

Fy Nghyf/My Ref: 23/5039
Gofynnwch am-Please ask for: Kaylea Northam 01443 281130
Dyddiad/Date: 07/06/23

DATBLYGIAD Proposed Hydroelectric Scheme
ARFAETHEDIG/
PROPOSAL :

LLEOLIAD Treforest Weir, Treforest, Pontypridd, CF37 1SY
/LOCATION:

I refer to your correspondence received on 4th May 2023, concerning the above and your request for pre-application advice.

Having considered the nature of the submission, the following comments are offered:

Local Context and Constraints

The site relates to a Grade II Listed Building known and listed as Treforest Tinplate Works Feeder Sluice and Weir. It forms a crescent-shaped weir curving across the River Taff, just below Castle Bridge. The sluice structure is on the western bank of the river, consisting of coursed, rubble stone walls with 2 cast iron sluice gates on the upstream side. It includes concrete cappings, metal railings and modern grilles at water level. To the opposite side of the wall is part of a cast iron lintel supported by 2 uprights through which the water flowed. On the eastern side is a wall of coursed rubble with rock-faced quoins and dressings. Within a splayed recess is the cast iron frame and lifting rack of a former sluice, downstream for the weir, the purpose of which was the return of water to the river. The concrete block walls of the fish pass are topped by metal railings and step down behind the original walls of the sluice.

The site was listed in September 2003 for its archaeological interest as well as a preserved group of C19 structures associated with waterpower for large-scale industry, and as an integral component of the Treforest Tinplate Works, one of the most complete surviving groups of tinplate works building of the C19.

Please note that this information is based on our current records and is, as far as possible, accurate. Nevertheless, we reserve the right to advise you of any additional constraints that may be identified at the time of your application.

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Croesawn ohebu yn Gymraeg a fydd gohebu yn y Gymraeg ddim yn arwain at oedi. Rhwch wybod inni beth yw'ch dewis iaith e.e Cymraeg neu'n ddwyieithog.
We welcome correspondence in Welsh and corresponding with us in Welsh will not lead to a delay. Let us know your language choice if Welsh or bilingual.



MAE EICH DATA O BWYS www.rctcbc.gov.uk/diogeludata
YOUR DATA MATTERS www.rctcbc.gov.uk/dataprotection



Relevant Planning History

There are no planning applications on record for this site within the last ten years.

Relevant Planning Policies

In addition to national guidance contained within Planning Policy Wales, any application would be considered against the Policies within the adopted Rhondda Cynon Taf Local Development Plan, details of which are available on the Council's website by visiting www.rctcbc.gov.uk/ldp. The relevant policies would include:

Policy AW2 – Sustainable Locations: promotes development in sustainable locations which includes sites that are within the defined settlement boundary that would not unacceptably conflict with surrounding uses, that have good accessibility by a range of sustainable transport options and have good access to key services and facilities.

Policy AW4 – Community Infrastructure & Planning Obligations: details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

Policy AW5 – New Development: sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – Design and Placemaking: encourages proposals which are of a high standard of design, and are appropriate in terms of siting, appearance, scale, height, etc.

Policy AW7 – Protection and Enhancement of the Built Environment: states that developments which affect public rights of way will only be permitted where it can be demonstrated that there is surplus of such facilities in the locality, or the loss can be replaced with an equivalent or greater provision in the immediate locality or where the development would enhance the existing facility.

Policy AW8 – Protection and Enhancement of the Natural Environment: seeks to preserve and enhance the distinctive natural heritage of RCT by protecting it from inappropriate development.

Policy AW10 – Environmental Protection and Public Health: development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of land instability, flooding, contamination etc.

Policy AW12 – Renewable & Non-Renewable Energy: permits developments for renewable energy schemes for hydroelectricity provided that there is no

unacceptable effects upon the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

The current LDP's lifespan was 2011 to 2021 and it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

Supplementary Planning Guidance (SPG)

Further to the views given below, the applicant may wish to consider the following Council's Supplementary Planning Guidance:

- Design and Placemaking
- Nature Conservation
- Planning Obligations

These can be viewed at:

<https://www.rctcbc.gov.uk/EN/Resident/PlanningandBuildingControl/LocalDevelopmentPlans/SupplementaryPlanningGuidance.aspx>

The documents help explain and expand on the overarching plan policies against which any development proposals will be judged.

Further relevant information can be found in the following Technical Advice Notes:

PPW TAN 8: Planning for Renewable Energy
PPW TAN 12: Design
PPW TAN 15: Development and Flood Risk
PPW TAN 24: The Historic Environment

Analysis of Proposal

This pre-application enquiry relates to the installation of a hydroelectric scheme at the site which would utilise either an in-river Archimedean screw or a Kaplan turbine on the western bank of the river.

