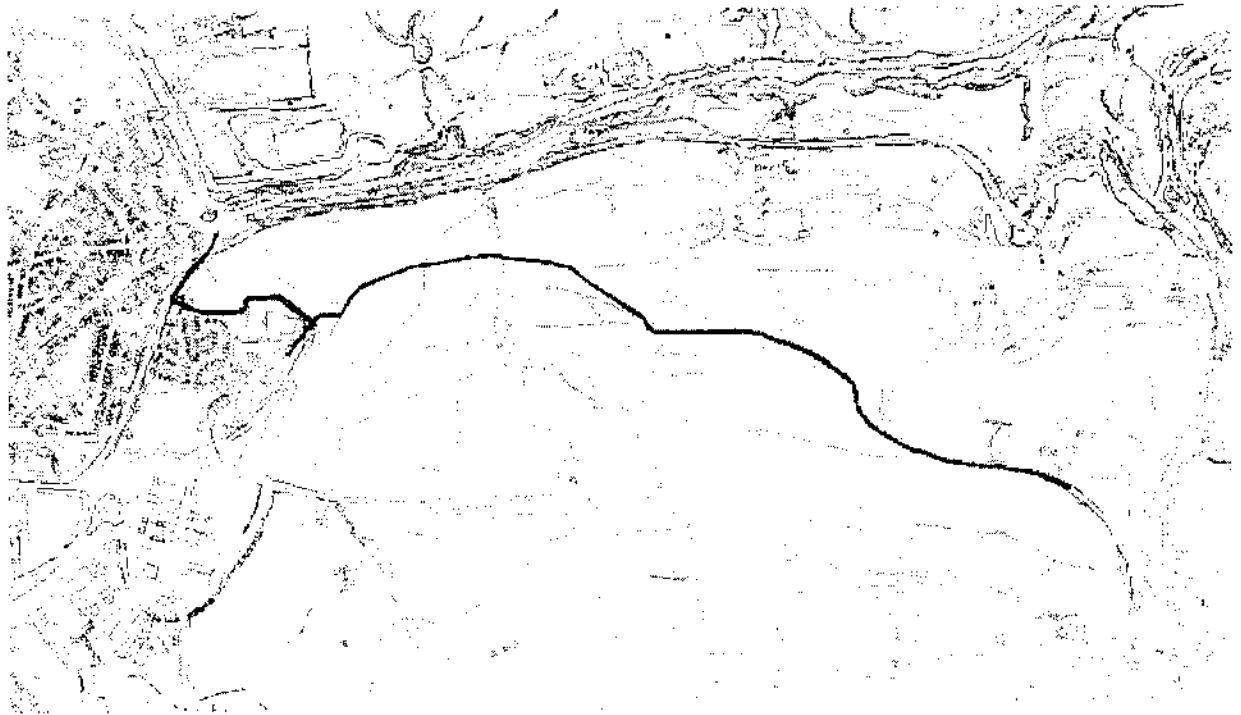


## ENCLOSURE 5

ITEM NUMBER: 5

**APPLICATION NUMBER:** 11/06855/FUL  
**APPLICANTS NAME(S):** Mrs Clare Woodward  
**SITE ADDRESS:** Land Between Ben Wards Field, Brynmawr To  
Blaengelli Farm, Llanelly Hill  
**GRID REF:** E: 320476 N:211835  
**COMMUNITY:** Brynmawr  
**DATE VALIDATED:** 22 June 2011  
**DECISION DUE DATE:** 17 August 2011  
**CASE OFFICER:** Mr Jonathan James



