decarbonisation plan which should incorporate carbon footprint impacts from imported materials as well as detailing any offsetting measures.
- 4.123 Measures to suppress dust must be controlled during construction and operation.
- 4.124 Noise mitigation measures must be imposed on any permission.
- 4.125 The Travel Plan should encourage modes of sustainable transport.
- 4.126 The applicant should justify with the regulator that the hydrogeological risk assessment outcomes will be enforced to ensure no adverse impact to local abstraction sources nor to nearby drinking water reservoirs.
- 4.127 Brecon Beacons National Park Planning Authority (BBNP): No response received.
- 4.128 Powys CBC: No comment. The area beyond BG boundary is entirely covered by BBNP.
- 4.129 Dŵr Cymru/Welsh Water (DCWW): A Hydraulic Modelling Assessment (HMA) has previously been undertaken which assessed the demand upon the public water supply network. DCWW offer their support to this development on the strict understanding that the rates identified have not changed.
- 4.130 Capacity exists within the public sewerage network in order to receive the flows.
- 4.131 The site is crossed by a number of public foul sewers, surface water sewers and water mains. Access must be maintained to apparatus at all times. The

have stipulated protection zones for each asset which have been provided to the applicant.

- 4.132 Western Power: Indicate position of apparatus. Overhead cables cross the site.
- 4.133 W&W Utilities: Indicate position of apparatus. Medium pressure gas line within part of the site.
- 4.134 National Grid: Cable fibre: search returned fibre optic cable.
- 4.135 Electricity: the area has been found to be within the High Risk zone from National Grid Electricity Transmission apparatus and development must not proceed without further discussions with them.
- 4.136 Gas: the area has been found to not affect any of National Grid Gas Transmission plc's apparatus.
- 4.137 Coal Authority:  
The application site falls outside the Development High Risk Area. It is located entirely within a Low Risk Area. There is no requirement for a Coal Mining Risk Assessment to be submitted.
- 4.138 Welsh Government Planning (ES Branch): No response received.
- 4.139 Welsh Government Roads: No objection. Surface water should be appropriately disposed of. This will be taken account of in any consent by the SAB Authority.
- 4.140 GGAT: There is no known archaeological interest within the site. However, there is interest in the vicinity including cairns to the west. The site has been partially developed and it is likely that previous construction has had an adverse effect on potential remains. There is the potential for remains in the areas that have not been developed. It is recommended that a condition requiring the applicant to submit a written scheme of investigation for a programme of archaeological work to protect the archaeological resource. This would take the form of a targeted watching brief during the groundworks with detailed contingency arrangements.
- 4.141 Enterprise Board: Very pleased see the proposed manufacturing location on the vacant employment lots on RIE and note the opportunities for carbon reduction and benefits for the circular economy in having a state-of-the-art glass manufacturing site within Wales. Note the clarified data from ARUP with regards to air quality, ecology management and the construction timetable. Note they recognise the world class technology intended to be used by the Company, the process controls to be employed and steps taken to work with the local employment and residential communities to mitigate any potential impacts. This proposal provides a significant opportunity to improve the GVA within BG and the South East Wales region with the creation of 600 direct jobs, further indirect employment and significant job creation during the construction phase. The development supports the ambitions of Welsh Government's Future Generations Act in terms of harnessing the social value and

opportunities within the area. It meets the goals of a prosperous, resilient, and globally responsible Wales. We are pleased to note the company's commitment to working with the youth, creating careers and skills development. The Enterprise Board have been impressed with the work already commenced with Coleg Gwent to look training and qualifications.

- 4.142 Gwent Wildlife Trust (GWT): No response received.
- 4.143 Gwent Police: No response received.
- 4.144 Health and Safety Executive (HSE): The development does not intersect a pipeline or hazard zone. HSE therefore has no comment.
- 4.145 RSPB: No response received.
- 4.146 NATS (Aerospace): The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.
- 4.147 Ministry of Defence (MOD): No response received.
- 4.148 Arquiva: No objections in respect of TV or radio transmission.
- 4.149 GTech Surveys (television signal): No response received.
- 4.150 Royal Commission (Design): No response received.
- 4.151 Joint Amenity Societies (Historic Society): No response received.
- 4.152 JRC Windfarm Coordination: The building is in front of a number of microwave dishes and UHF antenna. The building is generally 28 to 35 m tall obstructing the link paths. In order for JRC to remove their objection mitigation would be required for an alternative link solution if there are alternatives available. These radio links are used by the UK energy industry for monitoring and control of critical national infrastructure.

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## 5.0

### Publicity:

#### 5.1 Initial Consultation: November to December 2021, January and April 2022

- 632 letters to nearby houses
- additional 53 email notifications on 2<sup>nd</sup> and 3<sup>rd</sup> consultation
- 20+ Site Notices on each round
- press notice – major development, accompanied by ES and departure from LDP
- website public register of applications
- Ward Members were notified by letter
- all Members notified that the application had been submitted.
- all Members via weekly list of applications received
- all planning documents available (and remain so) on the Council website

#### 5.2 Responses:

53 written objections were received. Whilst many of the responses received welcomed the provision of jobs, they were objecting for reasons summarised below under topic headings:

#### 5.3 Air Quality and Impact on Human Health and Ecology:

- i. Pollutants from stacks, generators and vehicle movements are a serious risk to human health. Includes Alzheimer's, nerve damage, seizures, brain damage, skin disorders, gastro issues, liver/kidney and lung disorders, headaches, vomiting, eye conditions, heart disease, pulmonary oedema, anaemia, hair loss, irregular heart rhythm, cancers, blood disorders, hearing loss, hypertension and Parkinson's.
- ii. A nursery, school, care home, residential properties and densely populated areas are within close proximity site and the occupiers will be affected by pollution.
- iii. Lead and other heavy metals are universally prohibited from use in paints, petrol and piping for drinking water and yet the 'planners' apparently see no concern in building CiNER Glass, which pumps these pollutants (along with many others) into the air, literally a stone's throw from a reservoir providing water to up to 2 million people as part of a connection of reservoirs across the South Wales area.
- iv. Aware of several other operating glass factories in which the local people have been urged not to grow/eat produce within a 1.5-mile radius due to the excessive heavy metals found in the soil. Surely if this information is readily available on existing glass factories, then so can the people who are paid and charged with the responsibility of protecting the health and welfare of the people of Blaenau Gwent and their children. You cannot guarantee the safety of the water sources when this is an issue affecting currently operating glass factories.
- v. A number of German studies on industrialisation of the magnitude proposed show the effects of the emissions can be at the strongest 5-10km away from the site itself. Again this shows that the proposals effect a much wider area than that in which letters were sent. All findings should be complete and published and information provided to a far more substantial



- area before you place a deadline on people's concerns and before giving it the nod and the wink. Aerial emissions have not been properly assessed
- vi. Dust from construction a traffic will have a detrimental impact on health and increase risks of respiratory and heart disease. Construction traffic and the travel route has not been assessed in terms of air quality as it has been scoped out of the ES
  - vii. We already have the lowest life expectancy, with highest reported respiratory problems in Wales. The best materials and workmanship should be used to reduce pollution. This can be done by optimising design, increased filtration of flue gases and pollutants and monitoring of flues and pollutants and nearby water quality. Filtration needs to be carefully considered.
  - viii. Production of green glass results in higher emissions – no green glass should be allowed to be produced.
  - ix. Operating the furnaces continuously for 12-15 years would mean any attempt to shut down the furnaces for air quality requirements being breached would be strongly resisted. If proposal is approved, will BG issue a statement that the health of residents will not be affected and that the health of residents be monitored and any Clean Air Policies monitored as there is no proposal to monitor impact on human health?
  - x. People will not be able to open windows
  - xi. There are already bursts of something highly toxic from RIE
  - xii. It would appear that no air dispersion modelling has been carried out for the development as yet.
  - xiii. NRW state the facility will be permitted to emit pollutant to air up to the emission limits values in the Industrial Emissions Directive. This will add to the ground level pollutant concentrations at the sensitive sites. This impact has not been assessed yet.

#### 5.4 Visual:

- i. The chimneys will be unsightly. We do not want BG looking like Port Talbot
- ii. The scale of the project will have an adverse visual impact on BBNP
- iii. The sale of development is completely at odds with the buildings in the locality and will dominate the surrounding area regardless of what attempts are made to soften its appearance
- iv. The development will spoil views from nearby reservoirs

#### 5.5 Noise and Vibration

- i. From construction and operation of the factory
- ii. Noise from traffic movements

#### 5.6 Light

- i. The reflective materials and lit stacks will have cause light pollution and impact on BBNP Dark Skies

#### 5.7 Ecology/Biodiversity/Water Quality

- i. The emissions will have affect wildlife, habitats and water quality of the nearby reservoirs
- ii. Loss of woodland
- iii. Impact on bats

- iv. The site is within a short distance of two SSSI's and 400m from a National Park. This will cause destruction and disruption of habitats and eco systems

#### 5.8 Economic:

- i. Whilst jobs are welcomed, they should not come at a cost to human health or the environment
- ii. The number of jobs promised will drop dramatically after construction
- iii. Developments like this always promise huge numbers of job which are almost always overstated and under delivered

#### 5.9 Alternative Location

- i. The proposal should be at an alternative location which doesn't impact on health and the environment whilst boosting the economy
- ii. Cleaner businesses should be encouraged to the area

#### 5.10 Climate Crisis/Sustainability

- i. The world is in a climate crisis (COP26). This proposal goes against all the changes people are being asked to make to reduce impact on climate change i.e. switching to electric, heat source pumps, reduce consumption of meat.
- ii. Carbon footprint from 100HGV movements per day.
- iii. Sustainable energy solutions have not been explored, especially for transport.
- iv. No mention of recyclable glass going into production of finished products. This shouldn't be considered a part of a circular economy when it is using primarily virgin materials being imported into the country.
- v. The developer refers to the "*good access to utility connections within the industrial estate*". A major employer on a nearby site has made investigations into availability of energy, particularly gas. It has been made clear that there was insufficient availability of supply yet now it appears that a supply has become available. Object to the provision of an additional supply that appears to be solely for the use of an as yet undeveloped proposal. The energy supply to the site should meet the needs of all interested parties on the site to best accommodate their current and future plans. It is currently unclear as to the status of supply in the future which is of concern to other users on the estate.

#### 5.11 Lack of Consultation:

- i. Residents have been kept in the dark
- ii. A public meeting should be held, not on TEAMS
- iii. The ES is not widely accessible to all members of the public

#### 5.12 Quality of Assessments:

- i. The EIA should be prepared independently
- ii. The technical documents should be in a format that can be easily understood. The NTS lacks meaningful information
- iii. Air Quality assessments have not been properly considered
- iv. The ES should contain recommendations for the improvement of the factory and associated activities beyond what regulations require

- v. Assessment on air quality for HGV routes has not been adequately assessed (they will travel through areas with air quality issues)
- vi. The information supplied seems scant and laissez-faire to the extreme when it has the potential to risk so many people's health adversely and our children's. Why don't you have an independent environmental impact statement - have you seen an independent report and if not, why not? Why have NRW on more than one occasion not been provided with the information they require? Do you have the information (including the aerial emissions)? Why not publish these findings too and if not, why not? When you risk poisoning thousands of people with heavy metals, this is an extremely important decision and one that should not be taken lightly.

### 5.13 Access/Movement

- i. The site entrance is adjacent to the main entrance of another user and the access to the electrical sub-station. The new access is not feasible in terms of transport management and will significantly impact access to other sites who currently have approximately 70+ HGV vehicle movements per day.
- ii. The development indicates an increase in excess of 150 vehicle movements in any 24-hour period. This figure does not include smaller delivery vehicles, contractor vehicles or even employee vehicles that can easily account for a further 50 movements per 24 hr period. This would result in significant congestion along estate roads.
- iii. The dualling of the A465 is nearing completion for the stretch Abergavenny to Merthyr which should help in a smoother flow to RIE. The proposal to limit the speed on the A465 to 50mph along much of its length and even 40 mph for shorter stretches would significantly impact traffic flows to many sites on RIE with congestion being caused by the unnecessary speed limitations. The majority of deliveries to Rassau arrive from the East with only the one access point off the A465. This access road immediately reduces to a single lane road along the bottom of the estate and requires currently a negotiation of a set of traffic lights. We are of the opinion that this local infrastructure is inadequate for the total proposed vehicle movements and will create further congestion and unsafe road conditions.
- iv. The estate already appears to be a prime destination for driving school instructors and their clients. We believe that this merely further compounds the issues.
- v. The application includes '*highway improvements*'. This would cause significant delay/congestion by attempting to concentrate a further 120+ vehicle movements per day through what is already a very busy and sometimes heavily congested route with over 100 vehicle movements day to/from some sites.
- vi. The proposals also indicate that the existing mini roundabout close to the access to the new plant is to be removed and altered to form a 'T' junction. This makes for a less safe road layout and it is our opinion that the roundabout should be retained and the new access taken off the roundabout utilising the existing access road.
- vii. It is unclear from the application where the weighbridge, security gatehouse and vehicle gates will be located. There is potential for vehicles to have to wait on the public road for gates or a weighbridge to clear. If this is the case, waiting lorries will restrict access to other sites.

- 5.14 Policy:
- i. Local and National Policies are not being complied with in terms of Future Wellbeing and air quality/pollution
- 5.15 Other Matters:
- i. Why have CiNER been offering financial support to EV Rugby Club when application has not yet been approved? Is this against Council policy for considering planning applications?
  - ii. People will struggle to move/sell houses
  - iii. Do not repeat mistakes of past. TechBoard and Dog food factory polluted air and water systems
  - iv. Blaenau Gwent for a long time has been the victim of fly by night companies who have sought to exploit them and their beautiful valley in the quest for greed and riches. We are supposed to be living in a more enlightened age. The Council are the guardians of that and are trusted with making sure that this town and its people are not victims of exploitation.
- 5.16 A petition with 319 signatories (this includes E Signatures and hand written signatures) has also been submitted. The signatories are not confined to the local area, but have been signed from various locations in Wales and England. The petition requested people to sign for the following reason:
- 5.17 *'Stacks will release pollutants into the air, because of their height they will need to be lit, therefore having and affect on light pollution. The processing facility will result in noise pollution. This combined will directly impact local residents of the area. The petition requests that the proposal is reconsidered, that a public meeting be held to consider views of local residents and that planning of this significant facility is halted.'*
- 5.18 Brecon Beacons National Park Society (BBNPS): Object to the proposal for the following reasons:
- 5.19 Effects on the Landscape of BBNP: The development is for an exceptionally massive building only 400m from BBNP. The impact would be exacerbated due to the raised nature of the site. The views from the BBNP are disregarded in favour of those from the A465.
- 5.20 There is little attempt to screen the buildings from BBNP, nor can there be because the buildings are so massive. No tree planting or other scheme would be effective. The two chimneys would be particularly intrusive.
- 5.21 The development would be very prominent when viewed from the heights of Mynydd Llangynidr and Mynydd Llangattock and from the well-used B4560 which links the settlements of Llangynidr and Llangattock to Ebbw Vale.
- 5.22 The effect on views from the BBNP is assessed as 'adverse' by NRW but the importance of this is dismissed because it would be viewed against the industrial background of RIE. We strongly disagree with this view and consider that the view from Mynydd Llangynidr gives a fine panorama with the industrial valleys spreading into the distance and showing their relationship with the uplands of BBNP. Damage to this view would diminish the enjoyment of users

of the National Park, such as walkers exploring the high ground to find the Chartist's cave.

- 5.23 The 'visualisations' of the proposed development are inadequate.
- 5.24 If approved, a condition should be imposed to ensure that all the electricity supply is underground over this section.
- 5.25 Reflective cladding would not be an effective mechanism for mitigating the impact on the views from BBNP. Such cladding would exacerbate the prominence of the buildings, potentially reflecting sunlight/daylight from an artificial position over an extensive area. At night time, this material would reflect artificial lighting into BBNP. An alternative should be a medley of natural colours. This would help to break up the scale and massing.
- 5.26 They also feel that some further mitigation could be achieved through the use of a more strategic approach to landscaping of the buildings and the car parking areas.
- 5.27 Effect on Brecon Beacons National Park Dark Sky Reserve: The site of the proposed development is within the External Buffer Zone for (IDSR). The external lighting strategy acknowledges avoid light spill and the need to consider the effect on ecology. Should the development be given permission, we trust that this protection would be assured by attaching suitable conditions?
- 5.28 Effect of Emissions: Prevailing winds are from the south west. It is likely that most of the emissions will be deposited in BBNP including on the Usk Bat SAC and the Mynydd Llangatwg SSSI. Although the deposition rates may be relatively low, with the current fragile state of the important ecosystems, any increase should be avoided.
- 5.29 Glass manufacture is energy intensive. The estimated emissions are evaluated by comparing them to the UK and Welsh Carbon budgets. The total contribution to these budgets increases as successive diminish. It is concluded that the *"emissions from the Project are unlikely on their own to materially affect the ability of the UK Government to meet its carbon budgets"*. Disagree with this assessment: since these budgets were set, the magnitude of the climate emergency has become much clearer and the budgets are likely to be revised downwards.
- 5.30 They do not consider that the factory is sustainable and believe it would be contrary to the Well-being of Future Generations Act. It would also be contrary to the BG LDP. If there is a need for more glass bottles to be manufactured, then the carbon footprint of the factory would need to be reduced by every possible means e.g. located near a port for the import of the raw materials, near a railway for distribution of the products, and use new technologies and renewable energy.
- 5.31 The understandable justification for project is that BG has higher than average rates of unemployment and health deprivation. The proposal anticipates that about 450 jobs would be generated during construction and about 670 during

the operational phase. Although some of the jobs would be skilled, and it is suggested that some opportunities for training and for apprenticeships would be offered, BBNP Society understands that most of the jobs in the operational phase would be low-skilled. Moreover, the benefits of increased employment have to be set against the disadvantages to society that would be brought by global warming.

5.32 Llangynidr Community Council: The development may affect Llangynidr in certain weather conditions. The 75m stacks are there to push the fumes high into the atmosphere where they would disperse. NRW and Blaenau Gwent Planning Authority would ensure all modern technologies would be deployed to reduce effects. It was anticipated that Llangynidr residents may see plumes of gases but it is unlikely that the stacks themselves would be visible from Llangynidr. It was reported to Council that in the plots showing affected areas none identified Llangynidr. The hundreds of jobs created may help the residents of our neighbouring Borough.

5.33 **Second Consultation: Jan 2022**

4 letters of objection have been received raising the following:

- i. The updated documents do not address concerns regarding noise. Current levels of traffic noise cause an issue, which impact on sleep. Lorry deliveries should be to the rear of the factory only.
- ii. Concerns regarding odour, given current issues at RIE with food production companies.
- iii. HGV traffic emission assessment not robust
- iv. Concerns remain regarding exceedances of air quality pollutants and how this will be managed.
- v. Additional information does not address concerns raised in first consultation.

5.34 8 letters of support have been received, the comments have been summarised as follows:

- i. Local government have successfully created an environment which has made Ebbw Vale attractive to CiNER's incoming investment in the area. To have the opportunity for a new industry to invest in South Wales can only be seen as a positive.
- ii. It will allow companies to invest in people both in training and the apprenticeships that they could offer with the continuity of work and also up skilling individuals to enable them to reach their full potential.
- iii. With the proposed investment of £350m towards a state-of-the-art glass recycling manufacturing plant helping to contribute towards the Welsh Governments net zero objective.
- iv. With commitment from CiNER Glass to invest in the new plant, opportunities will be generated for the supply chain in South Wales to adapt to the needs of CiNER and provide a world class service. With the capability of developing strong economic ties with glass manufacturing partners across the UK and Europe.
- v. Provides an important opportunity for local people to access well paid and stable employment in skilled jobs.

- vi. Has been located and designed to minimise impact on the local community.
- vii. Working in partnership with the College, will provide young people with skills and training that will lead to well-paid employment.
- viii. Reducing the environmental costs of importing glass and contributing to the Deposit Return Scheme.
- ix. Creating hundreds of additional in-direct jobs and prosperity in the local area by forming partnerships with local and regional businesses.

5.35 **Third consultation: April 2022**

- 5.36 1 email has been received which again raises air quality concerns broadly outlined above. The email also suggests conditions should planning permission be granted to control emissions.

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6.0

## Planning Policy

6.1 The following is a list of BGLDP policies that directly relate to the proposal.

6.2 LDP Policies:

SB1 – Settlement Boundary

SP1 – Northern Strategy Area

SP7 – Climate Change

SP8 – Sustainable Economic Growth

SP9 – Active and Healthy Communities

SP10 – Protection and Enhancement of the Natural Environment

SP11 – Protection and Enhancement of the Historic Environment

DM1 – New Development

DM2 – Design and Placemaking

DM3 – Infrastructure Provision

DM4 – Low and Zero Carbon Energy

DM10 – Use Class Restrictions – Employment

DM14 – Biodiversity Protection and Enhancement

DM15 – Protection and Enhancement of the Green Infrastructure

DM16 – Trees, Woodlands and Hedgerow Protection

EMP1 – Employment Allocations

6.3 National Policies and Technical Advice Notes (TANs):

Future Wales: The National Plan 2040 (FW)

Planning Policy Wales: Edition 11 (PPW11)

The Well-being of Future Generations (Wales) Act 2015

6.4 TAN 5 – Nature Conservation and Planning

TAN 11 – Noise

TAN 12 – Design

TAN 15 - Flooding

TAN 18 – Transport

TAN 21 – Waste

TAN 23 – Economic Development

TAN 24 – Historic Environment

6.5 Supplementary Planning Guidance (SPG):

Access, Car Parking and Design (March 2014)

Nature Conservation

Planning Obligations

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## 7.0 **Planning Assessment**

### 7.1 **Principle of Development**

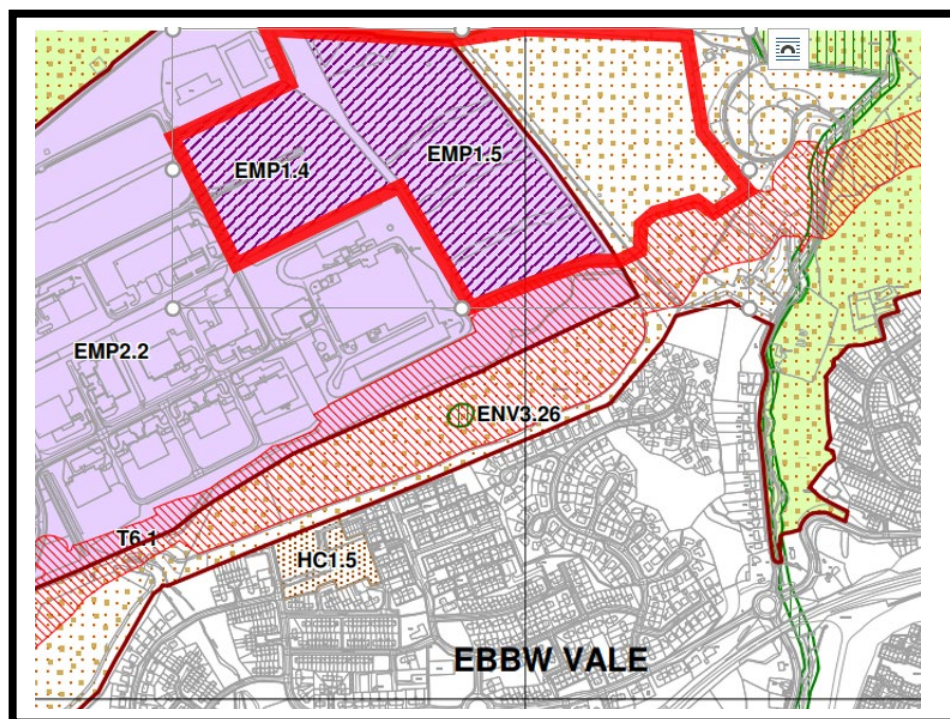
The site lies within the settlement boundary defined by the LDP. It is comprised of two employment allocations under the terms of Policy EMP1.

7.2 This policy supports the development of business, light and general industrial use, storage/distribution and other ancillary land uses.

7.3 The proposed use by Ciner is general industrial (B2). This is in accordance with the LDP employment land allocation intended for the site.

7.4 In Fig 6 below, the plan shows the land allocated for employment use as EMP1.4 and the RIE eastern extension as EMP1.5.

**Figure 6: LDP Proposals Map with CiNER (illustrative) edged red**



7.5 The site is within the Northern Strategy Area established by the LDP. This aims to attract both people and employment.

7.6 Policy SP8 advocates the improvement and diversification of the local economy to maximize economic potential. The development would contribute to the delivery of this policy.

7.7 Future Wales (FW) is the national development plan. It sets out the strategy for addressing national priorities in a land use oriented document.

7.8 The proposal would contribute towards 'a Prosperous Wales' and Policies 1 and 33 of Future Wales and Policies SP1, DM10 and EMP1 of the LDP.

- 7.9 FW contains a suite of policies supporting sustainable growth. Cardiff, Newport and the Valleys are identified as a National Growth Areas where the aspiration is for growth in employment, housing and infrastructure.
- 7.10 Policy 33 is a specific policy relating to this national growth area and states that the *“Welsh Government supports coordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities”*.
- 7.11 The supporting text of FW Policy 33 identifies Blaenau Gwent as a priority area. The proposal will potentially result in a significant increase in local economic activity in relation to job creation.
- 7.12 The development would contribute to the delivery of new employment within an established manufacturing / industrial area. For these reasons, it is considered that the proposed development will help to meet the aspirations of policy 33 of Future Wales associated with improving well-being, increasing prosperity and addressing social inequalities.
- 7.13 The principle of manufacturing land uses on the site is well-established within the wider RIE and within the aims of Policies 1 and 33 (Valleys – National Growth Area) of Future Wales and Policies SP1, DM10 and EMP1 of the LDP.
- 7.14 The application site also includes land to the east of the employment allocations between the Carno Reservoir and the A465. This section of the site would be developed to accommodate Sustainable Drainage Systems (SUDs), internal access roads for HGV movements and outdoor amenity space for staff.
- 7.15 This area of the application site would also support ecological mitigation and enhancement land to support the function of the site for employment. Whilst part of the site is unallocated in the LDP, the proposed use of this section of the site is considered necessary to deliver development through SUDS and ecological mitigation on adjacent land. This accords with Policies SP1, DM10 and EMP1 of the BGLDP.
- 7.16 Its development to facilitate the building out of neighbouring land does not prejudice the holistic aspirations of the BGLDP; rather it assists in the deliverability of the employment allocations. In this respect, the issue of it being a departure is addressed and justified.
- 7.17 The overgrown plateaus within the RIE are brownfield land and could facilitate development. This is in compliance with PPW.
- 7.18 The land is located in a coal safeguarding area but due to the fact that the area abuts the settlement boundary, it is located in an area where coal working is almost certainly unacceptable. I am of the opinion there is no need to consider this matter further.
- 7.19 PPW 11 states that *“Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of*

*infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity.”*

7.20 Development of this area is limited to mainly non-operational facilities and there are no buildings proposed. This area would be an extension to the existing settlement to accommodate transportation infrastructure, outdoor amenity space for staff and ecological mitigation and enhancement to enable the development of an employment BGLDP allocation (Policies EMP1.5 and EMP1.4).

7.21 Taking into account the uses proposed in this area there are no planning policy objections to the land uses.

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8.0 **Site selection and consideration of alternative sites:**

The EIA Regulations require the applicant to provide....

8.1 *'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the applicant or appellant which are relevant to the proposed development and its specific characteristics and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.*

8.2 The ES states that CiNER considered and investigated a number of alternative sites within Wales for the development of a glass manufacturing facility. Following a review of alternative sites, the Rassau option was selected due to number of important advantages:

- 8.3
- It is large enough to accommodate the needs of the manufacturing facility and infrastructure to enable an effective and efficient design;
  - It is a vacant plot, designated as part of the Enterprise Zone;
  - A strategic location adjacent to the A465 providing good transport connectivity and the movement of goods;
  - It has strong potential for local employment and training within an existing industrial area; and
  - The site has good access to utilities within the industrial estate.

8.4 Due to the scale of the project, the applicant has stated there were very few alternative site options that provided these advantages.

8.5 My advice to Members is this is a consideration to which limited weight should be attached. The suitability of these other sites has not been tested in the sense that detailed environmental surveys have been undertaken and no planning application submitted to other Local Planning Authorities.

8.6 These other sites are not therefore rival/competing sites where this Council is being asked to assess the suitability of one above another. The application before the Council proposes a scheme and the planning process has highlighted the issues and material considerations. The Council should proceed to determine whether the scheme before them is acceptable on its own merit.

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## 9.0 **Design and Visual Impact (including Lighting)**

The development will present a new and in many respects dominating feature on this prominent site adjacent to the A465. Its associated visual impacts on the local, wider and more sensitive landscapes must therefore be given careful consideration.

### 9.1 **Policy Context:**

The following national and local planning policies/Acts are of direct relevance:

- 9.2 ➤ The Well-being and Future Generations (Wales) Act: defines “sustainable development” as the process of improving the economic, social, environmental and cultural well-being of Wales. This is to be achieved by taking action, in accordance with the sustainable development principle. It also establishes that authorities need to consider: *“the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long term effect.”* The Act can apply in considering how views and visual amenity (as part of the environment) are experienced by people, contributes to their well-being and whether certain views should be protected for future generations.
- 9.3 ➤ PPW 11: gives consideration to ‘People and Place’ in achieving well-being through placemaking. Paragraph 2.3 states that the *“planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly.”* Paragraph 2.4 goes on to state that the *“intrinsic value of a place to people or communities is particularly important, which may be due to aesthetic, cultural, spiritual or historical reasons”*. The character of a place is also important, paragraph 3.9 sets out that the *“special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.”*
- 9.4 ➤ FW: comments that development, *“irrespective of location or scale, 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.”*
- 9.5 ➤ TAN 12 (Design): describes how best to deliver ‘Good Design’, including how to consider ‘character’ and a place’s relationship with distinctive views (in and out of the site), skylines and vistas or in relation to ‘legibility’ and how an area can be impacted by landmarks such as “key buildings or landscape features, junctions, views and vistas, barriers and boundaries”.
- 9.6 ➤ BGLDP vision and objective of the Plan sets out that: *“the valuable landscape of Blaenau Gwent has been protected, enhanced and managed and together with other elements of the natural heritage, helped foster sustainable tourism and promoted community pride.”*
- 9.7 ➤ BGLDP Policy SP10 (Protection and enhancement of the natural environment): sets out to protect Blaenau Gwent’s natural environment and designated landscape by protecting those attributes and features which make a significant contribution to the character, quality and amenity value of the landscape.

- 9.8 ➤ LDP Policy DM1 New Development Part 2 (Amenity): the policy states that the development must be compatible with other uses; there must be no unacceptable adverse visual impact on townscape or landscape; there would be no unacceptable impact upon the amenities of neighbouring occupiers.
- 9.9 ➤ BGLDP Policy DM2 Design and Placemaking: requires the development should be appropriate to the local context in terms of type, form, scale and mix; is of good design which reinforces local character and distinctiveness of the area or positively contribute to the area's transformation; and landscaping and planting, where appropriate, achieves a suitable visual setting for the scheme and integrates it into the wider context.
- 9.10 Given that the site is approximately 400m from the boundary of the BBNP, the chapter also considers relevant policies contained within the BBNP LDP: SQ1 (Special Qualities), SQ4 (Landscape), Policy 12 (Light Pollution) and Light Pollution & Obtrusive Lighting SPG.
- 9.11 Assessment  
The ES provides an assessment of the likely visual effects arising from the development. It identifies visual receptors (people) and sensitive landscapes that may be significantly affected and considers the likely changes to views and visual amenity as a result of the development.
- 9.12 A Design and Access Statement (DAS), Visual Impact Assessment (VIA), Material & Lighting Assessment and Environmental Colour Assessment (ECA) have been undertaken to inform the design and appearance of the building and to assess the associated impacts.
- 9.13 A DAS provides a framework to explain how the proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.
- 9.14 The DAS explains the design principles and concepts that have been applied to the development and aims to demonstrate how the site context has influenced the design. The applicant confirms that six design principles were considered to inform the design;
- i. Orientation: To orientate the building so that it benefits from as much natural light as possible. This was done with the aim to reduce the need for artificial lighting and maintain a connection between the internal facility and external landscape for those working within the facility.
  - ii. Context: The layout of the development seeks to respond to the local context. Larger building masses and louder process areas are to be distanced from the residential area and highway to the south of the site. This is an attempt to minimise the visual and acoustic impact of the development.

- iii. Topography: Whilst the design of the development will be predominantly driven by the process lines, where possible the buildings will work with the natural slope of the site in order to minimise the amount of cut and fill earthworks required.
  - iv. Infrastructure: Where possible the existing infrastructure on site is to be retained, reused and improved. Changes to the infrastructure/services will be considered against the overall value that they bring to the site.
  - v. Dark skies: The Brecon Beacons National Park is an international Dark Sky Reserve. Although the site is situated outside of the national park boundary, the design aims to minimise/prevent light spill and;
  - vi. Landscape: The landscape will play a key role in both complementing the existing natural landscape around the site whilst also providing aspects of wellbeing for the staff and sustainable water management.
- 9.15 The DAS sets out how the proposal was designed to be functional whilst aspiring to achieve the above principles. It seeks to demonstrate how different access routes around the site were considered, the scale and design of all the buildings/components, materials to be used including roof lights and glazing, external lighting strategy and landscaping.
- 9.16 The DAS concludes that a thorough site and context analysis was undertaken to inform the design of this proposal which complies with the objectives of good design set out in TAN 12 and PPW.
- 9.17 The Visual Impact Assessment (VIA) assessment helps to identify the effects of new developments on views and on the landscape itself. These effects can be quite different. Some developments can have visual effects but none on landscape character and some vice versa.<sup>2</sup>
- 9.18 Given the scale of the development, a wide range of visual receptors have been considered in relation to how they may be affected within 5km of the application site. These have been split into a number of categories:
- Recreational receptors: walkers on the Rhymney Hill, Cefn Manmoel and Mynydd Carn-y-Cefn
  - Community receptors: the communities of Rassau, Garnlyddan and Beaufort; and
  - Tourism Receptors: visitors to BBNP and Parc Bryn Bach
- 9.19 The VIA considers the associated impacts, the significance of the effect and proposed mitigation and/or enhancements necessary on each receptor identified.

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<sup>2</sup> A landscape assessment was scoped out of the ES as the development is situated on the edge of an existing industrial estate, forming part of an allocated site with effects on the wider landscape considered to be minimal. Consideration was however to be given to the impacts on the BBNP.



A summary extracted from the ES has been provided below both in terms of construction and operational effects:

9.20 Effects during construction:

9.21 Construction activities would give rise to a number of significant visual effects for receptors within the 5km study area. These would however be temporary.

9.22 **Table 2: Visual Effects During Construction**

Receptor	Description of effect	Significance of effect	Mitigation and enhancement	Residual Effects
Beaufort	Impact on part of Beaufort with views of construction vehicles, personnel, large scale earthworks and partially constructed buildings	Moderate	No mitigation and enhancement measures proposed for the construction phase.	Moderate
Visitors to the BBNP	Visual impacts on a small part of the BBNP with the introduction of visually prominent construction activities. No night time effect as construction is not proposed during hours of darkness.	Moderate	No mitigation and enhancement measures proposed for the construction phase.	Moderate
Users of the B4560	Visual impacts on road users on the B4560 with views of tree felling, tall cranes, large-scale earthworks, and partially constructed buildings.	Moderate	No mitigation and enhancement measures proposed for the construction phase.	Moderate

9.23 Operational Effects:

The development, due to its size, scale and massing, would significantly affect the receptors outlined below:

**Table 3: Visual Effects During Operational Phase**

Receptor	Description of effect	Significance of effect	Mitigation and enhancement	Residual Effects
Walkers Mynydd Carn-y-Cefn	Visual impact on walkers and recreational users able to see the operational development in the middle distance.	Moderate	Innovative design and high architectural quality using reflective material to bring in the surrounding environment, naturally breaking up the visual mass of the building. Perimeter landscape treatment and tree planting	Moderate



			embeds the development into the local landscape. No additional mitigation possible due to the size and scale of the development.	
Rassau	Visual impact on the community of Rassau with the introduction of new built features to the local skyline, views of the 75m chimney stacks and the upper sections of the buildings would be visible from a few locations.	Moderate	Innovative design and high architectural quality using reflective material to match the changing weather pattern and skies helping to soften the edges of the building and blend the façade with the local skyline. There is no mitigation for the chimney stacks.	Moderate
Garnlyddan	Visual impact on part of the community of Garnlyddan the development would create prominent features on the skyline, creating visual clutter with the existing turbine and electricity pylons and contrasting with the generally wooded skyline. At night it would be possible to see the development with external security lighting.	Moderate	Innovative design and high architectural quality using reflective material to match the changing weather pattern and skies helping to soften the edges of the building and blend the façade with the local skyline. External lighting to be carefully design with reflector, directional lighting and appropriate colour and lux levels. There is no mitigation for the chimney stacks.	Moderate
Beaufort	Visual impact on part of Beaufort with introduction of large built features on a prominent slope that would be dominant in local views. The development would form a new intrusive feature on the existing skyline and would interrupt inter visibility between the BBNP and the community. At night it would be possible to see the development with external security lighting.	Substantial	Innovative design and high architectural quality using reflective material to match the changing weather pattern and skies helping to soften the edges of the building and blend the façade with the local skyline. External lighting to be carefully design with reflector, directional lighting and appropriate colour and lux levels. There	Substantial

			is no mitigation for the chimney stacks.	
Visitors to the Brecon Beacons National Park	Visual impacts on a small part of the BBNP with the introduction of chimney stacks at 75m and the largescale building to views that would interrupt inter-visibility with neighbouring hills. It would be possible to gain views of the development during the hours of darkness as the development would operate 24 hours a day requiring internal and external lighting.	Substantial	Innovative design and high architectural quality using reflective material to match the changing weather pattern and skies helping to soften the edges of the building and blend the façade with the local skyline. External lighting to be carefully design with reflector, directional lighting and appropriate colour and lux levels. There is no mitigation for the chimney stacks.	Substantial
Users of the B4560 Llangynidr Road	Visual impacts on road users on the B4560 with the introduction of buildings and tall chimney stacks that introduce new noticeable features in views. It would be possible to gain views of the development during the hours of darkness as the proposed development would operate 24 hours a day requiring internal and external lighting.	Moderate	Innovative design and high architectural quality using reflective material to match the changing weather pattern and skies helping to soften the edges of the building and blend the façade with the local skyline. External lighting to be carefully design with reflector, directional lighting and appropriate colour and lux levels. There is no mitigation for the chimney stacks.	Moderate

#### 9.24 Material & Lighting Assessment

The document explains that when considering materials and aesthetics, two main options were considered; block colours and reflectivity.

- 9.25 Block colours were ruled out by the developer due to the size and scale of the building and the fact that block colours are difficult to align from numerous sight lines and they fail to adapt to seasonal landscapes and changing skies.
- 9.26 The applicant contends that by using reflectivity, the façade reflects the surrounding environment helping it to integrate it into an ever changing landscape adapting to varying weather and seasonal colour changes. The assessment also stated that the use of a metallic finish not only serves to reflect the local context it

also gives a lighter appearance to the building. Any dark tones applied to the building would only highlight its mass giving the appearance of a large, heavy building sat in the landscape.