The enquiry is supported by details which suggest that the scheme would include the installation of a turbine and a turbine house in the location of the existing fish pass structure. It is indicated that the fish pass would have to be incorporated within the turbine structures however, no details have been provided to indicate how this might be developed.

A new access would be created off Forest Road (B4595) to the west and it is indicated that a number of trees will need to be removed to facilitate this.

It is indicated that the scheme would generate renewable energy for local use with the Lido at Ynysangharad Park, Pontypridd being identified as a potential user of the energy generated.

Principle of Development

Policy AW12 of the Rhondda Cynon Taf Local Development Plan supports development proposals which promote the provision of renewable energy such as schemes for hydro-electricity. Such schemes will be supported where it can be demonstrated that there would be no unacceptable effect upon the interests of a number of issues, including soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

The policy indicates that the provision of electricity from renewable sources, coupled with energy efficiency and conservation measures, are key elements of the UK energy policy and have the potential to make an important contribution to meeting the challenges of climate change. It states that in considering proposals for renewable energy, the need to harness energy from renewable energy sources will be carefully balanced with the impact on local communities, the landscape and ecological interest.

The principle of the proposed scheme would therefore generally be considered acceptable however, there are significant concerns with the proposal given that the site is registered as a Listed Building.

Planning Policy Wales Edition 11 indicates that the planning system must look to protect, conserve and enhance the significance of historic assets (6.1.7). It is further indicated that there should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses (6.1.10). Furthermore, Policy AW7 of the Rhondda Cynon Taf Local Development Plan indicates that developments which impact upon sites of architectural and/or historical merit will only

be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

The enquiry is supported by limited information in terms of the exact siting, scale and design of the proposal and it is therefore not currently clear how the proposed development would integrate with or impact upon the Listed Building or its setting. However, based on the limited information that has been submitted, it is reasonable to conclude that the development is likely to have a detrimental and unacceptable impact upon the special architectural and historical significance of the Listed Building. It is therefore unlikely that the Local Planning Authority, or indeed Cadw, would support the principle of a hydroelectric scheme in this particular location.

Character & Appearance

Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan primarily seek to ensure that development does not have unacceptable effects on an area's character and appearance and this is to be achieved by ensuring that the scale, form and design of developments are appropriate and that they are of a high standard of design that reinforce attractive qualities and local distinctiveness and that they are appropriate to the local context in terms of siting, scale, height, massing, materials and detailing.

Limited information has been provided to demonstrate the potential scale and layout of the proposed scheme and it would therefore not be possible to undertake an in-depth assessment of the potential impact of the proposal upon the character and appearance of the site and the surrounding area. However, given the location of the site and its relationship with the surrounding area, it is unlikely that the development would have an adverse impact upon the character and appearance of the surrounding area, although this would not outweigh the concerns raised in respect of the potential impact of the development upon the Listed Building.

It is noted that the site lies immediately adjacent to Castle Square Conservation Area and that a number of trees that are within the conservation area would need to be removed in order to facilitate the proposed access. Whilst no details have been provided to indicate the extent of tree removal, none of the trees in this particular area appear to be protected by a Tree Preservation Order. The Council's TPO officer has reviewed the proposal and notes that the trees likely to be affected by the proposal are mostly ash trees that are likely to be removed in any case due to disease, and invasive laurel which has little to no ecological or tree value. Therefore, the removal of the trees to facilitate the access to the site is unlikely to raise any objection, subject to details being provided in terms of the numbers and details of trees to be cleared. It is however likely that some re-planting will be required to provide screening for residents.

Amenity and Privacy

Policy AW5 of the Rhondda Cynon Taf Local Development Plan seeks to ensure that there would be no significant impact upon the amenities of neighbouring occupiers. Any future proposal that has an adverse impact in this regard will not be supported.

The enquiry site is situated approximately 40 – 50 metres away from the nearest neighbouring residential properties at Meadow Street (to the west) and Cardiff Road (to the east). Given the nature of the development, it is considered unlikely that the development would result in any adverse impact upon the amenity of the nearest residents however, it will be important to demonstrate this in the submission of any future planning application. Any future submission should be accompanied by relevant scaled plans to demonstrate the exact siting and scale of the proposed development, as well as relevant noise impact assessments to demonstrate that any noise that would emanate from the site would either be acceptable or could be mitigated to an acceptable level.

Highway Safety

Consultation has been undertaken with the Council's Highways and Transportation team in order to determine the potential impact of the proposal on highway safety in the vicinity of the site. No response had been received at the time of writing this response however, any response received following this response will be forwarded to you under separate cover. The highways response should be considered and used to inform any future planning application.