**PROPOSAL** Proposed shared use community and cycle route

**ADDRESS** Land Between Ben Wards Field, Brynmawr To, Blaengelli Farm,  
Llanelly Hill

## ENCLOSURE 5

### CONSULTATIONS/COMMENTS

Consultee	Received	Comments
Brynmawr Town Council	25th Jul 2011	No Objection.
Countryside Council For Wales	13th Jul 2011	The proposal is unlikely to adversely affect either protected species or the Site of Special Scientific Interest (SSSI). CCW therefore does not object to the proposal. In order to ensure minimum impact on species and habitat present at the site, it is recommended that works are undertaken as outlined in the recommendations section of the document entitled Report of extended Phase I Ecological Survey of land between Waunafon and Brynmawr (August 2010).
Environment Agency Wales		No comments
Health And Safety Executive	27th Jun 2011	Does not advise against
Llanelly Community Council	18th Jul 2011	Defer any decision on this application until members from the Llanelly CC visit the site with a Highways Officer from Monmouthshire County Council
Llanelly Community Council	16th Aug 2011	Concerns are expressed over the access and egress from the proposed site. Concerns are raised for cyclists who will be using the cycle track as the plan does not indicate the cycle track destination. Cyclists will be left exposed on the side of the highway; there are no footpaths. The highway is busy and a number of incidents have occurred over the years. The highway authority must believe the road is dangerous as the Road Safety Partnership have installed speed signs in this location. Officers from Gwent Police have also expressed concern with road safety for users. Concern over conflict between cyclists and other road users using track over unclassified road. Supports the cycle route provision; raises concern over highways issues. The road is very busy with travelling at high speed including lorry's this would be highly dangerous for cyclists. A traffic light controlled crossing should be provided. Require road traffic improvements to the B4248; suitable footpaths for users to travel on highway; provision of a barrier to stop cyclists riding direct onto the highway; provision of signage to provide adequate warnings for users; provision of passing places along the unclassified highway. An

## ENCLOSURE 5

Monmouthshire  
County Council  
Highways

7th Sep 2011

alternative route onto land adjacent to the cold water ponds would be an improvement. Llanelly Community Council would invite Members from the NPA to visit the site with Members of the Community Council to inspect the dangers. Therefore object to the application on the grounds of highway safety unless improvements can be negotiated.

Site description

The site is an old disused railway track in Monmouthshire area, with the B class road dissecting the old route. The access/egress of the proposed route is adjacent to the cattle grid which separates the semi rural area to the rural common land.

The access is within the rural area and open landscape of low growth vegetation such as brush and heather and is of an open aspect.

The access serves as residential access for at least three dwellings.

Proposals and comments

The proposal is to utilise the old railway track to serve as a cycle track as well as continue as an access for the residential dwellings as existing.

The proposal also indicates that the cycle track will traverse the Blaenavon Road (B4248), the B4248 at this location is very much a rural road and open landscape affording very good visibility to motorists on the B4248 as well as cyclist using the cycle route. The location also benefits from existing features that encourage reduced speeds namely slow / araf carriageway markings and the presence of a cattle grid.

Although cycling is to be expected on the B4248 the creation of the cycle track will likely increase the frequency and numbers of cyclists using the B4248 and particularly crossing of the B4248.

The proposal also does not show whether there are any alterations to improve or separate the existing

## ENCLOSURE 5

track for dual use. The proposal is to continue use in its open aspect as it joins the B classification highway.

Although cycling is to be expected on such roads I should take this opportunity to express concern that due to the increased use of the junction by cyclists, who may conflict with existing vehicle users of the existing track the safety of cyclist may be compromised by the existing junction arrangement on the B4248.

I would request that a safety audit be undertaken to look into the traffic signing and lining at this location which should identify any improvements that is deemed necessary for the safety of the existing highway user as well as the proposed user.

### Recommendation

I would offer no objection to the proposal subject to the applicant undertaking a safety audit prior to commencement of the scheme and implementing the audits recommendations.

No comments received

Monmouthshire  
County Council  
Waste Management  
NP Ecologist

12th Aug 2011

On the basis of my pre-application discussions and a review of the current application I wish to offer the following comments and recommendations

### Comments

1.0 I welcome the provision of the Extended Phase 1 Ecological Survey report (Chris Hatch, August 2010) in support of the application. Understandably the survey does not focus specifically on the section of the proposed cycle route within the Brecon Beacons National Park, but assesses the ecological value and impacts along the length of the scheme from Waunafon to Brynmawr. Features and species of ecological note have been identified, but these are largely restricted to habitats outside the National Park section, which is largely dominated by secondary habitats generated following extensive historic deep and open cast

## ENCLOSURE 5

mining operations.

1.1 The ecological survey has noted the presence of a small number of common lizard, associated with various redundant concrete structures present within the National Park section and elsewhere along the proposed route. I welcome the 'Reptile Mitigation Strategy' which has been prepared as part of the Ecological Survey report (Chris Hatch, August 2010), which should be implemented in full as part of the proposed development.