The document also considers the lighting of the building. 3 criteria were assessed:

- 9.27
- i. Daylighting - providing natural light for the occupants during the day, reducing the use of artificial light and reducing energy consumption. The document concludes that with careful use and orientation of glazing and roof lights (away from BBNP to minimise impact on dark skies) that the proposal can provide sufficient natural light into the building, reducing the need for artificial lighting and reduce energy demand, whilst also reducing light spill at night.
  - ii. Artificial Lighting - Reducing the effects of artificial lighting when the building is operational at night. Artificial lighting will be directional, lighting the process floor below to reduce spill and create dark zones above. Vertical fins are proposed in front of the vertical glazing on the façade. During the day these fins will help to reduce solar glare into the process floors. At night the fins will help to filter the light spilling out of the building. When viewed at an angle the fins will block views into the facility, concealing any light sources within the building.
  - iii. Orientation - Orientation of the building, glazing and roof lights to mitigate the effect of light spill on views from the Brecon Beacons National Park and dark skies core zone and residential areas.

Environmental Colour Assessment (ECA) - This assessment was requested by NRW and the Council's Green Infrastructure team. It expands on the Material and Lighting Assessment outlined above.

- 9.28 The aims of the ECA were to:
- a. Objectively record the key baseline natural colours within the study area that are inherent and integral to local distinctiveness and sense of place.
  - b. Develop a colour palette which seeks to identify colours which could be used to emphasise the distinctive character and quality of the place through architectural design.
  - c. Provide guidance on the design of the proposed development.
  - d. Improve the development's visual qualities that help reduce its likely visual impact.
- 9.29 The document explains that the exercise was not to prescribe a range of suitable colours that would blend with and complement the naturally occurring landscape colours but to enhance the local environment through high quality design.
- 9.30 It is acknowledged that given the location on a visually prominent slope, it would be extremely difficult to camouflage or have a recessive effect on the building. Instead the ECA has been used to identify colours that would accentuate any new

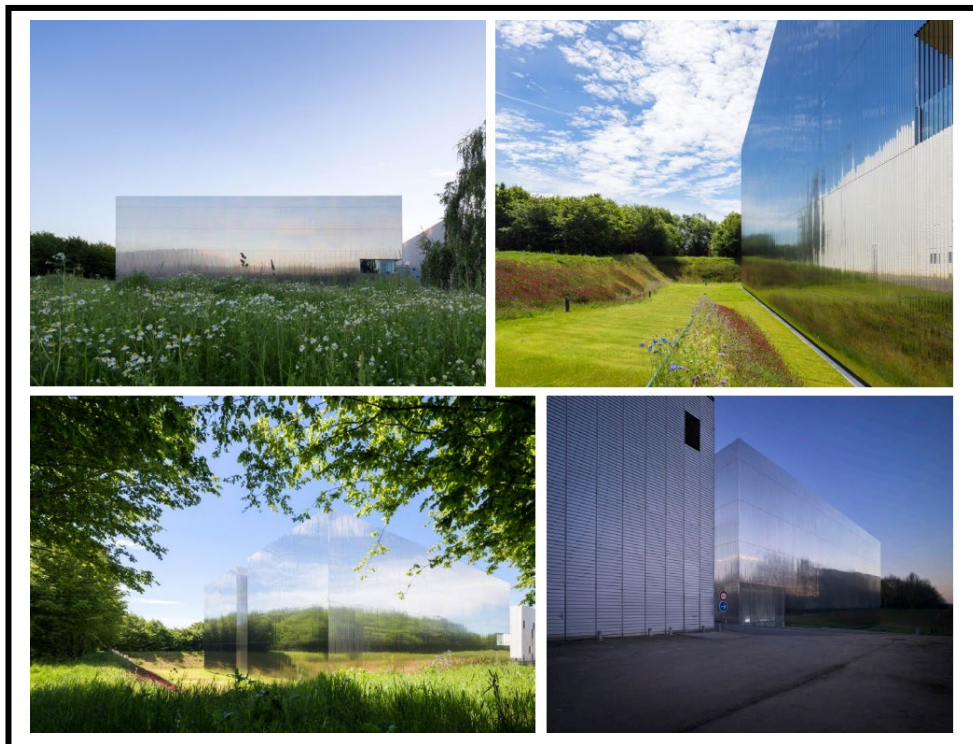
structures and buildings. It's overall aspiration being to create a development of exemplar architectural quality, one that acts as a 'landmark' for the area.

- 9.31 A number of key receptors were assessed in preparing the ECA at 2 different times of the year.
- 9.32 The ECA states that consideration of design and alternatives was given to the surroundings and local context and how the proposed development would appear in the landscape and against the skyline. The assessment considered that the use of suitable material finishes, including the use of block colours or darker tones would highlight the size and scale of the proposed development giving the appearance of a large, heavy building situated in the landscape.
- 9.33 It was also established that in attempting to align to the colour and finish of the back-drop, the Brecon Beacons would vary to when the building is silhouetted against the sky or viewed alongside the built up valley. Using a reflective metallic finish in place of block colours or darker tones results in the building being able to adapt to various viewpoints both locally and at a distance. This is achieved by subtly picking up on the tones of the sky, natural colours of the surrounding landscape and adjacent buildings.
- 9.34 The ECA states that the finish would create a light structure and the reflective quality would change daily reflecting the weather and change of seasons. In addition, it is noted that block colours are unable to adapt to seasonal landscapes and changing skies. They rely on a number of environmental conditions aligning to allow the building to blend into its surroundings. When the environmental conditions change, block colours have the reverse effect highlighting the mass of the building and contrasting with the landscape.
- 9.35 When developing the building façade, the ECA explains that a reflective material was chosen as it provided a number of benefits over block colour as highlighted above. Varying the gloss, texture and finish of the façade creates varying degrees of reflectivity.
- 9.36 The ECA recommends that block colours should not be used on a building of this scale and size. Whilst the ECA Design Palette provided four colours representative of the local environment which could be used to accent the building façade, further research into suitable materiality and how this could be used to achieve 'good design' showed that a reflective metallic finish has the potential to provide the same benefits as block colour, and more.
- 9.37 Reflective cladding would achieve a bold architectural solution, improving how the development appears by reflecting the surrounding environment back to the viewer, changing with the seasons and sky conditions. Examples of buildings which have used reflective façade have been provided:

9.38 **Figure 7: Dyson Campus, Cotswolds AONB**



**Figure 8: STILES Archive, Bussy-Saint-Georges, France**





### 9.39 Officer Assessment

A detailed description of the development has been provided in Section 2 of this report which I will not repeat. However, for ease of reference an artist's impression of the site is provided below.

**Figure 9: Artist Impression of the development**



- 9.40 It is evident from these images that the development would result in a very large facility. It is not possible to conceal the building. There is no way to hide or disguise a building of this scale. Its visual impact will be significant.
- 9.41 The proposed development would be situated on south facing sloping ground at approximately 400 to 420m AOD. The proposed development is enclosed by higher ground to the north which forms the foot slopes of Mynydd Llangynidr (557m AOD) within the BBNP.
- 9.42 The site is more open to the south, overlooking the Ebbw Valley and neighbouring hills of Rhymney Hill (457m AOD, southwest), Cefn Manmoel (467m and 504m AOD, south) and Mynydd Carny-cefn (550m AOD, southeast).
- 9.43 Due to its elevated and prominent location, any development of appreciable scale would give rise to levels of visual change. By introducing large built features, these will be dominant in some local views and amount to a new feature on the skyline and interrupt inter-visibility between the BBNP and some local communities.
- 9.44 How a building is designed can make an appreciable difference to how it is perceived and accepted by its occupants and the local community as well as how it integrates into the surrounding landscape. Consideration must be given to

whether the proposal has been designed and sited at a sufficient distance from sensitive receptors to minimise impact on amenity as well as landscape integration.

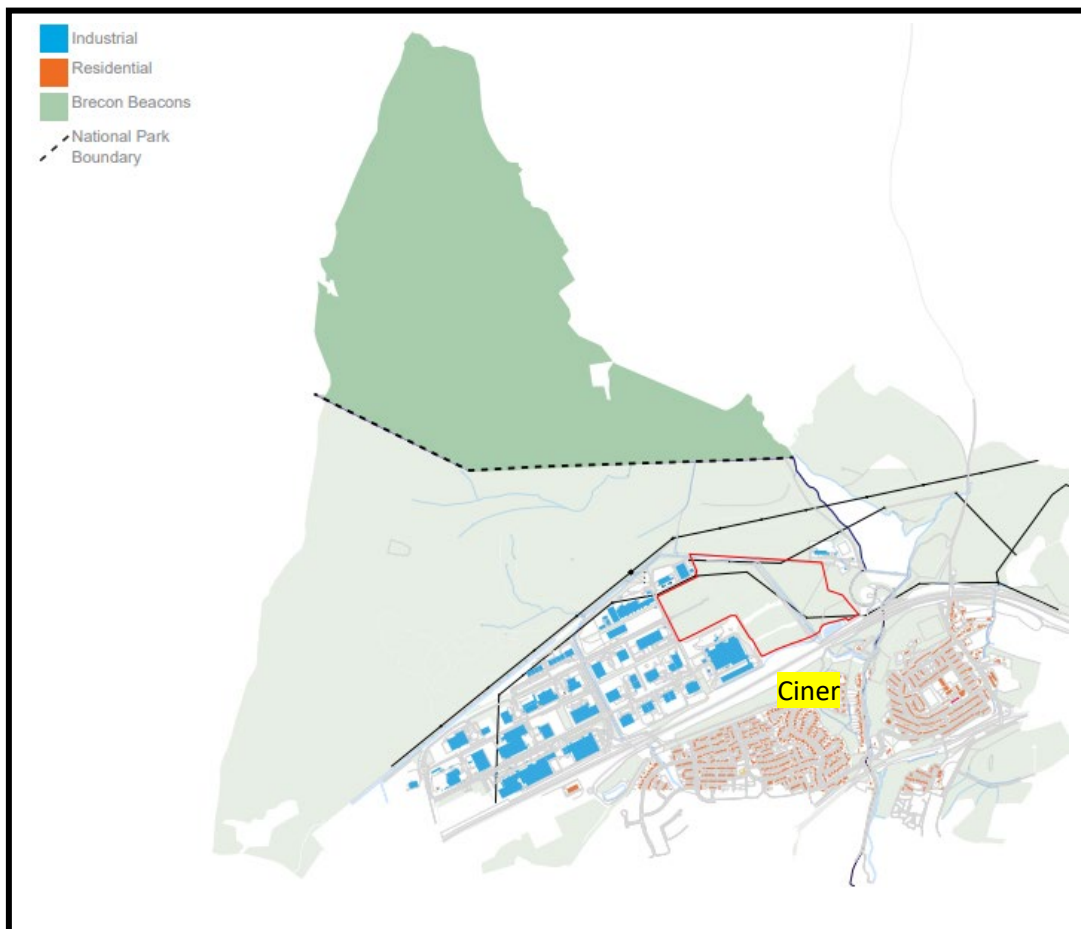
- 9.45 The applicant states that the key design principles have been defined through needs of the development and the parameters and constraints that influence the shape and layout. These parameters have been distilled into six design principles:
1. Orientation: To orientate the building to benefit from as much natural light as possible. This will reduce the need for artificial lighting and will maintain a connection between the internal spaces and external landscape for those working within the facility. To provide a functional connection between the principal areas for an optimised process route and to provide a functional route for logistical access around the buildings;
  2. Context: Larger building masses and louder process areas are to be distanced from the residential area and highway to the south. This will minimise the visual and acoustic impact of the proposed development;
  3. Topography: Whilst the design of the development will be predominantly driven by the process lines, where possible the buildings will work with the natural slope of the site in order to minimise the cut/fill earthworks;
  4. Infrastructure: Where possible, the existing infrastructure on site is to be retained, reused and improved;
  5. Dark Skies: BBNP is an international dark sky reserve. Although the site is situated outside of the national park boundary, the design will aim to reduce the amount of light spill from the development;
  6. Landscape: The overarching concept is to create a multifunctional and robust landscape that respects and responds to both the open moorland and the industrial context of the site. A strong landscape framework will retain and enhance the existing natural features and integrate green and blue infrastructure into the proposed development. The landscape spaces will be optimised to serve ecological functionality, amenity for staff members and sustainable water management;
  7. Building façade: Studies were undertaken to develop a concept for the building envelope and appearance. These studies considered the structural grid, materiality, colour and appearance of the external finishes.
- 9.46 In assessing whether the proposal is acceptable in terms of its design and associated visual and landscape impacts, I have given careful consideration to all of the assessments that have been submitted by the applicant, relevant national and local planning policies (including those of BBNP) and also of the opinions of key statutory consultees and the public.
- 9.47 The SMGI has since left the Authority. Prior to departure, he confirmed that the LVA was robust. NRW and BBNP Society disagree with the conclusions of the assessment.

- 9.48 Layout: the development has been designed to be functional and fit for purpose. A large area will be utilised for landscaping and sustainable drainage features which will also be used as an amenity space for members of staff. Access, parking and servicing and landscaping will be discussed in more detail further on in this report.
- 9.49 I consider that the proposed layout is acceptable within the context of an industrial setting.
- 9.50 Scale and Appearance: the buildings are exceptionally large; larger than any other industrial building or complex within Blaenau Gwent. These points have been highlighted by the public during the consultation process. However, that is not to say that the development is unacceptable for this reason alone. They are typical forms of what one would normally expect to see within an industrial estate albeit at a larger scale.
- 9.51 It is the mass, scale and appearance of the main building, chimney stacks and silos which needs further consideration.
- 9.52 RIE is an area that the Council promotes for manufacturing purposes. Had this scheme not come forward, the need for employment remains. The land would remain allocated in the LDP for industrial/employment. Without prejudice to the emerging replacement LDP, I would anticipate this allocation remaining in place.
- 9.53 There is already a precedent for tall structures within the RIE. To the south is a wind turbine with a 46m hub and 77m tip height. A further turbine is situated to the west measuring 56m to hub and 72m to the tip. In 2020, the Council granted planning permission for the construction of a further wind turbine to the west of the site, with a hub height of 54m and tip height of 80m.
- 9.54 It can be argued with some justification that the verticality of the chimneys and silos would not be inappropriate in this context. There are also a number of substantial electricity pylons within close proximity that are highly visible both within the Borough and from BBNP.
- 9.55 The main process and warehouse buildings would comprise the greatest mass. These buildings would measure approximately 276m x 174m. Due to the scale and topographical differences of the site, they would be 38m with a flat parapet roof (highest point). The process building would have a uniformed metallic façade with vertical windows to provide natural light into the process areas to provide an energy efficient design.
- 9.56 Windows would be recessed with vertical fins to provide a continuous elevation design as well as reducing solar glare during the day and light spill during the night.
- 9.57 Impact on wider landscapes including those of national/international importance: The submitted VIA considers the potential visual effects of the development upon the BBNP.



- 9.58 BBNP is circa 400m from the development site boundary. National Park status affords the area the highest level of protection in landscape terms. This Council must have due regard to the statutory purpose to conserve the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.
- 9.59 The relationship of the application site in relation to the BBNP and surrounding uses is highlighted in the figure below:

**Figure 10: CiNER in relation to BBNP boundary**



- 9.60 The figures below are extracted from the Arup VIA. They are from various vantage points within BBNP that illustrate the likely visual impact of the development. These vantage points were agreed with the SMGI and BBNP prior to the VIA being undertaken.

**Figure 11: View from BBNP (Llangynidr Road)**



**Figure 12: View from BBNP (Mynydd Llangynidr)**



Project Name	Project No.	Client	Location	Scale	Author	Checklist
BBNP (Mynydd Llangynidr)	12345	ABC Ltd	Wales	1:5000	J. Smith	12/06/22
Project Manager	Project Engineer	Project Designer	Project Checker	Project Approver	Project Reviewer	Project Sign-off

ARUP  
Job No: 220622  
Rev: 01

Client Name  
Date of Issue



An observer from BBNP has extensive views southward toward Blaenau Gwent. Given the proximity of the administrative boundary and the varying topography, the development will be visible from some vantage points within BBNP as evidenced in Figs 11 and 12.

- 9.61 Given that the development will only be visible from some vantage points, whilst there will be an effect on the special quality of BBNP, it is limited to certain viewpoints. Whilst the VIA acknowledges an increase to the industrial context of RIE and a significant effect on recreational users within BBNP, it states that the impact would be mitigated with the use of reflective cladding to the building façade. This would reflect the surrounding colours, textures and changing weather patterns and seasons.
- 9.62 It should also be noted that this is not an isolated site. It should be viewed as part of an established industrial estate that effectively forms the onset of the more urban valley setting as opposed to the open moorlands further north toward BBNP.
- 9.63 The applicant considers that there would be no significant landscape effects on the BBNP. NRW and BBNP Society (i.e. not the BBNP Planning Authority) object to this planning application. They are of the opinion that the scale, mass and reflective finishes of the building will detract from BBNP's Special Qualities of sweeping grandeur & outstanding natural beauty, and peace and tranquillity<sup>3</sup>.
- 9.64 They consider the development would conflict with the primary purpose of the National Park regarding the conservation and enhancement of natural beauty. NRW do however recognise that the LDP has identified RIE as suitable location for further industrial use and they acknowledge their views will need to be considered in the balance of benefits and dis-benefits the development offers.
- 9.65 The SMGI was of the opinion that the development will have significant visual impact consequences on the local landscape which cannot be screened through localised planting. However, he did not object to the proposal subject to further consideration being given to the effective use of the reflective finishes (which has been subsequently submitted), additional woodland planting and off-site compensatory planting. This last point is addressed later in this report. There is also the potential for a detailed landscape and green infrastructure management plan for the development site (also addressed further on in this report).
- 9.66 Given the proximity of BBNP, policies of the BBNP LDP that seek to protect the National Park have also been given due consideration.
- 9.67 It must be acknowledged that this project sits entirely within Blaenau Gwent on an established industrial estate. The sensitivity of a site that is on the fringes of the administrative boundary of BBNP is a material consideration. Nevertheless, the site is largely brownfield, on an existing industrial estate and an area allocated in the BGLDP for B2 development.

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<sup>3</sup> A more detailed summary of the objection from NRW and BBNP Society can be viewed within the consultation section of this report.

- 9.68 The impact of fringe development on BBNP must figure in Planning Committee's thoughts. However, there is no buffer zone or *cordon sanitaire* within which development is prohibited. The development will be seen from the north in the context of a significant cluster of existing industrial buildings, plant and turbines. In addition, there are major electricity pylons that run east-west through the Heads of the Valleys corridor.
- 9.69 As already stated, RIE is the northern extremity of the densely populated Gwent Valleys which are characterised by urban development where residential and commercial/industrial uses are juxtaposed.
- 9.70 This development can be characterised as rounding off the urban and industrial character of the area.
- 9.71 There is no way of camouflaging or screening such a large building or chimney stacks. However, in my opinion, with the appropriate use of reflective materials, it is possible to temper the visual impact for the reasons outlined in the ECA and the VIA. It is acknowledged that NRW and BBNP Society do not share this view.
- 9.72 I have considered the alternative of using block colours. There are numerous examples where they have been used in large scale developments across the UK and beyond (see figs 7 and 8). This can take the form of incorporating a mix of colours and textures to break up the mass of the building.
- 9.73 However, I am of opinion that solid colours would only serve to accentuate the mass and scale making the main buildings more prominent within the landscape from near and distant views.
- 9.74 The reflective materials will in my view result in a quality finish that respects changing weather and seasons. It is a bold and innovative approach, particularly for this area. However, given the finished development will be a "landmark" building on a primary east/west trunk road, in my view this is a positive outcome.
- 9.75 It would be futile to try to hide a building that simply can't be hidden; it is better to finish the building with materials that make a statement whilst at the same time have the positive impact of reflecting local landscapes back toward the observer.
- 9.76 A condition would be required for the submission of samples to ensure the finished result is visually acceptable as well as a glint and glare assessment to ensure the materials do not cause issues for vehicles on the A465. I have confidence that it is possible to achieve this balance.
- 9.77 This is a professional yet ultimately subjective view. I note the position of NRW and BBNP Society. Members should be under no illusion that the resultant building will be large, prominent and perhaps even a talking point as many landmark buildings tend to be. In my view, the use of reflective materials is an appropriate approach and one that could help "sell" the area as modern, progressive and open for business. The alternative approach of solid colours will in my view fail to deliver a building that sits in the landscape. It would be a compromise that fails to deliver on every level.

9.78 Direct local visual impact: I have given careful consideration to the direct visual impact of the development on the amenity of residential occupiers which borders the industrial estate and the wider area:

9.79 Rassau: The nearest residential area lies approximately 400m to the south across the A654 trunk road. Situated on a south facing slope, views from RIE are generally focused to the south. Views north of the site tend to be glimpsed due to the enclosed nature of the area by rising topography of the Mynydd Llangynidr foot slopes, existing buildings and vegetation. The layout of the residential streets further restricts views of the development.

9.80 The A465 Heads of the Valley road is flanked by dense coniferous vegetation that is situated on embankments or higher ground effectively screening the majority of views to the proposed development. There are currently no known plans to remove this tree belt.

9.81 Some viewpoints from Rassau are provided below:

9.82 **Figure 13: View from Stonebridge Road**



9.83 This view is taken from Stonebridge Road, where you can see there is dense tree planting and the tip of the wind turbine behind. CiNER would be behind the tree line.



**Figure 14: View From PenyCrug**



- 9.84 This view is taken from Pen-y-crug. CiNER would be behind the tree line making only the chimney stacks visible.
- 9.85 The VIA stated that viewpoints at Nant Melyn Road and Rowan Way were also assessed. However, the development would not be visible.
- 9.86 The VIA concludes that the effect on receptors in Rassau will be moderate. There will be a visual impact on the community with the introduction of new built features to the local skyline. Views of the 75m chimney stacks and the upper sections of the buildings would be visible from some locations.
- 9.87 Mitigation is proposed in the form of design and architectural quality using reflective material to match the changing weather pattern and skies helping to soften the edges of the building and blend the façade with the local skyline. There is no mitigation for the chimney stacks.
- 9.88 Garnlydan: Garnlydan is located on a northwest facing slope at a lower elevation to the site and offers the opportunity to gain open views of the development site.
- 9.89 The Infinite Renewables wind turbine at 77m tall can be seen clearly on the near horizon from Garnlyddan in combination with the high voltage electricity pylons. These viewpoints include Prince Philip Avenue and Queensway.
- 9.90 A dense conifer plantation that flanks the A465 Head of the Valleys road and borders the site can be seen but effectively screens wider views into the industrial estate.
- 9.91 Views tend to be enclosed by buildings and channelled along streets, with only occasional and restricted views out over the lower valleys and surrounding hills. On the north-eastern edge of Garnlyddan, views from the Sports Pitch on Llangynidr Road are more open. From here the site's eastern edge and conifer woodland can be seen, along with the wind turbine and electricity pylons on the near horizon.

**Figure 15: View from Prince Phillip Avenue**



**Figure 16: View from Queensway**



**Fig 17 View from Garnlyddan Sports Pitch**



- 9.92 Fig 16 and 17 demonstrate that glimpses of the top of the building and chimneys are likely to be visible.
- 9.93 The VIA concludes that the impacts on receptors in Garnlyddan will be moderate.
- 9.94 At night the facility will be visible with external security lighting. Mitigation is proposed in the form of using reflective material to match the changing weather pattern and skies helping to soften the edges of the building and blend the façade with the local skyline. External lighting is also to be carefully design with reflector, directional lighting and appropriate colour and lux levels. There is no mitigation for the chimney stacks.
- 9.95 Beaufort: Beaufort is approximately 1km to the southeast at a similar elevation to the development. Views are generally restricted by housing and existing woodland/scrub. Glimpsed views can be obtained between the buildings and along streets, similar to those available from Bryn Coch.

**Figure 18: View from Bryn Coch**





- 9.96 From here, conifer woodland located within the site boundary can be seen in combination with the adjacent Infinite Renewables wind turbine and electricity pylons within the RIE.
- 9.97 From higher ground within Beaufort Common, views are more open and panoramic.
- 9.98 Views can be gained from this elevated vantage point over the neighbouring communities of Garnlyddan and Rassau within the lower valley towards the site. The development appears on the foot slopes of the Brecon Beacons, clearly visible on the eastern edge of RIE.
- 9.99 Prominent large white/grey industrial units extend west across the foot slopes, partially screened in places by dense vegetation along the road corridor. The Infinite Renewables wind turbine adjacent to the proposed site and electricity pylons within the RIE are seen punctuating the skyline above the site.

**Figure 19: View from Beaufort Common**



- 9.100 These images show the baseline view and below, the factory superimposed.
- 9.101 The VIA concludes that the impacts on receptors in Beaufort will be substantial with the introduction of large built features (chimney stacks and buildings) on a prominent slope that would be dominant in local views. The development would form a new and intrusive feature on the skyline interrupting inter-visibility between the BBNP and BG communities.
- 9.101 At night it would be possible to see the development given the external security lighting. Mitigation is proposed in the form of innovative design and high architectural quality using reflective material to match the changing weather pattern and skies helping to soften the edges of the building and blend the façade with the local skyline. External lighting to be carefully design with reflector,

directional lighting and appropriate colour and lux levels. There is no mitigation for the chimney stacks.

- 9.102 Visual baseline for areas of recreational activity:
- 9.103 The Rhymney Hills are located approximately 4km to the southwest of the proposed development, rising up from the valley floor at Tredegar. From the north/northeast facing slopes, open views can be gained from higher elevations (up to 475m AOD) along the limited network of PRoW.
- 9.104 The former coal and iron workings at Parc Bryn Bach are situated on lower slopes, with very restricted views out, limited to gaps in the vegetation. The site can be seen in distant views as part of the RIE. The Infinite Renewables wind turbine can be seen in combination with several other turbines and electricity pylons.
- 9.105 Cefn Manmoel - Sirhowy Valley Walk: Cefn Manmoel hills are situated between Rhymney Hill to the west and Mynydd Carn-y-cefn to the east. Open, panoramic views can be gained over the Ebbw Valley and the surrounding communities.
- 9.106 Views of the site from elevated slopes along the Sirhowy Valley Walk and surrounding areas can be gained. The site appears in the middle distance with BBNP in the background.
- 9.107 The site appears as a continuation of the existing industrial site, formed of large white/grey storage units and factories. From here the Infinite Renewable wind turbine can be seen but is less discernible, as are the electricity pylons, the Beacons mountain range, Mynydd Llangynidr and surrounding hills. They form a gently undulating horizon.
- 9.108 The communities of Hilltop and Mountain Air are located on lower slopes and have limited views out being enclosed by higher ground to the south, with dense woodland on higher ground to the north.
- 9.109 Mynydd Carn-y-cefn - West Monmouthshire Golf course and Mynydd Carn-y-cefn: Mynydd Carn-y-cefn is crossed by an extensive network of PRoW, as well as being designated an access land area and home to the West Monmouthshire Golf Club. The area is popular with walkers (and golfers) who come here to enjoy the open and panoramic views.
- 9.110 Mynydd Carn-y-cefn is located to the southwest of the proposed development boundary at approximately 2.5km. The lower slopes are accessible from communities of Ebbw Vale and Nantyglo, where the highest concentration of PRoW are located.
- 9.111 Further south as the landform rises, views become more open and far reaching from PRoW adjacent to the West Monmouthshire Golf course and the edge of the upper slope and plateau summit.

- 9.112 Some views of RIE are obtained looking northwest over the surrounding valleys. It can be seen in relation to Rassau and the existing industrial units on the industrial estate.
- 9.113 The site is prominent on the opposite hillside, with the wind turbine adjacent to the proposed site clearly visible with the hills acting as a backdrop.
- 9.114 The electricity pylons are not as visible from this location due to the distance between them and the viewer as the dark coniferous woodland provides a backdrop for the view. From here, the site forms part of a wider view, seen in the context of the neighbouring development within the valley.
- 9.115 From the trigonometrical point at the summit, views are more restricted, being screened by landform in the foreground. The site is still visible from here at approximately 5km away but becomes more recessive, being seen as a small part of a much wider panoramic view.
- 9.116 B4560 Llangynidr Road Part of the Mynydd Llangynidr and Mynydd Llangattock: Views looking south out of the Brecon Beacons can be gained from along a section of the B4560 between Blaen Onneu Cave and Garnlyddan.
- 9.117 There is a well-used layby halfway along this stretch of road where views of the site can be gained at approximately 2km. The view consists of open moorland in the foreground, enclosed by conifer plantation to the south and the Rassau Industrial Estate. A number of wind turbines draw the eye, including the Infinite Renewables turbine adjacent to the proposed development. The industrial estate is mostly screened by dense conifer woodland, with only partial views to the tops of large white/grey warehouses and factories. These are seen in the context of the wider view to the settlements within the valleys. Wide, long distance views can be gained to the neighbouring hills of Rhymney, Cefn Manmoel and Mynydd Carny-cefn which form the horizon.
- 9.118 General: There is no dispute in terms of assessing visual sensitivity to the development as those 'receptors' living within view of the scheme are usually regarded as the highest sensitivity group (along with those engaged in outdoor pursuits for whom landscape experience is the primary objective). However, the significance of visual effects relies to a great extent on professional judgement.
- 9.119 Given the rising topography, separation distance, substantial tree belt and intervening development I am of the opinion that those residential properties that are closer to the development are more effectively screened from the development than those further away and would generally be restricted to a partial views of the project. The development would not be considered to be overbearing in terms of scale, massing and general effect.
- 9.120 In terms of those residential properties further away (not restricted to Rassau, Garnlyddan and Beaufort) it is accepted that the development would be more visible. However, given the distances involved and it being viewed in the context of turbines, large buildings and pylons, I do not consider that the development would have an overbearing impact on the occupiers of these properties.

- 9.121 It is noted that objectors have raised concern as to whether the visual impacts as viewed from Carno reservoir have been considered.
- 9.122 Viewpoints included in the ES were agreed in consultation with the BBNP prior to submission of the planning application.
- 9.123 Although no specific assessment of viewpoints has been undertaken from the Carno reservoir, assessments have been undertaken from a number of representative viewpoints from the surrounding area. It is likely that there will be limited views from the Carno reservoir of the upper portion of the facility such as the chimneys and tops of buildings, as land and existing vegetation will provide a partial screen.
- 9.124 As part of the planning application, landscape planting is proposed along the eastern boundary of the site, which will provide further (albeit limited) screening once the planting has matured. I consider there will be no unacceptable impact on views from Carno reservoir.
- 9.125 I am satisfied that none of the visual effects would cause significant harm to the levels of residential amenity enjoyed by the occupiers of these properties.
- 9.126 Conclusion:  
Having considered the assessments submitted with this application, I am satisfied that the rationale behind the design and materiality of the building is functional, robust and seek to address concerns regarding its mass and visual impact and reflect the landscape from key viewpoints. A condition for the specification of materials will be necessary.
- 9.127 The acceptability of this proposal in terms of aesthetics will be subjective. In my opinion this development will be a flagship building within the borough and an icon as one of the largest employers in Blaenau Gwent and wider area.
- 9.128 It is concluded that the proposal would not have a significant adverse impact on local views and landscapes or on wider landscapes of national significance in the context of the proposal being located on an existing industrial estate.
- 9.129 It is acknowledged that in combination with other similar developments, the proposal would have a sequential and cumulative impact along the Heads of the Valleys corridor. However, the A465 in this area already bisects a number of industrial areas from Rassau in the east, through to Crown Avenue, Tafarnaubach and eventually Dowlais Top further west.
- 9.130 Similarly, whilst the development would have direct visual impacts on residential receptors in the vicinity of the site, other factors between those areas and the development dictate that the degree of impact would be within acceptable limits in terms of the impact on residential amenity.
- 9.131 On balance, I consider that the layout, scale and appearance of the proposed development broadly complies with Policies SP10, DM1(2a, b, and c) and DM2 of the BGLDP and relevant National Policy and Guidance which seeks to ensure that

new development proposals are of a good and appropriate design which enhance and respect their surroundings and contribute to local identity.

9.132 **Lighting**

The facility would operate 24/7 and incorporate internal and external lighting. In considering the issue, regard must be had to Policy DM1(2h) of the BGLDP and also BBNPLDP Policy 12 and their adopted SPG.

9.133 Policy DM1(2h) requires that there will be no unacceptable risk of harm to health/local amenity from unacceptable levels of light pollution.

9.134 BBNPA have adopted SPG entitled “Light Pollution & Obtrusive Lighting”. This provides additional guidance to their LDP based policy. Whilst this document is normally applied to development proposals within the administrative boundary of the National Park, it is relevant here given that the impact of the development could impinge into BBNP. Both seek to protect the Dark Sky Reserves and encourage developers to provide non-obtrusive lighting when designing schemes.

9.135 Obtrusive lighting or light pollution is defined as unnecessary brightening of the night sky as a result of upwardly directed light. Obtrusive lighting specifically falls into four categories: glare, light trespass, scenic intrusion and sky glow.

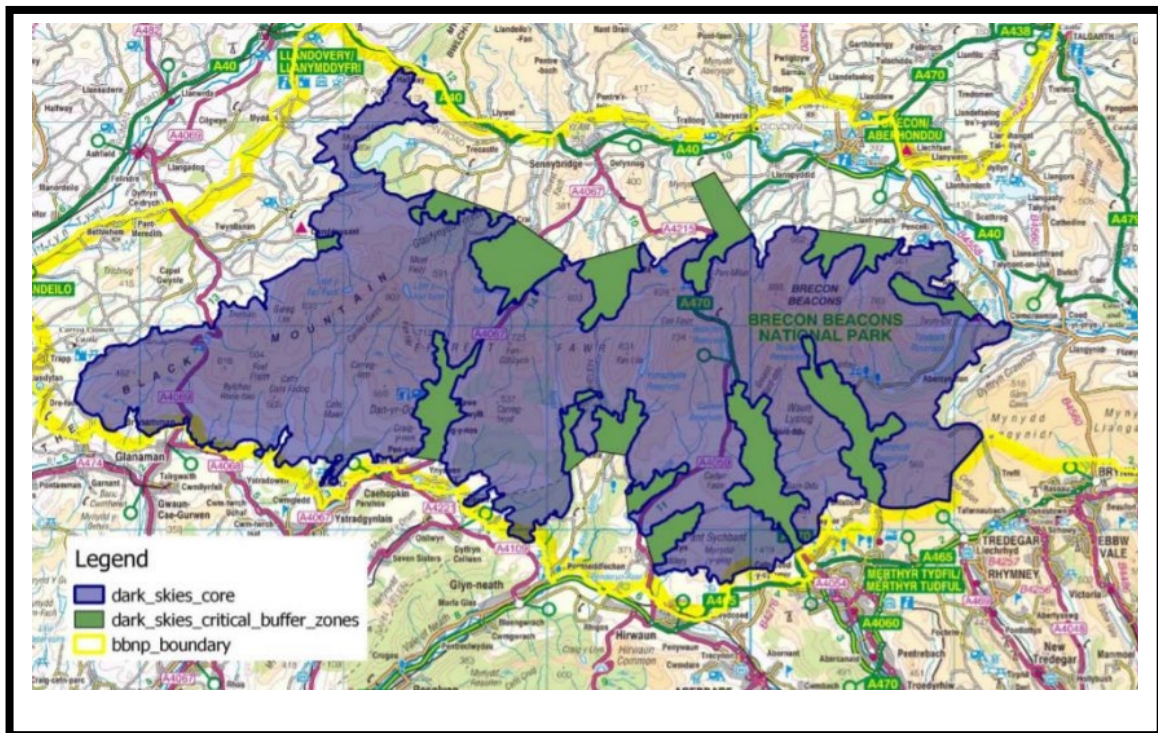
9.136 BBNP achieved International Dark Sky Reserve (IDSR) Status in 2013. The IDSR identifies four distinct zones:

- i. Core Zone – Aspirations for the Core Zone include no additional permanent illuminations. New developments will not be lit in a manner which increases upward spill;
- ii. Critical Buffer Zone - Aspirations for no lighting to be projected from the Critical Buffer Zone. Luminaires using lamps greater than 1000 lumens will be expected to be fully shielded;
- iii. Buffer Zone – the ‘Buffer Zone’ relates to all remaining areas within BBNP. All lighting will be encouraged to be designed and installed to provide low glare and intensity; and,
- iv. External Zone – the ‘External Zone’ relates to areas outside the National Park boundary.

9.137 As shown in Figure 20 below, the application site is situated in the ‘External Zone’ as it is entirely within Blaenau Gwent approximately 400m south of the National Park and at some distance away from the dark skies core and critical buffer zones.



**Figure 20 – Boundary of BBNP Dark Skies Reserve**



9.138 The BBNP SPG states that applications situated within the National Park must be supported by a Lighting Plan. Given the application site is situated outside of the BBNP, this application is not supported by a Lighting Plan. Nevertheless, the applicant has in this case submitted a Materiality & Lighting Considerations Report.

9.139 The report covers 3 key areas:

1. Daylighting - providing natural light for the occupants during the day, reducing the use of artificial light and reducing energy consumption.
2. Artificial Lighting - Reducing the effects of artificial lighting when the building is operational at night, and;
3. Orientation - Orientation of the building to mitigate the effect of light spill on views from the Brecon Beacons National Park and dark skies core zone

9.140 The applicant contends that the issue of lighting and its associated impacts has been addressed in the design. Saw tooth roof lights would be orientated north east away from the 'Core Zone' of the IDSR. In addition, vertical fins will be installed to glazed areas to prevent light spill. Internal artificial lighting would be suspended 3m from trusses, increasing the distance from roof lights above, creating a 'dark zone' between lighting and the ceiling to minimise light spill from within the main building.

9.141 The applicant also points out that the original intention to was to clad buildings in polycarbonate. This is a translucent material that allows diffused daylight into the

building. Given its translucent properties polycarbonate also creates light spill at night, creating a lantern effect. The buildings effected are the silo buildings, batch elevator, cullet buildings and the top level of the utilities building. However, it is now proposed that the polycarbonate façade on these buildings is replaced with an opaque material in order to reduce the risk of light spill on the site at night. Details of the finishes of all buildings would be required by condition.

- 9.142 No detailed external lighting plan has been submitted. The DAS states that the lighting scheme will be comprised of a combination of building mounted, column mounted and bollard luminaires. This strategy has been adopted to minimise light pollution.
- 9.143 There will need to be careful selection and positioning of all lighting sources to avoid obtrusive light, light trespass beyond the boundary and to minimise glare. Luminaires will need to be selected and positioned to prevent light spill into neighbouring properties, residential accommodation and towards the BBNP. In addition, where required, luminaires will need to be fitted with necessary glare baffles/louvers to prevent light spill. Lighting must be designed and developed with due consideration to the ecology and wildlife in and around the site.
- 9.144 I do not consider that the absence of a specific lighting plan prevents determination of the application. The ES and supporting documents outline a broad strategy and this can be supplemented by further details required by planning condition.
- 9.145 There is a misconception that the chimneys will have flames emanating from the top of the flue and that illuminated signage will be located on the stack structures. Neither is the case.
- 9.146 Plumes of water vapour and gases will be released from the chimneys which in certain weather conditions will be viewed as steam.
- 9.147 Given the height of the chimneys, it will be necessary for the chimneys to have a small red beacon for aviation safety purposes. These are not anticipated to be intrusive and are a common feature on many tall structures.
- 9.148 The development would be partially visible at night by some receptors using the open access land and PRow across Mynydd Llangynidr only and would not be visible from the wider BBNP.
- 9.149 As set out in Chapter 13 of the ES, the development would give rise to moderate visual effects during construction on the community of Beaufort, visitors to the BBNP and users of the B4560.
- 9.150 There are no construction activities planned during the hours of darkness. Therefore, there would be no effect on the BBNP or the Dark Skies International Reserve during the construction phase.

