

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 MARCH, 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

**Decision Codes:**

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2022/0454/BN	A	3, Plas Pamir, Penarth, CF64 1BT	Safety Guarding to First Floor.
2022/0590/BN	A	65, Windsor Road, Penarth. CF64 1JE	Loft conversion
2022/0706/BN	A W	61, Heol Y Frenhines, Dinas Powys. CF64 4UE	Single storey extension to rear, wall out fit steels, front garage conversion.
2022/0896/BN	A	20, Archer Road, Penarth, CF64 3HW	Construction of a rear single storey extension.
2022/0897/BN	A	Ty Carreg, Greenway Road Bonvilston, CF5 6TR	Renovation work
2022/0899/BN	A	12, Castle Avenue, Penarth. CF64 3QS	Rear double storey extension adding extra kitchen and living area and additional master bedroom with ensuite above
2022/0900/BN	A	Ty Coleg, College Gardens, Llantwit Major, CF61 1SH	Renovation of double garage into a single storey kitchen diner with glass link to house

2023/0001/BN	A	Candle Cottage, Wick Road, Llantwit Major, CF61 1YU	Re-work of interior, removal of internal walls and two mezzanines, re-installation of one mezzanine, repositioning of bathroom and kitchen and widen conservatory opening
2023/0001/PO	AC	3, Colwyn Road, Rumney, Cardiff, CF3 3JS	Side first floor extension over existing and rear dormer loft conversion
2023/0002/BN	A W	1, Charter Avenue, Barry, CF62 9UX	Two storey extension and loft conversion
2023/0002/PO	AC	36, Heol-Y-Nant, Cardiff, CF14 6BT	Loft conversion comprising a hip to gable roof extension with rear dormer, insertion of window to side elevation and roof light to front elevation with all associated external and internal works
2023/0003/PO	AC	3, Vincent Avenue, Carshalton. SM5 4HZ	Proposed single storey rear extension, extension of rear patio, insertion of window opening to front elevation and changes to fenestration / doors to front and side elevation(s), internal alterations to ground floor to provide utility and WC, all with associated external works
2023/0004/BN	A	32, Perclose, Dinas Powys, CF64 4JL	Knock through and partial garage conversion
2023/0004/PO	AC	7, Heol Ebwy, Ely, Cardiff. CF5 5EB	Rear single storey extension
2023/0006/BN	A	41, Badgers Brook Rise, Ystradowen, CF71 7TW	Double storey rear extension
2023/0007/BR	AC	30, Porthkerry Road, Barry, CF62 7EP	Through lift floor installation aperture between ground floor kitchen area and first floor bedroom



2023/0008/BN	A	31, Station Road, Penarth, CF64 3EP	Loft conversion with no dormer
2023/0009/BN	A	16, Nelson Road, Barry, CF62 9HL	Knock through
2023/0010/BN	A	14, Friars Road, Barry, CF62 5TR	Loft conversion with dormer
2023/0011/BN	A	92, Plassey Street, Penarth, CF64 1EN	Single storey rear extension
2023/0012/BN	A	8, Cwrt-Y-Felin, Wick, Cowbridge. CF71 7QT	Internal wall is being partially removed to open up the space into a kitchen diner
2023/0013/BR	AC	43, Heol Eyr Mor, Barry. CF62 5DA	Garage conversion and structural alterations.
2023/0014/BN	A	11, Cambrian Avenue, Llantwit Major, CF61 1QU	Two storey extension
2023/0015/BN	A	170, Windsor Road, Penarth, CF64 1JG	Installation of beam
2023/0016/BR	AC	25, Highwalls Road, Dinas Powys, CF64 4AJ	Single storey rear extension, two storey side extension
2023/0017/BN	A	Westmoor Barn, Primrose Hill, Cowbridge, CF71 7DU	Demolition of existing single storey side extension and rebuild new single storey extension, new shower room to ground floor
2023/0018/BN	A	93, Plymouth Road, Penarth. CF64 3DE	Removing a load bearing wall and fitting a steel beam
2023/0019/BR	AC	24, Shakespeare Drive, Llantwit Major, CF61 1WW	Proposed single storey rear extension
2023/0020/BN	A	6, Trem Mapgoll, Barry, CF63 1HD	Garage conversion
2023/0022/BR	AC	37, Sherbourne Close, Barry, CF62 8AQ	Single storey lean to side extension
2023/0023/BN	A	24, Maillards Haven, Penarth. CF64 5RF	internal alterations to ground floor including 2 knock throughs