1.2 Notable numbers of breeding lapwing were recorded as part of collective ecological surveys in the areas to the south and west of the National Park in the locality of Ben Wards Fields. I am satisfied that the section of proposed cycle route within the National Park will not adversely affect the recorded breeding lapwing population. I welcome the recommendations presented in the 'Breeding Bird Survey' included in the Ecological Survey report (Chris Hatch, August 2010) to protect the broader breeding bird interests. These recommendations should be implemented in full as part of the proposed development.

1.3 I completed a joint walk-through with a representative of CCW of the proposed National Park section in October 2010, during which we identified some features of local ecological note that would warrant some level of protection during the course of constructing the proposed cycle route. This information (attached) was presented to the applicant as part of the pre-application discussions. I note that the recommendations put forward by myself for specific localised working practices are not directly referenced in the current application. I would therefore suggest the need for a Construction Method Statement to be prepared prior to the start of any approved development works in discussion with an ecological 'Clerk of Works', whose appointment is recommended in the Ecological Survey report (Chris Hatch, August 2010).

## ENCLOSURE 5

1.4 I would support the view expressed by CCW in their response of 12th July 2011 that the works should be undertaken in line with the 'Recommendations' section of pages 13 and 14 of the Ecological Survey report (Chris Hatch, August 2010).

1.5 I note and welcome the intention presented in the Design and Access Statement that, "The works will be programmed to be carried out, outside the Bird Nesting Season."

2.0 The 'Recommendations' section in the Ecological Survey report (Chris Hatch, August 2010) makes reference to the provision of an ecological assessment to determine the need for habitat reinstatement and enhancement following the completion of the proposed scheme. Although I welcome the general aspiration of this recommendation I believe that areas which may be subject to enhancement should be identified prior to the start of any approved development works.

2.1 In my previous discussions with the applicant I have always maintained that the provision of enhancements may be most successful within those sections of the proposed cycle route that support features of greater ecological interest, notably the habitats and species present around Garn-yr-erw lakes to the south east and Ben Wards Fields to the west. Nevertheless I have acknowledged in the attached notes that the neglected areas of woodland plantings associated with former opencast site restoration would benefit by being protected from grazing through the reinstatement of the stock-proof fencing. Supplementary planting with additional species of rowan and birch would also be beneficial to these woodland blocks.

### Recommendations

Should the National Park Authority be minded to grant permission for the above application I would recommend that the following matters are appropriately conditioned.

## ENCLOSURE 5

1.0 No development shall take place until the 'Reptile Mitigation Strategy' as presented in the Extended Phase I Ecological Survey report (Chris Hatch, August 2010) and listed in the programme illustrated in the Design and Access Statement has been implemented in full.

2.0 No development works shall take place until a Construction Method Statement has been prepared in conjunction with an appointed ecological 'Clerk of Works', to protect those previously identified features of local ecological interest during the construction stage, has been submitted to the National Park Authority for approval. The approved Method Statement shall be implemented in full.

3.0 No development works shall take place until a Biodiversity Enhancement Scheme for the woodland blocks crossed by the cycle route within the National Park has been submitted to the National Park Authority for approval. The approved scheme shall be implemented in full.

4.0 The development should be completed in line with the 'Recommendations' presented on pages 13 and 14 of the Extended Phase I Ecological Survey report (Chris Hatch, August 2010).

5.0 The following advisory notes should be provided with the Decision Notice:

5.1 Work should halt immediately and CCW contacted for advice in the unexpected event that protected species are discovered during the course of the development. To proceed without seeking the advice of CCW may result in an offence being committed. CCW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX. Tel. 01873 737000.