- 9.151 Due to the scale of the proposed development, the ES concludes that there would be moderate and substantial operational visual impacts on local residents to the south of the A465, users of the B4560 and visitors of the BBNP.
- 9.152 The Council's Specialist Environmental Health Officer (SEHO) has raised no objection in respect of lighting but has stated that a condition should be imposed to any subsequent permission that requires the submission of a detailed lighting scheme.
- 9.153 NRW and BBNP Society are of the opinion that the development will increase light pollution into BBNP at night-time.
- 9.154 NRW comment regarding the Special Quality of peace and tranquility of BBNP. They state that tranquility does not relate only to noise and people/traffic movement, it is a perceptual quality and is also influenced by views of development, particularly industrial development. They hold the opinion that adverse effects on this special quality will occur from artificial lighting.
- 9.155 They note that the Materiality & Lighting document sets out changes to some of the building cladding. They do not believe efforts through directional lighting (internally and externally) will fully mitigate the impact. In their opinion there is likely to be visibility from BBNP on the slopes of Mynydd Llangatwg and there is likely to remain an adverse impact on views from dark skies within BBNP.
- 9.156 The night-time assessment confirms that distant lighting is currently visible from the viewpoints but very little lighting is visible within the BBNP. There is little "sky glow".
- 9.157 With regards to the special quality of sweeping grandeur and outstanding natural beauty (including expansive views), the document considers that there would be no significant landscape effects but acknowledges significant visual effects. Since there would be significant adverse effects on views, and the nature of the views contribute to natural beauty; NRW considers that there would be adverse effects on this special quality. NRW and BBNP Society object to the development in this regard.
- 9.158 I have given careful consideration to the policy framework, site context and views of consultees in considering impacts associated with light spill. My conclusion is that I broadly agree with the conclusion of the ES, subject to caveats:
- 9.159 Firstly, I am satisfied that subject to the submission of a detailed lighting scheme, the residential properties are of a sufficient distance away to ensure their amenity will not be unacceptably affected.
- 9.160 Secondly, drivers will only have limited views of the site from the road having regard to topography and existing trees. I am also mindful that there are lighting systems that are designed specifically to light the floor and not spill upwards.
- 9.161 Lastly, given the distance from BBNP and the fact the application site is in the 'External Zone', I am satisfied that any impact from light spill will be to an



*Report Date: 1<sup>st</sup> June 2022*

*Report Author:*

acceptable level subject to conditions including one that removes permitted development rights to insert additional windows and lighting. I consider that this is a reasonable and proportionate approach to a site that is not within the Reserve.

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## 10.0 Air Quality & Odour

10.1 The planning process is an important mechanism in safeguarding and improving air quality via managing the location and design of new developments.

10.2 Any air quality issues that relate to land-use and its development is a material and important planning consideration.

10.3 The very nature of this development will give rise to concerns and questions associated with air quality. It is imperative that such matters are fully understood and carefully considered to avoid unacceptable impact on the surrounding environment or people that live and work in proximity.

### 10.4 Policy Context:

The following national and local planning policies/Acts are of direct relevance:

10.5 • Well-being of Future Generations (Wales) Act 2015: has well-being goals and objectives to achieve through implementation of sustainable development. Changes in air quality can have an impact on the health of ecological habitat and humans. The goals relevant to air quality are providing for a resilient Wales that maintains and enhances a biodiverse natural environment which has the capacity to adapt to change; and a healthier Wales in which people's physical and mental well-being is protected. National indicators have been set. One of these national indicators relates to levels of NO<sub>2</sub>. The Act aims to reduce pollution exposure.

10.6 • PPW 11 air quality is predominantly addressed in Distinctive and Natural Places (Chapter 6). It states:

10.7 *'National air quality objectives are not 'safe' levels of air pollution. Rather they represent a pragmatic threshold above which government considers the health risks associated with air pollution are unacceptable. Air just barely compliant with these objectives is not 'clean' and still carries long-term population risks. Nitrogen dioxide and particulate matter, which are the pollutants of primary national concern from a public health perspective, currently have no safe threshold defined and therefore the lower the concentration of those pollutants the lower the risks of adverse health effects. It is desirable to keep levels of pollution as low as possible.'*

10.8 PPW provides a framework for addressing air quality in the planning system. It emphasises that development should be designed to prevent adverse effects to amenity, health and the environment.

10.9 In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality, it will be appropriate to refuse planning permission.

10.10 • FW outlines strategies for addressing national priorities through the planning system. These include sustaining and developing a vibrant economy, achieving

de-carbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of communities.

The framework provides clear direction related to air quality and how that should be managed and improved through existing policy and sets out how air quality should be improved within the regional plans.

- The Clean Air Plan for Wales sets targets for improving air quality. It includes actions for reducing emissions from various sources such as transport, domestic activity, farming and industry. There is a long-term target for reducing population exposure to PM2.5. The Clean Air Plan states the Welsh Government will: *“Develop a Clean Air Act to enhance existing legislation and bring forward new legislation to deliver air quality improvements in Wales. The aim of the Act will be to deliver this commitment and reduce the burden of poor air quality on human health, our economy, biodiversity and natural environment. The Act could also support wider actions to address the climate emergency.”*
- LDP Policies SP10 (Protection and Enhancement of the Natural Environment) and DM1 (New Development) require proposals to evidence no adverse result in airborne emissions or unacceptable noise/vibration in which would detriment human health and amenity.
- Given that particulates can be air borne and the application site is approximately 400m away from BBNP boundary, the applicant has also had regard to the BBNP LDP which seeks to ‘conserve and enhance the special qualities of the National Park’. This aspiration would encompass air quality.

#### 10.11 Assessment

An assessment of air quality impact has been provided in Chapter 5 of the ES. Following concerns raised by the Council’s Specialist EHO, this Chapter has been updated twice with additional information being provided (January and April 2022) to address the issues raised.

#### 10.12 Air quality studies are concerned with the presence of airborne pollutants. The ES describes the relevant air quality legislative and policy context and presents the methodology used in the assessment of predicted impact.

It assesses the existing air quality conditions in the vicinity of the proposed development and likely changes that would arise as a result of the construction and operational phases. It also examines changes in air pollutant concentrations in the local area including potential effects on designated wildlife sites and on human health.

#### 10.13 The ES proposes mitigation measures which (where necessary) would be implemented to reduce the effect of the proposed development on air quality.

#### 10.14 The effects have been assessed in the context of relevant national, regional and local air quality policies, standards and guidance.

- 10.15 Following the submission of additional information, the Council's SEHO has confirmed that he has had sufficient information to consider the impact on air quality and that he is satisfied with the methodology used. No additional information was requested from NRW or the Council's Ecologist. The SEHO also took the added precaution of commissioning an independent review of the scope and methodology of the ES as it relates to air quality to provide additional reassurance that the information provided is robust.
- 10.16 The commission to a consultancy practising in air quality matters involved reviewing the ES from a purely objective and independent perspective.
- 10.17 The main sources of potential air borne pollutants will come from construction activities, operation of the facility and additional vehicle movements.
- 10.18 The overall approach to the air quality assessment can be summarised thus:
- A review of the existing air quality in and around the site;
  - Identification of human and ecological receptors;
  - Sensitivity testing of modelling options;
  - An assessment of the impact on air quality from the construction phase;
  - An assessment of the impact on air quality from the future operation of the site (including abnormal operation);
  - Assessment of the significance of the potential impact; and
  - Formulation of mitigation measures, where appropriate, to ensure any adverse effects on air quality are mitigated for.
- 10.19 The assessment of air quality effects has considered the pollutants which are namely:
- nitrogen oxides (NO<sub>x</sub>) and nitrogen dioxide (NO<sub>2</sub>);
  - sulphur dioxide (SO<sub>2</sub>);
  - oxides of Sulphur (SO<sub>x</sub>)
  - fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>);
  - carbon monoxide (CO);
  - hydrogen fluoride (HF);
  - hydrogen chloride (HCl);
  - ammonia (NH<sub>3</sub>); and
  - trace metals: lead, arsenic, cadmium, nickel, antimony, chromium, cobalt, copper, manganese, selenium, tin and vanadium.
- 10.20 For the assessment of impacts on sensitive habitats, the potential impacts of NH<sub>3</sub>, HF, HCl, NO<sub>x</sub> and SO<sub>2</sub> have been assessed, both through the impacts directly to air and through deposition of acidic compounds and nutrient nitrogen.
- 10.21 The assessment states that baseline conditions indicate that currently the main sources of air pollution are linked with traffic along the A465 and existing industrial uses within RIE.

- 10.22 There are two NRW regulated sites within 1km of the site; EnviroWales Ltd (0.2km) and GD Yuasa Battery Manufacturing UK Ltd (0.6km). In addition, there are 2no. short term operating reserves (STOR) located in the RIE which comprise gas-fired generators with individual flues.
- 10.23 It is important to note that there is currently no designated Air Quality Management Area (AQMA) within the proximity of the site.
- 10.24 Construction Phase:  
The first impact in terms of air quality is potentially from dust during the construction phase. The ES considers this and states that by virtue of this being largely a brownfield site, there would be no demolition (other than the removal of the existing track road).
- 10.25 There are no residential receptors within 100m of the site. The ES therefore considers sensitivity as low for both dust soiling and low risk to human health, resulting in negligible impacts.
- 10.26 Effects from construction traffic have been considered to be negligible as they are predicted to be lower than the screening thresholds set out in relevant guidance.
- 10.27 To mitigate the low risk, construction works would be undertaken in accordance with a Construction Environment Management Plan (CEMP).
- 10.28 I agree with these findings and proposed mitigation. A planning condition would be necessary to require the submission of a CEMP. This is standard practice to deal with would be the potential for transient disturbance.
- 10.29 Operational Phase:  
In terms of the operational phase, the air quality impacts that need detailed consideration are emissions from the stacks, diesel generators and vehicle movements and their potential impact on the environment and people.
- 10.30 Turning to the chimney stacks, these are used to disperse emissions. They would also incorporate secondary abatement measures (selective catalytic reduction) and filtration of particulate matter from furnaces from the glass making process. They will be in constant operation for the lifetime of the development.
- 10.31 Water in the emitted gases can condense and cause a visible plume dependent on weather conditions.
- 10.32 The effects from vehicular traffic are also assessed within the ES. They are considered in the ES to be “not significant”. However, the applicant has included mitigation measures to further reduce impacts by including 39no. ULEV charging points, encouraging sustainable staff travel movements to/from the site and working with haulage companies to increase use of efficient heavy duty vehicles.
- 10.33 Concern was raised by objectors as to whether impact on air quality for the travel routes of HGVs had been considered. Emissions from HGVs accessing the site

- 10.34 during the operational phase have been modelled using dispersion modelling software.
- 10.35 The extent of the modelled area was determined by reviewing the changes to traffic flows and modelling roads close to receptors to allow for a cumulative total impact from the operation of the proposed development to be assessed (roads and on-site emissions).
- 10.36 The applicant has confirmed that that due to the location close to the A465, the likely origin/destination of vehicles and the suitability of the route, all HGVs associated with the site would likely from this strategic road.
- 10.37 The modelling confirmed that there is likely to be some impact along the surrounding network from staff car trips but trip generation and distribution assumptions suggest that the majority would also utilise the A465 and therefore impact elsewhere on the highway network would be negligible.
- 10.38 The change in traffic along the A465 is forecast to be around 2% of total AADT (annual average daily traffic). From an air quality perspective, the ES notes that there are no air quality management areas (AQMAs) along the A465 either west or east to the A40. As such the applicant contends that the extent of the modelled network is considered to be appropriate and proportionate for this assessment. The Council's SEHO has not challenged this modelling and its conclusions (subject to mitigation set out in the ES). I agree that the conclusion of the ES methodology is sound and proportionate.
- 10.39 The use of diesel generators (when required) is included in the assessment and have been included in the dispersion model. There are five backup diesel generators proposed to be installed, each 2.8MW. This is to provide resilience for the electrical power requirement for the plant.
- 10.40 Due to their limited hours of operation, they do not fall under the medium combustion plant directive or specified generators directive. They will also be tested for approximately 5 minutes every week. The electricity to the site will be supplied by Western Power and the assessment states that the network reliability for local electricity grids remained high at around 99.99% from information supplied by the project electrical engineer; the downtime from Western Power is usually less than 1 hour at a maximum.
- 10.41 SEHO Assessment:  
In considering the associated impacts with air quality the SEHO has stated that the applicant has used site specific emission limit values (SSELV's) for pollutants that will be released from the stacks which they will comply with using their proposed abatement technology. The emission limit values they have proposed are significantly lower than the "best available techniques – average emission limits" (BAT-AEL's) set out in guidance for existing plants in the UK.
- 10.42 The reason for the applicant using the SSELV's is because when using the BAT-AEL's, results demonstrated negative impacts at local receptors. The applicant has provided details of the abatement technology to be used to achieve to the site

specific emission limit values; it is called a catalytic candle filter. The SEHO has been unable to identify any glass manufacturing facilities in the UK that use this technology.

- 10.43 The outcome of the air quality assessment was that under normal operations, both long term and short impacts are negligible at all appropriate receptor locations for all pollutants - with the exception of Chromium VI (CrVI).
- 10.44 CrVI is associated with the production of green glass bottles specifically and is discussed in more detail below. The air quality assessment does not take into account the cumulative impacts of emissions from existing industrial processes on Rassau industrial estate, this issue is also discussed in more detail below.
- 10.45 As part of the review of this air quality assessment the SEHO consulted with the UK Health Security Agency and employed air quality specialists Ricardo Energy & Environment to provide specific air quality advice on selected matters on the air quality assessment submitted.
- 10.46 The comments from the UK Health Security Agency were that while the current recommended guideline value for Chromium (VI) is aimed at offering a high level of protection against adverse health effects, it is a carcinogen and would advocate a progressive reduction in airborne concentrations of CrVI below this guideline. They also recommended the use of more representative background air quality data than the use of data from Swansea.
- 10.47 Cumulative impact assessment  
The applicant has been unable to obtain complete emissions monitoring data for the two NRW regulated sites on the Rassau Industrial estate. Arup were able to obtain some emissions rates and stack flow rates for the sites and carried out a revised H1 risk assessment which included a review of the specific pollutants emitted from both the existing and proposed installations. The outcome of the assessment was that the emissions/process contributions from the two existing installations are below the required amounts to result in a moderate adverse impact at receptor locations.
- 10.48 This assessment was reviewed by Ricardo on behalf of the Council. They also concluded that the cumulative impacts would remain negligible with the exception of CrVI which is discussed below in more detail.
- 10.49 Chromium VI  
The outcome of the air quality assessment when green glass is produced was moderate adverse impacts at three receptor locations at Chestnut Close, Maple Way and Stonebridge Road, Rassau, Ebbw Vale.
- 10.50 For CrVI, the background concentration used as part of the air quality assessment was from Swansea. Arup are of the opinion that using these figures is not only reasonable where more local data is unavailable, it adopts a prudent pessimistic assumption. The background figures used already exceed the environmental assessment level for CrVI before the addition of process contributions from the proposed new plant.

- 10.51 This matter was reviewed by Ricardo who are experienced in undertaking similar assessments of CrVI across the UK. It is generally accepted that the CrVI objective is exceeded across most of the UK. They confirmed there is limited data available for CrVI and agreed that it was likely that the background concentrations at Ebbw Vale would be lower than those at the Swansea site.
- 10.52 Ricardo's advice that although the significance is described as "moderate adverse", these impacts would be negligible in practice.
- 10.53 They also identified that the process contribution from the proposed glass manufacturing facility will be 1% of the health based air quality guideline which is a contribution which would not be detectable by any practicable means. They concluded that the forecast emissions of CrVI from the proposed facility would not lead to any significant environmental or health impacts.
- 10.54 Based on the above, the advice of the SEHO is that if the facility is able to achieve the site specific emission limit values proposed (see table 4 below) it will set a new bench mark for this type industry; no other existing UK plant is near these emission limit values.
- 10.55 This does raise the obvious question whether these low emission limit values can be achieved. This issue has been raised with the applicant's consultants on multiple occasions who have confirmed that this technology has been used in other sectors and they remain confident that the SSELV's are achievable.

10.56 **Table 4: Comparison of Emissions: Best Available Technique and Ciner**

Pollutant	BAT Daily mean (mg/Nm <sup>3</sup> )	Ciner proposed daily mean (mg/Nm <sup>3</sup> )
Oxides of nitrogen- Nox	500-800 (range between)	80
Oxides of sulphur- Sox	200-500 (range between)	50
Ammonia - NH <sub>3</sub>	5-30 (range between)	2

- 10.57 If planning permission was to be granted, the SEHO has advised it would be necessary to impose a condition that the facility operates within the emission limit values outlined in their ES. The responsibility to comply with these limits lies entirely with the operator and would also be controlled via an environmental permit discussed below.
- 10.58 The SEHO also suggests the imposition of the following conditions/S106 requirements as necessary to protect public health:
- The facility shall only operate when the specified abatement technology is fully operational to achieve the emission limit values.
  - The furnace stacks of the facility must be maintained to a minimum height of 75m from ground level.



- Electric vehicle charging points to be provided at the facility.
- A section 106 agreement obligation for CrVI monitoring. It is advised that this is carried out at a suitably agreed receptor location, and done over a 12-month period upon furnace 1 becoming operational producing green glass. This is to be repeated when furnace 2 is operational (in combination with furnace 1) also producing green glass.

- 10.59 The SEHO has also confirmed that glass manufacturing facilities that have a melting capacity of more than 20 tonnes per day require a Part A2 environmental permit under the Environmental Permitting Regulations 2016 from the Council. The proposed Ciner facility will exceed 20 tonnes per day.
- 10.60 The process for an environmental permit is separate from the planning system. In the case of Rassau, colleagues in the environmental health team would be responsible for administering the process.
- 10.61 Facilities who operate under an environmental permit must comply with emission limit standards (BAT-AEL's) and carry out emissions monitoring either continuously and/ or annually.
- 10.62 They are also inspected annually to check compliance against their permit conditions. Failure to comply with the permit conditions may lead to enforcement action and ultimately the revocation of the permit. It is an offence to operate a regulated activity without an environmental permit.
- 10.63 There are 12 container glass manufacturing sites in the UK; 9 in England, 2 in Scotland and one in Northern Ireland). In comparison this proposed facility would likely be the largest of its kind in the UK.
- 10.64 The SEHO has undertaken research and notes that most of the existing plants in the UK have difficulty in complying with the required emission limits (BAT-AEL's) for the oxides of sulphur specified within their environmental permit.
- 10.65 As existing operations, they have received derogations via their environmental permit regulators. The highest emissions of oxides of sulphur occur at those sites using a high proportion of cullet (recycled glass) and or producing coloured glass. Only those sites producing high quality flint glass appear to have no issue in achieving compliance with their oxides of sulphur emission limit.
- 10.66 Around half of the existing plants also have difficulty in complying with their emission limits (BAT-AEL's) for oxides of nitrogen, which has also resulted in them receiving derogations from their environmental permit regulators. This is because installation of new abatement technology is often timed to coincide with furnace upgrades or refurbishment. Once newer abatement technology is installed they are able to achieve their emission limit for oxides of nitrogen.
- 10.67 The difference in this case is that there will be no derogation period. Strict compliance with emissions limits will be required from the outset.

- 10.68 Planning Committee should also bear in mind that even in the event of planning permission being granted, the environmental permit process is not a *fait accompli*. The permit application will be subject to the same level of professional scrutiny as the planning application and only issued once colleagues in the Environmental Health team are satisfied that the technical aspects of the process meet the relevant requirements under their legislation.
- 10.69 Air Quality and Ecology  
The ES has also considered the impacts on ecological receptors. These have been determined as insignificant for all relevant pollutants.
- 10.70 An objector has commented that '*Natural Resources Wales state the facility will be permitted to emit pollutant to air up to the emission limits values in the Industrial Emissions Directive. This will add to the ground level pollutant concentrations at the sensitive sites. This impact has not been assessed yet.*'
- 10.71 The agent has confirmed that the air quality assessment within the ES included modelling of the emissions from the furnace stacks. The modelling included the resultant air quality at sensitive receptors when the current background air quality conditions would be combined with the emissions from the new plant. This was then compared against the limits pertaining to the protection of human health. The modelling also modelled the deposition of pollutants onto sensitive wildlife sites up to 10km distance so had regard to the Usk Bats SAC.
- 10.72 An objector raised specific concern as to whether any particulate matter from the chimneys can enter rainfall and deposit to Carno reservoir.
- 10.73 An assessment of particulate matter entering rainfall (known as 'wet deposition') has been undertaken. It was agreed with the Council's Ecologist that effects from wet deposition at the Carno reservoir would not be included in the assessment as the reservoir is not a designated habitat. However, the effects assessed at sensitive ecological sites within a similar distance of the facility as the reservoir show that no significant impacts will result from the facility.
- 10.74 No concerns have been raised by NRW or the Council's Ecologist and in this regard (and subject to the imposition of necessary conditions and permitting) I am satisfied the scheme would accord with Policies SP10 and DM14 of the LDP.
- 10.75 Impacts on water quality and ecology are considered in more detail later in this report.
- 10.76 Odour  
In terms of odour, the ES states there is no single source from the site which is expected to result in odour concentration. The distance from emission point to any sensitive receptor is considered sufficient to allow dispersion to a level which is negligible.
- 10.77 Officers who visited the Turkish plant experienced no odour issue despite the plant being in full production; I therefore have no evidence to doubt this assertion.

- 10.78 No objection has been raised by the SEHO in terms of odour. However, he has advised that a condition requiring details of an odour management plan be imposed on any permission as a failsafe in the unlikely event of an issue.
- 10.79 Conclusion:  
Previous developments on the estate have given rise to pollution incidents and the legacy of these problems remain in the memory of residents. That, and a natural and understandable scepticism of a report commissioned by the developer to validate their own development has led many to question whether approval of this application will lead to a new and significant source of pollution both in relation to odour and air quality.
- 10.80 Whilst on an industrial estate, the development would be in proximity to a reservoir, a national park and most importantly residential areas to the south and south east.
- 10.81 However, Members should consider that the proposal does not involve innovative or new processes. Glass manufacturing is a proven technology and well understood. The issue for this Council (in terms of air quality) is whether the specifics of this plant or characteristics of the site result in an unacceptable impact having regard to UK and Welsh planning/emissions regulations and policy.
- 10.82 The Council's SEHO has confirmed that in his professional opinion, the assessment and conclusions in relation to air quality and odour are robust and acceptable subject to the imposition of conditions.
- 10.83 The SEHO has also confirmed that CiNER will be required to apply for an environmental permit from the Council to operate the facility. If they are successful in their application, the permit would contain emission limits that the company must comply with. In addition, there would be requirements for emissions monitoring at the premise.
- 10.84 In the event of exceedance of emission limits, the process cannot operate.
- 10.85 Environmental Health currently undertake monitoring for specific pollutants in the wider Ebbw Vale area. This is standard practice and will seek to ensure there will be no exceedance of acceptable emission limits from this development.
- 10.86 NRW have elected not to comment on air quality. As the permitting process in this instance falls to BGCBC, they are deferring to this Council on this matter.
- 10.87 The ES concludes that by virtue of the minor exceedance and limited dust-borne air quality impacts, it is considered that the development would not prejudice the health of human and ecological receptors.
- 10.88 The strength of feeling from objectors in respect of air quality and potential impacts is fully acknowledged and has been given careful consideration.
- 10.89 An objector raised concern that no air dispersion modelling has been undertaken. However, the ES states that dispersion modelling has been carried out for the

proposed emissions and is reported in the Air Quality chapter. Modelling data is included in ES Volume II Appendix and the contour maps showing the resulting predicted air quality.

- 10.90 An assessment of emissions from the glass manufacturing process on human health and ecological receptors has been undertaken. The assessment has been undertaken in accordance with best practice and guidance and concludes that there will be no significant negative impact on air quality.
- 10.91 Having regard to the specialist advice provided by the Council's SEHO (proffered with the assurance of an expert consultancy instructed by the Council) and that the Council's Ecologist does not raise concerns in this regard, I am satisfied that the air quality work undertaken is robust.
- 10.92 I concur with the conclusions of the ES and the professional opinion of the EHO that subject to appropriately worded conditions (discussed above), the necessary abatement techniques being employed, the relevant permits being in place and regular monitoring by Environmental Health that the construction and operational impacts of the development are within acceptable levels and accord with Policy 9 of Future Wales, PPW11 and Policies SP9, SP10, DM1 and DM14 of the LDP.

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## 11.0 Noise

This proposal could give rise to a number of noise sources from construction through to the operational phase. These must be carefully considered to ensure they will generate unacceptable impact on the people that live and work in close proximity to the site.

### 11.1 Policy Context:

The following national and local planning policies/Acts are considered to be of direct relevance when considering noise:

- Noise is covered in PPW. It aims to promote healthier places by reducing exposure of local communities to noise pollution. It states that LPA's must consider current and future sources as part of developing strategies for locating new development. The development should be informed by the sensitivity and compatibility of uses in relation to the sources of noise and the importance of ensuring appropriate soundscapes.
- FW also refers to noise in terms of ensuring noise from transport sources are minimised or at least reduced.
- TAN 11 provides guidance on the minimisation of adverse noise impacts through the planning system without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. TAN 11 states that LPAs must ensure that noise generating development does not cause an unacceptable degree of disturbance. It also states that noise characteristics (e.g. sudden impulses, irregular noise, distinguishable sounds, etc.) require special consideration, particularly for industrial development. TAN 11 provides advice on mitigation measures and describes the approach to assessment of noise from industrial and commercial developments.
- LDP Policy DM1 (New Development) requires proposals to evidence no adverse result in terms of unacceptable noise/vibration which would be to the detriment of human health and amenity.

### 11.2 Assessment:

An assessment of the noise impacts on residential and non-residential receptors as well as noise emanating from construction and operational traffic is provided in the ES. It confirms that the BBNP special qualities have also been considered as part of the noise assessment and the impact on the tranquility and enjoyment of the area has been considered in relation to the existing measured sound levels.

### 11.3 The assessment includes consideration of the likely noise generated by the proposed development and the effects on surrounding receptors, including:

- construction noise and vibration from the development (on-site);
- construction traffic to and from the development (offsite); and
- operational noise from the proposed development.

- 11.4 To inform the assessment, an environmental sound level survey has been undertaken to capture the prevailing conditions at the closest sensitive receptors. The SEHO has confirmed that the assessments have been undertaken in accordance with best practise and guidance.
- 11.5 The ES concludes that construction noise activities would not result in an exceedance of noise thresholds. This would indicate insignificant impact. The degree of separation of domestic dwellings from the application site would sufficiently preserve the residential amenity of occupants in Rassau and Beaufort.
- 11.6 In terms of construction vibration and noise, these are likely to arise during any piling or rock fracturing that may be required to create the basements (it is unknown whether any rock fracturing will be needed until a full ground investigation is undertaken). The ES confirms that the closest commercial receptors may experience some levels of vibration. However, they are not anticipated to be significant and/or take place for extended periods.
- 11.7 The impact from vibration has been scoped out of the ES in agreement with the Council's EHO. If complaints are received regarding piling or rock fracturing during the construction process, the SEHO has confirmed they have powers to control such impacts.
- 11.8 Construction traffic is unlikely to exceed 280 no. trips per day (considered to be a worst-case scenario) resulting in a 2.2-2.9dB increase along Alun Davies Way with 1.8-1.9dB increase on the A4046 and a 0.6-0.7dB increase along the A465.
- 11.9 The ES states that due to the degree of separation of the road links from residential receptors, it is considered that noise effects from construction traffic would not be significant and would not detriment residential or environmental amenity.
- 11.10 In addition, by virtue that the RIE is used primarily for B2 and B8 uses, it is considered that the noise associated with construction traffic in areas such as Alun Davies Way would be entirely in keeping with the nature of the industrial estate and would give rise to minor/negligible impacts only. As such, the ES considers that the proposed development would not give rise to unacceptable acoustic and amenity issues.
- 11.11 The ES states that operational noise associated with the facility would not exceed background noise levels at residential receptors during the daytime and evening periods. A slight increase of 0.3-0.5dB would be anticipated at first floor levels of one residential receptor. However, given the marginal nature of the increase and non-exceedance of the aforementioned 5dB threshold, this increase is considered to be insignificant.
- 11.12 Non-residential receptors such as the surrounding Public Rights of Way (PRoW) network would encounter operational noise of approximately 34.6dB. This is below the threshold of outdoor spaces (50-55dB).

- 11.13 Noise effects on industrial receptors within the locality would be approximately 63dB, inclusive of a 15dB attenuation for open windows, thus constituting relative level of 48dB, similar to that of an open plan office.
- 11.14 The ES contends that the proposed operational noise impacts on PRow, BBNP and industrial receptors are considered to be insignificant.
- 11.15 Noise emanating from operational traffic (staff and deliveries) is predicted to give rise to a 0.1dB-0.6dB at Alun Davies Way, A4046 and A465 during the day and 0.0dB-0.3dB at night. All anticipated noise increases associated with operational traffic are considered by the applicant to be negligible and would not give rise to unacceptable impacts on the acoustic environment and neighbouring amenity.
- 11.16 The ES has reached these conclusions based on the following or equivalent measures:
1. The selection of plant items, in particular generators and compressors within the utility building, have been modelled with embedded attenuation in the form of attenuators in the outlet and inlet;
  2. Acoustic louvres with a minimum of Rw15-17dB169 have been included for all louvre opening which overlooks the receptors located to the south. In particular, the southern façade of the Furnace Building and on all the roof louvres of the Furnace Buildings should be acoustic louvres;
  3. The envelope of the proposed building has been modelled with an acoustic sound reduction index of approximately Rw30-32dB;
  4. No openable windows for ventilation are included on the southern façade of the Furnace Building or the Batch Building;
  5. Fans and associated ductwork serving the furnace stacks have been enclosed;
  6. The stack case is assumed to be built out of concrete around the flue exhaust and therefore emissions through the body of the stack itself are negligible. Should the stack case change material, then consideration should be given to noise emissions through it and it should be made sure that noise is minimised; and
  7. Any outdoor ductwork serving the stack exhaust has been modelled as lined to control noise break-out.
- 11.17 It is therefore imperative if planning permission is granted that these measures are incorporated. A condition could be imposed requiring the submission of an acoustic sound proofing scheme for the operational phase which incorporate all of the above.
- 11.18 In addition, the ES confirms that deliveries will only take place during daytime hours only (between 07:00-23:00). The assessment included consideration of the

delivery of raw materials and the noise from deliveries on the neighbouring road network. A condition could be imposed to limit delivery hours which would mitigate concerns raised by objectors regarding disturbance arising from deliveries.

- 11.19 The Council's SEHO has not objected. He has however stated that this is subject to the imposition of conditions that control plant noise and construction hours and noise mitigation during construction.
- 11.20 Specific concern has been raised by objectors regarding the noise from the number of HGVs travelling to and from the site. The SEHO made specific note on the calculation of road traffic noise (CTRN) assessment undertaken in relation to road traffic noise from the development and concurs with the conclusion that it will have no significant impact. The A465 road was designed to protect residents from road traffic noise.
- 11.21 Based on the expert advice from the SEHO, I am satisfied that sufficient information has been submitted to adequately consider impacts from noise both at construction and operational phases and that any associated impacts can be mitigated through the imposition of conditions. I agree with the conclusion of the ES that noise is not likely to give rise to any unacceptable impacts.
- 11.22 It is considered that subject to conditions, the proposed development would safeguard the health/residential amenity, business/industrial conditions and biodiversity receptors, according with policy DM1 of the BGLDP, PPW and FW.

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## 12.0 **Cumulative Impact**

The EIA Regulations require that the ES includes consideration of the cumulative effects with other existing or approved projects.

- 12.1 Cumulative effects are impacts that in combination with each other, may be more (or less) than the sum of the individual parts. These may result from incremental changes caused by other existing or approved projects together with the proposed development.
- 12.2 The purpose of undertaking a cumulative assessment is to identify other developments may lead to an elevated effect on the environment during construction or once built. Other developments need to be of a sufficient scale and/or proximity for cumulative effects to be likely. Other developments may also precede the development being assessed thereby changing future baseline conditions or in some cases introducing new sensitive receptors.
- 12.3 The zone of influence employed by the applicant in undertaking the assessment has varied on a topic-by-topic basis. A review of consented and planned development within a radius of 5km (based on the maximum extent of the study areas of each topic) of the site was undertaken by the applicant in June 2021. There haven't been applications of significance that would change the conclusions in the ES approved within Blaenau Gwent since that time.
- 12.4 The ES provides the approach and assessment of cumulative effects for each topic that was undertaken, along with a list of cumulative developments within the study area. The approach to the cumulative assessment was agreed by BGCBC as part of the scoping opinion.
- 12.5 The topics assessed were: air quality, noise, traffic and transport, biodiversity, ground conditions, health, materials and waste, socio-economics, visual impact, climate change and water.
- 12.6 The assessment concluded that assuming all the committed developments would employ appropriate mitigation methods in line with regulatory requirements and best practise, that there is only considered to be potential for cumulative impacts in relation to ecology and socio-economic factors.
- 12.7 I have given due consideration to the assessment undertaken for each development and agree with the conclusion that has been reached.
- 12.8 The ES explains that the identified sites in relation to ecology support some habitats of conservation importance. This is in addition to protected species namely common amphibians, common reptiles, breeding birds, commuting and foraging bats, commuting otter and terrestrial invertebrates. All these could be potentially affected by the developments and result in cumulative impacts when considered with the proposed development now under consideration.
- 12.9 The ES further explains that mitigation is proposed as part of those affected proposals to address potential impacts. As such, it is considered unlikely that there

would be any cumulative impacts during construction or operational phases of the proposed development.

- 12.10 The majority of these development sites are beyond 2km from the CiNER site where effects on habitats and species are unlikely to occur unless they support qualifying features of Internationally or nationally designated sites such as the Usk Bat SAC.
- 12.11 Three are within 2km of the application site. However, there is no hydrological connectivity and populations of species present within these sites and are unlikely to be connected to habitats present within the site for the proposed development.
- 12.12 In summary, the ES concludes it is not considered that impacts from these developments would result in any cumulative impacts to the proposed development during construction or operation in addition to those already considered within the ES for which mitigation and compensation measures are proposed.
- 12.13 It is noted that neither the Council's Ecologist or NRW have raised any concern in respect of cumulative effects on ecology, and accordingly the Council can reasonably accept the conclusions made by the ES.
- 12.14 With regards to cumulative impacts on socio-economic factors, the assessment undertaken has been based on the assumption that a number of the identified committed developments will be delivered during the construction programme.
- 12.15 The ES states that during construction, there may be the potential for some displacement of local construction workers. This could impact on resourcing for other projects in the region, particularly where projects require a similar range of construction skills.
- 12.16 Some committed developments, particularly those that are housing-led, are likely to require different sets of skills. This could reduce the potential for displacement. However, many of the developments identified are within the commercial or retail sectors and therefore skills requirements are likely to be similar. There may be the potential for some cumulative benefits from the combined construction workforce, associated with direct employment and training opportunities, as well as indirect effects such as workforce expenditure and additional local income within the economy.
- 12.17 The ES states that during operation, a number of the committed developments identified are expected to provide expanded or new commercial and employment space. While this has the potential to lead to an oversupply of floorspace, the proposed development is a specialist operation and would not take floorspace which may otherwise be utilised by the wider committed developments.
- 12.18 The ES concludes that with the level of growth, the committed developments could lead to impacts in terms of labour supply, although the site and surroundings are well connected and would reach into the wider region for their workforce.

- 12.19 The conclusions of the ES are in my opinion valid ones. However, there is one potential site excluded from the cumulative assessment of the ES. That is the area to the north of RIE where the Circuit of Wales (CoW) development was proposed. It is less than 200m away at its nearest point.
- 12.20 Outline planning permission was granted in September 2013. Given the scale of that proposal, a longer than usual period of 5 years (rather than 3) was allowed for the submission of reserved matters (RM).
- 12.21 No RM applications were received. However, an application to extend the period for the submission of detailed applications was submitted before the deadline expired.
- 12.22 That planning application remains undetermined. It requires the submission of significant updated and additional information. Without this update to the ES, the application is not able to be considered.
- 12.23 Whilst the extent of the new information required was scoped out a few years ago, nothing was submitted. The exercise requires revisiting by the applicant. I have had no dialogue in this respect for some considerable time.
- 12.24 Whilst the 2013 planning permission is therefore technically capable of being “extended” in the sense that new RM applications could follow from it, there is nothing currently to suggest the CoW scheme is a realistic prospect.

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### 13.0 **Health**

The health assessment within the ES has applied a broad definition of health. It encompasses physical and mental wellbeing as well as quality of life. This understanding of health is captured in the World Health Organisation (WHO) definition:

13.1 *“Health is a state of complete physical, mental and social wellbeing and not merely an absence of disease or infirmity”.*

13.2 The assessment in the ES is based on the identification of ‘health determinants’ i.e. the social, economic and environmental factors that can influence the health and wellbeing of the population. It assesses the beneficial and adverse health effects associated with changes to health determinants resulting from the development.

13.3 The assessment focuses on the local communities surrounding the site and must be read in conjunction with other chapters of the ES including the Air Quality and Noise Impact assessment.

### 13.4 **Legal and Policy Context:**

The following national and local planning policies/Acts are of direct relevance:

- Well-being of Future Generations (Wales) Act 2015: sets a legislative requirement for public bodies to consider improving social, economic, environmental and cultural well-being of Wales. There are seven well-being goals in relation to these objectives, including ‘a healthier Wales’. This aims to create a society which maximises people’s physical and mental wellbeing.
- The Equality Act 2010: provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.
- PPW11: aims to deliver the vision set out in the Well-being of Future Generations Act. A key planning principle is to facilitate accessible and healthy environments, which includes creating high quality and inclusive environments in which people can live, work, travel and play.
- Future Wales 2040: one of the aims of the framework is to improve the health and wellbeing outcomes of communities in Wales.
- Policy SP9 BGLDP (Active and healthy communities): aims to create active and healthy communities by promoting leisure activities, promoting and improving existing open space, sport and leisure facilities and protecting and enhancing accessibility to natural greenspace for all members of the community. In addition, Challenge 9 of the LDP is to promote health and well-being for all through the creation of environments that promote safety, health and a sense of well-being for all.

