



The Planning Inspectorate Yr Arolygiaeth Gynllunio

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Mrs Amanda Borge,
Regeneration & Development Communities,
Directorate,
Civic Offices,
Angel Street,
Bridgend,
Wales,
CF31 4WB

Eich Cyf / Your Ref :

Ein Cyf / Our Ref : DNS/3213704

Dyddiad / Date : 6 February 2020

Dear Mrs Borge,

**Town and Country Planning Act 1990
The Developments of National Significance (Wales) Regulations 2016
Application by : Renplan Consulting Ltd
Site Address : Land to the North of Felindre Road, Pencoed, CF35 5HU**

As briefly outlined at the Site Visit, and without prejudice to the outcome of the recommendation to Welsh Ministers, the appointed Inspector seeks clarity on the following matters from the Local Planning Authority (LPA).

Noise Impact

- The submitted Acoustic Assessment concludes that there would be a '*significant adverse impact*' at residential properties during night-time hours. The Health Board alleges that an engineered solution should be found to mitigate such concerns, whilst paragraph 5.2.5 of the Acoustic Assessment states that it would be "*appropriate to take the scheme forward as proposed, with routine night-time operation of the plant restricted, such that it would only be called by the national grid in extreme emergency conditions, where acoustic amenity would become a secondary consideration*". No engineered solution is proposed and neither are there any suggested planning conditions in relation to this matter.

The LPA's LIR states: "*The assessment also identifies that the proposed development will give rise to rating noise levels that are significantly above the measured background sound level in the area, at each assessed residential receptor, during the night thus giving rise to a significant adverse impact*" (8th paragraph under sub-heading 'Environmental Health Considerations'). That same Report then goes on to state: "*The Council is satisfied with the methodology that has been used to analyse background noise levels and they do not anticipate that the development would have*

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a significant adverse impact on local residents" (11th paragraph of the same section of the LIR). The Inspector requests that such ambiguity is clarified through a response to this letter.

In the absence of an engineered solution or a suitably worded planning condition, what restrictions would/ should be imposed and would they prevent unacceptable harm to neighbouring noise sensitive receptors? Should a planning condition be suggested to implement the night-time restrictions recommended by the Acoustic Assessment, thought should be given to ensuring that it is suitably precise as per the requirements of national policy.

Air Quality & Noise Impact

- The Air Quality and Acoustic Assessments are based on the specific engines proposed (which were selected as they have been found to be the cleanest in terms of emissions/ quietest when compared with others on the market). Is this satisfactorily controlled by the terms of the application or should this be controlled via planning condition to prevent the use of a different engine not assessed as part of the application? If the latter, a suggested planning condition should be submitted for consideration.

Ecology/ Hedgerows

- Paragraph 6.21 (and paragraph 6.33 onwards) of the applicant's Planning Statement refers to the recommendations of the Preliminary Ecological Appraisal, including those relating to hedgerows. Are these recommendations suitably incorporated into the suggested planning conditions, bearing in mind the ambiguity associated with a reliance on suggested Condition No.2?

Trees

- Paragraphs 6.37- 6.38 of the applicant's Planning Statement state: *"The application is accompanied by a full Arboricultural Survey of the site. To mitigate against any impact, there would be a 'no-dig' construction method for the siting of the substation and the access track that fall within the root protection area of the tree that features centrally within the application site.*

The submitted Tree survey provides tree protection measures to ensure the trees are protected during installation works. Provided the precautionary / protection measures as outlined in the submitted arboricultural assessment are followed, the proposal is not going to impact on the well-being of the trees and hedgerows".

Such mitigation measures do not appear to be translated into specific enforceable planning conditions.

Flood Risk

- Paragraph 6.26 of the applicant's Planning Statement states that: *"Provided the recommendations outlined in this report are adopted in the development proposal then there is the capacity to develop the site with minimal risk from flooding and without increasing flood risk to third parties".*

Are/ should such matters be translated into a planning condition(s)?

Planning Conditions – General Queries

- Condition No.2 – A comprehensive list of ‘approved plans and documents’ has since been submitted.
- Condition Nos.5 & 6 require a landscaping scheme to be submitted and approved by the LPA. Is this preferred approach to landscaping given that a Landscaping Masterplan forms part of the submission? Clarity required either way.
- Condition No.7 relates to hours of construction work, but is inconsistent with the recommendations of the Construction Traffic Management Plan (CTMP). Other recommendations set out in the CTMP are also omitted from the suggested planning conditions. Would it be more appropriate for the development to be tied to the CTMP via a planning condition, or for an amended CTMP to be submitted to and approved in writing by the LPA? Wording of an amended/ new conditions to be submitted.
- Are there any recommendations in the technical evidence (other than those referred above) that would benefit from inclusion as a planning condition?

A full response to each of these matters is requested from the LPA by 20 February 2020 at the latest. Once a response has been received, the applicant will be provided with an opportunity to submit a formal rebuttal although, to expedite the process, it might be beneficial for the LPA to liaise with the applicant in preparing its response.

Yours sincerely

Max Thomas

Max Thomas
Case Officer
Swyddog Achos