5.2 The timing of development works should be such as to avoid conflict with the bird nesting season.

NP Rights Of Way  
Officer

No comments received

**CONTRIBUTORS**

Mr C G Addis, Blaen Gelli Farm, Waunavon  
 Mr Raymond Dale Walters, Llanmarch House Farm, Upper Gelli, Llanelly Hill

**NEIGHBOUR/THIRD PARTY RESPONSE SUMMARY**

Three letters of objection have been received; the following is a summary of the issues raised:

Few cycles are fitted with bells to warn their approach to walkers or horse riders; cyclists ride with their head down at speed; will the cyclists have any public liability insurance to cover injury to other users; horses can be heard approaching, however cyclists make less noise; if the plans are approved other route users will have their Civil Rights for Safety taken away from them; the proposed track route has been grazed for years by livestock; under the Dogs (Protection of Livestock) Act 1953 it is a criminal offence for a dog to be at large, users walking dogs will pose problems to the livestock on the land; livestock fencing is required on both sides, fence and drainage systems should not be responsibility of the commoners;

**RELEVANT POLICIES**

**LPGI0:** "Development and flood risks." (Local Plan 1999)  
**LPGI1:** "Development and flood risks." (Local Plan 1999)  
**LPCL5:** "Wildlife and landforms." (Local Plan 1999)  
**LPCL6:** "Wildlife and landforms." (Local Plan 1999)  
**LPT1:** "Tourist, recreation and education." (Local Plan 1999)  
**LPT14:** "Recreational paths." (Local Plan 1999)  
**LPRI2:** "Cycling and walking." (Local Plan 1999)  
**G3:** "Development in the National Park" (Unitary Development Plan 2007)  
**G4:** "Development Affecting Trees" (Unitary Development Plan 2007)  
**G6:** "Design" (Unitary Development Plan 2007)  
**Q4:** "Protected and Important Wild Species" (Unitary Development Plan 2007)  
**Q5:** "Biodiversity and Development" (Unitary Development Plan 2007)  
**Q20:** "Development relating to the enjoyment of" (Unitary Development Plan 2007)  
**Q21:** "Rights of Way and Long Distance Routes" (Unitary Development Plan 2007)  
**H2:** "Development and the Risk of Flooding" (Unitary Development Plan 2007)  
**H3:** "Reducing the Risk of Flooding" (Unitary Development Plan 2007)  
**ES44:** "Provision for Walking" (Unitary Development Plan 2007)  
**ES45:** "Provision for Cycling" (Unitary Development Plan 2007)  
**LPG2:** "Allocation of Land for development." (Local Plan 1999)  
**LPG3:** "Development in the National Park." (Local Plan 1999)  
**LPG6:** "Development in the National Park." (Local Plan 1999)  
**LPG8:** "Accessibility and safety." (Local Plan 1999)

**PLANNING HISTORY**

App Ref	Description	Decision	Date
None			



### **OFFICER'S REPORT**

This application is brought before Committee Members as objections have been raised from the Community Council regards the potential impact on highways safety. In addition the proposed development is for a new cycle route connecting Brynmawr up to the Blaenavon to Pontypool cycle route and is therefore an important community facility.

#### **Site description and proposal**

The site lies on the boundary of the National Park adjacent to Blaenau Gwent crossing between the communities of Llanelly Hill and Brynmawr. The site lies in open countryside as defined by the Brecon Beacons National Park Authority Unitary Development Plan (2007) and Local Plan (1999).

The proposal is for the creation of a new cycle route ranging from Brynmawr over to Llanelly Hill connecting with a proposed route currently under development and due to be completed by March 2013 which itself connects to the existing Blaenavon to Pontypool cycle route. The length of the proposed route, within the National Park boundary totals approximately 1.5km. For the most part the application site and proposed route follows the approximate line of the old Brynmawr Blaenavon Railway and terminates at the farm Blaen Gelli where the route then proceeds along the existing highway.

The cycleway/footway will be constructed with a granular sub-base foundation and a bound (bituminous) surface throughout its length. The route will be 2.5 metres wide with a 0.5 metre verge either side. There will be new furniture along the path, (1) to provide signage, (2) to restrict the use of the path from motor vehicle users and (3) where necessary to provide new fences.

#### **Appraisal**

Whilst the Local Plan remains the formal statutory policy framework for the area, the Authority Approved UDP provides a more up to date and relevant planning framework. The UDP may not have been formally adopted but it has been subject to all the statutory consultation and procedures required for development plans. It is for this reason that the NPA has determined to afford greater weight to the UDP in the determination of planning applications than the Adopted Local Plan of 1999.

The Brecon Beacons National Park Authority Local Development Plan (LDP) has been published in draft and progressed to public deposit state. Legal Advice is that whilst the emerging LDP is now material, little weight can be given to it in planning decision making at this stage.