- Blaenau Gwent Local Well-Being Plan (The Blaenau Gwent We Want) (2018-2023): outlines objectives for improving well-being in Blaenau Gwent and for meeting duties under the Well-being of Future Generations Act (2015). There are five objectives identified to reflect the aims of the people within the County: the best start for everyone; safe and friendly communities; to look after and protect the natural environment; to forge new pathways to prosperity; and to encourage healthy lifestyles.
- Whilst the application site is entirely within BG, BBNP lies approximately 400m from the boundary of the site. Due regard has been given to the statutory purpose of the BBNP *“to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park to promote opportunities for public enjoyment and understanding of the special qualities of the National Park”*. Relevant Special Qualities of the BBNP include: *“A feeling of vitality and healthfulness that comes from enjoying the Park’s fresh air, clean water, rural setting, open land and locally produced foods.”* Policy SQ1 Special Qualities sets out *“to conserve and enhance the special qualities of the Brecon Beacons National Park”*.

### 13.5 Assessment

The ES considers air quality, noise environment, community safety and access to work and training. The air quality assessment considers the potential impacts on both human and ecological receptors in proximity to the proposed development. It is considered that nearby receptors are closer to the emission sources in comparison to the users of the BBNP and will therefore represent the worst case.

### 13.6 In making the assessment they have had regard to the following guidance and standards:

- Rapid Health Impact Assessment Tool, National Health Service (NHS) London Healthy Urban Development Unit (HUDU) (2017)
- IMPACT Urban Health Impact Assessment methodology (UrHIA), Liverpool University (2015)
- Wales Health Impact Assessment Support Unit (WHIASU) Health Impact Assessment – A practical guide (2011)

### 13.7 The wards of Badminton, Beaufort, Ebbw Vale North, Sirhowy and Rassau<sup>4</sup> were included due to their proximity to the development site:

### 13.8 Public Health Wales (PHW) were consulted by the applicant on the proposed scope of the assessment prior to undertaking it and they confirmed that they agreed with the approach, and noted the following comments:

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<sup>4</sup> These wards were selected prior to the boundary changes implemented at the recent local government elections

- *Regarding environmental considerations, PPW11 highlights the need to consider aspects of climate change, including;*
- *Will the causes and impacts of climate change be fully taken into account through the location, design, build, operation, decommissioning and restoration? And*
- *Does it support de-carbonisation and transition to a low carbon economy?*

13.9 PHW suggested that coverage of population and human health are considered as a discrete section within the ES and that it would also be useful to consider the following five key principles that should underpin the coverage of population and human health within EIA ;

1. Comprehensive approach to health
2. Proportionality
3. Consistency
4. Equity
5. Reasonableness

13.10 In response to PHW comments, the agent has confirmed that climate change considerations are made throughout the EIA for all topic areas in addition to a separate climate change chapter considering greenhouse gas emissions, and resilience to climate change.

13.11 The Health Chapter being considered now covers population health and they consider that the assessment has followed the five principles listed by PHW.

13.12 PHW have not objected to this application subject to air quality and decarbonisation being satisfactorily addressed and relevant conditions being imposed to address dust, noise and hydrogeological matters.

13.13 The applicant has stated that there is no established or widely accepted framework for assessing the significant health effects of a development proposal. The health assessment methodology is based on a review of evidence, linking changes in health determinants to potential health outcomes within the study population. The assessment considers the beneficial and adverse health effects associated with changes to health determinants resulting from the proposed development being introduced into the local community.

13.14 Health profile summary

The ES States that the study area has an even split between males and females with a slightly older age than the regional average.

13.15 When reviewing the Welsh Index of Multiple Deprivation, the population within the study area is below the national average (i.e. is more deprived).

13.16 Three of the 13 Lower Super Output Areas (LSOAs) are in the 10% most deprived areas. The population is considered to be of high vulnerability in terms of health,

medium vulnerability in terms of employment, high vulnerability in terms of education and low vulnerability in terms of physical environment.

The ES confirms that as well as establishing the baseline for health determinants, it is helpful to identify what sensitive human receptors there are in the vicinity of the proposed project site.

- 13.17 Discrete receptors relevant to the assessment are the same as those identified for the air quality assessment and include residential properties, nurseries, schools, care homes, hospitals as well as other sensitive locations and facilities in the area, such as designated ecological sites and protected wildlife sites.
- 13.18 Air Quality and Noise  
The impacts in relation to air quality and noise have been covered earlier in this report. In both respects the health impact is considered to be of minor or no significance (subject to the imposition of suitable conditions and the issuance and monitoring of environmental permits).
- 13.19 Crime and Community Safety  
The ES has noted that there may be crime and community safety impacts as a result of construction workers coming to the area. This is discussed below in relation to increased construction traffic and plant movement and also increased potential for crime. The underlying principle is simple; where there are more people, there is a risk that crime will be committed.
- 13.20 The ES anticipates that most construction workers would commute from the local and regional areas and therefore only be present during working hours.
- 13.21 Within the study community, those most vulnerable to crime and safety issues include younger people, older people and those who are physically or mentally disadvantaged. As there are higher than average numbers of older people and those with poor health, the community is considered to be of high vulnerability to change. The population exposure is considered to be low due to the limited risk of contact with these groups. This results in a population sensitivity of medium.
- 13.22 The magnitude of change to crime rates and community safety concerns is considered to be low. Combining magnitude and sensitivity results in a health impact of minor significance. The same assessment and conclusion has been drawn in relation to operational effects.
- 13.23 With regards to construction traffic, the ES confirms that the plant used on site would be confined to the site construction areas, except when being transported to site. Access onto construction sites will be controlled and any risk to public safety from plant would be minimal.
- 13.24 The implementation of a CEMP would also seek to achieve minimal disruption to the local highway network, thereby maintaining public safety. HGV movements during construction to and from the site would increase but as identified in the transport assessment, these HGVs would likely use the A465. They would exit onto local roads which run into Rassau Industrial Estate. Whilst this means that

the HGVs would pass by residential receptors, it is considered that there would be low risk to the local population from construction traffic.

- 13.25 The ES also considers the effects from operational traffic. It acknowledges that as with the construction phase there would be an increase in traffic both from employees and HGVs (they have estimated that the total proposed trips, leaving and arriving in a 24-hour period would be 1361).
- 13.26 The ES concludes that most of these vehicles are likely to have travelled most of their journeys on the A465 which has capacity to absorb these additional volumes of traffic. Once it leaves the A465 onto the local dual carriageway into the industrial estate, from a health perspective an increase in 1,358 vehicle movements represents potential for safety impacts.
- 13.27 The ES refers to the transport assessment which provides an analysis of Crashmap accident data within the study area. No correlation was identified between highway layout, design or condition that were considered contributory factors in the pattern of collisions. The cause of accidents is unknown. It is considered by the ES that any increase in traffic resulting from the proposed development is anticipated to have a negligible effect with regards to accidents and safety, resulting in no health impacts.
- 13.28 Access to work and training  
Construction assessment: The ES predicts that during peak periods of construction activity there may be 400-500 workers on site; some of these could be filled by local people.
- 13.29 It is not currently known where the contractor would source employees. Sourcing locally would depend on the skills needed and availability. Whilst ultimately outside the control of the Council, the applicant has confirmed they are committed to sourcing local employees for both construction and operation, and the local college and USW are engaged in the project separate to the planning process and actively designing routes to employment around the skills needs.
- 13.30 During operation, the ES states that there are likely to be approximately 670 direct employment opportunities. The split would be 80% technical, 18% engineering and administrative and 2% managerial.
- 13.31 It is likely that these roles would be filled by people who live both locally and regionally with some potentially living within the local communities that are the subject of the health assessment.
- 13.32 It is not possible to predict how many local people would benefit from employment opportunities or whether these employees would be displaced from other roles they already hold however jobs will be available for local people with appropriate training provided.
- 13.33 Exposure to new employment and training opportunities is considered to be low because there is likely to be a mismatch between qualifications needed to gain



employment and those held by the population within the local wards. This results in a medium sensitivity to change.

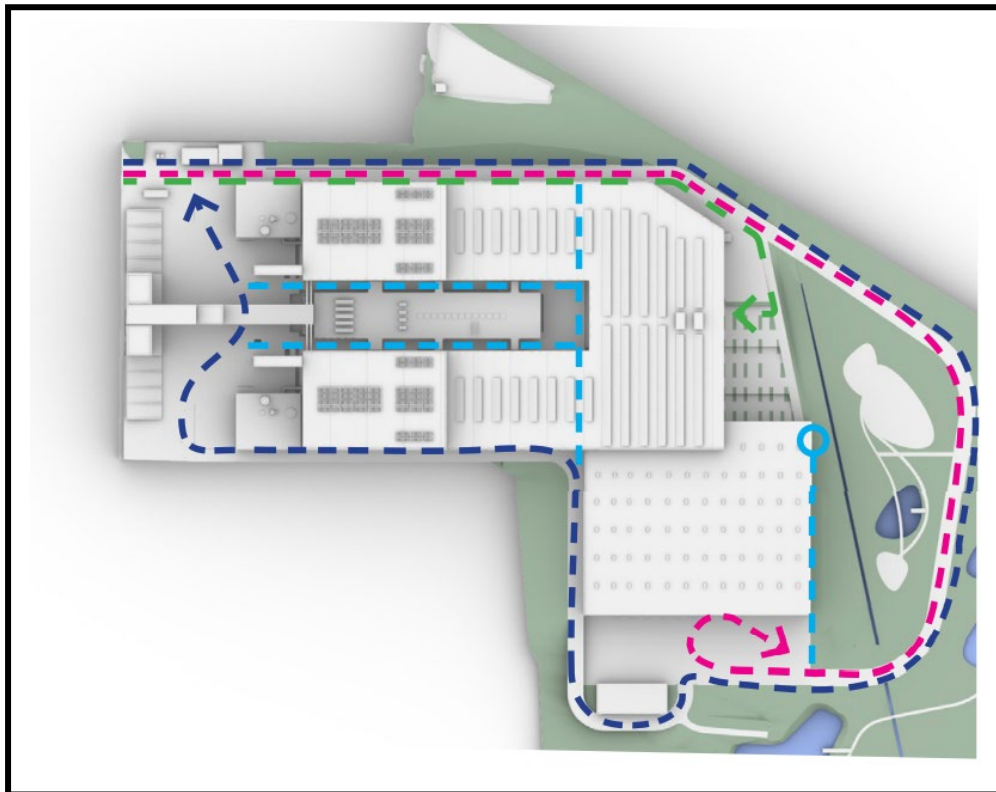
- 13.34 Work is ongoing by CiNER to ensure the college and university are involved with local training so that local people who are interested in employment from the development will have access to learning the right skills. It should be noted that local academia and the Enterprise Board have written in to support the development proposal.
- 13.35 The ES states that inward investment into an area which experiences high levels of unemployment is likely to represent a medium magnitude change. When combined with a moderate sensitivity result, this would result in positive effect of moderate significance.
- 13.36 This would be enhanced further should the proposed development offer training opportunities which are specifically aimed at people within the local communities. CiNER have confirmed their commitment to do this.
- 13.37 Climate Change  
When considering health impacts, it is important to consider whether health outcomes resulting from the proposed development are likely to change (or become more intense) as a result of climate change. The ES considers that climate change would not affect the conclusions of the health assessment. Climate Change is also covered elsewhere in this report.
- 13.38 Mitigation and enhancement  
Having regard to all of the above, the ES has considered the sensitivity of the impacts and whether any mitigation/enhancement is required.
- 13.39 The ES recommends keeping local residents informed of the construction progress. Communicating likely occurrences of noisy construction periods is but one example. Whilst this doesn't meet the tests of a necessary planning condition on its own, this could be incorporated into a CEMP.
- 13.40 Noise and air quality controls have been covered elsewhere and will have appropriate controls imposed. I am satisfied that the conclusion that the associated impacts are minor and will be managed with careful controls.
- 13.41 No mitigation is proposed in relation to crime. Any incidents would need to be managed by the Police. The applicant cannot be held accountable for the behaviour of individuals.
- 13.42 The Council's Economic Development Section are already working closely with CiNER to identify employment and training opportunities for local people.
- 13.43 I am satisfied that the assessment and conclusions are sound and that impacts on people's health can be managed appropriately through planning conditions and other regulatory controls.

#### 14.0 **Transport, access and parking**

14.1 It is fundamental that the highway network is adequate to serve the proposed development.

14.2 Access is described in detail at the beginning of this report but for ease of reference is repeated below:

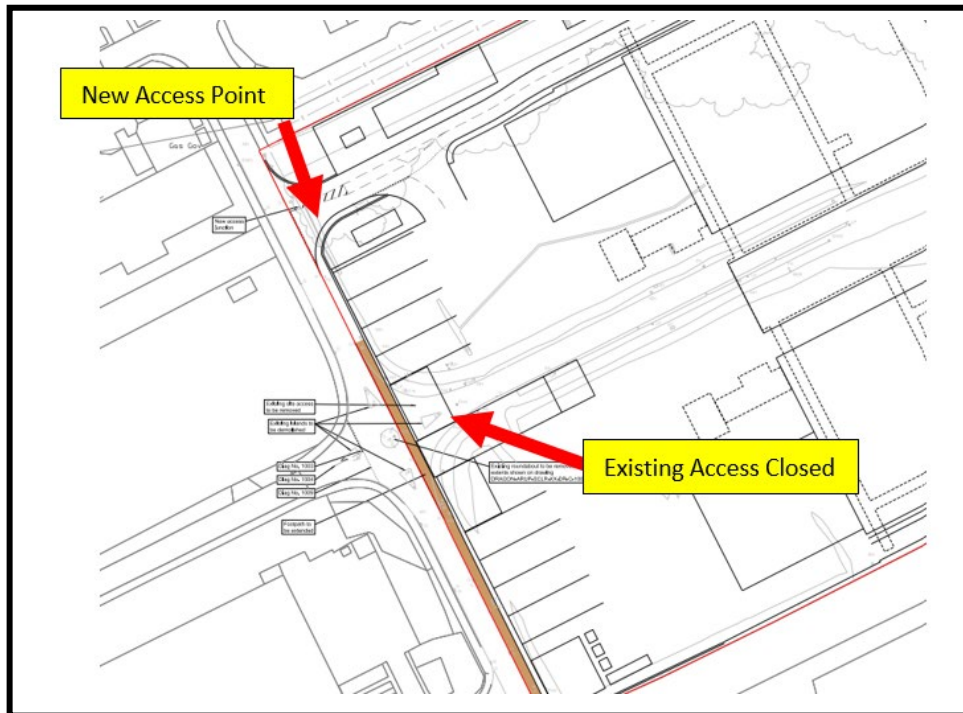
**Figure 21: Access to and Movement with the Site**



- The pink line shows the bottle pick up route;
- the green car access which leads to the car park area where there will be 389 spaces;
- the dark blue shows the route for delivery of materials;
- and the light blue denotes a service route for fire egress/maintenance only).

14.3 The image shows there is adequate room within the site for vehicle stacking.

#### 14.4 Figure 22: Highway Alterations



14.5 The existing point of access will be removed and a new access provided to the north-western corner of the application site.

14.6 The brown area indicates the area of footway to be extended and the black 'dog leg shape pegs' indicate a new pedestrian crossing.

#### 14.7 Transport Policy Context:

The following national and local planning policies/Acts are of direct relevance:

- Well-being of Future Generations (Wales) Act 2015
- Active Travel (Wales) Act 2013: aims to make walking and cycling the most attractive travel option for most shorter journeys. The Act requires local authorities in Wales to produce active travel maps and deliver year on year improvements in active travel routes and facilities. Furthermore, the Act requires highways authorities in Wales to enhance pedestrian and cycle routes and facilities as part of all new road schemes.
- PPW 11: requires all decisions should contribute towards the making of Sustainable Places and improved well-being. Also advocates good design placing people at the heart of the design process where inequality issues are addressed by improving accessibility via walking, cycling and public transport. i.e. avoid car-based developments in favour of healthy and sustainable travel choices. The document also encourages the use of ULEVs. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have charging points.

Chapter 5 (Productive and Enterprising Places) considers the economic theme of place-making. It states the provision of sustainable transport infrastructure is essential in order to build prosperity, tackle the climate emergency, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales.

- Future Wales: outlines strategies for addressing national priorities through the planning system. These include sustaining and developing a vibrant economy, achieving de-carbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of communities. Policy 12 deals with Transport and identifies a number of measures where WG will prioritise investment, these include; active travel, public transport and ULEV.
- Wales Transport Strategy: One Wales – In informing the strategic priorities of the National Transport Plan (NTP), the Wales Transport Strategy identifies a range of outcomes that should be achieved over the longer term. These include the need for improved connectivity and reliability across networks.
- TAN 18: Transport (March 2007): elaborates on the relationship between land use planning and transport infrastructure by outlining a range of key principles that should be adopted in ensuring that economic development can create a basis for sustainable travel patterns.
- Our Valleys, Our Future – Delivery Plan (2019-2021): has seven priority areas:
  1. Strategic hubs;
  2. Foundational Economy;
  3. Entrepreneurship and business support;
  4. Housing;
  5. Valleys taskforce innovation fund;
  6. Transport; and,
  7. Valleys Regional Park.

The plan identifies Ebbw Vale as one of 7 strategic hubs. It is defined as an area of focused public sector employment that aims to attract private sector investment, creating jobs and opportunities for the local area.

- BGLDP Policies SP6 (Ensuring Accessibility) and DM1 (New Development) require proposals to increase connectivity through improving public transport and promoting Ebbw Vale as a regional public transport hub with integrated cycling, walking and bus networks; and to ensure proposals have regard for the safe, effective and efficient use of the transportation network, prioritises pedestrians, cyclists and public transport before the car, has appropriate provision for people with special access and mobility requirements, has adequate parking, servicing and operational space and in developments of this scale demonstrate that there will be no adverse impact on trip generation and travel demand.

- BG SPG Access, Car Parking and Design: provides clear direction on planning and development issues. The parking standards seek to ensure a consistent approach to the provision of parking, submissions to travel plans and sustainability considerations that will inform all those involved in the design/construction of a given development.

14.8 Assessment:

The potential impact on the highway network has been assessed in the ES. The applicant submitted a Transport Statement and a suite of technical drawings. These documents outline the methodology for the assessment undertaken and the conclusions which have informed the design and any embedded mitigation deemed necessary.

14.9 Construction Phase:

This phase is anticipated to result in an increase in the total number of vehicles and HGVs on the local highway network.

14.10 The ES outlines that the designated route for traffic associated with construction deliveries will utilise the A465, to ensure that construction vehicles associated with the site will use the strategic road network from the east or west and subsequently Alan Davies Way prior to accessing the RIE. The ES considers that the selected route for construction traffic is the most appropriate being mindful of road widths, weight restrictions and the minor impact that larger vehicles would have on the A465, given that there are already many HGVs travelling along this route.

14.11 The specific construction access location has not been agreed at this stage but it appears likely that it will be provided within RIE to the west of the site. It is intended that all contractor parking will be accommodated onsite, and off highway, close to the site compound.

14.12 The ES predicted the following impacts may occur during construction:

- Traffic management resulting in potential driver delay;
- Increased traffic movements on access roads to the proposed development including the Industrial Estate during phases of construction leading to possible disruption and delays of local traffic;
- Community effects from construction traffic including severance and amenity effects; and,
- Potential damage to public roads.

14.13 The annual number of HGV movements resulting from the construction of the proposed development is estimated to peak during the overlap between Phase 1 (Earthworks and Excavation) and Phase 2 (Construction - Substructure) of construction.

14.14 The impacts associated with the construction of the proposed development is based on the period when construction traffic is anticipated to peak i.e. during Phase 1 and Phase 2 of construction. Whilst construction will be for several years, this assessment is based on a transient period with traffic impacts likely to reduce beyond this period.

- 14.15 The ES concludes that based on the traffic impact assessment, the impacts of construction traffic on all links are deemed 'not significant'. However, there is an increase greater than 10% along Alan Davies Way both in terms of total vehicles and HGVs.
- 14.16 The assessment has also considered the following:
- 14.17 Severance: this is defined as the perceived or actual division that can occur within a community when it becomes separated by a major traffic artery. It can be quantified by the percentage change in traffic. An increase in traffic of 30% or less is deemed to have a negligible impact with regards to severance. The ES explains that in the period when construction traffic is estimated to peak, the proposed development is anticipated to result in a daily average of 511 vehicles arriving and departing the site. The percentage increase in traffic on all links within the study area for the construction phase is below 30% and therefore severance is considered to be negligible.
- 14.18 The largest increase during the construction phase is likely to be along Alan Davies Way which is predicted to be between 8% and 12%. The ES concludes that any environmental effects associated with severance would be minimal.
- 14.19 Driver delay: with predicted traffic growth and operational traffic, the Bryn Serth Road/Rassau Industrial Estate roundabout was assessed and is shown to operate well within capacity and without any noticeable queues. The predicted construction traffic is below what is expected during the operational aspect of the development and which is modelled in the TS. The ES considers that the magnitude of impact of construction traffic on all road links are deemed 'not significant' as per the IEMA guidelines and accordingly, the predicted adverse environmental effects associated would be negligible regarding driver delay.
- 14.20 Pedestrian and cycle delay: predicted to occur where the two-way traffic flow exceeds 1,400 vehicles an hour, providing there are no controlled pedestrian crossings. The ES states that with the exception of the strategic road network (A465), which is not used by pedestrians or cyclists, no link is likely to exceed this threshold in the peak hour, and therefore has a negligible impact on all receptors.
- 14.21 Pedestrian amenity: The Institute of Environmental Management and Assessment (IEMA) guidelines suggest that a tentative threshold for judging the significance of changes in pedestrian amenity would be where the traffic flow (or its HGV component) is halved or doubled. In addition, the guidelines indicate that pavement width and separation from traffic are also key factors.
- 14.22 Traffic flow is estimated to increase by a maximum of 12% on any given link and the HGV component is expected to increase by a maximum of 16%, both of which are predicted along Alan Davies Way which is facilitated by a footway on the eastern side and a signalised crossing point to the north of the Bryn Serth Road/Rassau Industrial Estate roundabout.
- 14.23 The ES predicts that in this scenario there is anticipated to be a negligible effect associated with pedestrian and cycle amenity which is not significant particularly

because the majority of the study area comprises the strategic road network, given the site's location in relation to the A465.

- 14.24 Fear and intimidation: an increase in HGV movements can have an adverse effect on pedestrian fear and intimidation. The suggested threshold presented in the IEMA guidelines proposes a small impact if the average HGV flow is around 1,000-2,000 vehicles and negligible if the HGV flow is below 1,000. The guidance also recommends other factors are considered such as road speed and footway width/separation.
- 14.25 The ES confirms that HGV flow on all links is predicted to be below 1,000 HGVs and accordingly, on all links it is predicted that any environmental effects associated with fear and intimidation would be negligible.
- 14.26 Accidents and safety: the ES confirms that analysis of crash map data has been undertaken within the study area and that no correlations were identified between highway layout, design or condition that were considered contributory factors in the pattern of collisions. However, the cause of accidents is unknown, therefore the ES considered that any increases in traffic resulting from the proposed development are anticipated to have a negligible effect with regards to accidents and safety.
- 14.27 In terms of construction traffic the ES concludes that the temporary increase in the HGV component of traffic flow in the busiest phase of construction is deemed to have a negligible effect on severance, pedestrian and cycle delay, fear and intimidation, driver delay and accident and safety. It proposes that a CTMP be secured with a planning condition to ensure that all reasonable steps are taken to minimise and mitigate the predicted adverse effects of the construction process. The identified access routes make use of roads with negligible receptor sensitivity. It is proposed that construction traffic is monitored as part of the CTMP to review compliance.
- 14.28 The HA has been consulted on this application and on receipt of additional information has not challenged the robustness of the assessment. The HA confirmed that they concur with the summary and has no objection in relation to construction traffic subject to the imposition of a condition to secure a CTMP.
- 14.29 Operational Effects  
The proposed operational development is anticipated to result in a total of 1,361 trips which would be distributed across the day and as a result, the ES estimates that there is likely to be an additional 214 trips in the typical AM peak hour (08:00–09:00) and up to 13 additional vehicular trips in the typical PM peak hour (17:00–18:00). The actual peak period for CiNER traffic is between 07:00-08:00 where 312 trips are anticipated on the highway network.
- 14.30 The ES has considered the following in its assessment:
- 14.31 Severance: Based on information provided within the TS, the ES has concluded that the percentage increase in traffic on all links within the study area for the construction phase are considered to be negligible; Alan Davies Way has a low



environmental sensitivity classification given the number and type of receptors along the link. HGVs are likely to increase, however the ES concludes that the actual increase in HGVs is unlikely to have a significant adverse impact on severance on Alan Davies Way. Overall, the ES predicts that any environmental effects associated with severance would be negligible.

- 14.32 Driver delay: with predicted traffic growth and operational traffic, the Bryn Serth Road/Rassau Industrial Estate roundabout was assessed and is shown to operate well within capacity and without any noticeable queues.
- 14.33 The magnitude of impact of construction traffic on all road links are therefore deemed by the ES as being 'not significant' as per the IEMA guidelines and accordingly the adverse environmental effects associated would be negligible regarding driver delay.
- 14.34 Pedestrian and cycle delay: The ES states that except for the strategic road network which already carries large volumes of traffic (including HGVs) due to its nature, and is not used by pedestrians or cyclists, no link is likely to exceed this threshold in the peak hour, and therefore has a negligible effect on all receptors.
- 14.35 Pedestrian and cyclist amenity: The ES predicts that there is likely to be an impact in terms of HGVs along Alan Davies Way in both directions once the site is operational of between 117% and 163%. However, given the purpose of Alan Davies Way and its nature in providing access to Rassau Industrial Estate, it is unlikely that large volumes of pedestrians/cyclist would utilise Alan Davies Way. This is particularly relevant given that future workers residing in Rassau and Beaufort are more likely to utilise the underpass beneath the A465 to the south of the site. Based on the assessment criteria the ES concludes this would have a high impact. However, given the sensitivity of the receptor there is anticipated to be a moderate adverse effect with regards to pedestrian and cyclist amenity.
- 14.36 Fear and intimidation: The ES predicts that HGV flow on all links is predicted to be below 1,000 HGVs. Therefore, on all links it is predicted that any environmental effects associated with fear and intimidation would be negligible.
- 14.37 Accidents and safety: the ES confirms that analysis of Crashmap data has been undertaken within the study area and that no correlations were identified between highway layout, design or condition that were considered contributory factors in the pattern of collisions. However, the cause of accidents is unknown, therefore the ES considered that any increases in traffic resulting from the proposed development are anticipated to have a negligible effect with regards to accidents and safety.
- 14.38 In terms of operational impacts, the ES provides a summary that the review of potential effects on the study area established that there are unlikely to be any significant adverse effects resulting from the operation of the proposed development. It considers that no further detailed assessment is required, and no mitigation measures are deemed necessary to alleviate specific environmental effects.

- 14.39 However, the applicant proposes that soft measures are adopted for the site in the form of Travel Plans to mitigate and minimise the vehicular traffic to align with the Well-being of Future Generations (Wales) Act and advised by the TAN.
- 14.40 It concludes, that based on their assessment no residual environmental effects with respect of traffic and access are considered likely. Intervention measures such as the Travel Plan should be considered to increase the proportion of journeys made to the site by sustainable modes of transport. It is anticipated that this will be achieved through the identification of specific proposals and mechanisms to be implemented that will maximise the accessibility of the site by means other than the private car.
- 14.41 A Framework Travel Plan has been prepared in support of the application (a full Travel Plan would be secured with planning conditions).
- 14.42 A financial contribution towards the funding of a Travel Plan Co-coordinator and the monitoring of the Travel Plan has been offered by the applicant as part of the Section 106 agreement, however this is not considered to be a necessary as the Travel Plan Coordinator would expected to be employed and managed by the applicant. A condition will require the Travel Plan to be adhered to.
- 14.43 Improvements are proposed to the existing footway fronting the site, including resurfacing and will be approximately 2m in width, extending into the site on the southern side of the new vehicular access road to the northwest corner of the site.
- 14.44 Footways will also be provided within the development site with clear wayfinding signage. Cycle parking will also be provided within the site which will be covered, lit and facilitated by CCTV to cater for long stay parking requirements along with associated facilities including a cloakroom, showers and lockers.
- 14.45 The development will provide a car park within the site boundary, the size of which has been determined through the production of a car park accumulation exercise to ascertain the number of spaces that would be required, considering the client's information regarding staff numbers (including overlap between shift patterns) and modal share.
- 14.46 A total of 389 on-site car parking spaces are proposed comprising 325 standard spaces, 6 additional visitor spaces, 19 disabled parking spaces (5% of the total number, as per the BGCBC adopted Parking Standards) and 39 (10% of the total number) ULEV charging spaces to encourage the uptake of electric vehicles as encouraged by PPW Edition 11.
- 14.47 Residual effects: these are the predicted effects of a project on the environment after the proposed practicable mitigation measures have been adopted.
- 14.48 The construction period is anticipated to result in a change in vehicular composition proportions on the local road network and these would be temporary for the duration of the works.

- 14.49 Subject to the successful implementation of the CTMP, the ES considers that any residual effects associated with the construction traffic will be of a temporary nature and the magnitude will be 'minor'. Construction will have a relatively short-term impact (approximately three years) on the surrounding highway network, with some localised impacts having little significant effect. CTMP measures are proposed for all effects not considered to be negligible. I concur with this assessment.
- 14.50 The ES states that residual effects from the operational impact of the proposed development is not anticipated to have a significant adverse effect with regards to transport. The significance of effect for all receptors is either 'minor' or 'negligible'. Subject to the successful implementation and monitoring of the Travel Plan, it is considered that residual effects associated with the operational phase could be further mitigated. Several beneficial effects are identified, most of which are of minor significance for example, new footways and crossing points, but do represent an improvement to the local pedestrian and cycle infrastructure.
- 14.51 The Highway Authority has confirmed that in their assessment they have considered the prediction that the proposed operational development is anticipated to result in *'a total of 1,361 trips which are fairly well distributed across the day and as a result, there is likely to be an additional 214 trips in the typical AM peak hour (08:00–09:00) and up to 13 additional vehicular trips in the typical PM peak hour (17:00–18:00)'*, as outlined in the Transport Statement and that the actual peak period for traffic is between 07:00-08:00 where 312 trips are anticipated on the highway network.
- 14.52 During operation, approximately 380 HGV journeys would be made each day which would provide inbound deliveries of raw materials and outbound export of finished products. The HA has confirmed that they agree that the impact of the development has been modelled and shows that the junction on Alan Davies Way operates well within capacity within the base and future year with development and committed development traffic. It is also noted that the Welsh Government Highway's Department has not raised any concerns with regards to resultant operational traffic impact on the A465.
- 14.53 The HA confirms that the submitted STMP provides additional information with regards to how anticipated HGV deliveries will be undertaken which concludes that *'Based on these measures and facilities it is concluded that there will be sufficient space provided on-site for the stacking of vehicles with appropriate measures put in place to ensure that there is no detrimental impact on the local highway network surrounding the site.'* The HA is satisfied that these proposed arrangements will ensure minimal conflict between staff vehicles and HGV movements and the surrounding highway network is not negatively impacted.
- 14.54 Access, Junction Design & Off-site Accommodation Works  
The HA has confirmed that junction design and on-site servicing areas are deemed acceptable and can safely accommodate the access and turning movements of anticipated HGV vehicular movements. The proposed facility is well served by both the strategic highway network of the A465 (Heads of the Valleys Road) and primary routes on the local highway network.

- 14.55 The HA have confirmed that the swept-path analysis demonstrates that the new junction and access/exit points can accommodate the anticipated vehicular movements.
- 14.56 The provision of new footway links and informal pedestrian crossing points will ensure walkers have a safe route to the facility. All identified off-site highway improvement and accommodation works, as indicated in the TS are to be designed and constructed in accordance with the Council's highway design specification. These works will be subject to a s278 agreement under the Highways Act 1980 and a full road safety audit process.
- 14.57 The assessment undertaken to inform the Environmental Statement (ES) concludes that the impact of the proposed development on the local highway network during operation would be negligible. The Transport Statement concludes that *'As a result of the site location, existing facilities and proposed improvements the development is considered acceptable from a traffic and transportation perspective'*.
- 14.58 The highway authority concurs with these conclusions and does not raise any objections with regards to trip generation associated with this development.
- 14.59 Cycle & Car Parking  
The HA has confirmed that the development will provide adequate provision to accommodate the shift patterns without giving rise to overspill onto the local road network.
- 14.60 To ensure this doesn't happen, new traffic orders are to be provided within the vicinity of the facility on the public highway. This will be addressed in the s278 legal agreement under the Highways Act with the HA. This is to ensure existing access roads and key junctions within the vicinity of the facility are protected and parking enforcement action could be undertaken if deemed necessary.
- 14.61 It is proposed to install 21 covered style cycle stands providing storage for up to 42 bicycles. Facilities will also be provided including cloakrooms, showers and lockers which will aim to encourage staff to travel to the site sustainably by walking or cycling.
- 14.62 It should be noted that the submitted TS references advisory cycle lanes that were installed throughout the RIE. These cycle lanes were installed on a trial basis and have subsequently been removed. This information has been considered and it is the opinion of the highway authority that their removal does not unduly affect this planning application. The site is recognised as being located close to Route 46 of the National Cycle Network.
- 14.63 During my assessment in relation to highway impacts I noted that the number of parking spaces being provided does not comply with the Council's adopted parking SPG. This SPG states that parking requirements for this type of development are calculated by the floorspace created, in this instance this equates to 1200 spaces. I discussed this with the HA who confirmed that they haven't raised any objection in this regard as whilst the parking provision does not

comply with the requirements of the Council's SPG, they are satisfied that the applicant has demonstrated that the proposed cycle and car parking provisions are sufficient to meet the demands of this facility based, in particular having regard to the fact that the factory will operate on a shift basis.

14.64 Framework Travel Plan

A Framework Travel Plan has been submitted with the application which seeks to encourage sustainable travel behaviours. This has been considered to be acceptable to the HA, however, they advise that a Full Travel Plan is to be submitted for approval prior to the facility becoming operational, secured via a suitable planning condition.

14.65 An objection form a third party has been received which questions the suitability of the access proposals. The HA were requested to comment in respect of this objection and have confirmed that:

14.66 *'The submitted details fully comply with highway authority design standards for both junction spacing and geometric design. The proposal to change the existing mini-roundabout junction to a T junction is also acceptable and will be designed to accommodate all anticipated transport movements associated with an industrial estate. Whilst it is anticipated that sufficient operational service areas and car parking is available on site, to address the concerns raised regarding traffic or car parking over-spilling on to the highway network the highway authority is seeking the implementation of traffic regulation orders via planning condition to ensure key junctions and access routes are kept clear.'*

14.67 *The submitted 'Site Traffic Management Plan' provides additional information with regards to how anticipated traffic movements and in particular HGV movements will be undertaken. The highway authority is satisfied that the proposed on-site traffic management arrangements will ensure conflict is minimised and the surrounding highway network is not negatively impacted.*

14.68 *There has been no evidence submitted to support the concerns raised regarding the existing off-slips and highway infrastructure serving the industrial estate, whilst this may be the opinion of the objector these concerns are not shared by the highway authority. The existing highway layout, including the traffic signal junction have been designed to fully accommodate HGV traffic movements anticipated for an industrial estate. There are no congestion issues known to exist within the industrial estate nor on any access roads linking to the wider strategic highway network.*

14.69 *The comments regarding the proposal to reduce the speed limits along a stretch of the A465 is outside the HA remit and should be directed to WG highways.'*

14.70 Having regard to all of the above, I am satisfied that a robust assessment of potential transport impacts has been undertaken by the applicant.

14.71 The Highway Authority raise no objection subject to conditions. I consider that the highway network is sufficient to serve the proposed development in a safe manner.

- 14.72 The A465 and RIE has been designed to take heavy flows of traffic. The access is considered to be fit for purpose and the layout and design has had made provision for adequate parking facilities and is supportive of active travel.
- 14.73 Therefore, subject to the following conditions, I consider that the proposal complies with the objectives set out in FW, PPW11 and Policy DM 1 (3 a, b, c, d & e) of the adopted LDP:
1. The submission of a CTMP prior to the commencement of development.
  2. The proposed off-site highway accommodation works being fully constructed prior to the facility becoming operational.
  3. The car and cycle parking and service areas being fully constructed prior to the facility becoming operational and retained there-after.
  4. The submission of a Full Travel Plan prior to the facility becoming operational;  
and
  5. A highway condition survey is to be completed prior to commencement of development.

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## 15.0 **Ecology**

The protection and enhancement of ecology and biodiversity is subject to a suite of UK and Welsh legislation. The legislation deals with protected landscapes, species and habitats.

### 15.1 Key documents are as follows

- The Environment (Wales) Act 2016
- Natural Environmental Rural Communities Act 2006
- WBoFGA
- PPW11
- Future Wales
- BGLDP
- National and local biodiversity action plans

15.2 Even though much of the application site is brownfield, this does not mean that identifying, protecting where possible, mitigating and indeed enhancing green infrastructure and biodiversity is not important. It is a requirement. It is a material consideration to which significant weight must be attached. PPW is clear in this regard. It states...

15.3 *“The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society’s wider social and economic objectives and the needs of local communities.”*

15.4 It goes on...

*“Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.”*

15.5 Consideration of the green infrastructure and ecology issues must be in this context.

15.6 The ES deals with the two distinct phases i.e. construction and operation. The scope of the baseline methodology was agreed prior to submission of the planning application. This survey work covered bats, newts, amphibians, invertebrates, fungi, birds and mammals such as badger, otter and others.

15.7 The work has included desk studies to review existing data, extended phase 1 habitat surveys and vegetation surveys, breeding birds, amphibians, bats and mammal surveys.

15.8 The “zone of impact” for each piece of work was dictated by the nature of the animal/vegetation concerned. For example, bats are a European protected species and the zone of impact extended to 10km.

15.9 The value of each was categorised as being of either European importance, national, county level or local interest. A positive or negative impact was then



assigned to each, a consideration of the magnitude of impact and the extent over which that impact occurs.

- 15.10 Each survey was subject to seasonality issues and industry accepted methodology.
- 15.11 Sixteen habitat types were found covering the site ranging from coniferous woodland, scrub and acid grassland. I have captured the outcome of the species surveys in the following table.