Impact upon other Scheduled Monuments

Consultation has been undertaken with Cadw however, the response received indicates that they have no comments to make on the proposed development as they do not provide an assessment of the likely impact of the development on listed buildings or conservation area. However, it is noted that scheduled monument GM457 Newbridge Beam Engine is located inside 450m of the proposed development. Due to the intervening topography, buildings and vegetation that exist between the site and the scheduled monument, it is not considered that the proposed development would have any impact upon the setting of the scheduled monument.

Flooding

Given the nature of the proposed development and the location of the site in a C2 flood zone, any future planning application would need to be supported by detailed information to demonstrate that the development would not result in flooding in the vicinity of the site or in locations further along the river.

Drainage

Consultation has been undertaken with the Council's Flood Risk Management team in order to determine the potential impact of the proposal upon land drainage. No response had been received at the time of writing this response however, should any future planning application comprise of a development area greater than 100 square metres, it should be noted that the applicant will be required to submit an application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB), as required by 'Schedule 3 of the Flood and Water Management Act 2010'. 'Development area' will mean anything done by way of, in connection with or in preparation for the creation of a building or other structure and will include the creation of an access road and parking areas.

From the 7th January 2019 all surface water drainage for new developments are required to comply with mandatory National Standards for Sustainable Drainage systems which will be demonstrated through the application of Sustainable Drainage Approval to the Sustainable Drainage Approval Body (SAB) prior to the commencement of works.

In addition to the requirement to undertake SuDs approval the applicant should also be aware that SuDs approval is outside of the Town and Country Planning Act and is not available retrospectively.

For further information related to the statutory requirement to undertake SuDs approval the applicant should review the contents of the authority's website which provides an overview of sustainable drainage. This includes a method for undertaking pre-application advice or the process for submitting a full application for determination.

RCT Sustainable Drainage Approval Body:

<https://www.rctcbc.gov.uk/EN/Resident/ParkingRoadsandTravel/Roadspavementsandpaths/SustainableDrainage/SustainableDrainage.aspx>

Any further response from the Flood Risk Management team will be forwarded to you under separate cover.

Ecology

The application site is situated on the western bank of the River Taff, which is identified as a Site of Important Nature Conservation (SINC - Ref No. 142: Taff and Rhondda Rivers). Any future planning application will therefore need to be supported by an appropriate Ecology Survey in order to demonstrate that the development would not cause harm to the features of the SINC, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

A specific response from the Council's Ecologist had not been received at the time of writing this response however, any response received will be forwarded to you under separate cover.

Low Coal Risk Area

The site is located in a Development Low Risk Area in respect of historic coal mining and any future planning application would not be required to be supported by a Coal Mining Risk Assessment.

Dwr Cymru Welsh Water

Welsh Water has a key role to play in the development and planning process as the services provided are at the forefront of public health and protection of the environment. Welsh Water encourages all developers to engage with them as early as possible in order to address any issues that may arise during the planning/construction process. Please also be advised that for any major development applications you will need to consult Welsh Water as a 'Specialist Consultee' by submission of the relevant information as set out in Schedule 1C, Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Upon receipt of a pre-application enquiry, Welsh Water will provide a written response advising whether the local network(s) can support the proposal, whether off-site water mains and/or sewers will need to be provided, and whether there are any apparatus located within the land you wish to develop and the requirements for these apparatus. This service is provided for a fee of £133+ VAT and can be submitted by post or by completing the online enquiry form at <http://www.dwrcymru.com/en/Developer-Services>. Further information can be obtained from the dedicated team of planning officers at Welsh Water on 0800 917 2652.

Natural Resources Wales

The following advice has been received from Natural Resources Wales:

Advice on environmental considerations and the assessments needed to support a planning application can be found on our website.

For advice on how to deal with possible land contamination on your development visit: <http://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/land-contamination/?lang=en>

For advice on how to protect groundwater at your development visit: <http://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/protecting-groundwater/?lang=en>

For advice on private sewage treatment in an area with a public sewer visit: <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/private-sewage-treatment-in-an-area-with-a-public-sewer/?lang=en>

For advice on private sewage treatment in a non-sewered area visit: <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/charges-to-surface-water-and-groundwater/?lang=en>

To find out more on protected areas of land and sea visit: <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/protected-areas-of-land-and-seas/types-of-protected-areas-of-land-and-sea/?lang=en>

For advice on Protected Species visit: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/protected-species/?lang=en>

For advice on flood risk visit: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/development-and-flood-risk/?lang=en>

Alternatively, we may be able to provide a free or charged preliminary opinion on a scheme. Further details about what can be provided under our free and charged preliminary opinion are available on our website, please see below link: <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/?lang=en>

Other Matters

Land Ownership and Development Issues

If any part of the development were to overhang or require foundation work beyond the site boundary or be attached to or rely on the support of a neighbouring structure not in the applicant's ownership, or require access via third party land, for example, this would require Certificate B of the application form to be completed and notice served on any affected neighbours/landowners.