## ENCLOSURE 5

This application was considered against policy G3, G6, G4, Q4, Q5, Q20, Q21, H2, H3, ES44 and ES45 of the UDP and policies G2, G3, G6, G8, G10, G11, CL5, CL6, T1, T14 and R12 of the Local Plan. Whilst the development proposal will be considered against both the Approved UDP and Adopted Local Plan policies, greater weight shall be given to the more up to date UDP policies unless the Local Plan policies materially differ to warrant a departure from the UDP.

In making a recommendation on this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the following national guidance:

- Planning Policy Wales (PPW, 2011)
- Technical Advice Note 12 Design (2009)
- Technical Advice Note 6 Planning for sustainable rural communities (2010)
- Technical Advice Note 5 Nature Conservation and Planning (2009)
- Technical Advice Note 13 Tourism (1997)

The dual purposes of National Park designation are, as first set out in the National Parks and Access to Countryside Act 1949 and updated by the Environment Act 1995:

- conservation and enhancement of natural beauty, wildlife and cultural heritage; and
- promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

Following a review in 1974 of the operation of the 1949 Act, led by Lord Sandford, an important recommendation emerged that became known as the Sandford Principle. This principle was enshrined in the 1995 Act, to the effect that where irreconcilable conflict arises between the two main National Park purposes, then the conservation of natural beauty should prevail over promotion of public enjoyment and understanding.

Concerns have been raised by local residents at the proposed development. However, the issues raised are not material planning considerations and would not construe a valid and reasonable reason for refusal in this instance.

Concerns have been raised by local residents at the potential impact on livestock from dogs being let loose without appropriate restraint. The onus of looking after dogs and preventing them from worrying animals is on the owner and is covered under separate legislation namely the Protection of Livestock Act 1953. Running across the common and surrounding fields are existing rights of way along which dog owners can currently walk their dogs. As such the introduction of a new cycle path route may increase the level of use within the area but should not in itself be considered a reason to refuse an application for a proposal that will provide the opportunity for access for a wider base of people.

The site is identified as falling within a C2 Flood Zone and Source Protection Zone (SPZI), however comments received from the Environment Agency (EA) suggest that

the given the proposed nature of the development, i.e. a cycle path, no adverse comments are offered. This is therefore considered not an issue.

### **Principle of development**

Policy G3 of the Brecon Beacons National Park Unitary Development Plan (UDP) refers to Development in the National Park, which requires all proposals for development to comply with the criteria, where they are relevant to the proposal. Criterion (ii) of policy G3 (G2 of the Local Plan) requires that the proposed development lies within white areas of settlements as shown on the Proposals Map, with the exception of those developments covered by policies that enable development in the countryside. As the application site is not within a development boundary it must therefore be assessed under an exception policy.

Policy ES44 and ES45 allow for the provision of such routes as proposed by this application. The proposal will fundamentally link the community of Brynmawr and the various communities along route up with the route that runs down to the Blaenavon and Pontypool communities. Appropriate signage and safety measures will be used for the benefit of the users. The proposal will improve the level of connectivity to the national cycle network routes. Through utilising existing highways, former railway line, water course routes and topography of the land the proposal provides a well integrated route into the countryside offering an attractive and safe path for the benefit of the area.

Planning Policy Wales (PPW) states that Planning Authorities should promote specific measures to assist pedestrians including the provision of safe, convenient and well-signed routes. Cycling should also be encouraged for short trips and as a substitute for shorter car journeys or as part of longer journey when combined with public transport. Authorities should also encourage the implementation of specific measures to develop safe cycling, including new or improved routes. Where appropriate, planning authorities should also seek to assist the completion of the national cycle network and key links to and from the network.

PPW also identifies under tourism the need for planning authorities to provide safe and accessible facilities by people whose mobility is restricted and by a variety of means of travel, particularly walking, cycling and public transport. Long distance routes, rights of way, disused railways and waterways are important tourist and recreation facilities in their own right and as a means of linking other attractions. Local Planning Authorities should seek to protect and enhance the rights of way network as a recreational and environmental resource. They are also encouraged to promote the national cycle network, long distance footpaths, bridleways, canals, inland waters and disused railways for sustainable recreation.

On balance the principle of development is therefore considered acceptable and in line with National and Local policy.