**Table 5: Ecology Survey Findings**

Species	Desk Study	Survey	Comment
<b>Fungi</b>	No record	Over 200 species found	Mostly common species but a number of less common species found
<b>Invertebrates</b>	Records held by SeWBREC	154+ species. Mostly common but number listed as "scarce" or "priority" were recorded.	
<b>Fish</b>	No record		Waterbodies within site hold very little water. Unlikely to hold fish in appreciable numbers
<b>Amphibians</b>	No previous record	Potential for great crested newt habitats within the site but below average suitability of habitats eDNA study undertaken - one positive result. Surveys also carried out which did not establish any population	Precautionary approach advocated and assumed a population of GCN does exist. Other amphibians found e.g. palmate newt.
<b>Birds</b>	Records identify range of species resident & migrant	8 Target species within site and 2 in the vicinity. 1 schedule 1 species present but no evidence of breeding	Site assessed as low value for breeding birds
<b>Otter</b>	Incidences of dead specimens found along a nearby road.	Some potential for habitat near the site and SINCS. No evidence found.	
<b>Water vole</b>	No record	No suitable habitat and no evidence found	
<b>Bats</b>	Records of a number of bat species within search area	No sign of bats found within/adj to site inc. Tech Board but evidence of bats emerging from two outbuildings and two species passing through the site A bat survey for a nearby refurb of a unit found a small building supported small numbers of a number of species as well as harboring an area for foraging.	The bat presence found was outside the application boundary

<b>Badger</b>	Two records of foraging	4 setts recorded with two recorded as active	
<b>Doormouse</b>	No records	Habitat not optimal	No further work required
<b>Other mammal</b>	Hedgehog and rabbit	Rabbit activity and fox found. Site could be suitable for polecat and hare.	
<b>Invasive species</b>		Rhododendron found	

- 15.12 The ES goes on to identify the “receptors” i.e. the habitats and species in the vicinity of the scheme and their relative importance.
- 15.13 These range from Usk Bat Site SAC which is of international importance, SSSI’s at Mynydd Llangatwg and Llangynidr of national importance down to county level important sites such as Local Nature Reserves (LNR’s) at Beaufort Hills and Parc Nanty Waun. SINC’s are also a county level status and located at areas such as Rassau pond, Garnlyddan and Ebbw Fach Woodlands.
- 15.14 This survey work to establish the ecology present on site and the likely receptors sets a baseline from which the impact of development can be assessed.
- 15.15 There are three key consultees whose views are material to Planning Committee’s consideration of the application. Before turning to proposed impact and mitigation issues, I will outline the position from their perspectives.
- 15.16 NRW – their initial response in terms of ecology was to highlight concern over the impact on Great Crested Newts (GCN) which is a EPS. When a development impacts on an EPS, development may only proceed under licence having first satisfied requirements set out in legislation. They challenged the assumption that the GCN strategy was based on a “small” population. I will pick this point up later in this section.
- 15.17 The Usk Bats SAC lies just under 1km to the north east of the site. Again I will deal with the issue of bats in detail later.
- 15.18 Other ecology matters are for the Council ecologist to address.
- 15.19 Following the submission of two addendum to the ES that contained further information in respect of GCN, NRW were re- consulted. They have confirmed they still do not consider the mitigation strategy satisfactorily deals with the issue in terms of creating new habitat ponds or establishing a donor site. However, broad agreement is reached regarding site clearance
- 15.20 As regards Bats, NRW note that a shadow/draft Habitats Regulations Assessment (HRA) has been produced and note that it will be for this Council to undertake a formal HRA.

15.21 The Council's Ecologist: notes the presence of bats and the loss of the conifer plantation. Ecological corridors will need to be maintained and enhanced and new lighting so designed to minimise the impact.

15.22 Gwent Wildlife Trust: have not responded.

15.23 Before dealing with these responses, I will discuss the ecology strategy and mitigation. The ES confirms...

- All necessary licences will be obtained before work commences
- Retained trees will be protected.
- A CEMP will address construction issues around light, dust, noise and other pollution risks to things such as watercourses.
- Closed circuit dewatering and groundwater monitoring
- Where possible, fungi will be moved to a nearby woodland
- Strategy for removing non-native invasive species
- "Toolbox talks" to all site staff by a qualified ecologist
- Sensitive lighting during construction
- Trapping and translocation of amphibians and reptiles to suitable donor sites
- Clearance of trees outside bird nesting season
- Bird boxes installed
- Live badger sets closed under licence and badger gates installed
- Pre-construction surveys to confirm no presence of bats within the site and retention of commuting/foraging routes
- Suitable landscaping (including waterbodies) of circa 5.4ha to mitigate and manage new habitats
- The site will result in a loss of 0.16 ha of ponds or at least areas that periodically contain water (known as ephemeral ponding). The post developed site will contain in the region of 0.22ha of ponded areas thus making a net contribution to biodiversity potential as well as corridors for wildlife to pass between habitats.

15.24 The ES also proposes woodland/grassland offsite mitigation in the form of "contributing" to the management of 4 LNR's as well as off site woodland areas for fungi'.

**Table 6: Local Nature Reserve Long Term Management**

LNR – Habitat	Area subject to management
Parc Bryn Bach (woodland)	40 ha
Sirhowy (woodland)	78 ha
Roseheyworth (woodland and grassland)	18.75 ha
Parc Nant y Waun (grassland)	22 ha
<b>Total</b>	<b>158.75 ha</b>

- 15.25 The ES argues that these existing LNR's have suffered from a lack of resources resulting in them being less than ideally managed. Inclusion as part of this project would *“enhance the condition of these habitats and encourage a greater diversity of flora and fauna”*.
- 15.26 This addition to the management plans will be in the form of a Landscape and Ecology Management Plan (LEMP). They will run for a minimum of 25 years.
- 15.27 Additional enhancement will include no less than 30 bat boxes on and off site as well as bird boxes.
- 15.28 All of the work in these LEMPs will be the subject of monitoring.
- 15.29 The applicant is proposing to make a financial contribution to the Council to enable it to better manage the LNR's. This would allow for the existing management plans to be properly enacted as well as the added benefits resulting from the CiNER project.
- 15.30 In terms of residual effects, the following table captures the position and is extracted from the text and other tables in the ES. I have excluded details of the precise mitigation from the table in the interests of readability but the detail is available in the ES and supporting documents or will be required by planning condition/s106.

**Table 7: Residual Impact on Ecological Receptors**

Receptor	Potential Impact	Value	Residual affect with further mitigation and / or compensation measures
Usk Bats SAC	Habitat Degradation	International	Minor beneficial significance
Cwm Clydach SAC	No pathway for effects	International	N/A
Mynydd Llangatwyg	Habitat Degradation	International	Minor beneficial significance/ not significant
Mynydd Llangynidr	No pathway for effects	International	N/A
Ancient woodland	Habitat Degradation	County	Negligible Significance
River Ebbw SINC	Habitat Degradation	County	Negligible Significance
Other terrestrial SINC	Habitat Degradation	County	Negligible Significance
Habitats (County value)	Loss of habitats	County	Minor Beneficial
Lower value habitats	Loss of habitats	Local	Minor beneficial
Fungi	Loss of habitats	County	Minor beneficial

Invertebrates	Disturbance /loss of habitats	County and Local	Minor beneficial
Amphibians	Habitat Degradation /disturbance	Local	Minor beneficial
Reptiles	Habitat Degradation /disturbance	County	Minor beneficial
Breeding birds	Habitat Degradation /disturbance	Local	Minor beneficial
Badger	Habitat Degradation /disturbance	Less than local	Minor beneficial
Otter	Habitat Degradation /disturbance	Local	Minor beneficial
Bats	Habitat Degradation /disturbance	Local	Minor beneficial
Other notable mammal	Habitat Degradation /disturbance	Local	New/retained habitats subject to long term management via a LEMP.

*Note: where no additional mitigation is proposed, the residual effect is reported as a result of the embedded mitigation.*

- 15.31 The beneficial outcomes are linked to the landscaping proposals reported in the next section of this report. The requirement to design an appropriate landscaping scheme using site suitable species and planting will be critical to creating new habitats.
- 15.32 Addendums to ES: These were submitted in January and April to supplement the original planning application. They were both the subject of further consultation with the Council Ecologist and NRW. No new issues were highlighted that are not addressed here.
- 15.33 NRW have reiterated their concerns around two specific topics; great crested newts (GCN) and bats.
- 15.34 Whilst the above tables and text outline the main findings, impact, and mitigation/enhancement, these two areas require a more detailed discussion of the issues. I will deal with GCN first, then bats.
- 15.35 Great Crested Newts  
GCN are a European Protected Species (EPS). It is an offence to capture, injure kill or disturb an EPS as they are a priority species.
- 15.36 Any works impacting on GCN or their habitat will require a license from NRW. That does not absolve the local planning authority from diligently considering the impact at the planning stage. Planning Committee must be content that the issues

have been identified and avoidance, mitigation and enhancement measures are in place.

- 15.37 NRW were consulted on the scope of the GCN strategy at the pre-application stage. NRW confirmed their requirements which covered the need to identify the direct and indirect impacts at both the construction and operational phases. The strategy also needed to deal with compensatory measures and ongoing management.
- 15.38 To the best of my knowledge, no GCN have ever been recorded in this County Borough. This includes works on the nearby A465 dualling. However, this does not preclude them being present on a site.
- 15.39 Desk Studies were initially undertaken to establish historical records and likely habitats in and around the site. This did not reveal any records of GCN within the search area.
- 15.40 A walk over survey was also carried out by qualified ecologists including all the waterbodies within the application site and environmental DNA (eDNA) samples were taken.
- 15.41 One pond was dry at the time of survey so was discounted from further study. In addition, a further pond that was also dry at the time of the habitat survey so similarly discounted.
- 15.42 Physical surveys were carried out at the remaining water bodies in accordance with best practise. No GCN were found.
- 15.43 However, one pond returned a positive result for eDNA (pond 4).
- 15.44 The GCN Strategy was submitted and given the eDNA result, the approach was to assume that there would be a small colony of GCN present.
- 15.45 NRW expressed concern at this methodology. They advocate an approach that assumes worst case scenario i.e. that there is a large breeding colony. They also raised issues around vegetation clearance, that there was only one compensatory pond and that the donor ponds should be established for at least a year prior to translocation.
- 15.46 The GCN strategy was updated in light of the initial NRW response. NRW continue to be concerned about a number of detailed issues. Many of these are matters of detail around site clearance and management which I am confident can be addressed via a planning condition. This will confirm precise details to satisfy reasonable requirements e.g. type of vegetation, keeping ponds free of fish and fencing.
- 15.47 The condition will also bind the applicant to a minimum 25-year management period with milestones and actions within that period to ensure the strategy is delivered successfully.

- 15.48 However, there remain two outstanding issues;
- 15.49 i) Compensatory Pond(s) – It is the applicant’s intention to re-survey the site for GCN during spring 2022. If no GCN are found, they will confirm to the Council and NRW. However, at the time of writing this report, the presence of GCN has to be assumed as the case against is yet to be made.
- 15.50 In advocating the worst case scenario approach, NRW recommend two mitigation ponds, not the one proposed by the ES.
- 15.51 Whilst there will be other water bodies within the site, these will also be connected to the SUDS drainage strategy and cannot be relied upon to be permanently watered. They will also be managed in a different way to the specific requirements of a GCN habitat.
- 15.52 Planning Committee must come to a view on the two opposing positions. On the one hand, NRW require an approach that assumes a large breeding colony and require two mitigation ponds; the ES proposes one pond based on the eDNA exercise that gave up one positive result in one water body despite no specimens being found.
- 15.53 In my view, the applicants approach set out in the ES is reasonable and proportionate. I have seen no evidence to suggest that the eDNA results are not reliable. That works both ways i.e. in the sense of negative results in 6 of 7 ponds but positive in 1.
- 15.54 Assuming GCN are in one limited area of the site, in an unmanaged pond with no physical evidence of specimens, it seems disproportionate to assume a large breeding colony. If that were the case, the ecologists would have found tangible evidence of their existence.
- 15.55 It is far more likely that there is a small, isolated colony. This is not to dismiss the issue as unimportant. Appropriate mitigation will still be required and this is set out in the applicant’s GCN Strategy.
- 15.56 On the basis that the donor site is larger than the existing “positive” pond, and is to be proactively managed in terms of depth, vegetation and design then it does in my view also meet the test of “enhancement” in PPW.
- 15.57 If there is any change to this position as a result of further studies prior to the date of Planning Committee, then I can update Members verbally.
- 15.58 ii) Timing of establishing mitigation pond(s)  
NRW require the mitigation ponds to be established for a minimum of 12 months prior to accepting GCN. However, the applicant has stated that the project timetable has prevented this given that planning and environmental permit allowing, ground works would start mid-2022.

- 15.59 This presents a difficulty in complying with translocating an EPS. Unless the donor site is suitable, handling/disturbance of the species could be unlawful.
- 15.60 The applicants position is that they intend to carry out further work in spring 2022 to confirm the absence of GCN on the site. I reiterate this report has to accept the positive eDNA result until robust evidence is provided to the contrary.
- 15.61 My intention is to deal with this matter in two ways. Firstly, to require the applicant to adhere strictly with the GCN strategy as it stands.
- 15.62 Secondly, this is subject to the caveat that the species (if confirmed) can only be translocated subject to the license issued by NRW. It will be for NRW via that licensing process to confirm at the time of translocation whether the donor pond is sufficiently established and suitable to receive GCN. If it is not, then the license will not be issued until such time that the donor pond is deemed suitable by NRW.
- 15.63 Bats  
Bats are also an EPS. The impact of the development on the species must be given significant weight.
- 15.64 The Usk Bats SAC is approximately 900m to the north east and is of international importance. The site is estimated to account for at least 5% of the entire UK population of Lesser Horseshoe bats as well as other species.
- 15.65 Given the status of the SAC, this Council (as the legally designated “competent authority”) must carry out a Habitats Regulations Assessment known as HRA. This process is enshrined in the Conservation of Habitats and Species Regulations 2017. The regulations state
- 15.66 *‘A competent authority....before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which*
- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.’*
- 15.67 The HRA process has been followed. The project was screened and established that the potential exists for impact on the protected species. An “Appropriate Assessment” was completed that concludes that provided mitigation measures are in place, there will not be an adverse impact on the Usk Bats SAC. NRW have not commented to date on the Appropriate Assessment but the statutory consultation period has expired. The Council, as competent authority is therefore able to proceed with a planning determination unless the NRW position materially changes prior to Planning Committee. Even in the event of a resolution to grant permission, this cannot be actioned immediately due to the need for a s106 legal obligation.



- 15.68 Surveys were undertaken in 2019 and 2020 to establish roosts and foraging commuting areas. This involved all trees, buildings and structures in and around the site.
- 15.69 Only one tree was found within the site to be of low suitability and no usage was detected. Bats were found to be roosting in the adjacent TechBoard Factory including Pipistrelle, Lesser Horseshoe and Brown Long Eared bats. These were daytime roosts and there was no evidence of breeding.
- 15.70 Transect surveys (looking at movement/commuting routes) were carried out. Activity was primarily found around the conifer plantation.
- 15.71 In terms of assessing the impact of development, this can be categorised into 4 areas:
- Habitat loss or degradation e.g. changes in air or water quality and/or water volume;
  - Habitat severance e.g. from construction or plant design;
  - Disturbance - displacement of fauna, noise, lighting; and
  - Species mortality/injury during construction and operation.
- 15.72 Embedded mitigation is the form of implementation of best practice in terms of dust suppression during construction and the creation of habitats to replace lost foraging routes. This will incorporate suitable tree planting around the retained stream. The SUDS scheme will also incorporate bat friendly features.
- 15.73 Importantly the lighting plan for the site will be so designed to minimise the effect of bats. During construction, there would be no loss of roosts although there would be an impact on (severance) foraging and commuting routes. It is important that the CEMP has regard to bat protection including any potential impact from construction traffic and the potential for bat strikes.
- 15.74 For longer term mitigation, bat boxes will be provided and all subject to long term management. This will include monitoring of newly established or maintained habitats for a period not less than 5 years.
- 15.75 Conclusion: Provided the issue of GCN and Bats are addressed, no other ecology matters have been raised as a cause for concern. Avoidance and mitigation measures are included in the ES and all of these measures can be addressed by planning condition. In my opinion, there is no sound reason for not granting planning permission based on ecology matters.

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## 16.0 **Landscaping**

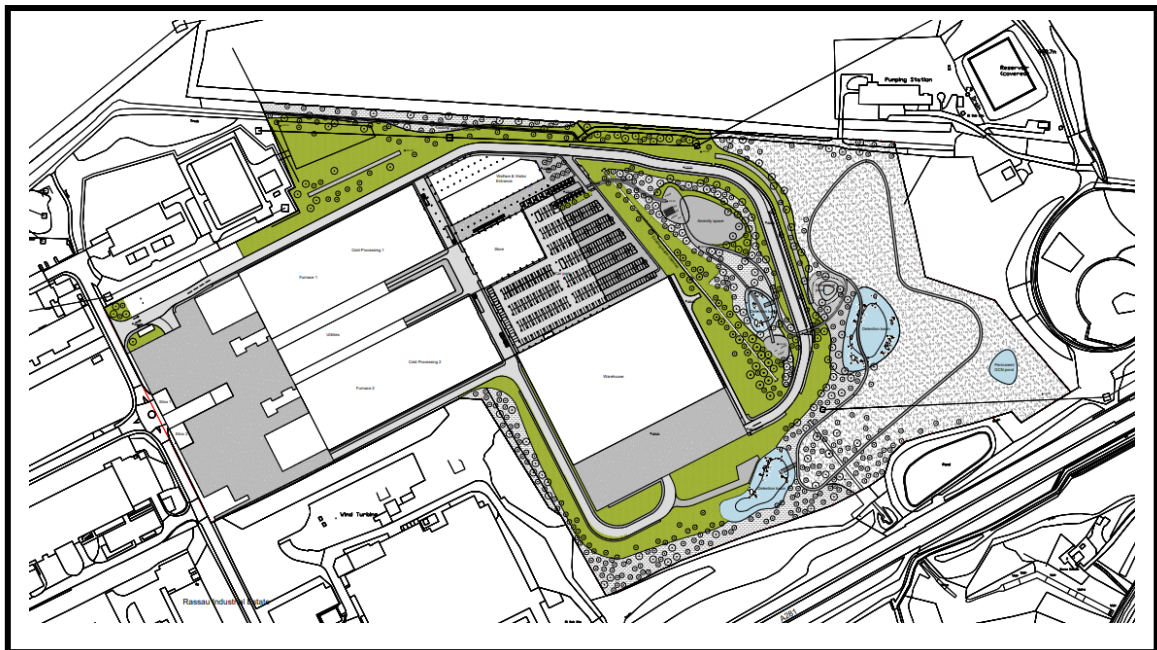
For the avoidance of doubt, the following is a discussion of the landscaping proposals designed for the site in the sense of layout and planting. The issue of how this development is viewed within the wider landscape is covered in the visual impact section of this report.

16.1 Landscaping is a key issue. In addition to improving existing and creating new biodiversity habitats, sensitive landscaping can also create a sense of place, softening the site to help a new development integrate into its setting.

16.2 Future Wales, PPW and LDP policies all seek to encourage development that is designed to suit site circumstances to create and enhance ecosystems. Appropriate landscaping that is delivered by development projects can also aid in the delivery of aspirations set out in documents such as local biodiversity action plans.

16.3 The majority of the western and central parts of the site are to be developed and built out. In practical terms, this only leaves the eastern area for soft landscaping. This area will remain undeveloped and available for a new planting and landscaping scheme.

**Fig 23: General Landscaping Plan**



16.4 Figure 23 above sets out the general approach. The green areas adjacent to the buildings would be amenity planting with native woodland planting, new grassland and wetland habitats. This landscaped area would be integrated with the SUDS attenuation ponds and other ecology mitigation areas discussed elsewhere in this report.

16.5 In my view, the landscaping scheme is acceptable. It is limited in scope due to the footprint of the buildings occupying a large proportion of the site. However, it does provide a natural buffer between the RIE to the west and undeveloped land to the

east. It replaces the former conifer plantation that provided a stronger physical and visual boundary but did little to enhance biodiversity.

- 16.6 If properly managed, the new landscaped area can become established and achieve the twin aims of creating a new area for biodiversity and creating an attractive environment.
- 16.7 The design comprises the creation of species rich grassland on re-profiled areas of varying site levels to create micro ecosystems for the benefit of reptiles and invertebrates.
- 16.8 The new planting would comprise of over 500 trees. It is not designed to screen the development. This is not possible due to the scale of the built development. Nor (in terms of carbon sequestration) would it compensate for the loss of the conifer plantation due to the quantum of trees that would need to be removed. However, the new planting would be more appropriate indigenous species that would be suitable for creating new habitats for flora and fauna (including foraging bats and nesting birds). It would comprise a betterment in terms of the removal of the mainly pine, spruce and larch plantation.
- 16.9 Retained on site trees will be protected and habitats will be safeguarded though the CEMP. Coupled with new “wildlife corridors” this can provide important connectivity between habitats. This includes planting to the engineered watercourse.
- 16.10 The application is accompanied by an “Outline Landscape Management Strategy”. The stated aim of the document is not only to create an attractive environment but to “*direct future management and maintenance*” to ensure the long term success of the landscaping.
- 16.11 The overarching aims of the strategy are three fold.
1. To create a range of diverse species rich habitats
  2. Maximise ecological value of the landscape
  3. Provide amenity space and interest for users of the site.
- 16.12 The strategy states that the site will be managed and maintained to ensure planted areas become established to create an attractive environment as well as enhancing biodiversity. The strategy focusses on the following objectives:
- i. Restoration and enhancement of wet marshy grassland and heathland in the east of the site
  - ii. Creation of species rich grasslands
  - iii. Creation of new species rich wooded areas with wildlife corridors through the site
  - iv. Creation of wetland areas around the water drainage ponds
- 16.13 The success of the strategy is dependent on appropriate management and review. The strategy proposes annual reviews for the first 5 years with maintenance visits reverting to 5 - 10 year intervals. I have not been presented with any evidence to suggest this approach is inappropriate. Provided the management strategy for on

and off site mitigation is delivered as set out, then in my opinion the landscaping approach is acceptable.

- 16.14 The ES states *“the landscaping design proposals includes the enhancement of retained habitats which occur adjacent to the proposed development including species poor marshy grassland, stream corridor and tree lines (circa 4.97 ha), and the creation of species rich habitats around the periphery of the site (circa 5.39 ha). including woodland, grassland, wetland in addition to small areas of amenity planting. Any planting will utilise local, native species of local provenance which are also drought tolerant and avoiding species at risk of prevalent disease; e.g. ash die-back, Phytophthora, etc.”*
- 16.15 Two issues require further comment. Firstly, the ES acknowledges that even with embedded mitigation measures, it is not possible to fully compensate for the loss of species rich grassland within the application site boundary. As mentioned in the ecology section of this report, the intention is to utilise off site mitigation via local LNR's. This is a pragmatic solution that would enable this employment generating development to proceed whilst still ensuring habitat betterment.
- 16.16 Secondly there is the issue of peat. It is not anticipated that the this extends over the vast majority of the site. It is likely to be underlain by hard bedrock. However, the ES acknowledges that the extent of “deep peat” needs to be confirmed via ground investigations but that the design of the factory buildings has avoided the likely areas affected. This can be dealt with via a planning condition to confirm the extent of sensitive areas. If present, these deep peat deposits require protection from development.

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## 17.0 **Sustainability and Climate Change**

The Council must be satisfied that the application is proposing sustainable development. Whilst this has always been a material planning consideration, recent mainstream acceptance of the causes and impacts of climate change including the declaration at WG level of a climate emergency have pushed the issue to the forefront of the political and public agenda.

### 17.1 **Legislative & Policy Context:**

In Wales, the key legislation is the Well-Being of Future Generations Act 2015. This requires a public authority to have regard to the long term implications of the decisions it makes. The Act seeks to improve the social, economic, environmental and cultural well-being of Wales.

17.2 The Act gives a legally-binding common purpose in the form of the seven wellbeing goals. The legislation details the ways in which specified public bodies seek to improve the well-being of Wales. The 7 key areas are:

1. A prosperous Wales
2. A resilient Wales
3. A healthier Wales
4. A more equal Wales
5. A Wales of more cohesive communities
6. A vibrant and thriving Welsh language
7. A globally responsible Wales

17.3 From a land use planning perspective, the aspirations can be captured in the term “sustainable development”. This is much used phrase that can often mean different things to different people. I will come back to this point below.

17.4 The ES references other key legislation, policy and directives that apply in Wales, the rest of the UK and within this industrial sector. I will not reproduce the list here but make the point that many of the documents contain targets and milestones with the key message being that de-carbonisation and a prosperous and greener economy is a strategic priority for Welsh Government.

17.5 The key planning documents comprise the following;

### 17.6 **Future Wales: The National Plan 2040 (2021)**

This is the national planning framework. It is top tier of the development plan for Wales sitting above the LDP at a local level. In time, the gap between the two documents will be bridged by the Strategic Development Plan (SDP) which will provide a development framework for South East Wales.

### 17.7 **Planning Policy Wales (Edition 11):**

This document sets out the land use planning policies for Wales. The primary objectives are to facilitate placemaking and sustainable development.

### 17.8 **Blaenau Gwent Local Development Plan:**

This document sets out the Council’s vision for development of the County Borough. It contains a policy framework for deciding planning applications and

includes policies dealing with climate change, decarbonisation, good design and sustainable development.

- 17.9 Policy SP1 of the LDP “Create a Network of Vibrant, Sustainable Valley Communities”. The policy, when written, was in the context of the Wales Spatial Plan which has now been replaced by Future Wales. However, the aspiration on the policy and the wider policy context remains relevant.
- 17.10 The policy recognises the role of Ebbw Vale as a growth area and “principal hub” for the wider region. The justification text acknowledges the importance of employment, town centres, heritage/cultural issues and tourism to creating sustainable communities.
- 17.11 Policy SP7 of the LDP deals with “Climate Change”. It requires the Council through the planning process to address the causes of climate change by encouraging renewable or low carbon energy sources, supports communal power/heat, good design and the efficient use of land. This last point concerns the use of brownfield sites close to transport corridors
- 17.12 The common policy theme in all the above is achieving sustainable development. The WBoFGA defines sustainable development as:
- 17.13 *“Sustainable development” means the process of improving the economic, social, environmental and cultural wellbeing of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.*
- 17.14 To come to a view on whether this development constitutes sustainable development (SD) requires the decision maker to consider a complex and interrelated policy framework.
- 17.15 Documents such as Future Wales require the Council to have regard to the holistic aims and policies and not assess a proposal against any single policy. This is to recognise that SD comprises of many factors and not one in isolation.
- 17.16 To illustrate the point, one element of SD is the economic well-being of our communities. In an area of relative economic deprivation, the provision of a significant number of jobs in Blaenau Gwent will clearly meet well-being objectives concerning a more equal and prosperous Wales.
- 17.17 However, a building of this scale and a manufacturing process of acknowledged heavy energy consumption will have a carbon footprint that will contribute to greenhouse gases. This could conflict with objectives concerning a healthier and globally responsive Wales.
- 17.18 Balancing these sometimes competing interests is the challenge for the decision maker; in this case the Planning Committee.
- 17.19 In terms of principle, this report has already confirmed the view that the proposed land use is compatible with surrounding businesses and compliant with LDP allocations.

- 17.20 To therefore question the principle of development purely in climate change terms or for other “green” sustainability reasons is to lose sight of the wider goals of WBoFGA and Future Wales. Both documents predicate well-being on economic factors as well as other considerations concerning health, the environment and others.
- 17.21 If this specific proposal does not proceed, the land remains allocated for employment purposes. The economic prosperity of the Borough will require employment opportunities regardless. Employment uses in some form will need to come forward to sustain the local economy. Any other development will also have its own carbon footprint.
- 17.22 A balanced consideration of the specifics of this scheme is required to assess whether any of the well-being goals and aims of the aforementioned policy documents are so prejudiced as to direct the Council to refuse planning permission.
- 17.23 The ES approaches the subject by first setting baseline data. This allows for the impact of the development to be measured. The starting point is the “*do nothing*” scenario where development does not take place.
- 17.24 The site is a mix of a vacant plateau created for employment uses, mixed woodland and scrubland. As it stands today, the site will have a value in terms of carbon sequestration i.e. the ability to store carbon.
- 17.25 In assessing the impact, the ES looks at current climatic conditions and predicted changes. In the case of the former, Met Office data has been used. For the latter, projections have been taken from a document known as UK Climate Predictions 2018 (UKCP18) The impact is measured in terms of a greenhouse gases or “*carbon footprint*” measured in tonnes of carbon dioxide (tCO<sub>2</sub>e).
- 17.26 The ES looks at the impact of the construction phase (4 years) and subsequent operational lifetime (60 years). Finally, there is the end of lifetime phase which takes in demolition and treatment of waste post scheme.
- 17.27 Greenhouse gases from any scheme will contribute to climate change and cannot be dismissed as insignificant. However, the ES makes the point that there isn’t an acknowledged or peer approved means of assessing the real life impact against a scale of significance. The methodology of the ES is therefore to measure the impact against UK and Welsh industry carbon “budgets” set by UK central government and WG in an attempt to contextualise the impact. The ES acknowledges there is an element of uncertainty when measuring such impacts Based on a “no scheme world”, the site would likely sequester 5,775 tCO<sub>2</sub>e over the 60-year period based on current site circumstances. This is the baseline. In looking at projections, predicted climate changes are incorporated into the model including the likely frequency of extreme weather events.

**Table 8: Total Estimated GHG Emissions by Source**

Source of Emission	No scheme - Baseline	With CiNER
	Emissions over study period (ktCO <sub>2</sub> e)	Emissions over study period (ktCO <sub>2</sub> e)
<b>Construction</b>		
Materials and buildings	<b>0</b>	<b>149</b>
Transport	<b>0</b>	<b>17</b>
Construction activity	<b>0</b>	<b>3</b>
<b>Operation</b>		
Land use	<b>- 6</b>	<b>- 3</b>
Energy consumption	<b>0</b>	<b>6,875</b>
Transport	<b>0</b>	<b>669</b>
<b>Total</b>	<b>- 6</b>	<b>7,710</b>

Source: Various tables in the ES (All figures rounded)

- 17.28 If one sets aside for a moment the GHG impact of construction (on the basis of any development coming forward will have an environmental footprint), and that the construction phase represents 2% of the total emissions over the 60-year period, I will look at the operational phase where the majority of GHG impact rests.
- 17.29 The ES puts the operational emissions in the context of UK and WG carbon “Budgets”. The table below illustrates how the GHG emissions from the operational phase will sit in this context.

**Table 9: Operational Emissions Set Against UK Carbon Budget**

Period	% contribution of the project to total budget
4 <sup>th</sup> UK Carbon Budget	0.024%
5 <sup>th</sup> UK Carbon Budget	0.039%
6 <sup>th</sup> UK Carbon Budget	0.065%



**Table 10: Operational Emissions Set Against WG Carbon Budget**

Period	% contribution of the project to total budget
2 <sup>nd</sup> WG Industry Carbon Budget	0.3%
3 <sup>rd</sup> WG Industry Carbon Budget	1.1%
4 <sup>th</sup> WG Industry Carbon Budget	1.1%
5 <sup>th</sup> WG Industry Carbon Budget	1.4%
6 <sup>th</sup> WG Industry Carbon Budget	1.7%
7 <sup>th</sup> WG Industry Carbon Budget	1.9%

- 17.30 The ES concludes that *It is considered that this magnitude of emissions from the Project are unlikely on their own to materially affect the ability of the UK Government to meet its carbon budgets*”
- 17.31 I have seen no evidence from the consultation process to either question the assumptions around the projected GHG emissions or the conclusion that carbon budgets are not prejudiced.
- 17.32 The ES outlines measures to reduce/mitigate GHG emissions. These include the use of durable and low maintenance materials, the development of an energy masterplan and sustainable forms of transport. These measures will all contribute to minimise the carbon footprint.
- 17.33 In terms of the vulnerability of the development itself to climate change, the ES confirms that the project will be so designed so as to have resilience built in and that risks are “not significant”. The ES outlines the mitigation built in to deal with high/low temperatures, precipitation, lightning, humidity and wind.
- 17.34 The mitigation includes designing out waste from the process, selective use of alternative materials with lower emission intensity, an energy management plan, low carbon transport modes and using wherever possible local suppliers.
- 17.35 Good design can also reduce the carbon footprint. For example, the building has been so designed to maximise natural daylight. This reduces the energy demands of the building. This approach has been taken as confirmed in other sections of the ES.
- 17.36 Due to the uncertainties involved in meeting challenges thrown up by future climate change, any plan to mitigate/reduce carbon will need to be adaptable to respond to change. If Members are minded to grant planning permission, a condition can be attached requiring a carbon management plan that requires periodic updating and review.

- 17.37 It is a pre-requisite of development that the current conifer plantation will need to be felled. This covers an area of approximately 5ha. Whilst this has limited intrinsic ecology value, it does provide a strong visual screen and contributes to air quality/carbon sequestration.
- 17.38 In order to further mitigate the impact of development, if Members are minded to grant planning permission, it would be my intention to require an area of least equal area to be planted at a location to be agreed but as close as possible to the development site. As this is outside of the planning application boundary, this will require a s106 planning obligation.
- 17.39 Similarly, a number of other planning conditions that are contained within the recommendation have a sustainability motive. This includes a travel plan requiring alternative modes of transport than vehicles powered by petrol/diesel.
- 17.40 Other measures outlined in the Energy Statement include heat recovery systems, rainwater harvesting and efficient lighting systems.
- 17.41 There will be a carbon footprint in terms of importing raw materials. That is unavoidable and in many ways intrinsic to many manufacturing/industrial processes when a finished product is remote from the source of the component materials. However, in this case there is a benefit as the facility would be a hub for glass recycling.
- 17.42 In conclusion, it is inevitable that a development of this size will have an inherent carbon footprint. It would not be practicable to design a project of this type to be “carbon neutral”.
- 17.43 I am satisfied that each element of the scheme has been so designed to minimise that impact to an acceptable level. There is a commitment for future change, to embrace technology and practises as they become available/economic. This will be a key requirement of any planning permission i.e. that the facility evolves to adopt best available techniques to offset climate change impact.
- 17.44 The British Standards Institution set out a hierarchy to reduce carbon emissions. Starting with “Build Nothing”, it progresses through to “Build Less”, “Build Clever” and “Build Efficiently.” As the site is currently vacant and the applicant states a need for high quality glass containerisation (which helps address issues around the use of plastic) the ES states that the project falls into the last two categories of “Build Clever” and “Build Efficiently”.
- 17.45 In terms of residual effects, the ES acknowledges that even after mitigation techniques are adopted, the impact on atmospheric conditions is significant in terms of greenhouse gases.
- 17.46 Members must consider whether the resultant impact is acceptable in the context of the climate emergency we are facing and of course the contribution the scheme makes in other areas such as providing employment.

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## 18.0 **Water Environment and Drainage**

- 18.1 It should be noted that the site is not within an area at risk of flooding.
- 18.2 The ES discusses the potential impact of the construction and operation of the development on the water environment. It describes the methodology, baseline conditions of the existing water environment and identifies potential impacts during the construction and operational phases.
- 18.3 The assessment considers the potential effects on the quality, quantity, flow and level of ground/surface water that may result from construction activities and from land contamination in the end use scenario.
- 18.4 The ES lists the legislative documents that have been considered as well as relevant national and local planning policy:
- 18.5 PPW11: requires the planning system to ensure that the protection of the quantity and quality of groundwater supplies is taken into account as part of any development proposals.
- 18.6 FW promotes sustainable development with an ambition (Outcome 9) for Wales' natural resources to support a range of activities and sectors and are assets of great value in their own right. It requires environmental, social and cultural value of water resources to be managed, maintained and enhanced while economic benefits will be utilised sustainably and appropriately by promoting nature-based solutions and a circular economy. This will be reflected in more sustainable places which benefit from reductions in levels of pollution, be healthier and more liveable.
- 18.7 Policy SP10 of the LDP states that proposals must not have an unacceptable adverse impact upon the water environment and should contribute to improving water quality where practicable.
- 18.8 This policy promotes the protection and improvement of the quality and quantity of controlled waters within the County Borough, including the groundwater resource. Development will not be allowed if it is demonstrated that there is likely to be adverse impact on the water resources. This is re-emphasised under policy DM1 on New Development.
- 18.9 The main risk to water quality would arise during the construction period, mainly from dewatering of the site (if necessary) and contamination. The ES has assessed both effects;
- 18.10 Basements form part of the proposed development; the deepest being up to 15m. Initial assessments have found that the ground beneath the basement areas may be rock and sandstone (this will not be confirmed until a full ground investigation is undertaken). If this is the case excavation into rock and sandstone are highly likely to hold groundwater.
- 18.11 Excavation works into the sandstone bands may result in groundwater flows. This water may be re-absorbed into the ground but it is most likely that active

dewatering at the site will be required. This might impact on groundwater levels and flows and water dependant features.

- 18.12 Groundwater removed from the excavations will be discharged into the surface water system within the Ebbw River catchment. This is the same catchment where the groundwater beneath the site will eventually discharge to.
- 18.13 The ES concludes that impact on the water balance within the Ebbw River catchment is considered to be negligible. However, given the value of the river is very high, the ES concludes that dewatering activities within the site will have a slight adverse effect on the catchment but be of a temporary nature.
- 18.14 Construction will result in introduction of new pathways for the existing sources of contamination to potentially affect the controlled water receptors.
- 18.15 The Preliminary Risk Assessment identified the following adverse impacts that could potentially arise as a result of construction after application of mitigation measures:
- Mobilisation of existing contaminants in soil and groundwater as a result of ground disturbance during construction. This has a potential to increase potential for contaminants in unsaturated soils to leach to groundwater.
  - Open excavations may be present during construction, allowing for increased infiltration and subsequent leaching of the fill material and other on-site sources. The fill material is not known to comprise 'typical' made ground. However, made ground may have been used to achieve the necessary cut/fill balances in the central site area. Potentially mobilised leachable contaminants may impact the identified controlled waters receptors.
  - Dewatering activities may also mobilise contamination from both on-site and off-site sources. Groundwater quality within the site may already be impacted by off-site sources through contamination migration. Discharged contaminated groundwater may impact the receptor.
- 18.16 The Preliminary Risk Assessment identified both groundwater and surface water as potential receptors of contamination. Construction activities may result in the contamination mobilisation and migration towards these receptors or in direct discharge of contaminants to groundwater or surface water resulting in pollution.
- 18.17 No details of any intrusive ground investigations have been submitted. The desk study review indicates that the made ground materials present on site are likely to primarily comprise reworked natural fill materials won from the site or its vicinity during the formation of the industrial estate in the 1970s and 1980s.
- 18.18 There is potential for isolated areas of made ground imported from off-site sources (particularly in the south of central site area) which may be a potential source of contamination. No major excavations are proposed in that part of the site, as the ground level will require raising rather than reducing.

- 18.19 Further ground investigations will be necessary to gather information required to complete appropriate land contamination assessments, which will inform water and materials management during construction works.
- 18.20 Given the potential effects as a result of dewatering the ES identifies that a Hydrogeological Impact Assessment must be undertaken with mitigation measures proposed where necessary. This must be required by condition.
- 18.21 It is critical that the development does not result in any unacceptable risk to controlled waters. This matter has been highlighted by NRW.
- 18.22 In order to ensure this doesn't happen during construction or operational phases it will be necessary to impose conditions that prohibits infiltration of surface water into the ground (other than with express consent) and that there will be no piling or other foundation designs which use penetrative measures unless the Council is satisfied that it can be demonstrated that there is no unacceptable risk to groundwater.
- 18.23 Subject to the imposition of a condition requiring further assessment (and requiring mitigation/management plans) I am satisfied that the impact of the proposed development on risks from contamination on controlled waters during earthworks/construction can be suitably addressed.
- 18.24 Operational impacts have been identified and considered in the ES as follows;
- Permanent drainage: no permanent drainage will be required to maintain groundwater levels in areas of the basements and they will be designed to be watertight.
  - Underground structures: the development will require retaining structures and deep piled foundations. These structures have the potential to impact groundwater flow paths and levels. The basements and retaining walls may form a barrier to groundwater flow and result in a rise in groundwater levels. However, the ES states that the design of the retaining walls will incorporate a drainage solution to prevent water build up. Full details of retaining walls and associated drainage will be required by condition. In addition, any piling activities on site in terms of contamination would also be controlled by condition.
- 18.25 No significant effects during site operation have been identified in the ES. Consequently, no mitigation measures are proposed. However, until the further assessments have been undertaken, this cannot be a final position. It is possible to require mitigation required by future studies via a planning condition.  
Water Supply:
- 18.26 A new water supply will be sought from Dŵr Cymru/Welsh Water (DCWW). The supply will serve the potable, process and fire-fighting water tanks within the facility.