Similarly, and prior to submitting a planning application, the applicant may wish to check with utility providers whether there are any underground services, either within or adjacent to the location of the proposed dwellings. This may prevent a scenario where a development could receive planning consent but is unable to be carried out without subsequent amendment, or an agreement to build over or relocate any underground infrastructure. Such utility companies might include, but not be restricted to, Dwr Cymru Welsh Water, Western Power Distribution, and Wales and West Utilities.

Lastly, bearing in mind that the proposals would be subject to a statutory consultation, including other residents, it could be beneficial to discuss your proposals with any neighbours likely to be affected in advance.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

<http://www.rctcbc.gov.uk/EN/Resident/PlanningandBuildingControl/CommunityInfrastructureLevy/CommunityInfrastructureLevy.aspx>

Required Supporting Documentation

We would encourage you to submit your application electronically via www.planningportal.gov.uk.

Having regard to the nature of your proposal and the information that has been submitted, it is considered at this stage that in addition to the submission of standard mandatory supporting documentation such as application forms and plans, any application may also be required to be accompanied by the following additional documentation:

- An appropriate Ecological Survey
- Tree Survey
- Noise Impact Assessment
- Flood Consequences Assessment

In addition to this, the application should be submitted alongside a separate application for Listed Building Consent which must be accompanied by a Heritage Impact Assessment and a Design and Access Statement.

It is also recommended to applicants that detailed information is submitted at application stage to ensure that, in the event of planning permission being granted, that 'pre-commencement' conditions (which require approval of details prior to work starting on site) can be minimised. You are therefore encouraged to ensure that your initial submission incorporates as much information as possible and addresses all matters raised in the advice given above. These might include the following:

Materials - if not already identified on elevation drawings, a list of proposed materials should be provided to detail the external finishes, including those for the roof (including soffits and rainwater goods), fenestration (including cills and heads) and

walls. Links to manufacturer's or supplier's websites can be helpful, if necessary to identify particular colours or specifications.

Boundary Treatments - within the site layout or block plans, the type and height of all boundary treatments should be highlighted. This includes any existing walls, fences or hedges to which no changes are proposed.

Landscaping - hard landscaping features and any earthworks or large scale planting schemes should be identified within a site layout or block plan.

Highways - submitted plans should clearly define the location and number of off-street parking spaces, together with turning area(s) to enable vehicles to leave the site in forward gear.

Detailed guidance on the use of the national standard application form for planning permission and other associated consent regime; and the information which must accompany a planning application so that the Local Planning Authority can determine the validity of the application, can be found as follows:

"Guidance on the use of the standard application form ('1app') and validation of applications":

<http://gov.wales/topics/planning/policy/guidanceandleaflets/1appguidance/?lang=en>

The Town and Country Planning (Development Procedure)(Wales) Order 2012 :

<http://www.legislation.gov.uk/wsi/2012/801/contents/made>

It would also be helpful to ensure that any covering letters or supporting reports do not contain signatures of their authors or personal non-business related contact details. Otherwise, such details have to be redacted by the Planning Authority and this process may result in a delay to validation and publication of an application.

How we will deal with your planning application

Once your application has been received it will be allocated a reference number and case officer. We will check the application to make sure it complies with the statutory requirements and we will contact you by phone or email to advise you of any discrepancies. We will also work with you to address any outstanding concerns, including amendments required to make your proposal acceptable.

Once we are happy with the validity of your application, we will formally consult neighbours and relevant consultees. Provided there are no significant matters of concern resulting from such consultations we will seek to determine your application as swiftly as possible after the expiry of the statutory publicity period, and aim to do so within the 8 week statutory period.

While officers endeavour to ensure you are aware of the progress of your application, we would encourage you to contact the case officer or our Planning Process team to discuss any matters further.

Building Control

The Planning and Building Control teams work closely to assist developers in improving the quality of their development and ensuring compliance with all appropriate conditions and Regulations. In particular, Building Control provides a competitive and highly professional service and seeks to actively engage with developers at the earliest stage of their project. You are therefore encouraged to contact the Building Control team on (01443) 494746 or by emailing BuildingControl@rctcbc.gov.uk.

Request for further advice

Following receipt of this initial advice, should you wish to discuss your scheme prior to a formal submission, please contact the case officer on the direct number or email given above. Further charges may apply.

Yr eiddoch yn gywir / Yours faithfully,

Kaylea Northam
Planning Officer

Please Note:

The advice given in this response represents an informal opinion, provided in accordance with the Council's Planning Pre-Application Service. In particular, it is emphasised that while this pre-application advice will be carefully considered in reaching a decision or recommendation on an application, the final decision on any application that you may make can only be taken after we have consulted local people, statutory consultees and any other interested party. It does not therefore prejudice any decision which the Local Planning Authority may make should an application be submitted.