### Principle Issues

The main issues with this proposal are considered to be:

1. Would the proposed development have detrimental impact on highway safety;
2. Would there be a detrimental impact on protected species or their habitat;
3. The potential visual impact of the proposed development;
4. The potential for impact on neighbour amenity or the amenity of the area;
5. Any potential health and safety issues as a result of the mining constraints associated with the area.

### Highways

Policy G3 (vii) (ix) aims to ensure that the supporting highway infrastructure and existing access and parking are adequate to serve the proposed development.

The proposed route exits onto an existing highway in front of Blaen Gelli farm, and then proceeds up to the B4248 Blaenavon Road. Concerns have been raised by Llanelly Community Council at the potential highway safety impacts on the users of the route exiting onto this busy highway.

The concerns raised have been identified to the applicant, who has rightly identified that the location of the junction is at a distance away from the end of the cycle route to be beyond their control. The junction where the cycle route meets with the B4248 is located opposite the proposed route currently under construction to connect with the Blaenavon to Pontypool route. The applicant has confirmed that they happy to implement any recommendations of the local highways authority with regards to the crossing of the B4248. The Local Highways Authority has provided comment on the proposed development. They would offer no objection to the proposal subject to the applicant undertaking a safety audit prior to commencement of the scheme and implementing the audits recommendations. It is considered that this can be achieved via a suitable condition.

On balance the level of pedestrian and cyclist traffic onto the local road network in this area would unlikely lead to a significant detrimental impact upon highway safety. With appropriate warning signs in place it is likely that the users of the route will also take care at such crossing points. On balance it is considered that the proposed route would therefore be acceptable in terms of policy G3 of the National Park Authority Unitary Development Plan and relevant local plan policies.

### Protected Species Issues

Policy G3 (i) aims to ensure that amongst other issues wildlife will not be unacceptably impacted upon. Policy Q4 states that proposals on land or buildings that support protected species will only be permitted where amongst other criteria the developer proves to the satisfaction of the NPA the disturbance of the species and habitat is kept to a minimum and that the need for development outweighs the nature conservation

## ENCLOSURE 5

importance. Policy Q5 states that development will only be permitted where the developer proves there will be no unacceptable loss of habitat, identifies habitats on site and provides future management.

Planning Policy Wales (PPW, 2011) states that the presence of a species protected under European or UK legislation is a material planning consideration when a local authority is considering a development proposal which, if carried out would be likely to result in disturbance or harm to the species or its habitat. Legislation states that bats and their roosts are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats, &c.) Regulations 1994 and identifies that development may only proceed where it is not detrimental to the favourable conservation status of species.

The NPA Ecologist was involved in pre-application discussions involving CCW and Sustrans, advice was offered at that stage. Further comments received from the NPA Ecologist identify that the extended Phase I Ecological Survey report (Chris Hatch, August 2010) in support of the application does not focus specifically on the section of the proposed cycle route within the Brecon Beacons National Park, but does assess the ecological value and impacts along the length of the scheme from Waunafon to Brynmawr. Features and species of ecological note have been identified, but these are largely restricted to habitats outside the National Park section, which is largely dominated by secondary habitats generated following extensive historic deep and opencast mining operations.

The ecological survey has noted the presence of a small number of common lizard, associated with various redundant concrete structures present within the National Park section and elsewhere along the proposed route. The Reptile Mitigation Strategy that has been prepared as part of the Ecological Survey report (Chris Hatch, August 2010), should be implemented in full as part of the proposed development.

Notable numbers of breeding lapwing were recorded as part of collective ecological surveys in the areas to the south and west of the National Park in the locality of Ben Wards Fields. It is considered that the section of proposed cycle route within the National Park will not adversely affect the recorded breeding lapwing population. The recommendations presented in the Breeding Bird Survey included in the Ecological Survey report (Chris Hatch, August 2010) to protect the broader breeding bird interests should be implemented in full as part of the proposed development.

A joint walk-through with a representative of CCW of the proposed National Park section in October 2010, during which features of local ecological note were identified that would warrant some level of protection during the course of constructing the proposed cycle route. This information was presented to the applicant as part of the pre-application discussions. The recommendations put forward for specific localised working practices are not directly referenced in the current application. It is therefore recommended that a Construction Method Statement be prepared prior to the start of any approved development works in discussion with an ecological Clerk of Works,

## ENCLOSURE 5

whose appointment is recommended in the Ecological Survey report (Chris Hatch, August 2010).