- 18.27 DCWW have confirmed that a Hydraulic Modelling Assessment (HMA) has previously been undertaken which assessed the demand upon the public water supply network. DCWW are content to offer their support to this development on the strict understanding that the rates identified have not changed. A connection will need to be made to the water main to the north of the site.
- 18.28 Foul Drainage:  
The site is crossed by a number of public foul sewers, surface water sewers and water mains. Access for DCWW must be maintained all times. They have stipulated protection zones for each asset which have been provided to the applicant. If the layout cannot maintain the require protection zones, the applicant will be required to discuss this further with DCWW and enter into any necessary legal requirements.
- 18.29 The estate road located along the western boundary of the site accommodates foul drainage infrastructure. The sewer extends into the site along the western boundary and continues southwards towards the A465.
- 18.30 A connection will be made to the network via agreement with DCWW. DWCC have confirmed that capacity exists within network to receive the flows. However, it is not known how the site will drain and where it will connect to the existing public sewerage system. A condition can be imposed that requires the submission of a detailed scheme for the disposal of foul water.
- 18.31 The development will also be subject to an environmental permit in terms of chemical storage and trade effluent disposal via the foul drainage system. This will manage the risk to groundwater arising from the operational phase.
- 18.32 Storm water drainage:  
Since 7<sup>th</sup> January 2019 development that has a hard surface area that exceeds 100m<sup>2</sup> requires separate sustainable drainage approval – commonly known as SUDS.
- 18.33 This development exceeds this threshold and requires approval from the SUDS approval body – commonly known as the SAB.
- 18.34 As part of the SUDS application the developer would have a duty to provide betterment in terms of surface water run-off from the site in addition to providing biodiversity, ecology and amenity benefits.
- 18.35 The SAB for this area is this Council. However, applications are considered by Caerphilly CBC via a service level agreement. It is appropriate for the SUDS process to address surface water drainage issues and that the planning process does not replicate these controls.
- 18.36 I am satisfied that subject to the imposition of appropriate conditions and SAB approval that there will be no unacceptable impacts arising from the development in relation to foul and surface water drainage.

## 19.0 **Socio-Economics**

- 19.1 The key documents in considering the socio economic benefits are common to other subject areas of this report. These include The Well Being of Future Generations Act, Future Wales, the LDP and PPW. Sitting behind this legal and policy framework is a suite of plans and strategies aimed at building on and improving the economic wellbeing of the region. It includes the Cardiff Capital Region (CCR) Industrial and Economic Plan. The common theme in these documents is sustainable growth.
- 19.2 The motive behind this aspiration is the well documented socio-economic challenges facing the Head of the Valley area including Blaenau-Gwent.
- 19.3 The population of BG is relatively stable and has remained so since the 2001 census. The age profile of residents is in line with the all Wales average. However, a higher proportion of the wards are “deprived” and the Gross Value Added (GVA) which is a key measure of economic wellbeing is amongst the lowest in the region. Consolidating the relatively strong manufacturing sector in the area is key to improving the wellbeing of the area and contribute to increasing the percentage of economically active as well as people in employment.
- 19.4 Construction – this phase will likely take 4+ years. It is probable that many of the construction jobs will be subject to leakage i.e. drawn from a wider area than simply Blaenau Gwent. Given the site is located on a trunk road, this potential is real and therefore the potential positive impact is likely to be across wider area than simply this County Borough.
- 19.5 The ES estimates around 200 jobs during the construction period (or expressed as 2,000 construction worker years). Regardless of leakage, there will be a positive impact for BG. There will also be supply chain benefits for local businesses. This adds up to a significant positive impact on the local economy. BG has a relatively low skilled population. The construction period can provide an ideal opportunity to prove skills and training including apprenticeships. The ES states:
- 19.6 *“The project developer is committed to engaging with a range of local partners including colleges, the local authority and job centre plus/Careers Wales to develop opportunities around apprenticeships and work placements including during construction.”*  
In the event that the recommendation to grant planning permission is accepted, I would recommend exploring this opportunity further with the applicant.
- 19.7 Operational Phase – Largely based on the existing CiNER facility, it is estimated that the Rassau facility would provide 598 onsite direct jobs with a further 70+ off site or contracted jobs such as hauliers, security and facilities management.
- 19.8 Taking the 598 direct on site jobs, and assuming a 10% leakage to other areas (justification for using this multiplier is given in the ES) and displacement of jobs from other businesses, it is still possible that in the region of 400 full time employees (FTE) would need to be available to the local labour market. Positive

supply chain impacts will be in addition to this figure with the likely benefits felt throughout the region.

- 19.9 As there are no significant adverse socio economic benefits associated with either construction or operations, there is no mitigation proposed in the ES.
- 19.10 The LDP states...*"A further key challenge for the area is to increase employment opportunities and diversify the economy. Fundamental to delivering economic success is to ensure an appropriate range and mix of high quality employment sites that can support emerging employment needs. New employment allocations are concentrated in the Ebbw Vale area (85%). A further challenge for the area is low education attainment and lack of skills. The new Learning Zone planned for 'The Works' site will play a key part in addressing this challenge."*
- 19.11 Policy DM10 seeks to protect major employment sites for B2 employment purposes. This project fits squarely into that category. It fulfils one of the strategic and holistic aims of the LDP to consolidate Ebbw Vale as a centre for sustainable economic growth.
- 19.12 This position is supported by the consultation response from the BG Economic Development team reported earlier in this report. Provided the scheme is provided in a sustainable manner, they acknowledge the wider economic benefits and that this scheme could bring and be a catalyst for wider growth. Members should consider whether the employments estimates are reasonable and deliverable. As they are based on a similar new facility in Turkey and given the floorspace of the project, the figures appear reasonable and based on sound reasoning.
- 19.13 It is for Planning Committee to attribute weight to this consideration as they deem appropriate. Technical Advice Note no 23 states...
- 19.14 *"It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions' point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability."*
- 19.15 Members are entitled to place significant weight on the issue of job creation. It is a key strand to the Council's aim of developing sustainable communities when deprivation and unemployment is an acknowledged problem requiring private sector investment.

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## 20.0 **Materials & Waste**

- 20.1 The ES provides an assessment of the likely significant environmental effects of material resource use associated with the construction and operation in addition to waste generation associated with the construction of the proposed development.
- 20.2 Material resources are substances and objects used during the construction and operation of the proposed development.
- 20.3 During construction these would include primary raw materials, such as aggregates and minerals and manufactured products including concrete. During operation these would include materials required for the manufacture of glass bottles, including sand, feldspar and recycled materials in the form of cullet.
- 20.4 The assessment considers the potential effects in relation to the sterilisation of the sources of un-extracted material, due to construction. It also considers the availability of primary materials due to their use in the construction and operation of the proposed development.
- 20.5 In terms of waste, the assessment considers the potential effects of the proposed development on landfill capacity during construction due to the generation and disposal of waste.
- 20.6 The following information has been considered (where available) during the assessment:
- The type and volume of materials to be consumed during construction and operation
  - Information on any materials that will comprise secondary or recycled content
  - Information on any known sustainability credentials of materials to be consumed
  - The region from which materials are likely to be sourced
  - The volume or weight of excavated arisings that will be reused or recycled
  - The type and volume of materials that will be recovered from off-site sources
  - The presence of underlying or adjacent allocated mineral sites
  - The cut and fill balance for the proposed development
  - The type and volume of excavation waste to be generated during construction
  - Details of on-site storage and segregation arrangements for waste
  - The type and volume of waste to be discarded to landfill.
- 20.7 The assessment has been undertaken in accordance with relevant legislation, regulations and guidance. It has also been assessed against local and national planning policies contained within FW, PPW11, TAN's and Waste Policy, Mineral and Aggregate availability and Economic Statements/Papers.

- 20.8 The ES states that there would be no significant effects arising from materials and waste associated with the construction phase. This conclusion has been reached having regard to the following:
- a. Use of primary on-site materials: this has been considered to determine whether the development would result in the sterilisation of potential mineral sources. The site does not impinge on any designated mineral sites.
  - b. Off-site materials: The design earthwork calculations estimate that there will be an excess of 15,000m<sup>3</sup> of material arising from the earthwork's activity on site. This assumes that the site won material will be suitable for the construction needs on the site such as formation of any bunds. Import of significant quantities of material to the site will not be required as part of the site preparation.
  - c. Manufactured materials offsite availability: the development will require manufactured structural materials to be imported for construction from the regional and national supply chain. This will include concrete, steel, and asphalt. The total quantity of materials that will be required is currently not available due to the early stage of design. However, the scale of the development is not considered to be significant in relation to the regional supply chain.
  - d. Land fill and waste management; the earthworks associated are estimated to result in a total of 15,000m<sup>3</sup> of excess material. Opportunities for re-using this material will be sought but cannot be guaranteed at this stage. For the purpose of the assessment, the material is considered as waste. The waste arisings amount to 0.3% of the currently available non-hazardous and landfill capacity of 4,533,861m<sup>3</sup> in South East Wales.
  - e. A worst case consideration has been applied to the assessment of hazardous waste capacity. Ground investigations are ongoing and there is no data to identify the likely quantity of any contaminated materials but the desk based study has not identified any high risk of contaminated soils. An assumption that 1%-2% of waste would be classified as hazardous can be made based on professional expertise and experience. This amounts to between 0.008%-0.016% of hazardous landfill capacity for England and Wales.
- 20.9 A draft Site Waste Management Plan (SWMP) has been produced which would be a live document refined by the contractor to support the sustainable management of materials and waste during construction.
- 20.10 Subject to the imposition of a suitably worded condition, I am satisfied with the conclusions of the ES in relation to the construction phase.
- 20.11 In terms of supply of materials used for the operational phase, the ES states that primary materials needed to manufacture glass will need to be imported. Glass cullet will reduce the use of primary materials. Some of these materials will need to be sourced from outside of the UK due to lack of availability.
- 20.12 The ES concludes there will be no significant environmental effects in relation to the operational phase due to the use of cullet. The use of cullet is proposed to make up to 38% of the total raw materials for amber glass and 25% of the raw

materials for green glass. The use of cullet will therefore reduce the use of raw materials and therefore the potential for any impact.

20.13 Waste arising from the operational phase has been scoped out of the assessment as it is not considered to be significant in terms of environmental effects.

20.14 I have not been presented with any evidence to suggest the conclusion reached in the ES regarding operational waste and materials is unsound.

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21.0 **Ground Conditions**

As part of any development proposal it is essential that the development can be safely constructed in terms of ground stability and contamination and without detriment to the surrounding area and future users.

21.1 **Policy Context:**

LDP Policy DM1(2) (New Development) requires developers to evidence the land is made stable and capable of supporting the development without risk of damage to buildings on the site or adjoining land. Further, that practicable and effective measures are taken to identify, treat, contain or control any contamination.

21.2 **Assessment:**

It is noted that the application site is not within the Coal Authority's defined coal mining High Risk Area. Had it been so, a Coal Mining Risk Assessment would not be a requirement.

21.3 However, the applicant has submitted a Geotechnical & Geo-environmental Desk Study which considers ground stability and contamination. In relation to ground stability, the desk study concludes that the risk of ground stability associated with coal mining and other mineral extraction is considered low.

21.4 Due to operational requirements, both furnaces and the utilities building are required to be positioned at the same ground level. This will require re-profiling of earthworks during construction to create a large flat plateau to the north-west of the site with retaining walls. A reduction in earthworks is required to the north and an increase in earthworks is required to the south of the furnace buildings. The site sections indicate that there will be some changes to ground levels on site; some cut and fill and retaining structures are inevitable. The development also requires the construction of basements which will require retaining works under ground. The works are not considered to be significant in the overall context of the scale of development. However, the prevailing ground conditions for these works must be known.

21.5 I have consulted with the Council's Engineer who concurs with the findings of the desk study and advises that a condition should be imposed to require the site investigation be undertaken before works commence on site and that any subsequent remediation works are completed in accordance with the findings. Conditions would also be required for the submission of details of all retaining structures including the basements, and drainage details of such constructions.

21.6 Subject to this imposition of an appropriate condition, I am satisfied that the Council can ensure that the site is capable of accommodating the development. The proposed development would meet the requirements of BGLDP Policy DM1 in respect of this matter.

21.7 With regard to ground contamination, the submitted geo-technical & geo-environmental desk study report identifies potential pollutant linkages being present on site and recommends that site investigations are carried out including soil sampling and a ground gas risk assessment.

21.8 The Council's Environmental Health Team and NRW have reviewed the desktop assessment and raise no objection subject to the imposition of a land contamination condition to secure a detailed remediation strategy and remediation validation/verification reports.

21.9 I am of the opinion that subject to appropriate mitigation and remediation measures being secured where required, potential land contamination on the site would be controlled and contained. The proposal would meet the requirements of BGLDP Policy DM1 in respect of this matter.

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## 22.0 **Historic Impact**

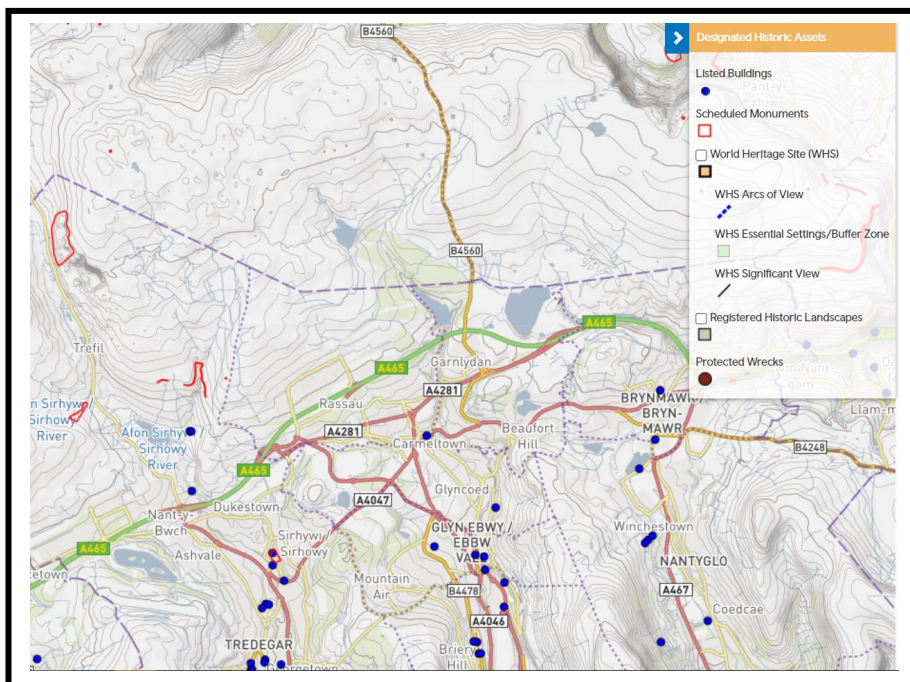
The historic environment comprises all the surviving physical elements of previous human activity and illustrates how past generations have shaped the world around us. It is central to Wales' culture and character and contributes to our sense of place and identity. It enhances our quality of life, adds to regional and local distinctiveness and is an important economic and social asset.

22.1 Both PPW and FW state the historic environment should be protected and preserved. In addition, Policy SP11 of the Blaenau Gwent LDP seeks to preserve, protect and where appropriate enhance Blaenau Gwent's distinctive historical environment.

22.2 In terms of assessing any potential impact on cultural heritage it should be noted at the outset that the application site does not directly affect any heritage assets or their setting. The applicant was not therefore required to undertake a Heritage Impact Assessment.

22.3 The map below has been taken from the Cadw website which identifies designated historic assets. It is clear there are no features of interest in close proximity to the site.

**Figure 24: Historical and Cultural Assets**



22.4 The chimneys would be visible from a wide area. This can have an impact on cultural assets such as Scheduled Ancient Monuments (SAM), listed buildings, conservation areas, World Heritage Sites, registered landscapes and parks/gardens of special historic interest. This can be a direct impact such as the loss of undiscovered archaeology or indirect in the sense of a visual or perceptual impact on the setting.

- 22.5 In considering the impact of this development on the historical environment, one must consider the wider context. There was a significant change on the landscape following the construction of RIE and the numerous developments to have taken place since including wind turbines and other ancillary plant and equipment.
- 22.6 I am of the opinion that the addition of two additional tall chimney flues is likely to have a low impact on the historic environment having regard to the distance to any designated asset and topography.
- 22.7 Notably, whilst CADW have not responded to consultation on this application, they shared this view on the recent wind turbine application on RIE. It is also noted that there have been no representations received from any party which raises concern in this regard.
- 22.8 In terms of archaeology, it is noted that the applicant has not submitted a desktop assessment with this application.
- 22.9 Archaeological remains are a finite and non-renewable resource. In many cases they are highly fragile and vulnerable to damage and destruction. Produced by human activity over thousands of years, they are the only evidence of our prehistoric past and complement historic records from the last 2,000 years.
- 22.10 Archaeological remains include evidence buried below the ground and the surviving fabric of historic buildings and other structures. Their significance, as evidence of the past development of our civilisation and as part of Wales' identity, is not necessarily related to their size, visibility or popularity. It is therefore of paramount importance that if any remains are found that they are properly protected and preserved.
- 22.11 GGAT have confirmed that based on historical records it is possible that the land within this area could have an impact on buried archaeological features. Although any impact would be minimal it is recommended that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of work to protect the archaeological resource be attached to any consent. It is envisaged that this work would take the form of a watching brief during the ground works with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded. It should also include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.
- 22.12 Based on the known site constraints and consultation response from GGAT, it is considered that the impacts of the development on the historic environment are limited and subject to a condition outlined above the proposed development is not considered to have a significant adverse impact on the historic environment.

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23.0 **Services, utilities and renewable energy**

A new dedicated connection to the local gas network will be made to supply the furnaces. The natural gas supply will enter the site boundary via a dedicated gas meter kiosk, from there it will distribute below ground to the Regulating and Metering Station (RMS) area.

23.2 Liquid Petroleum Gas (LPG) will be stored on site and utilised to provide emergency back-up supply to the four hearths within the hot end of the glass making facility.

23.3 A new connection from the WPD substation adjacent to the north of the site will be created, existing overhead cables will need to be relocated. Incoming power from the WPD owned substation located north of the site will be via buried cables. These substations will provide power to the site through an array of transformers located in the utility building.

23.4 Diesel is required to be stored to serve as backup fuel in the event of mains gas and/or electricity outages. It is essential that once powered up, the furnaces are kept on for their 12-15 year lifetime.

23.5 As such, a comprehensive secondary power supply system will be provided in the form of a set of standby generators to power the heating elements of the furnace and associated equipment such as the cooling systems, exhaust fans, filtering systems as well as the cullet and blending systems in the event of a power outage.

23.6 5no 2.5MW standby diesel generators (4+1 spare) will be provided. The generators will be able to maintain the furnaces and associated equipment running until the primary power is restored. These generators and associated day tanks will be located on the ground floor of the utility building. The remainder of the diesel fuel required for the generators to provide power the factory for 48 hours will be stored in tanks outside the building.

23.7 New connections to the BT network are to be provided from BT's existing network and routed to the utility building.

23.8 The issue of grid capacity (gas and electricity) has been raised by a third party. There are known constraints in the heads of the valleys area with power infrastructure. The utility companies are aware and there has been dialogue with this Council over what could be a major disincentive to future development. However, it is not the Council's role to intervene where there is competition for any remaining capacity. These are commercial, private arrangements between the providers and their clients. No utility company has objected to the proposal and on that basis, I see reason why this is a consideration to which any weight ought to be attached.

23.9 Policy DM 4 (Low and Zero Carbon Energy) of the BGLDP outlines that: *'The Council will encourage major development proposals to incorporate schemes which generate energy from renewable and low/zero carbon technologies. These technologies include onshore wind; landfill gas; energy crops; energy from waste;*



*anaerobic digestion; sewerage gas; hydropower; biomass; combined heat and power; and solar.'*

- 23.10 It also states that Energy Statements should be prepared for all major development proposals, and should set out how development proposals can make a contribution towards providing increased levels of energy generation from renewable and low/zero carbon sources.
- 23.11 The applicant submitted an Energy Statement which has set out the renewable and low/zero carbon technologies considered during the design of the proposed development. The Applicant has considered that the installation of roof mounted solar panels is not feasible and therefore has not been pursued. The statement concludes that whilst solar panels would provide a reduction in annual energy consumption associated with the operational running of the facility from the grid, grants/government funding is no longer available for solar panel installations. As such, the initial capital cost does not make this a viable business option.
- 23.12 Heat recovery systems have been considered and is the preferred option. The applicant has confirmed that these have been progressed to the next stage of the design. In addition, the statement outlines that the proposed development would utilise additional sustainable design principles to reduce electricity and water consumption through embedded design measures, including; rainwater harvesting, use of roof lights, air compressor heat recovery, adiabatic coolers (where heat does not enter or leave the system concerned), energy efficient lighting, pumps and fans.
- 23.13 For the purposes of determining this application I am satisfied that the applicant has complied with the requirements of policy DM4. However, given the climate emergency the world is facing we are of the opinion that a condition is necessary to ensure the preferred systems outlined are embedded into the final design. This will ensure the proposal is broadly compliant with PPW11 and FW in terms of using renewable forms of energy where practicable.

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24.0 **Other Matters:**

- 24.1 JRC Windfarm have raised an objection that the height of the buildings may result in loss of radio links. These are used by the UK energy industry for monitoring and control of national infrastructure; in this case Western Power Distribution. Should this be an issue a condition can be imposed that will require the applicant (at their own cost) to undertake an investigation and provide appropriate mitigation (if necessary).
- 24.2 Consultation process: some objectors have expressed the view that they feel '*they have been kept in the dark*' and have been denied the opportunity for a public meeting. I do not accept this point.
- 24.3 The applicant was required to carry out pre consultation prior to submitting the planning application. This PAC process followed the process set out in the Regulations. This included a wide letter drop in the nearest communities.
- 24.4 Each stage of the formal planning application process has required the council to notify over 600 properties individually by letter, numerous site notices and press notices being lodged. All councilors have been consulted and notified of each stage.
- 24.5 This demonstrates best endeavours to engage with the public. Given the volume of correspondence received in response, I would suggest the publicity exercise was successful in raising awareness of the planning application.
- 24.6 There have been requests for public meetings via Ward members. To confirm the position, officers have not refused to meet the public.
- 24.7 However, some requests for a large public meeting were during the covid lockdown period when public gatherings were not allowed. Officers have made it clear that they are available to meet small delegation of residents who could represent a wider group. This was on the proviso that residents organised the meetings and were responsible for compliance with all covid protocols. Meetings via Microsoft teams were also offered. No meetings were arranged by the public.
- 24.8 The purpose of these meetings was never made clear and the role of officers would not have been to speak as advocates for the scheme. Officers would have been available to explain process and answer questions based on the submitted information. Nevertheless, the formal route to the public to express their views was via the notification process carried out by the Council. All the views expressed have been included in this report and all submitted information remains available for public inspection. I do not consider the complications introduced by covid have prejudiced anyone's ability to engage in the planning process.
- 24.9 Comments were received that the ES was not readily available for inspection. A copy has been available at all times for viewing at the General Offices, on the Council's website and hard copies could have been purchased from the applicant at a cost.

- 24.10 Objectors raised concern regarding house values and questioning why CiNER been offering financial support to EV Rugby Club when the planning application has not yet been approved and whether this is this against Council policy. Neither of the above matters are material planning considerations and should not be afforded any weight in the determination of this application. The decision for the applicant to sponsor a club is not within the control of the Council.
- 24.11 Pre-enabling works: Finally, I will deal with the concept of pre-enabling works and their relationship to planning permission; specifically planning conditions.
- 24.12 Planning legislation provides for local planning authorities to impose conditions to a permission as they deem appropriate provided those conditions meet legal tests. The requirement for the approval of additional details after the granting of planning permission (but prior to the commencement of development) is common practice. They are referred to as time precedent or “Grampian” conditions after a landmark legal case.
- 24.13 Pre-enabling works are site preparation activities required to make a site ready for construction. The term could include things such as perimeter fencing, ground clearance, access routes, contractor welfare facilities and signage.
- 24.14 The principle of allowing some site preparation works without breaching a planning permission is one that the Council has employed in the past. It can be a useful mechanism where a major scheme is proposed, planning permission is in place but conditions require the submission of further details. It is a legitimate means of allowing a site to be made ready without prejudicing the requirements of planning conditions.
- 24.15 In this case, significant site preparation works are required. Post approval of details can present logistical difficulties for a developer who will need to program a complex sequence of events often including seasonal related work.
- 24.16 My recommendation to grant planning permission is subject to conditions requiring the submission of further details in a number of topic areas. Whilst the approval of these details remains important to properly control the final development, it is not critical that all the issues are resolved prior to some works commencing on site. They can be dealt with at a more suitable and convenient point in time.
- 24.17 Welsh Government Circular 016/2014 “The Use of Planning Conditions for Development Management” advises that *“Conditions should encourage developers to commence development as soon as possible through phasing and should require information or works at the most appropriate time”*
- 24.18 I therefore propose to exempt some pre-enabling works from being bound by some conditions that require further approval. This would for example allow for securing the site and providing haul roads without the submission of details relating to sound proofing of buildings which can be dealt with prior to construction works proper, but not necessarily required at the onset of site activity.

24.19 As much of the site is not sensitive in landscaping or the ecology terms, this carries little if any risk. That said, issues such as the translocation of protected species is intrinsically linked to some pre enabling works and would not be exempted.

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## 25.0 **Planning Obligations**

25.1 Background: Planning Obligations (a.k.a. S106 Agreements) are often misunderstood in terms of how they can be applied by Council's to development. The law is clear and unambiguous; planning permissions cannot be bought or sold. Permission must never be issued simply because of a payment or action by the applicant where it is otherwise unacceptable.

25.2 Planning obligations are a means of addressing matters not capable of being dealt with by planning conditions for technical or legal reasons.

25.3 As with planning conditions, any legal obligation must pass a legal test to be lawful. The tests set out in Circular 13/97 "Planning Obligations" are as follows and must apply to each and every obligation;

- 1) Is it necessary?
- 2) Is it relevant to planning?
- 3) Is it directly related to the proposal being considered?
- 4) Is it directly related in scale and kind to the proposal?
- 5) It is reasonable in all other respects?

25.4 Proposal: The recommendation contained in this report is in two parts.

25.5 The first requires a planning obligation. Members are asked to approve the subject headings and broad content of each suggested obligation and delegate the task of completing the details of the agreement to officers.

25.6 The second part of the recommendation recommends granting planning permission subject to a number of conditions. To be clear, the issuing of a permission is subject to the planning obligation being completed. Only at that point would a decision notice be issued and a planning permission legally exist.

25.7 The suggested heads of terms are as follows and have been agreed in principle with the applicant.

- 1) Replacement planting to compensate for the loss of the conifer plantation. This is incapable of being addressed by planning condition as the replacement site is outside the red line boundary of the planning application.
- 2) Financial contribution to LEMPS to enable management of areas. This cannot be addressed by planning condition as it involves contributing a sum of money (to mitigate an identified impact) but again outside the boundary of the planning application site.
- 3) Offsite bat boxes – in locations to be agreed outside of the development site
- 4) Fungi translocation - in locations to be agreed outside of the development site
- 5) Air quality monitoring - in locations to be agreed outside of the site

25.8 All of these obligations meet the legal tests and are fundamental to securing acceptable development.

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## **26.0 Legislative Obligations**

- 26.1 The Council is required by law to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise.
- 26.2 This report sets out how to consider the scheme in the light of the BG LDP as well as considering all other relevant planning considerations.
- 26.3 Where an issue has been raised that is not relevant to the scheme or planning law, the report confirms this to be the case.
- 26.4 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. This is to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales. In presenting my recommendation, I have taken into account the requirements of the WBoFGA Act.
- 26.5 In granting planning permission, the Council as local planning authority would be acting in accordance with sustainable development principles through its contribution towards well-being objectives of making our cities, towns and villages even better places in which to live and work.
- 26.6 Planning Committee is now required to consider each and every matter raised in this report and attach weight to each as they see fit within the legislative framework that applies to the planning process.
- 26.7 Planning Committee is not duty bound to accept the recommendation contained in this report. They may wish to add/amend to the planning obligation or the planning conditions. They may disagree with the findings of this report to the extent that they consider planning permission should be refused.
- 26.8 In the event that Planning Committee to do agree with my recommendation and wish to refuse planning permission, they must record the reasons why and offer reasonable and defensible reasons for refusal.

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## 27.0 Conclusion & Recommendation

- 27.1 Planning Committee is charged with the responsibility of deciding this major planning application. The starting point is the LDP. In land use terms, the proposal is broadly compliant with that document. The majority of the site is either on the existing RIE or on land allocated as the eastern extension. There is a part of the site that extends beyond this extension and for that reason the application has been advertised under the “departure” provisions of the regulations. However, I do not consider that this prejudices the LDP as it does not represent a significant part of the scheme.
- 27.2 It largely provides land for amenity, landscaping, ecology mitigation and SUDS. These ancillary activities do not have a detrimental impact on the land outside the eastern extension and therefore not prejudice LDP policies that seek to protect open land outside the urban areas from inappropriate development.
- 27.3 The issue of air quality is critical. There is overlap with the environmental permitting process but Planning Committee must still be satisfied that the baseline and predicted modelling of emissions has captured the likely impact.
- 27.4 Members must be confident that this will not have a negative impact on the local population and ecology. The advice contained in this report is that the ES is robust and the planning system in tandem with the environmental permitting process can put in place the necessary safeguards to allow the facility to operate without prejudicing air quality objectives.
- 27.5 The Highway Authority have not objected to the transport related issues subject to conditions. There is no evidence to suggest the highway network cannot cope with the related increase in traffic.
- 27.6 In terms of visual impact, it is difficult to illustrate and convey quite how large the mass of the main buildings will be. The photomontages can only give an impression. The buildings and stacks will be a very large introduction into the local landscape.
- 27.7 However, when viewed from the south and east it will be in the context of other buildings and structures on RIE.
- 27.8 The visual impact on BBNP is a material consideration of significant weight and Members are invited to carefully consider the points made by NRW in this respect.
- 27.9 I am content that noise will not be a significant issue. The advice of the Environmental Health team is key. They have not objected. The scheme has been designed out noise and to limit noise emitting sources away from sensitive receptors.
- 27.10 Ecology is adequately covered in the ES. The impact on bats is acknowledged but can be mitigated for. The matter of great crested newts is more complicated. Further surveys are being carried out at the time of writing this report. In the event that GCN are found on site, then this report “as written” stands. A licence from

NRW will also be required to translocate the newts. However, there is a possibility that the further survey work will confirm that GCN are not present. In that scenario I will update Members verbally at the Committee meeting.

- 27.11 The inter-related issues of sustainability and climate change are more complex. It requires careful consideration of all the relevant issues and applying the principles to how these considerations interrelate. I would ask Members to appreciate that “sustainable development” is a principle that relies on many strands to be achieved and economic development factors are relevant.
- 27.12 In terms of the build, the design of the scheme embodies key principles based on providing a sustainable development including in built resilience to climate change, reducing waste, efficient use of energy, mitigating and enhancing biodiversity and other key aims.
- 26.13 Other regulatory regimes will play a key part in terms of environmental permitting (air quality), protected species licensing (NRW) and SUDS (drainage)
- 27.14 In my view, there is no justifiable reason to not grant planning permission subject to necessary conditions and a section 106 agreement.
- 27.15 The delivery of this project can help sustain the economic wellbeing of the area without prejudicing other aspirations thus contributing to a sustainable local community.
- 27.16 I therefore present my recommendation in two parts.
- 27.17 Only upon satisfying the first part i.e. successful completion of a planning obligation agreement would the second stage of issuing planning permission be actioned.
- 27.18 **Recommendation 1**  
That a planning obligation under s106 of the Town & Country Planning Act 1990 be entered into requiring the following;
1. Appropriate offsite mitigation for the felling of trees on RIE
  2. LEMPS financial contribution for management and grassland mitigation
  3. Offsite bat boxes
  4. Fungi translocation
  5. Air Quality Monitoring
- 27.19 At the time of writing no draft agreement has been tabled. If the recommendation is accepted, delegated authority to officers is requested to complete the agreement. Any material departure from the specified head of terms above will be brought back to Planning Committee for further consideration.
- 27.20 **Recommendation 2**  
Subject to the satisfactory completion of the s106 agreement, that planning permission be **GRANTED** subject to the following conditions. Again, delegated



authority to officers is requested for minor changes to the conditions should this prove necessary.

27.21 General Conditions

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 Local Planning Authority must receive prior notification of a commencement of the development on a form containing the relevant information prescribed by the Statutory Instrument. A site notice shall also be displayed at all times where it can be reasonably viewed by the public in a format recommended by the Statutory Instrument.  
Reason: To comply with the requirements of Article 24B(2) of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.
3. The development shall be completed in full accordance with the following approved plans and documents:

*Plans and Document List to be inserted*

unless otherwise specified or required by conditions listed below.

Reason: To clearly define the scope of this permission.

4. Conditions 18, 21, 27, 34 and 36 shall not apply to any pre-enabling works, or to any application for approval of reserved matters in respect of any pre-enabling works.  
Reason: To define the scope of the permission and to facilitate works on this large and complex development.

Amenity

5. No development or phase of development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
  - i. Construction methods: details of materials, how waste generated will be managed;
  - ii. General Site Management: hours of work, compound set up, details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
  - iii. Soil Management: details of topsoil strip, storage and amelioration for re-use.
  - iv. CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources;

design proposals and objectives for integration and mitigation measures.

- v. Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- vi. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- vii. Traffic Management: details of site deliveries, management of plant on site, wheel wash facilities
- viii. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- ix. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- x. Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- xi. Biodiversity and European Protected Species
  - Invasive species management
  - Species and habitats protection
  - Avoidance and mitigation measures
  - Daytime working hours (to be confirmed) are to be adopted for construction works, to commence no sooner than one hour after sunrise and finish no later than one hour before dusk. Where night-time and twilight working is required, new and retained green infrastructure will be kept unlit.
  - Construction materials will be stored away from the watercourse to prevent otters gaining access or using them to rest in (e.g. pipe ends will be capped or covered).
  - Any trenches that are left open overnight will have wood ramps placed at regular intervals to allow otters a way out.
  - All tools, food, litter and construction materials and packaging that may constitute a hazard to otters will be removed daily from the site.
  - Any areas that may be suitable for use by otters will be checked immediately prior to works commencing by a suitably qualified, experienced, and licensed ecologist.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development at all times.

Reason: To ensure necessary management measures are agreed and implemented for the protection of the environment during construction.

6. Development shall not progress beyond laying the slab of the flue exhaust stacks or the main building until a Noise Mitigation Scheme (NMS) for the operational phase of the development has been

submitted to and approved in writing by the Local Planning Authority. The NMS shall include details of the following measures (as outlined in the ES):

- a. Confirmation that all acoustic louvres with a minimum of Rw15-17dB169 will be included for all louvre opening which overlook the receptors located to the south, including the southern façade of the Furnace Building and on all the roof louvres of the Furnace Buildings; or alternative details which achieve the same or better acoustic levels to those set out in the ES.
- b. Confirmation that there will be no openable windows for ventilation on the southern façade of the Furnace Building or the Batch Building; or alternative details which achieve the same or better acoustic levels to those set out in the ES.
- c. Confirmation that all fans and associated ductwork serving the furnace stacks have been enclosed; or alternative details which achieve the same or better acoustic levels to those set out in the ES.
- d. Details of the sound insulation measures to be incorporated into the envelope of the building to ensure an acoustic sound reduction index of Rw30-32dB.
- e. Details of the lining of the outdoor ductwork serving the stack exhaust which demonstrate it is suitable to control any noise breakout.
- f. The stack case is assumed to be built out of concrete around the flue exhaust and therefore emissions through the body of the stack itself are negligible. Should the stack case change material, then full acoustic details must be provided of the alternative which consider noise emissions to ensure that noise is minimised.
- g. Details of the embedded attenuation for any plant items to be located in the Utility building.

All acoustic measures shall be fully installed before the development is brought into use, retained and maintained as per the approved details in perpetuity.

Reason: To safeguard the amenities of occupiers and users of nearby properties.

7. The rating level of the noise emitted from (\*all) 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.

\* Industrial and Manufacturing process

\* Fixed Plant and equipment (mechanical and electrical)

\* Loading and unloading of goods (industrial and/or commercial)

\* Mobile plant and vehicles (these need to be an intrinsic part of the overall sound from premises or process)

Reason: To ensure that the amenities of occupiers of other premises/households in the vicinity are protected.

8. Prior to first beneficial use, details of the sound power output [in dB(A)] and octave band levels of the plant and the exact location of the plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
9. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the operator shall, at its expense, employ an appropriately qualified consultant to assess the level of noise levels at the complainant's property in accordance with the relevant standards. All recommendations and actions required to alleviate the issue shall be implemented in full within a timescale agreed with the local planning authority.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
10. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging odour issues at that dwelling, the operator shall, at their expense, employ an appropriately qualified consultant to investigate the issue at the complainant's property in accordance with the relevant standards. All recommendations and actions required to alleviate the issue shall be implemented in full within a timescale agreed with the local planning authority.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
11. Prior to development works commencing, full details of lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan should include:
  - a. Details of the siting and type of external lighting to be used, including any measures to limit or reduce light spillage
  - b. An isolux diagram showing the predicted illuminance (light spillage) in the vertical plane (in lux) in key sensitive areas (e.g. new and retained green and blue infrastructure) and critical locations on the boundary of the site and at adjacent properties;
  - c. An Environmental Lighting Impact Assessment against conservation requirements for protected species (e.g. lesser horseshoe bats, otters);
  - d. Details of lighting to be used both during construction and/or operation; and,
  - e. Measures to monitor light spillage once development is operational.and ensures that:

- i. Light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux).
- ii. Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- iii. The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure lighting details are agreed prior to development works commencing to reduce the impacts of lighting on lesser horseshoe bats, a qualifying feature of the Usk Bat Sites SAC and on the BBNP Dark Skies and to ensure that the amenities of occupiers of other premises, within the vicinity are protected.

12. Notwithstanding any details indicated on the approved plans, development shall not progress beyond the laying of the slab of the main building until details/samples of all external building finishes have been submitted to and approved in writing by the Local Planning Authority. A glint and glare assessment must also be submitted for the use of any reflective external finishes. The buildings shall be completed in accordance with the approved details before the development is brought into beneficial use.

Reason: To safeguard landscape and visual amenity interests and to safeguard motorists from glint and glare.