It is considered that the works should be undertaken in line with the 'Recommendations' section of pages 13 and 14 of the Ecological Survey report (Chris Hatch, August 2010) this supports the view expressed by CCW in their response of 12th July 2011.

The intention presented in the Design and Access Statement that, the works will be programmed to be carried out, outside the Bird Nesting Season is welcomed and should be reinforced with an informative.

The recommendations section in the Ecological Survey report (Chris Hatch, August 2010) makes reference to the provision of an ecological assessment to determine the need for habitat reinstatement and enhancement following the completion of the proposed scheme. This is welcomed however it is considered that areas which may be subject to enhancement should be identified prior to the start of any approved development works.

Previous discussions with the applicant and NPA Ecologist have maintained that the provision of enhancements may be most successful within those sections of the proposed cycle route that support features of greater ecological interest, notably the habitats and species present around Garn-yr-erw lakes to the south east and Ben Wards Fields to the west. It is considered that the neglected areas of woodland plantings associated with former opencast site restoration would benefit by being protected from grazing through the reinstatement of the stock-proof fencing. Supplementary planting with additional species of rowan and birch would also be beneficial to these woodland blocks.

As such, should the National Park Authority be minded to grant permission for the above application it is recommended that appropriate conditions are used to resolve the above detail.

On the principle that any outstanding issues can be reasonably resolved through condition it is considered that on balance the proposed development would meet the requirements of the relevant policies of the UDP (Q4 and Q5) and policies of the Local Plan.

### **Visual impact**

Policy G3 (iii) aims to ensure that the scale, form, design, layout, density, intensity of use and use of materials will be appropriate to the surrounding and will maintain or enhance the quality and character of the Parks landscape and built environment. Policy G6 refers to design and states that development will be expected to meet the WAGs key design objectives and respond to the local context.

## ENCLOSURE 5

The proposal is for approximately 1.5 km of cycle track/footpath predominantly following the line of a former railway. The proposed route meanders across common land and fields in places overlooking the Clydach gorge. To the north east the topography of the land is generally falling away, whilst to the south west it is rising. Predominant views into the site would be across the valley from the Clydach area, however the proposed track is well screened in places by existing mature trees below and also by banks and the general land formation. In addition for the length of the path within the National Park it will be back dropped by the rising land to the south west. On the whole the level of impact when viewed from a distance would not be so significant to recommend a refusal in this instance.

Within the area of the site are existing footpaths/rights of way from which the proposed route will also be highly visible. These routes of course will in places join up with the proposed cycle path. It can be argued that there will be a visual impact from these areas. However, the potential benefits of the proposal will aid in encouraging a healthier life style in providing improved recreational facilities, this in turn could be beneficial to the tourist facilities of the area. As such on balance the benefits of the proposal outweigh any potential visual harm in this instance.

It is therefore considered that the proposed development would not have such a significant harm on the visual amenities in this instance to recommend a refusal and in general the proposed development complies with the criteria of policies G3 and G6 of the BBNPA UDP and G3 of the Local Plan.

### **Neighbouring Amenity**

Policy G3 (v) of the UDP aims to ensure that any proposed development does not have an unacceptable impact on the amenity of the area, adjacent properties or the general public.

The only property that lies adjacent to the site within the National Park boundary is Blaen Gelli farm. Whilst there will be some impact through the intensification of use along the route in front of this property, the existing house sits approximately 60 metres away and therefore any impact would be limited. On balance the potential benefits to the community and area through the creation of this cycle link outweigh the insignificant impact on the amenity of the area. The proposal is therefore considered compliant with policy G3 of the BBNP UDP and Local Plan.

### **Mining risk**

The site has been subject to former opencast mining during the 1970's and is identified under the constraints as falling within a coal buffer zone. A Mining Risk Assessment (May 2011) has been carried out along the proposed route. The assessment identifies that most of the route is underlain by coal seams at shallow depth and there is a potential for shallow mine collapse. Also there are nine shafts and seven adits (an entrance to an underground mine) within the route corridor or within 50 metre of the

## ENCLOSURE 5

boundary. It is estimated that there is a 1:10000 risk of subsidence events occurring, which is a risk higher than would normally be regarded as acceptable for a cycleway in general use by the public.

As such, safety measures such as the laying of geogrid (reinforcement system that prevents total failure should an incident occur) or geotextile reinforcement system beneath the cycle path, where crown hole subsidence is likely to be most critical. The mitigation and recommendations proposed within the mining risk assessment are considered to be a satisfactory resolution to this identified constraint. In addition, no negative comments have been received from the Health and Safety Executive.

It is therefore considered that any recommendation for approval would be suitably conditioned to include the recommendations contained within paragraph 6.1 of the Mining Risk Assessment (May 2011).

### **Conclusion**

The Assembly Government aims to improve accessibility through sustainable transport systems. This will be achieved through integration between transport measures and policies for education, health, social inclusion and wealth creation. In encouraging the provision for better accessibility helps in meeting the Assembly Governments objectives for social inclusion. Encouraging cycling and walking will contribute to the aim of improving the levels of health in Wales. The proposed path should provide a route that is very accessible and will encourage people both local and from away to use it.

Planning Policy Wales (PPW) encourages the promotion of walking and cycling and where appropriate should seek to assist the completion of the national cycle network and key links to and from the network. The proposal is supported by policy in both the adopted local plan and the emerging unitary development plan of the Brecon Beacons National Park; in addition Government support in PPW also highlights the necessity for encouraging such proposals.

On balance the proposed route will meet the relevant criteria of the appropriate policies of the Unitary Development Plan and Local Plan and a recommendation for approval is hereby put forward.

### **RECOMMENDATION: Permit**

#### **Conditions and/or Reasons:**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP2v1, NP3v1, NP4v1, NP5v1, NP6v1, NP7v1, NP8v1, NP9v1, NP10v1, NP11v1 rcvd 22/6/2011), unless otherwise agreed in writing by the Local Planning Authority.



## ENCLOSURE 5

- 3 Prior to the installation of any sign, details of the design of signs shall be submitted to and approved in writing with the National Park Authority.
- 4 Notwithstanding the submitted plans, no new spoil shall be left on site which is the subject of this permission unless otherwise agreed in writing by the National Park Authority.
- 5 The development shall be completed in line with the Recommendations presented on pages 25 and 26, Section 6 (Conclusions and Recommendations) of the NCN Brynmawr to Racehorse Inn Mining Risk Assessment report (Capita Symonds, May 2011).
- 6 No development shall take place until the 'Reptile Mitigation Strategy' as presented in the Extended Phase I Ecological Survey report (Chris Hatch, August 2010) and listed in the programme illustrated in the Design and Access Statement has been implemented in full.
- 7 No development works shall take place until a Construction Method Statement, which has been prepared in conjunction with an appointed ecological Clerk of Works, has been submitted to and agreed in writing by the Local Planning Authority. The approved Method Statement shall be implemented in full.
- 8 No development works shall take place until a Biodiversity Enhancement Scheme for the woodland blocks crossed by the cycle route within the National Park has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full.
- 9 The development shall be completed in line with the Recommendations presented on pages 13 and 14 of the Extended Phase I Ecological Survey report (Chris Hatch, August 2010).
- 10 No development shall take place until a highways safety audit has taken place, the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of the cycle route.

### Reasons:

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 To ensure legible connections to the local rights of way network and to minimise visual impact on the character of the environment.
- 4 To minimise any impact on flora and fauna.
- 5 In the interests of the safe use of the path.
- 6 In the interests of protected species and their habitats
- 7 To protect those previously identified features of local ecological interest during the construction stage and to ensure a an acceptable form of development
- 8 To provide enhancements that will be to the benefit of protected species and their habitats and to the general benefit of the area.
- 9 In the interests of protected species.
- 10 In the interests of highways safety.

## ENCLOSURE 5

### Informative Notes:

- 1 Work should halt immediately and CCW contacted for advice in the unexpected event that protected species are discovered during the course of the development. To proceed without seeking the advice of CCW may result in an offence being committed. CCW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX. Tel. 01873 737000.
- 2 The timing of development works should be such as to avoid conflict with the bird nesting season.
- 3 The plans hereby approved do not grant consent for any works outside of the National Park boundary.
- 4 The safety audit required by virtue of condition 10 above shall extend beyond the application site to include details of where cyclists are likely to enter onto the B4248.