### Movement

13. Prior to the commencement of development, a highway condition survey along the proposed route within the Rassau Industrial Estate, (the extent of which to be jointly agreed between the Council and the Applicant) shall be submitted for the prior written approval of the Local Planning Authority.

Reason: In the interest of highway safety.

14. Prior to commencement of development an updated Construction Traffic Management Plan (CTMP) shall be submitted for approval that identifies:

- i. Introduction of temporary pedestrian and cyclist crossings, if considered necessary;
- ii. Temporary traffic control measures, where required, such as temporary traffic signals and banksperson;
- iii. HGV movements will be restricted as far as reasonably possible to avoid traffic flow periods 08:00-09:00 and 16:30-18:00;
- iv. Temporary and permanent site accesses, alongside an access management strategy to avoid potential traffic congestion in the peak hours;
- v. Speed limits shall be put into place on site for all vehicular movements;

- vi. Sufficient parking and circulation will be provided within the site to avoid impacts on the neighbouring highways of nuisance car parking;
- vii. Where appropriate, all vehicles carrying loose material shall be covered;
- viii. A wheel wash facility shall be used for vehicles egressing the site;
- ix. Where necessary, use of road sweepers shall be incorporated to ensure highways remain clear of dust and mud;
- x. Road edges and pathways shall be swept by hand and damped down as necessary;
- xi. Stockpiles to be dampened down, enclosed or covered as appropriate, be sealed or sprayed with chemical bonding agents as required, and located away from any sensitive receptors wherever possible; and
- xii. Neighbouring communities and businesses will be consulted and kept informed of the traffic management proposals.

Reason: In the interests of highway safety.

15. The proposed off-site highway accommodation works as indicated on the approved plans are to be fully constructed prior to the facility becoming operational.

Reason: In the interests of highway safety.

16. The development hereby permitted shall not be brought into use until the access, footways, parking, cycle parking provision, electric charging points and service yard areas have been constructed, surfaced and drained in full accordance with the details indicated on the approved plans. Such areas shall be retained for their designated purpose at all times.

Reason: To ensure that access, parking and turning needs of the development are adequately met at all times.

17. The development hereby approved shall not be brought into beneficial use until an updated Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. All actions and measures as may be approved shall be implemented in accordance with a programme of implementation to be agreed in writing by the Local Planning Authority.

Reason: To ensure the development promotes and encourages sustainable travel.

#### Ground conditions

18. No development or phase of development shall commence until the following components of a scheme to deal with the risks associated with contamination, has been submitted to and approved in writing by the Local Planning Authority.

- 1. A preliminary risk assessment which has identified:
  - i. all previous uses
  - ii. potential contaminants associated with those uses

- iii. a conceptual model of the site indicating sources, pathways and receptors
- iv. potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The potential for off-site contamination affecting the proposed development scheme must also be considered.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

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

20. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

21. No development shall take place until details of the intrusive site investigation works recommended in Geotechnical & Geo-environmental Desk Study (Arup 2020) have been submitted to and approved in writing by the Local Planning Authority. None of the buildings hereby approved shall be brought into beneficial use until the recommendations of any site investigation report which is approved by the Local Planning Authority are implemented and the Authority receives a validation report completed by a suitably qualified person that certifies that such measures and/or works have been fully implemented.

Reason: To ensure adequate regard has been given to ground conditions in carrying out development.

22. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 20, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/in perpetuity).

Reason: To ensure that any unexpected land stability issues are adequately dealt with and that ground stability issues are appropriately addressed.

#### *Regulatory Conditions*

23. No deliveries shall be received at or goods exported from the site outside the hours of 07:00 – 23:00.

Reason: To safeguard the amenities of occupiers and users of nearby properties.

24. Notwithstanding the provisions of Part 8 of Schedule 2 of The Town and Country Planning (General Permitted Development Order 1995) (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) no plant or machinery other than that expressly authorised by this permission shall be installed on the site.



Reason: To safeguard the amenities of occupiers and users of nearby properties

25. Notwithstanding the provisions of Part 8 of Schedule 2 of The Town and Country Planning (General Permitted Development Order 1995) (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) no additional windows/roof lights other than that expressly authorised by this permission shall be installed on the roof or any northern/eastern elevations of the main building.

Reason: To prevent light spill into BBNP Dark Skies.

26. Notwithstanding any details indicated on the approved plans no development shall commence until details of the siting, design, materials, drainage and constructional details (including structural calculations) of any retaining walls/structures (including basements) which are proposed in relation to the development have been submitted to and approved in writing by the Local Planning Authority. All retaining walls/structures/basements shall be completed in full accordance with such details as may be approved in writing by the Local Planning Authority before the development hereby approved is brought into beneficial use.

Reason: To safeguard the integrity of any retaining works required in association with the approved development and to safeguard visual amenity interests.

27. Notwithstanding the details on the approved plans, no development shall take place until details of the siting, design/finish of any walls/fences/gates have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the safety and amenity of the users of the approved development.

28. Within 21 days from receipt of a written request from the Local Planning Authority following receipt of a complaint, the operator shall, at its expense, employ a suitably qualified consultant to assess the impact on radio links and set out mitigation measures where necessary to re-instate the radio links. Such mitigation measures as may be necessary shall be provided in full accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that radio links for the monitoring and control of national infrastructure is not unduly affected.

29. Prior to the installation of the weighbridge details of its appearance and location shall be submitted to and approved in writing by the Local Planning Authority. The weighbridge shall be implemented in full accordance with such details as may be approved.

Reason: In the interest of visual amenity and highway safety.

### *Ecology & Landscaping*

30. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include:-
- i. indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
  - ii. measures for the protection of retained trees or hedges throughout the course of development;
  - iii. details of ground preparation, planting plans, number and details of species;
  - iv. details of hard landscaping;
  - v. maintenance details for a minimum period of 25 years; and
  - vi. a phased timescale of implementation

Reason: To ensure submission of an appropriate landscaping scheme and to secure a development that makes a positive contribution to the landscape and visual amenities of the area.

31. Prior to the commencement of development, details of any retained areas of peat in the eastern part of the site shall be submitted for the approval of the Local Planning Authority together with details of how these areas will be protected or managed during the course of development. All areas of peat shall be protected in accordance with the approved details.

Reason:

To retain and protect any areas of peat habitat.

32. Prior to the commencement of development, a biodiversity management plan for the site shall be submitted for the approval of the Local Planning Authority. This shall include detailed measures to protect existing retained habitats and all measures for biodiversity enhancement. The approved details shall be implemented and managed in accordance with the agreed scheme for a minimum of 25 years.

Reason: In the interests of protecting and improving existing habitats as well as creating new biodiversity potential.

33. Notwithstanding other regulatory regimes, the approved strategy for the translocation of Great Crested Newts (GCN) shall be implemented in full, incorporating best practise by a qualified ecologist with the necessary experience and licence for such work. The donor site shall be proactively monitored and managed for the benefit of GCN for a minimum period of 25 years and thereafter retained for this purpose purposes.

In the event that GCN are not present on site, the local planning authority require documentary evidence submitted by a suitably qualified ecologist prior to works commencing on site.

Reason: To safeguard a protected species is and ensure their ongoing habitat and wellbeing.

### *Drainage and Water Quality*

34. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul, surface or highway water shall be allowed to connect directly or indirectly with the public sewerage system.

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.

35. No infiltration of surface water drainage into the ground at the development site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

36. No development at the development site shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

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

37. If de-watering activities are required for construction purposes, no development shall commence until a Hydrogeological Impact Assessment (HIA) has been submitted to and approved in writing by the Local Planning Authority. Mitigation measures that have been identified in the HIA must be undertaken in full accordance with the approved details.

Reason: To ensure there is no unacceptable risk to groundwater during construction.

### *Air Quality*

38. The glass manufacturing facility shall operate in full compliance with the emission limit values used for pollutants in the submitted Air Quality Assessment.

Reason: To ensure there is no unacceptable risk to human health arising from emissions.

39. The glass manufacturing facility shall only operate when the specified abatement technology is fully operational to achieve the emission limit values specified in the air quality assessment.

Reason: To ensure there is no unacceptable risk to human health arising from emissions.

40. The furnace stacks of the facility shall be maintained at a height of 75m from ground level.

Reason: To ensure there is adequate dispersion of the emissions.

#### *Energy & Sustainability*

41. Prior to commencement of development a Site Waste Management Plan shall be submitted for the approval of the local planning authority. This Plan shall set outline measures for the sustainable management of site material during construction and operation of the facility.

Reason: To minimise waste and traffic movements in the interests of sustainable management of the site.

42. Prior to commencement of development a Decarbonisation, Sustainability and Energy Management Plan shall be submitted for the approval of the local planning authority. This shall provide details of all measures to reduce energy consumption such as heat recovery, rainwater harvesting and efficient lighting systems, pumps and fans and adiabatic coolers. It shall also set out measures to reduce reliance on fossil fuels over the lifetime of the operational phase. The scheme shall implement all approved measures within a timescale approved by the local planning authority.

Reason: In the interests of sustainability and de-carbonisation and reduce emissions of greenhouse gases.

#### *Archaeology*

43. No development shall take place until a written scheme of investigation and full historic environment mitigation has been submitted and approved by the local planning authority. The details shall provide for a watching brief during excavation activity. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the approved written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

#### **Informatives**

1. Pre-enabling works means ecological mitigation works; archaeological mitigation works; the creation of a site access and temporary site compound; the location, fencing, protection and diversion of services; site fencing; and the creation of haul/access routes.
2. The development requires sustainable urban drainage approval before works commence on site.

3. The process hereby granted planning permission is also regulated by an environmental permit. Any conditions attached to this planning permission are entirely separate to other controls regulated and enforced by other regulatory processes.
4. All archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists
5. The applicant is advised that some public sewers and lateral drains may not be recorded by DC/WW. The presence of such assets may affect the proposal and DC/WW has rights of access to its apparatus at all times.
6. If the development gives rise to a new discharge (or alters an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from DC/WW.
7. The site is within the High Risk zone from National Grid Electricity Transmission plc's apparatus.
8. The applicant is advised that there are opportunities to explore local employment and supply chains. Blaenau Gwent CBC is able to provide support and information to contractors in maximising these opportunities.
9. Licences may be required for the translocation of or other impact of the development upon European Protected Species.

*Reason for Granting Planning Permission*

In granting planning permission, the Local Planning Authority paid due regard to the information in the Environmental Statement, the views of consultees and other interested parties in addition to the provisions of the Local Development Plan. The development site is predominantly on land allocated for employment uses and would have significant socio economic benefits for the area. Granting planning permission is in the wider public interest for that reason. The Local Planning Authority is satisfied that appropriate environmental and amenity avoidance, mitigation and enhancement measures are in place or can be secured by planning condition and/or the associated s106 legal agreement. The development is therefore in broad compliance with policies and the holistic priorities in the Blaenau Gwent Local Development Plan (2012). The relevant policies include: SP1, SP3, SP6, SP7, SP8, SP9, SP10, SP11, SP13, DM1, DM2, DM3, DM4, DM13, DM14, DM15, DM16, DM17, DM18, DM19.

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## 29.0 Glossary of Terms

<b>AADT</b>	Annual average daily traffic
<b>AOD</b>	Above Ordnance Datum (height above sea level)
<b>AONB</b>	Area of Outstanding Natural Beauty
<b>AQMA</b>	Air Quality Management Area
<b>B1 (use class)</b>	Light industrial/business
<b>B2 (use class)</b>	General industrial
<b>B8 (use class)</b>	Warehouse, storage and distribution
<b>BAT- AEL</b>	Best Available Techniques – Average Emission Limits
<b>BBIDSR</b>	Brecon Beacons International Dark Skies Reserve
<b>BBNP</b>	Brecon Beacons National Park
<b>BBNP LDP</b>	Brecon Beacons National Park Local Development Plan
<b>BBNPS</b>	Brecon Beacons National Park Society
<b>BGCBC</b>	Blaenau Gwent County Borough Council
<b>Carbon footprint</b>	The amount of greenhouse gas generated by an activity
<b>CCR</b>	Cardiff Capital Region
<b>CEMP</b>	Construction Environment Management Plan
<b>COP26</b>	Conference of the Parties
<b>CoW</b>	Circuit of Wales
<b>CTMP</b>	Construction Traffic Management Plan
<b>CTRN</b>	Calculation of Road Traffic Noise
<b>Cullet</b>	Crushed glass ready to be re-melted
<b>DAS</b>	Design and Access Statement
<b>DCWW</b>	Dŵr Cymru Welsh Water
<b>Departure</b>	Not strictly in accordance with the Local Development Plan
<b>ECA</b>	Environment Colour Assessment
<b>EHO</b>	Environmental Health Officer
<b>EIA</b>	Environmental Impact Assessment
<b>ES</b>	Environmental Statement
<b>EVEZ</b>	Ebbw Vale Enterprise Zone
<b>EVRFC</b>	Ebbw Vale Rugby Football Club
<b>FTP</b>	Framework Travel Plan
<b>FuTP</b>	Full Framework Travel Plan
<b>FW</b>	Future Wales
<b>GCN</b>	Great Crested Newts
<b>GHG</b>	Green House Gas
<b>GGAT</b>	Glamorgan Gwent Archaeological Trust
<b>GWT</b>	Gwent Wildlife Trust
<b>HA</b>	Highway Authority
<b>HMA</b>	Hydraulic Modelling Assessment
<b>HRA</b>	Habitats Regulations Assessment
<b>HSE</b>	Health & Safety Executive
<b>HGV</b>	Heavy Goods Vehicle
<b>IEMA</b>	Institute of Environmental Management and Assessment
<b>LDP</b>	Local Development Plan
<b>LEMP</b>	Landscape and Ecology Management Plan
<b>LPA</b>	Local Planning Authority

<b>LPG</b>	Liquefied Petroleum Gas
<b>MoD</b>	Ministry of Defence
<b>NCR</b>	National Cycle Route
<b>NRW</b>	Natural Resources Wales
<b>NTP</b>	National Transport Plan
<b>NTS</b>	Non-Technical Summary (of the Environmental Statement)
<b>PAC</b>	Pre application consultation
<b>PPW</b>	Planning Policy Wales
<b>PRoW</b>	Public Right of Way
<b>RIE</b>	Rassau Industrial Estate
<b>RIGS</b>	Regionally Important Geodiversity Sites
<b>RMS/RMS-C</b>	Regulating and Metering Station (Gas)
<b>S106</b>	Legal agreement: to secure planning obligations (Planning Act)
<b>S278</b>	Legal agreement: to carry out works in the highway (Highways Act)
<b>SAB</b>	Sustainable Drainage Approval Body
<b>SAC</b>	Special Area of Conservation (Bats)
<b>SAM</b>	Scheduled Ancient Monument
<b>SD</b>	Sustainable Development
<b>SDP</b>	Strategic Development Plan
<b>SEHO</b>	Specialist Environmental Health Officer
<b>SINC</b>	Site of Importance for Nature Conservation
<b>SMGI</b>	Service Manager Green Infrastructure
<b>SPG</b>	Supplementary Planning Guidance
<b>SSELV</b>	Site specific emission limit value
<b>SSSI</b>	Site of Special Scientific Interest
<b>STMP</b>	Site Traffic Management Plan
<b>SUDS</b>	Sustainable Urban Drainage System
<b>Sui Generis</b>	A unique use of land/buildings in a class of its own (not B1, B2 or B8)
<b>SWMP</b>	Site Waste Management Plan
<b>TAN</b>	Technical Advice Note (Welsh Government)
<b>tC02e</b>	Carbon Dioxide in tonnes
<b>TS</b>	Transport Statement
<b>UDP</b>	Unitary Development Plan (predecessor plan to current LDP)
<b>ULEV</b>	Ultra-low emission vehicle
<b>VIA</b>	Visual Impact Assessment
<b>WG</b>	Welsh Government
<b>WHO</b>	World Health Organisation
<b>ZVI</b>	Zone of Visual Influence

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## Planning Report

<b>Application No:</b> C/2021/0378	<b>App Type:</b> Retrospective
<b>Applicant:</b> Mr. Jamie Davies 1 Hawthorn Glade Blaina NP13 3JT	<b>Agent:</b> Mr T Morgan Clifton House Westside Blaina, NP13 3DD
<b>Site Address:</b> 1 Hawthorn Glade, Tanglewood, Blaina, NP13 3JT	
<b>Development:</b> Retention and completion of raised decking area (previous application C/2019/0310).	
<b>Case Officer:</b>	Joanne White



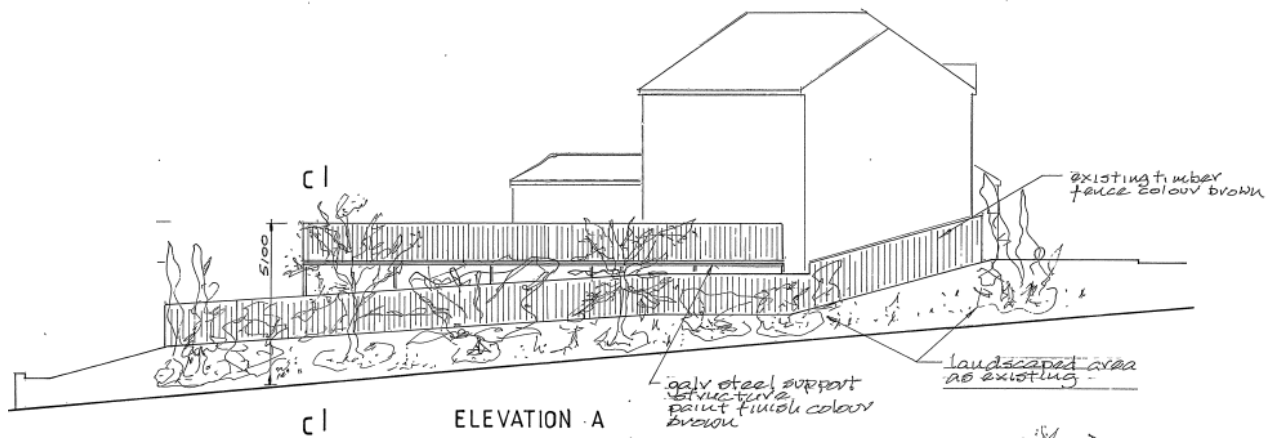
Application Site

### 1. Background, Development and Site Context

- |     |  |
|-----|--|
| 1.1 | Planning permission was previously refused by Planning Committee in March 2020 to retain and extend a raised decking structure located within the rear garden of this detached residential property. |
| 1.2 | Following refusal, an Enforcement Notice was served on the owners/occupiers of the property to seek full removal of the decking. The Notice was appealed   |

	<p>by the applicant on the grounds that planning permission should be granted (ground (a)). <u>It is important that Members note the Inspector was only able to consider the impact of the decking already constructed and not the additional proposed decking.</u> The Inspector dismissed the appeal, stating that the decking, by virtue of its scale and mass, was harmful to the character and appearance of the area and that any proposed screen planting would not mitigate the visual harm of the development. As such, the requirements of the Notice stood and the applicant was required to remove the decking.</p>
1.3	<p>The agent subsequently submitted an informal draft proposal for consideration but was advised that the proposal was not significantly different to that previously refused and would not be acceptable.</p>
1.4	<p>Nevertheless, a planning application has been submitted which is not significantly different to that previously refused by Planning Committee and the Planning Inspector, albeit the decking along the rear boundary (adjacent to the neighbouring property) which was never constructed, has been omitted from the scheme. The decking to be retained sits along the rear side boundary, fronting the road.</p>
1.5	<p>The dwelling occupies a corner plot within the estate commonly known as 'Tanglewood', Blaina. The property is accessed off Hawthorn Glade whilst the main estate road, Tanglewood Drive, runs parallel to the side/rear garden (to the south). Number 15 Tanglewood Drive sits adjacent to the rear garden boundary and number 2 Hawthorn Glade is located next door. Dormer bungalows (16-20 Tanglewood Drive) sit opposite the decking, fronting Tanglewood Drive.</p>
1.6	<p>The topography is such that Tanglewood Drive rises steeply from west to east. Thus, the adjacent property at no. 15 Tanglewood Drive is at a significantly lower level than the application site property.</p>
1.7	<p>An existing 1.2m high timber fence is set in from the southern side boundary to enclose the rear/side garden. Consequently, an open landscape verge (within the applicant's ownership) separates this fence from the rear of the public footpath.</p>

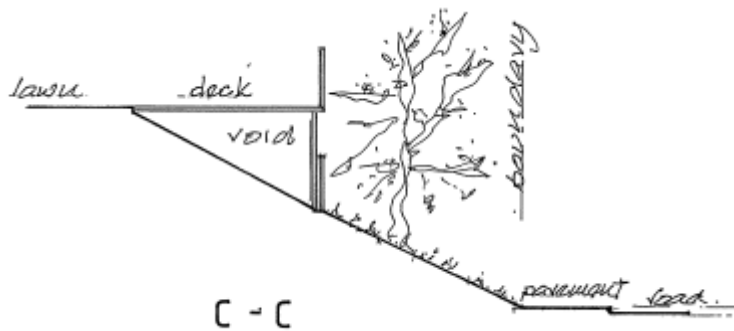
1.8



Above Fig 1.1 Decking to be retained – view from south-west.

Below Fig 1.2 – Section of decking as viewed from the west

1.9



1.10

The raised decking is supported by a steel frame (painted brown) with grey composite boards and sits behind and elevated above the existing fence enclosure. The decking has an overall height from ground level of 3.5m high, or 5.1m from footpath level. The decking is approximately 14.5m long x 3.6m wide.

1.11

Since the application was last presented to committee, the elevated fence that encloses the raised decking has been painted brown and some additional planting appears to have carried out within the grass verge.

1.12



Fig 1.3 & 1.4 - Decking and fence to be retained.

1.13





1.14



Fig 1.5 & 1.6 - Extent of decking to be retained, from within the garden and plan view.

1.15

Whilst this is a retrospective application, Members must make a decision based on the merits of the case as if the decking were not already there.

## 2. Relevant Site History

	Ref No	Details	Decision
2.1	C/2003/0292	Extension	Approved 15.09.03
2.2	C/2020/0310	Retention and extension of raised decking	Refused 12.03.2020

## 3. Consultation and Other Relevant Information

- 3.1 **Internal BG Responses**
- 3.2 Team Leader Building Control:  
Building Regulations not required.
- 3.3 Service Manager Infrastructure:
- 3.4 Highways: No objection.
- 3.5 Structures: No objection.
- 3.6 **External Consultation Responses**
- 3.7 Town / Community Council: No objection.
- 3.8 Welsh Water:

3.9	If minded to grant permission, then a condition should be added that no surface water drainage from any increase in impermeable surfaces shall be allowed to drain directly or indirectly to the public sewerage system.
3.10	Also request the applicant contact Dwr Cymru Welsh Water to establish the location and status of the sewer as the presence of such assets may affect the proposal.
3.11	<p><b><u>Public Consultation:</u></b>  <del>Strikethrough to delete as appropriate</del></p> <ul style="list-style-type: none"> <li>• 7 letters to nearby houses</li> <li>• 1 x 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>
3.12	<p><u>Response:</u>  No letters of objection have been received.</p> <p>A Ward Member requested that this planning application go before Planning Committee for determination. The reason given is that major amendments have been made since the original application was refused and it should now go before Members of the planning committee for consideration.</p>
<b>4. Planning Policy</b>	
4.1	<p><u>Team Manager Development Plans:</u></p> <p><u>LDP Policies:</u>  DM1 – New Development  DM2 – Design and Placemaking</p> <p>SPG Householder Design Guidance (February 2016) Note 7: Raised decks, balconies and retaining walls.</p>
<b>5. Planning Assessment</b>	
5.1	The proposal has been assessed against policies DM1 and DM2 of the adopted Local Development Plan (LDP) and the adopted Supplementary Planning Guidance for Householder development, Note 7 ‘Raised decks, balconies and retaining walls’ (February 2016).
5.2	LDP Policy DM2(a) states that development proposals should be appropriate to the local context in terms of type, form, scale and mix. Policy DM2(b) requires proposals to be of good design which reinforces local character and distinctiveness of the area or positively contribute to the area’s transformation.

In the context of this site I consider that the raised decking sitting at 5.1m (almost 17ft) above footpath level is an unsightly and a very prominent addition within the street scene, contrary to LDP Policy DM2(a) and (b).

5.3 Similarly, one of the key principles of Supplementary Planning Guidance Note 7 (2016) is that decking should complement the character of the house and that the scale, massing and materials used in the decking should respect the appearance of the host property, neighbouring properties and overall street scene. Whilst it is acknowledged that the fencing and steel structure has now been painted in a bid to reduce its visual appearance, it remains that the decking is a large steel structure sandwiched between two 1.2m timber fences which is visually prominent and unsightly within the streetscene.

5.4



Fig 1.7

5.5



Fig 1.8

5.6	I note that there is an existing 'landscape area' that falls within the applicant's curtilage separating the existing fence line and footpath. Since the previous refusal additional planting appears to have been incorporated in an attempt to screen the decking. Nevertheless, I do not consider that the planting sufficiently screens the structure to detract from its scale and dominance in this prominent location.
5.7	Furthermore, Members are reminded that the Planning Inspector previously confirmed that the existing decking, by virtue of its scale and mass, was harmful to the character and appearance of the area and that any proposed screen planting would not mitigate the visual harm of the development.
5.8	I fully appreciate that the applicant wishes to increase the level of useable garden area. However, there are a variety of other ways this could be achieved more sympathetically and thus, I do not consider this is a reason in which to allow an unacceptable development.
5.9	Based on the above, I conclude that the retention of the existing decking (and associated fence) is not acceptable. The retention of the decking and fence causes material harm to the street scene and character of the area contrary to LDP Policy DM1(2)b and DM2(a) and (b) and the key principles set out in the Householder SPG Note 7.

## 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>REFUSED</u></b> for the following reason(s):</p> <ol style="list-style-type: none"> <li>1. By virtue of its scale and mass, the retention of the raised decking is considered to be an unduly dominant feature that has an adverse visual impact upon the street scene contrary to policies DM1(2)b and</li> </ol>
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	DM2(a),(b) of the Council's adopted Local Development Plan (2012) and the key principles set out in the adopted Supplementary Planning Guidance for Householders: Note 7 'Raised decking and balconies' (February 2016).
<b>8. Risk Implications</b>	
8.1	Granting planning permission contrary to the recommendation of this report undermines the principles of the adopted LDP policies and Supplementary Planning Guidance. Such a decision would demonstrate an inconsistent approach in the planning process and sets a precedent for excessive structures in the locality.

## Planning Report

<b>Application No:</b> C/2022/0014	<b>App Type:</b> Full
<b>Applicant:</b> Mr Hobbs Glandovey House Oliver Jones Crescent Tredegar NP22 3BJ	<b>Agent:</b> Williams Architectural Design Mrs Kelly Williams 3 Tansy Close Penpedairheol Hengoed United Kingdom CF82 8LF
<b>Site Address:</b> Glandovey House, Oliver Jones Crescent, Tredegar NP22 3BJ	
<b>Development:</b> Change of Use from Class C3 (a) to C2. Existing use is a residential property.	
<b>Case Officer:</b>	<b>Jane Engel</b>



<b>1. Background, Development and Site Context</b>			
1.1	This application seeks planning permission for the change of use from Class C3 residential property to a class C2 Residential Institution of Glanhwy House, Oliver Jones Crescent, Tredegar.		
1.2	The property is a 4 bed detached house with generous gardens to the front and rear. Off street parking is provided within the garden.		
1.3	No changes to the layout are proposed and the property benefits from a lounge, dining area and open plan kitchen on the ground floor. To the first floor, the four double bedrooms will remain with the facility offering one double bedroom with an ensuite bathroom and a shared bathroom for the remaining three bedrooms.		
1.4	The details submitted indicate that the property will house up to 5 live in, long term residents who will have a mix of care needs. One of the bedrooms would accommodate 2 persons. The agent has confirmed that the residents will have physical disabilities.		
1.5	The facility will be staffed by 2 non-resident staff working a 12hour shift pattern. Four off street parking will be provided for staff and visitors. It is indicated that deliveries will be made on a monthly basis.		
<b>2. Site History</b>			
	Ref No	Details	Decision
2.1	None		
<b>3. Consultation and Other Relevant Information</b>			
3.1	<b><u>Internal BG Responses</u></b>		
3.2	<b><u>Service Manager Infrastructure:</u></b>  Highways: Following clarification from the agent that there will be 2 Members of staff on site confirmed that there are no objections to the proposal		
3.3	<b><u>Service Manager Public Protection:</u></b> No comments		
3.4	<b><u>External Consultation Responses</u></b>		

3.5	<u>Town / Community Council:</u>
3.6	No objections
3.7	<u>Welsh Water:</u>
	No objections
3.8	<b><u>Public Consultation:</u></b>
	<i><del>Strikethrough-to delete as appropriate</del></i>
	<ul style="list-style-type: none"> <li>● 8 letters to nearby houses</li> <li>● site notice</li> <li>● <del>press notice</del></li> <li>● website public register of applications</li> <li>● ward members by letter</li> <li>● all members via weekly list of applications received</li> <li>● <del>other</del></li> </ul>
3.9	<u>Response:</u>
	Three letters of objection (two from the same person and a petition signed by 84 people has been received objecting to the proposal on the following grounds:
	<ul style="list-style-type: none"> <li>● Access to the property is restricted because of the width of the road</li> <li>● Concerns over parking</li> <li>● Numbers of staff</li> <li>● Concerns over having a car home so close to private gardens</li> <li>● Concerns that the property will be occupied by teen/young adults with behavioural problems</li> <li>● One of the letters also queries some of the responses given on the application form; these queries relate to: <ul style="list-style-type: none"> <li>● Whether the name of the applicant is correct as the property has yet to be sold;</li> <li>● No information provided in relation to parking</li> <li>● Question 10 relating to trees and hedges has been answered incorrectly</li> <li>● Queries whether question 12 relating to biodiversity includes trees</li> <li>● No provision for the storage and collection of waste</li> <li>● Error on plans – the garage has been converted to a living room</li> <li>● The details submitted are contradictory in relation to number of staff</li> <li>● The forms state that there will be no storage of hazardous substances – what about medicines or those used in any medical equipment</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• It is disappointing that the applicants have not carried out any consultation</li> <li>• Request a site meeting so that the issues relating to parking concerns can be seen on site</li> <li>• Incorrect ownership submitted</li> <li>• Access to the site is narrow</li> <li>• Concerns over parking at the site</li> <li>• Number of deliveries</li> <li>• Visits from medical professionals and parking for such visitors</li> </ul>
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#### 4. Planning Policy

4.1	<u>Team Manager Development Plans:</u>
4.2	<u>LDP Policies:</u> SP1 Northern Strategy Area- Sustainable Growth and Regeneration DM1 New development DM14 Biodiversity Protection and Enhancement
4.3	<u>Supplementary Planning Guidance</u> Access Car Parking and Design

#### 5. Planning Assessment

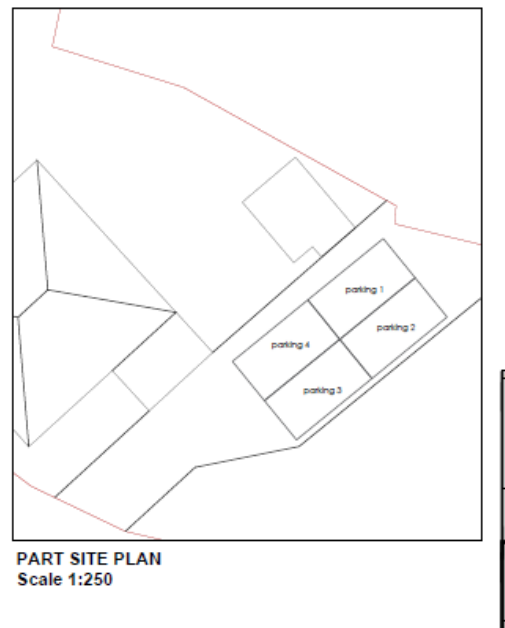
5.1	The site lies within the settlement boundary as defined by the proposals map of the Blaenau Gwent County Borough Council Local Development Plan with Policy SB1 providing support for development in such locations. Policy DM1 supported by adopted Supplementary Planning Guidance Note: Access Car Parking and Design are also relevant to the determination of this application.
5.2	In considering the acceptability of the proposal regard must be given to the compatibility of the use, impact upon amenity of occupiers of nearby residential properties and highway matters.
5.3	Compatibility of use. The proposal is for a small residential care home, located within a residential area. In this regard the proposal is considered acceptable. The adult residents will be encouraged to live as independently as possible but will be supported by 2 members of staff in day to day tasks where necessary.
5.4	Impact upon residential amenity The proposed home is intended to provide supported living facilities for up to 5 adults with a range of physical disabilities. The site is large and has a generous garden. Whilst the garden bounds with gardens of nearby

residential properties, being mindful that there would be no extension or alteration to the property, I am satisfied that the proposal will not generate any increased adverse impact on the amenities of surrounding properties. Although concerns have been raised as to the intended residents, this is not necessarily a planning consideration. The agent has advised that the residents will be adults with a range of physical disabilities and not teenagers with behavioural problems.

5.5

### Highway Matters

The description of development originally referred to 13 members of staff. The Team Manager Built Environment sought clarification of this matter as the supporting information only refers to 2 members of staff. The agent has confirmed that the reference to 13 members of staff related to the number of staff on the rota and not the number of staff actually present on site at any one time. For clarity purposes the agent has agreed to the removal of this reference from the description. On the basis that there would only 2 members of staff at the premise at any one time, the Team Manager Built Environment has confirmed there are no objections from a highway perspective to the application.



5.6

Concerns have been raised by objectors about the narrowness of the access road and the level of parking proposed. It is acknowledged that the road around the site have restricted width. However, it is considered that the use of the site as proposed would not give rise to significantly more traffic than a residential property in this location. Local council refuse collections will collect household waste whilst household supplies will be delivered once a month by a supermarket.

5.7	Four off street parking spaces are provided within the garden with sufficient space to turn within the site.
5.8	Dependent on the individual needs of the residents there may be a need for visits from a district nurse or occupational therapist however, it is considered sufficient parking is provided within the site to accommodate such visits
5.9	It is not expected that residents will have access to a car given the level of physical disability.
5.10	<p>Other matters</p> <p>One of the objectors queried the applicant/ownership certificate submitted with the application. This matter was raised with the agent and an amended certificate has been submitted with notice served on the current owner. The applicant is proposing to purchase the property should planning permission be granted.</p>
5.11	Queries have also been raised in relation to question 25 of the application form which relates to the storage of hazardous substances which are listed on the form. Medicines are not included in this list.
5.12	The objector also has queried that parking details are not provided on the plans. Supporting information was submitted with the application outlining that 4 parking spaces could be accommodated within the site on the existing driveway. However, for clarity purposes the agent has provided an amended plan showing parking within the site,
5.13	It is noted that the question 10 states that there are no trees on site. It is clear that this is not the case. However, given that the proposal does not propose any works which would affect these trees no further information is required to support the application. The objector also queries whether question 12 relating to biodiversity has been answered correctly given the potential for the trees on the site to house bats/birds. Question 12 asks whether there is a reasonable likelihood that protected and priority species being adversely affected. Given that the trees will be unaffected by the development I consider the question has been answered correctly.
5.14	In accordance with guidance issued by the Welsh Government, each application for planning permission must now propose ecological mitigation and enhancement., This can be achieved through the incorporation of bat and bird boxes into the development The agent has confirmed that bat and bird boxes will be provided to meet this requirement.

5.15	The form states that no provision for the storage and collection of waste is proposed. The agent has confirmed that the facility will make use of residential waste collections.
5.16	It was highlighted that there was an error on plans – the garage has been converted to a living room. The agent has provided an amended plan to rectify this error.
5.17	As stated above queries have been raised about the number of staff at the premises. This has now been clarified by the agent.
5.18	I note that the objector is disappointed that the applicants have not carried out any consultation however there is no requirement for this to be carried out on a development of this scale.
5.19	The objector has requested a site meeting so that the issues relating to parking concerns can be seen on site. I consider this to be unnecessary. Clarification has been provided by the agent in relation to the number of staff and the highway authority have confirmed that they have no objections to the proposal. Refusal of the application on these grounds would not be sustainable at appeal.
<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 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.
<b>7. Conclusion and Recommendation</b>	
7.1	Having regard to the issues raised by objectors and all other material considerations I consider the proposed change of use to be acceptable and compliant with policy DM1 of the Local Development Plan.



7.2	<p>Planning permission be <b><u>GRANTED</u></b> subject to the following condition(s):</p> <table border="1"> <tr> <td data-bbox="240 288 341 705">1</td> <td data-bbox="341 288 1520 705"> <p>The development shall begin not later than five years from the date of this decision notice.</p> <p>Site location plan and Floor Plans Drawing No AL-COU-01B dated January 2022</p> <p>Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</p> </td> </tr> <tr> <td data-bbox="240 705 341 965">2</td> <td data-bbox="341 705 1520 965"> <p>Prior to the development being brought into beneficial use bat and bird boxes shall be installed as detailed in email dated 20<sup>th</sup> May 2022 (Kelly Williams) and shall be maintained as such thereafter</p> <p>Reason: In the interests of the ecological and biodiversity value of the site.</p> </td> </tr> <tr> <td data-bbox="240 965 341 1216">3</td> <td data-bbox="341 965 1520 1216"> <p>The development shall begin not later than five years from the date of this decision notice.</p> <p>Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</p> </td> </tr> </table>	1	<p>The development shall begin not later than five years from the date of this decision notice.</p> <p>Site location plan and Floor Plans Drawing No AL-COU-01B dated January 2022</p> <p>Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</p>	2	<p>Prior to the development being brought into beneficial use bat and bird boxes shall be installed as detailed in email dated 20<sup>th</sup> May 2022 (Kelly Williams) and shall be maintained as such thereafter</p> <p>Reason: In the interests of the ecological and biodiversity value of the site.</p>	3	<p>The development shall begin not later than five years from the date of this decision notice.</p> <p>Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.</p>
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<b>8. Risk Implications</b>							
8.1	None						

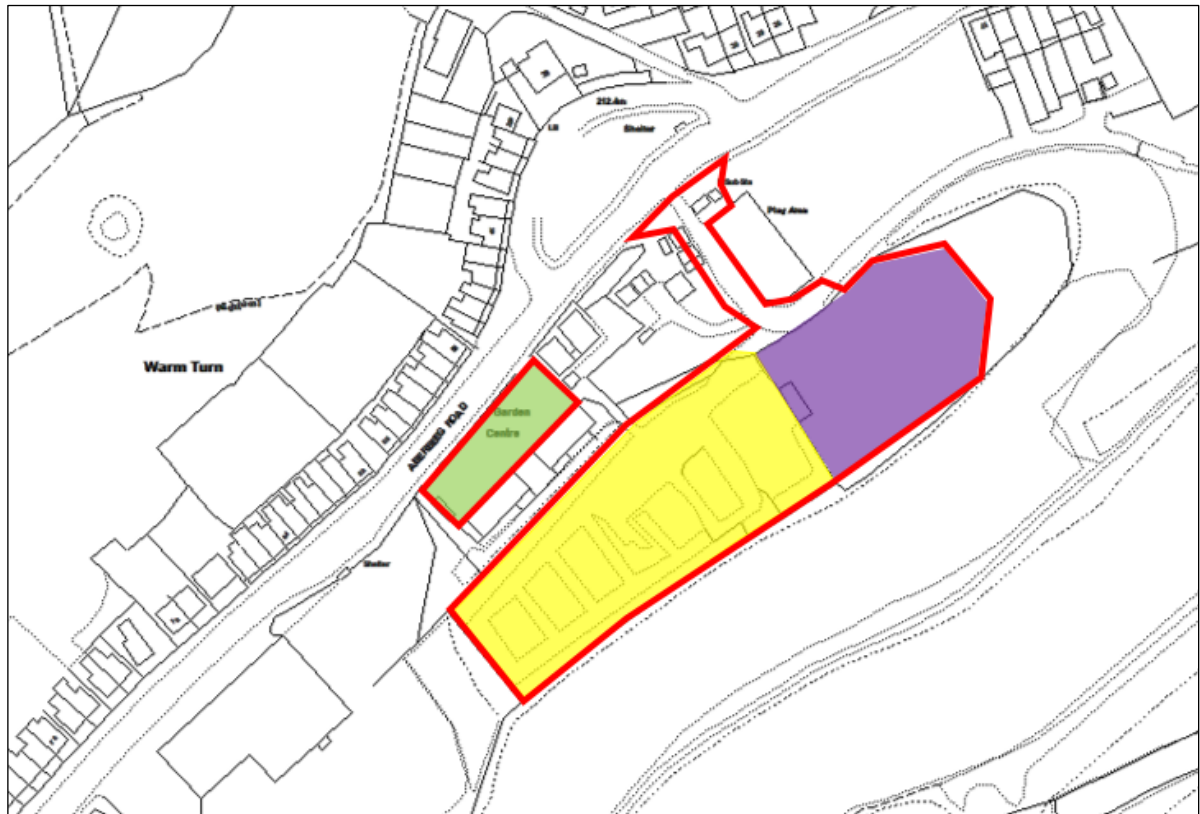
## Planning Report

<b>Application No:</b> C/2021/0362	<b>App Type:</b> Retrospective
<b>Applicant:</b> Mr & Mrs Lewis Fairview Furniture Deal Ltd Aberbeeg Road Abertillery NP13 2EQ	<b>Agent:</b> Skerryvore Designs Mr Steve Groucott Sextons Tower 2 Caerphilly Road Bassaleg Newport NP10 8LE
<b>Site Address:</b>	
Fair Deal Furniture & Garden Centre, Aberbeeg Road, Aberbeeg, Abertillery, NP13 2EQ	
<b>Development:</b>	
Temporary retention of 'change of use' of the land to extend the garden centre, including alternative car parking, access, servicing arrangements and retention of canopies.	
<b>Case Officer:</b>	Helen Hinton



## 1. Background, Development and Site Context

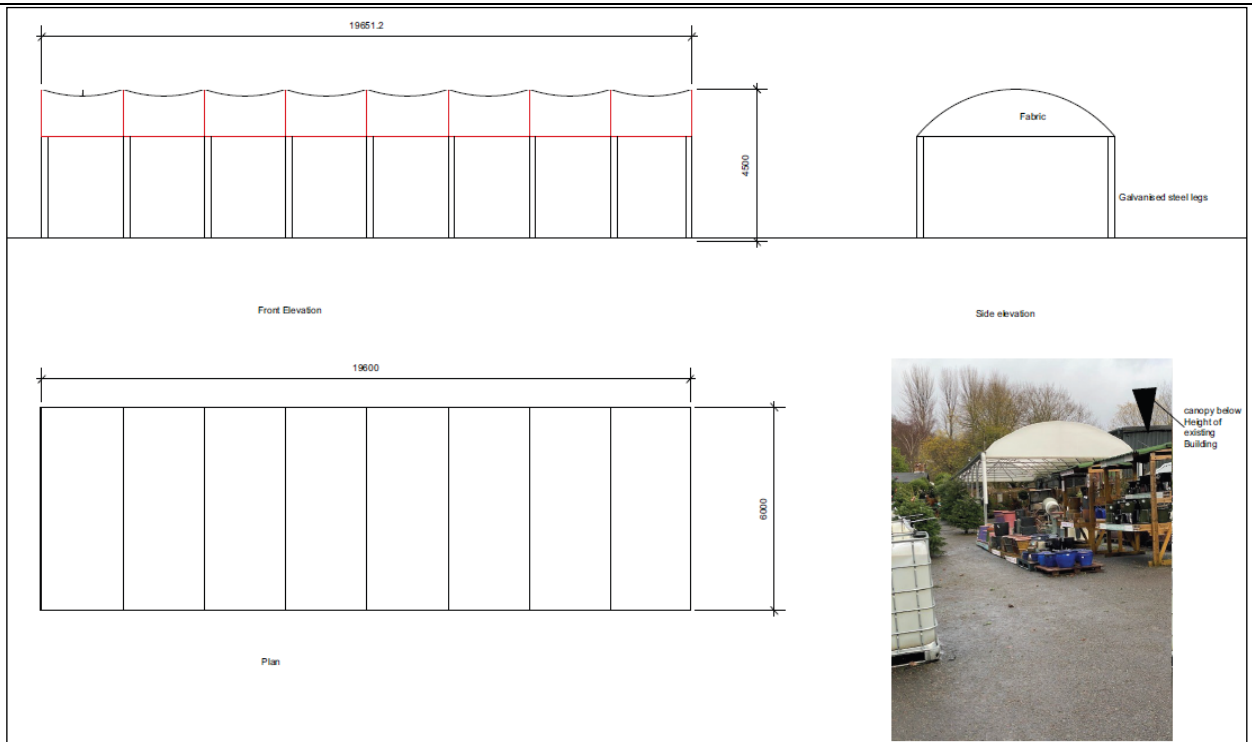
- 1.1 The application site comprises the forecourt to the north-west (front) of a business premise known as Fair Deal Furniture, Garden Centre and Gift Shop, two parcels of brownfield land located to the south-east and east of the existing buildings and the un-adopted lane known as Warm Turn.
- 1.2 The site has an extensive planning history:
- In September 2009 permission was granted for a change of use of the former ambulance station to a B1 (business) and B8 (storage and distribution) use.
  - A further change of use was approved in July 2010 to allow an ancillary A1 (retail) use. The 2010 consent granted permission for the display, storage and redistribution of furniture.
  - In 2014, retrospective planning permission was granted for the retention of a mixed use to allow the sale of garden furniture, garden plants and ancillary goods in addition to the existing approved use for the sale of household furniture and a proposed polytunnel (application C/2014/0349 refers). The consent was granted subject to a condition requiring the provision of parking on the forecourt to the north-west (front) of the premise.
- 1.3 The current application seeks temporary, retrospective change of use of the land to extend the garden centre (to include one double and two single polytunnels) alternative car parking, access, servicing arrangements and retention of canopies.
- 1.4 The site as a whole is located on the south-eastern side of the A467 (Aberbeeg Road) opposite terraced residential properties. A commercial car garage known as Squire Cars is located to the south-west with an enclosed, equipped play area and the residential properties, 12-17 Aberbeeg Road located to the north-east.
- 1.5 The proposals map of the Blaenau Gwent County Borough Council Local Development Plan (LDP) identifies that the entire site is located within the settlement boundary, with areas one and two forming part of a strategic residential development allocation referred to under Policies SP4, SP5 and allocation policy H1.13. The allocated site extends to a cumulative area of 0.93 hectare with an anticipated provision of up to 32 dwellings. The land immediately adjacent to, but outside of the eastern boundary, is allocated as a Site of Importance for Nature Conversation – ENV3.111 Blaentillery Farm South. The site is also within a High Risk coalfield area.



Application site
  Forecourt
  Area one
  Area two

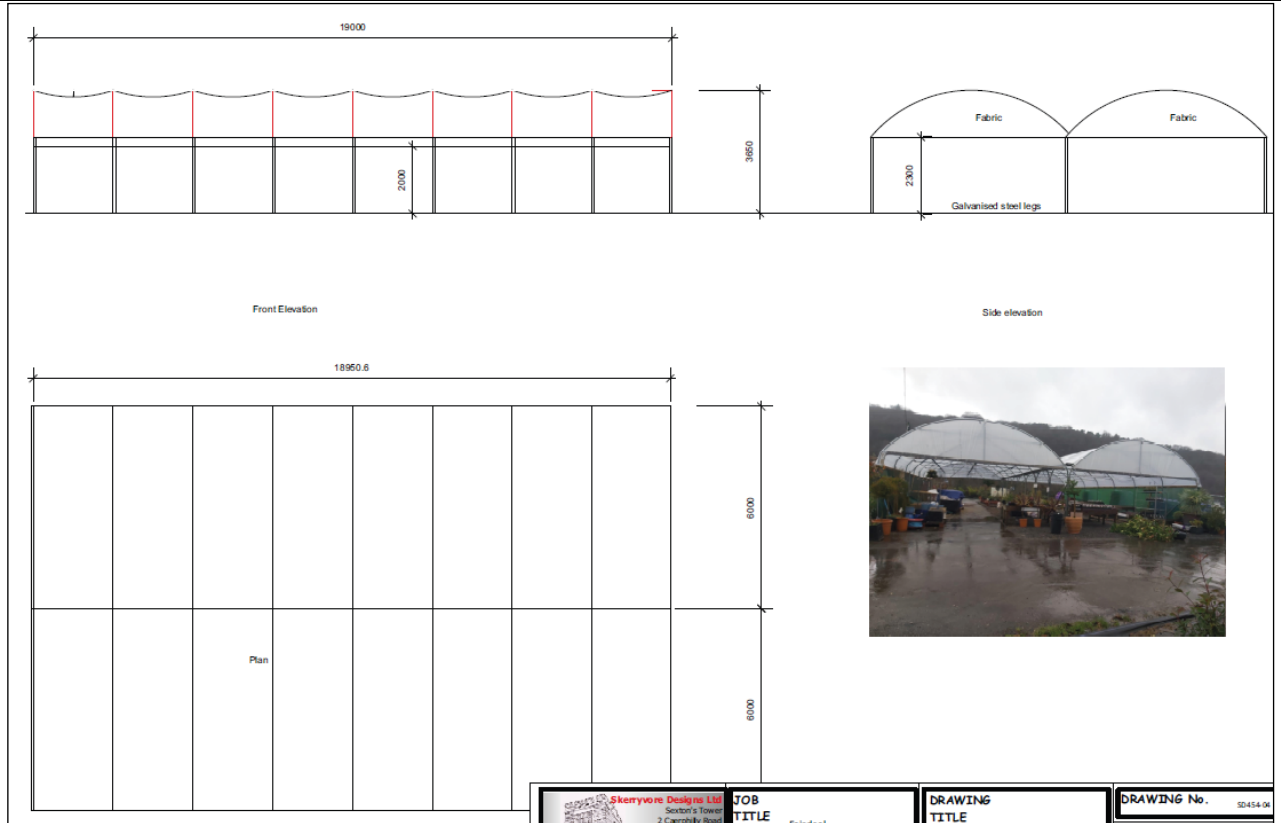
Proposed site layout plan

- 1.6 The forecourt is positioned immediately adjacent to the north-western (front) elevation of the existing single storey buildings with two vehicular access points, leading from the A467 (Aberbeeg Road) in the northern boundary. At the time of the first inspection, the access points had been closed with the forecourt used for the storage and display of plants and various garden items, (pots, ornaments etc). A canopy constructed from an aluminium frame with a round, plastic sheeted roof has been erected immediately adjacent to the north-western (front) elevation of the building.
- 1.7 The canopy measures 19.6m wide, 6m deep with a maximum height of 4.5m. As part of the application, it is proposed that the existing accesses to the forecourt be closed and all customers and deliveries directed to the land to the rear, via Warm Turn.

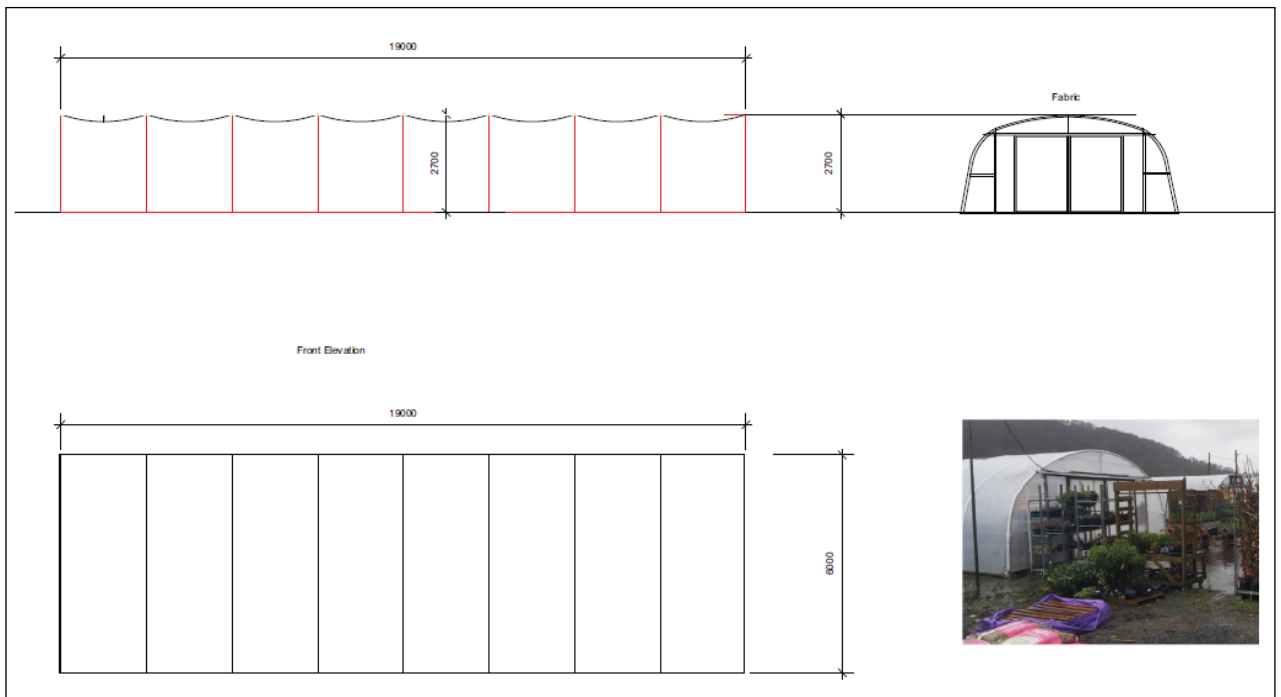


Canopy to the front elevation of the building

- 1.8 The land the subject of the change of use is located to the south-east (rear) of the approved premise.
- 1.9 Area one, is positioned to the rear of the existing buildings. At the time of inspection, the land was in use for the storage of plants and garden items and contained the double and two single polytunnels. Pedestrian access is gained via pathway in the north-western boundary leading from the buildings, with vehicular access gained via gateway in the north-eastern corner leading from Warm Turn to a customer parking and storage area adjacent to the north-eastern boundary. The area is enclosed by a variety of fencing types.
- 1.10 The double polytunnel measures 12m wide, 19m deep with a maximum height of 3.6m and is positioned roughly centrally within the side. The two single polytunnels each measure 6m wide, 19m deep with a maximum height of 2.7m and are positioned in the north-eastern part of the site.



Double Polytunnel on area one



Single polytunnel on area one

1.11

Area two is positioned to the north-east of area one. The parcel of land is self-contained and is enclosed by post and wire fencing, having previously benefited from consent for equestrian use. Access is gained via a double gate



	in the northern boundary leading from Warm Turn. The plans submitted detail that area two would be used to provide at least 48 customer parking spaces and a turning facility for lorries delivering to the site. New screen planting is proposed along on the northern boundary. At the time of inspection, the area was being used for the storage and processing of waste from the applicant's landscaping business. The use of the land for such purposes is unauthorised and is the subject of pending enforcement action.
1.12	The plans submitted detail a number of alterations to Warm Turn that provides access to areas one and two from the A467. It is proposed that the vehicular carriage way be increased in width to 5.5m, with a 1.8m wide pavement provided along the western side. In order to facilitate these works a number of silver birch trees and garages with direct onto Warm Turn would be removed.
1.13	A Breach of Condition Notice has been served on the owners of the business, requiring the previously approved points of access into the forecourt to be reopened and parking layout re-established. An Enforcement Notice has also been served on all interested parties (landowner, leaseholder and sub-tenants) requiring the business and its customers to stop using the land to the rear of the site and Warm Turn. Notwithstanding the outcome of this application, the Council will be proceeding with action in respect of the Enforcement Notice as the current access arrangements are considered to be dangerous.
1.14	This application seeks to regularise the use of the site and is presented to Committee in the wider public interest.

## 2. Site History

	Ref No	Details	Decision
2.1	407	Re-siting of garages	Approved 14/10/1982
2.2	C/1996/0193	Vehicular parking	Approved 18/02/1997
2.3	C/1997/0097	Canopy entrance to existing Ambulance Station offices	Approved 15/05/1997
2.4	C/2001/0224	Change of use of land to car sales area (land to the south-east)	Refused 13/09/2001 Appeal dismissed 28/05/2002

2.5	C/2009/0252	Change of use of former ambulance station to a B1 and B8 use	Approved 19/09/2009
2.6	C/2010/0154	Change of use to allow A1 use ancillary to existing operations at Multi-Furnish Aberbeeg (commercial activity involving the display, storage and redistribution of furniture)	Approved 01/07/2010
2.7	C/2011/0113	Retention of free standing forecourt sign (double fronted)	Refused 10/06/11
2.8	C/2014/0349	Retention of missed used to allow the sale of garden furniture, garden plants and ancillary good in addition to the existing approved use for the sale of household furniture. Proposed small polytunnel in association with sale of plants.	Approved 24/12/2014
2.9	C/2015/0018	Retention of stables and change of use of land for equestrian purposes.	Approved 06/03/2015
2.10	C/2015/0023	Discharge of condition 2 (C/2014/0349) revised parking layout	Approved 02/02/2015

### 3. Consultation and Other Relevant Information

3.1	<b><u>Internal BG Responses</u></b>
3.2	<u>Service Manager Infrastructure:</u>
3.3	Highways: Although an objection was initially raised to the proposal, following the provision of additional information, this objection has been withdrawn subject to conditions.
3.4	Landscape: No objection. Advice provided regarding the provision of a native deciduous hedgerow is preferable as 'screen planting' along the northern edge of the car park to mitigate and compensation for the loss of the silver birch trees.
3.5	Ecology: No objection.
3.6	<u>Head of Estates and Strategic Asset Management:</u> No objection.
3.7	<b><u>External Consultation Responses</u></b>
3.8	<u>Abertillery &amp; Llanhilleth Community Council</u>



	No response received.
3.9	<u>Welsh Water:</u> Capacity exists within the public sewerage network to receive the foul only flows from the proposed development site.
3.10	The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features
3.11	<u>Coal Authority:</u> No objection.
3.12	<b><u>Public Consultation:</u></b> The original application has been advertised by <ul style="list-style-type: none"><li>• 19 letters to nearby houses</li><li>• site notices</li><li>• Departure 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>
3.13	The amended application has been advertised by <ul style="list-style-type: none"><li>• 23 letters to nearby houses and previous objectors</li><li>• Site notice and</li><li>• Departure press notice</li></ul>
3.14	<u>Response:</u> 13 letters of objection have been received and are summarised as follows:
3.15	<u>Parking and Highway Safety:</u>  The road currently used for the existing car park, deliveries by HGVs and the gardening business waste recycling area is un-adopted road and in a poor state of repair. There is no designated footpath for pedestrians including children to access the play area so vehicles, including HGVs and pedestrians use the road which is not a safe access.  The lane is narrow (two cars cannot pass), poorly lit and runs parallel to a well-used children's play area.

The lane is the only pedestrian access from the southern end of the nature area and the Six Bells Guardian and is a route used for the emergency services to gain access to the Six Bells colliery site.

Residents pay to use the lane to access homes which gets blocked by lorries and visitors parking in the lane.

Local parking has already been compromised by the applicants by them refusing to allow residents to park off road in the Old Ambulance station, which residents had done for years previously.

The plans indicate articulated lorries driving in to the site. These lorries will be stopping to turn on the A467 at Warm Turn, which is already an accident blackspot with Gosafe camera vans there regularly as a result.

Lorries travelling northbound will have to turn right across the road. Waiting trailers will be across the pedestrian controlled traffic lights and would block pedestrian access and visibility up and down the road for motorists and pedestrians.

Children will be in extremely close proximity to HGV delivery vehicles. This is the only children's play area and is frequently used by the community.

Increase in traffic flow and speed of vehicles through Warm Turn and along the lane adjacent to the play park.

Parking facilities to the front of the business have previously been approved as the dedicated parking area for customers. These access points have been fenced off.

Removing the canopy to the front of the property would increase space for customers to park and walk into the shop and into Area 1.

Part of the front car parking space and property has been sub-let to another organisation and is being used by a motor trader/repairer. The front fence is being opened and vehicles are being parked inside the car park.

Demolition of the garages will further aggravate an existing problem.

Demolishing the garages without consultation with the owners is unacceptable. The garages have been owned by local residents for over 30 years and are used regularly.

The land requested for use by articulated lorries is a coal tip. It was never intended to bear weight hence the demolition in the 1980s of houses on the green in front of it.

If the proposal is approved, will the pedestrian crossing be moved? It is already a dangerous area for pedestrians due to vehicles speeding and failing to stop at the red light.

3.16 Amenity

The area has traditionally been used by the local community for recreation purposes, it has never been an industrial or commercial area. The proposal involves noisy plant machinery which is totally unacceptable, as is the increase in traffic using Warm Turn as a result of the business.

The site is adjacent to the Six Bells Nature Reserve.

The play park has funding for refurbishment.

The business is having a negative impact on the community of Warm Turn.

The use of the site has changed. It is no longer a car park, but a wood and waste processing facility. It is an eyesore it has destroyed the view and devalues properties.

Commercial waste is being dumped on Area 2 (formerly approved pasture land) and beyond the rear boundary fence line. The lovely green space has been destroyed.

Other businesses are being allowed to dump their waste on area 2.

Fires are being lit regularly and left unattended.

The amount of commercial waste being stored across the whole site has increased and therefore lead to rats running from Fairdeal Furniture to residents' homes.

Demolishing the garages and removing the trees will have a detrimental effect upon the community of Warm Turn.

The polytunnels erected in Area 1 are unnecessarily large, do not fit in with the local surroundings, impacting on local resident's views and are being used as additional storage.

An additional storage building has been erected within Area 1.

The continual noise, waste, intrusive lighting and cameras erected all over the property are completely unacceptable and devaluing local properties.

Lack of consideration for local residents' physical and mental wellbeing, disregard for the community and failure to liaise with local residents regarding any of the issues raised.

Requests from BGCBC & National Resources Wales to comply with their terms of use have been ignored.

#### 4. Planning Policy

##### 4.1 Team Manager Development Plans:

###### LDP Policies:

SP2 - Southern Strategy Area – Regeneration

SP5 - Spatial Distribution of Housing Spatial Distribution of Housing

SP7- Climate Change

SP10 – Protection and Enhancement of the Natural Environment

DM1- New Development

DM2 - Design and Placemaking

DM14 – Biodiversity, Protection and Enhancement

DM15 – Protection and Enhancement of the Green Infrastructure

DM16 – Trees woodlands and Hedgerow Protection

SB1 Settlement Boundaries

H1 – Housing allocations

ENV3- Sites of Importance for Nature Conservation

###### Supplementary Planning Guidance (SPG):

Access, Car Parking and Design

Nature Conservation Planning Guidance

###### National Planning Guidance

- Future Wales the National Plan 2040
- Planning Policy Wales Edition 11 (February 2021)
- Technical advice note (TAN) 5: nature conservation and planning

###### Planning Policy Advice:

The proposal is contrary to policies SP5 and H1. However, it is considered that the following material considerations could be taken into account:

- The development of the Warm Turn site is dependent on the Six Bells Colliery site due to access constraints, however the Housing Officer has confirmed that Warm Turn is not currently being considered for development (alongside Six Bells Colliery Site).
- The site is in private ownership and Planning Policy are aware through the Replacement Local Development Plan that the site has come forward as part of a wider candidate site LEF001 for mixed use development which indicates there is intention for future development of the site. However, it is considered that these are long term intentions.
- The development includes no permanent structures

Planning Policy agree that a temporary change of use could be issued subject to a condition that a new permission is required to extend the life of the development beyond 3 years.

The following issues will also need to be taken into account and are relevant to the acceptability of this proposal;

- Access
- Good design to reinforce the local character of the area

## 5. Planning Assessment

5.1	Policy Overview:
5.2	Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework, which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.
5.3	The primary objective of Planning Policy Wales (PPW) is to ensure that the planning system contributes towards the delivery of sustainable development

	<p>and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.</p>
5.4	<p>A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process, which is conducive to maximising its contribution to the well-being of Wales and its communities.</p>
5.5	<p>In compliance with the definition given at figure 2.1 of PPW, the application site is deemed to be previously developed land and is located within the settlement boundary (Policy SB1). In such locations development is generally permitted, provided the proposal meets the requirements of relevant LDP policies and material considerations.</p>
5.6	<p>The site is located in a mixed use area with the approved premise and Squire Cars positioned on the south-eastern side of the A467 and residential properties on the north-western side. As specified above, areas one and two form part of a strategic housing allocation referred to under Policy H1.13. As a result, the principle of the proposal is contrary to policy. However, in this instance as the application does not propose any permanent structures and the site has been submitted as a candidate site for mixed use development under the Replacement Local Development Plan (ref LEF001), inferring longer term intentions for the site. On this basis, it is considered that the proposal would not detrimentally impact the viability or deliverability of the allocation and the application can be supported in principle, subject to the change of use being limited to a three year. The current application has been advertised as a departure from the development plan.</p>
5.7	<p><u>Highway Safety</u></p>
5.8	<p>Issues with regard to pedestrian and highway safety are the principle concern for the public objectors. In its current form the business has been expanded to make use of area one for the storage and display of plants stock and items of machinery used as part of the business. With area two being used for the processing of green/garden waste generated by the applicants landscaping business. This is a significantly larger area than that approved as part of the 2014 consent and as a result has generated an increase in the number and type of vehicle movements to and from the site as well as an increased demand for parking.</p>

- |      |   |
|------|---|
| 5.9  | As specified above, the 2014 permission granted consent for an ancillary A1 retail use. The consent was subject to a condition, requiring customer parking to be provided in the front forecourt. Whilst the access points to this area had been previously closed, the Council's Enforcement Officer has served a breach of Condition Notice on the owners of Fairdeal requiring they carry out the necessary works to reinstate the forecourt and provide the parking in accordance with the approved layout plan.  |
| 5.10 | An Enforcement Notice has also been served on all interested parties (landowner, leaseholder and sub-tenants) requiring the business and its customers to stop using the land to the rear of the site and Warm Turn, in the interests of highway safety.  |
| 5.11 | The use of the forecourt and buildings within the forecourt by other business operators and the use of area 2 for the storage and processing of waste by the applicants are the subject of a separate ongoing investigation and are not covered by this application.  |
| 5.12 | As part of the current application, the plans detail that the forecourt to the front of the building would be closed to customers with all vehicles directed to use Warm Turn in order to access area two that would provide dedicated parking and on site turning facilities, ensuring all vehicles access and egress the site in a forward gear. In order to accommodate the increased traffic movements, it is proposed that the lane be increased in width to provide a 5.5m wide carriageway (capable of accommodating two-way vehicular traffic) with a 1.8m wide pavement along the western edge and visibility splays of 4.5m by 43m provided either side of the junction. In order to facilitate these works the garages that gain access directly off the lane would be removed, as would a number of silver birch trees. |
| 5.13 | There are currently 8 junctions on the A467 (not including the door access to the Square Cars building) two bus stops, double yellow lines, a pelican crossing and on street parking within the vicinity of the site. Whilst it is appreciated that the lane is immediately adjacent to the equipped play area, on balance it is considered that the cumulative impact of the alterations proposed, would help reduce congestion and conflict on the A467. It is also considered that the provision of an enlarged, dedicated parking area with direct access to area one and enough spaces to service the enlarged business, should discourage customers from parking alongside Aberbeeg Road and from obstructing the lane that provide access to a number of residential properties and the Six Bells Colliery.                  |

5.14	<p>Whilst residents' concerns with regards to child safety are acknowledged, it is noted that the proposal would provide clear, segregated facilities for pedestrians and vehicles. Although the number of vehicles using Warm Turn would increase, relative to the existing arrangement, it is considered that the proposal would help reduce conflict and generally improve the highway safety and the free flow of pedestrian and vehicular traffic in the area.</p>
5.15	<p>Whilst concerns have been raised regarding the removal of the garages and the impact this could have in terms of increasing on street parking demand, at the time of inspection it appeared that the garages accessed directly off the lane were either too small to accommodate a modern car or had very limited use.</p>
5.16	<p>Following consultation, the Agent has advised that the garages and the land beneath are within the ownership of Pontypool Park estate and that the terms of the lease only specify that 'a' garage must be provided rather than specifying a particular building. Furthermore, based on the agreement provided to the Council for review, there is no requirement to serve notice on any leaseholder. Therefore, providing appropriate notice has been served on the owner (Certificate B has been completed as part of the planning application) the applicant can demolish these structures in order to facilitate the works. The Agent has been advised that planning permission must be sought prior to the erection of any new replacement garages. Whilst the removal of the garages is regrettable, their loss is considered to be acceptable being mindful of the highway safety gains to be made by improving access facilities and relocating all delivery and customer vehicles further away from the A467. The Agent has advised that the business currently receives a small number of lorry deliveries per year. These provide bulk items such as compost and Christmas trees, with the lorries using Warm Turn. Refusal of this application may result in bulk deliveries taking place on the A467 if the drivers are unable to access the forecourt area.</p>
5.17	<p>Following consultation, the Council's Team Leader – Infrastructure has raised no objection to the development subject to a number of conditions. These require the garages to be removed prior to any other works commencing, visibility splays of 4.5m by 43m being provided and the proposed junction upgrading works being subject to a Section 278 Highways Agreement with the Council to ensure all necessary works are completed in accordance with the highway authority design and road safety audit requirements.</p>
5.18	<p>On the basis of the above, it is considered that the alterations to the lane and provision of dedicated parking facilities further away from the road would cumulatively increase the highway safety and free flow of traffic and pedestrian</p>



	<p>traffic in the area. The proposal is therefore considered compliant with the requirements of LDP policy DM1 3a and d. Notwithstanding this decision, the Council will be proceeding to enforce the requirements of the Enforcement Notice, until the highway improvements required by the condition have been implemented, due to the ongoing highway safety Issues.</p>
5.19	<u>Amenity</u>
5.20	The visual and amenity impact arising from the site and its current operation is a further significant concern for local objectors.
5.21	At the time of inspection, the canopy on the front of the main building had been erected and was in use, as was area one to the rear of the buildings which contained the double and single polytunnels plus numerous plant and stock displays. Whilst it is acknowledged that the canopy and polytunnels are sizeable, they are of limited height and generally proportionate to the overall scale of the enterprise and sufficiently set within the site to prevent them from being significantly visually incongruous.
5.22	Being mindful that open air storage and displays and polytunnel features are not uncommon in garden centre settings, and that area one and the structures within in it are largely screened by the existing building, it is considered that the overall visual impact arising would not so detrimental to the overall character and appearance of the area to warrant refusal of the application on such grounds. It is also considered that relocating all parking to the rear of the premise and using the forecourt as active but enclosed sales area, would improve the visual amenity and reduce disturbance to the benefit to the character and appearance of the street scene and the residential amenity of those living opposite the site.
5.23	The current unauthorised use of area two as a garden/green waste holding and processing area, is a significant area of concern for the Council with regard to the visual and residential amenity impact, as a result of noise, smell and disturbance. Throughout the application process, the applicant has been advised to stop all such activities. However, at the time of the most recent inspection, waste remained on site and as a result further legal action will now be instigated to cease the activity and to restore the land.
5.24	With regards to the current application, it is considered that utilising area two as a car park would help remedy the current situation to the benefit of the character, visual, residential and environmental amenity of the area. Subject to conditions requiring details of the car park surface area and landscaping to be submitted to and approved in writing, it is considered that the impact of the

	development would not be so detrimental to the overall character and appearance of the area to warrant refusal of the application and the application would be compliant with LDP policy DM1 2.b and c.
5.25	<u>Ecology and Green Infrastructure</u>
5.26	A number of silver birch trees would need to be removed as part of the lane works. These are not protected by a Tree Preservation Order or within Conservation Area. Following consultation, the Council's Landscape Officer has noted that the business is existing and raised no objection to the application subject to appropriate tree and hedge planting being provided in compensation. Whilst the plans submitted detail the provision of screen planting along the northern edge of area two, no planting details have been provided. However, this information could be adequately secured by condition.
5.27	The eastern edge of the site, borders the Six Bells Colliery Site of Importance for Nature Conservation (SINC) with the area designated due to its qualifying habitat features which overall, creates a mosaic habitat that benefits multiple species.
5.28	Following consultation, the Council's Ecologist has advised that whilst area two has the potential to support reptiles, the existing use will have resulted in disturbance and discouraged use. However, the layout plan submitted details that a current area on the eastern edge of area two which adjoins with the SINC would be maintained as uncultivated land with natural vegetation with further grass verges maintained around the site and as a result the Ecologist has raised no objection to the proposal.
5.29	In compliance with Welsh Government guidance, each application for planning permission must provide ecological mitigation and enhancement. Being mindful of the current use of the site, provided the area to the east is maintained in conjunction with the planting of a native deciduous hedgerow along the northern boundary, it is considered that sufficient ecological mitigation and enhancement would be provided and the proposal would not have a significantly detrimental impact on the ecological value of the application site or wider area. The application is therefore considered compliant with LDP policies DM2 g and DM14.
5.30	<u>Ground Conditions</u>
5.31	The application site is positioned within a High Risk Coal Field Area with an objector confirming that the site is a former coal tip that cannot bear significant weight. Following consultation, the Coal Authority have confirmed that the

	designation is a material consideration but that the use falls within their exemption category and therefore raise no objection to the application.
5.32	Whilst the proposed car park would be large enough to turn a lorry, the agent has advised that large lorry deliveries are limited through the year to those delivering bulk goods such as compost and Christmas trees. Plants tend to be delivered throughout the year in large vans. It is therefore considered that the use of the area as proposed and weight generated would not be so prolonged or so significant to generate a level of subsidence detrimental to the health and safety of the area.
5.33	<u>Other</u>
5.34	As part of the public comments received, objection have been raised regarding the loss of view and devaluation of properties. Whilst it is appreciated that the use of area two in its current form has a detrimental impact on the residential amenity and character and appearance of the area, there is no right to a view under the planning system and devaluation is not a material consideration. Although the applicant benefits from a Natural Resources Wales Waste Carrier licence, the use of the land for the storage and processing of waste is unauthorised and the Council will be seeking further legal action to terminate the use.
<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 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.
<b>7. Conclusion and Recommendation</b>	
7.1	On the basis of the above report it is considered that the temporary use of site, to include the residential allocation is acceptable and on balance, the closure of the forecourt to vehicular traffic, improvements to Warm Turn and provision of enhanced parking further away from the main road would have a beneficial

impact on the highway safety and free flow of traffic along the A467. It is also considered that approving the application would remove existing unauthorised uses that currently have a detrimental impact on the character, visual, residential and environmental amenity of the area and provide additional controls over the site by the imposition of appropriately worded conditions.

7.2 Subject to conditions to phase works and secure details, the application is considered compliant with the relevant policies of the Blaenau Gwent County Borough Council Local Development plan and it is recommended that planning permission be GRANTED.

1. Approved plans:  
Site location plan SD454 02B and  
Site layout plan SD454 01F

Reason: To clearly define the scope of this permission.

2. Within six weeks months of the date of this consent, details of the means of construction (to include full section details), surface finish, drainage and demarcation of the vehicular carriageway and pedestrian pavement, proposed along Warm Turn lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be maintained as such thereafter.

Reason: In the interests of the highway safety and free flow of pedestrian and vehicular traffic.

3. Areas one and two as detailed on the approved layout plan shall not be accessed from Warm Turn or used by the business or customers of the business until the highway alterations have been undertaken and completed in accordance with the approved plans and details required by condition two.

Reason: To ensure that the works are undertaken in the interests of the highway safety

4. Areas one and two shall be cleared of all equipment and stock and the land restored and reinstated on or before 42 months from the date of this permission. No later than 6 months prior to the date of the expiry of this permission, details shall be submitted in writing, to the Local Planning Authority for its written approval of site reinstatement/ restoration works

and a timescale for their implementation. The site shall be restored in accordance with the approved details and timescale.

Reason: A 42-month temporary permission is required to enable the highway works to be implemented and site reinstated around the 36-month temporary use of the site. After this period the land will be required for its allocated residential use

5. Prior to the first beneficial use of Warm Turn Lane by the business and customers of the site, visibility splays of 4.5m by 43m shall be provided either side of the junction with the A467 and any planting or obstruction within these splays shall be removed. The splays shall be maintained as such thereafter.

Reason: To ensure sufficient visibility is provided for users of the junction in the interests of the highway safety.

6. Prior to the first beneficial use of the car park on area two, details of the means of construction and surface finish shall be submitted to and approved in writing by the LPA. The development shall only proceed in accordance with the approved plans and shall be maintained as such for the duration of the temporary planning permission.

Reason: In the interests of the character and visual amenity of the site.

7. Notwithstanding the details of the approved plans, prior to the first beneficial use of either areas one or two, a detailed schedule of the proposed screen planting and landscaping of area two shall be submitted to and approved in writing by the Local Planning. Soft landscaping works shall include- planting plans; written specifications; schedules of plants noting species, plant supply sizes and proposed numbers/ densities where appropriate and implementation programme.

Reasons: To ensure appropriate and sufficient planting is provided, in the interest of the character, visual amenity and ecological value of the site.

8. All planting, seeding or turfing comprised in the approved details of planting and landscaping shall be carried out in the first planting and seeding seasons following the first beneficial use of area two. Any trees or plants which within a period of three years from the date of planting die, are removed or become seriously damaged or diseased shall be

7.3	<p>replaced in the next planting season with others of a similar size and species.</p> <p>Reason: To ensure the landscaping is maintained in the interest of the character and appearance of the area.</p> <p>Advisory Notes:</p> <ol style="list-style-type: none"><li>1. The developer will be required to enter into a Section 278 Highway agreement with the Council for the proposed junction upgrading works, to ensure all works are completed in accordance with Highway Authority design requirements. The development will also be the subject of a full road safety audit.</li><li>2. As of 7th January 2019, all construction work in Wales with drainage implications, of 100m<sup>2</sup> or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water. The developer is advised to contact the Councils SuDS Approving Body to determine whether the works hereby approved require consent. Further information is available via: <a href="https://www.blaenau-gwent.gov.uk/en/resident/drainage-flooding/permission-for-drainage/">https://www.blaenau-gwent.gov.uk/en/resident/drainage-flooding/permission-for-drainage/</a></li></ol>
<b>8. Risk Implications</b>	
8.1	<b>No risks identified</b>