2023/0024/BN	A	15, Heol Merioneth, Boverton, Llantwit Major, CF61 2GS	Knock through
2023/0025/BR	AC	Heathcliffe, Clive Crescent, Penarth, CF64 1AT	Loft extension and Ground floor alterations
2023/0027/BN	A	7, Castle Precinct, Llandough, Cowbridge, CF71 7LX	Knock through of 3 existing rooms into 1, new glazed sliding doors to rear.
2023/0028/BN	A	42, Gwern Close, Culverhouse Cross, CF5 6XL	Single storey rear extension
2023/0030/BN	A	10, Lettons Way, Dinas Powys, CF64 4BY	Single storey extension to remove dividing wall between kitchen/dining area and extend out 2m
2023/0031/BN	A	Oakfield, Llangan, CF35 5DW	Conversion of two (of three) garages and single storey extension (4mx6m)
2023/0032/BR	AC	Unit 1,2 and 3, Kingswood court, Ogmore Road, Ewenny. CF35 5BP	Extend existing nursery into part of the play centre
2023/0034/BN	A	29, Chantry Rise, Penarth. CF64 5RS	Rear single storey extension to extend kitchen
2023/0036/BN	A	31, Llys Dwynwen, Llantwit Major. CF61 2UH	New structural opening for bi fold doors
2023/0037/BN	A	1, Fairfield Road, Penarth. CF64 2SN	Installation of new bathroom
2023/0038/BN	A	37, Severn Avenue, Barry. CF62 7PW	Single storey rear extension to enlarge the lounge and knock through
2023/0039/BN	A	20, Mountjoy Place, Penarth. CF64 2TB	Hip to gable loft extension with dormer
2023/0040/BN	A	34, Heol Sirhwi, Cwm Talwg, Barry. CF62 7TG	Knock through
2023/0041/BN	A	Westbury, Factory Road, Llanblethian. CF71 7JD	Replacement garage with attached garden room
2023/0042/BN	A	18, Pencoedtre Road, Barry. CF63 1SD	Knock through 2 rooms into 1

2023/0043/BN	A	1, Llys Ty Mawr, Treoes. CF35 5EQ	Supalite warm roof
2023/0045/BN	A	40, Aneurin Road, Barry. CF63 4PP	Loft conversion
2023/0046/BR	AC	Nessa's Slots Barry Island, Unit 6, Western Shelter, Barry Island. CF62 5TQ	Mezzanine floor under 500m2
2023/0047/BR	AC	26, Collard Crescent, Barry. CF62 9AN	Loft conversion with rear dormer and single storey rear extension
2023/0048/BN	A	47, Sir Ivor Place, Dinas Powys. CF64 4RA	Re roof
2023/0049/BN	A W	4, Dunraven Street, Barry. CF62 6PF	Small kitchen extension (2m x 6m)
2023/0050/BR	AC	46, Tathan Crescent, St Athan, CF62 4PE	Dormer extension to rear for existing loft conversion and part garage conversion.
2023/0051/BN	A	48, Church Road, Barry. CF63 1JX	4 replacement windows to rear of property.
2023/0053/BR	AC	3, Min Y Mor, Barry, CF62 6QG	Internal alterations to room layout, knock through and creation of a cloakroom and ensuite.
2023/0054/BN	A	28, Primrose Close, Cowbridge, CF71 7DZ	Single storey extension for toilet and utility room
2023/0055/BN	A	17, Cog Road, Sully, CF64 5TD	Existing loft room renovation including roof and steel beams, new insulation and smoke alarms.
2023/0057/BN	A	73, Cae Canol, Penarth. CF64 3RL	Loft conversion with dormer
2023/0059/BN	A	Eastdown Farm Cottage, St Hilary, Cowbridge, CF71 7DP	Single storey extension (10-40m2)
2023/0061/BR	AC	2, St Lythan's Road, Barry, CF62 7NG	Single storey extension to rear of property

2023/0062/BN	A	1, Matthew Road, Fontygary, Rhoose, CF62 3ED	Loft conversion (no dormer)
2023/0063/BN	A	8, Pen Y Garth Mansion, 2, Stanwell Road, Penarth, CF64 3EA	Single storey extension
2023/0064/BN	A	Ynysdawel, Llancarfan, CF62 3AD	Fit linked smoke detectors Increase loft insulation above area indicated to 350mm. Extractor fan in utility room, fire door to garage, fireboard stud wall
2023/0066/BR	AC	13a-19, Station Road, Dinas Powys, CF64 4DE	Alterations to first floor to create bar/restaurant area from existing coffee shop, internal structural alterations, installation of a lift, upgrading existing roof insulation, provision of male and female toilets, drainage alterations and a single storey kitchen extension to the rear
2023/0068/BR	AC	Ysgol Sant Curig, College Road, Barry, CF62 8HQ	Upgrade of existing reception area to main reception, new glazed screens and structural works
2023/0070/BN	A	153, Pontypridd Road, Barry. CF62 7LW	Re roof
2023/0072/BN	A	27, Pencoedtre Road, Barry, CF63 1SD	Single storey extension

(b) Building Regulation Applications - Reject

2023/0003/BN	R	151, Redlands Road, Penarth, CF64 2QP	Loft extension
2023/0026/BN	R	25A, Archer Road, Penarth, CF64 3HJ	Two storey extension to the front of the property and single to the rear. En-suite to first floor and a new staircase. Forming 2 Ground floor bedrooms and shower room.

2023/0035/BN	R	44, Coleridge Avenue, Penarth. CF64 2SP	Dormer loft conversion with hip to gable
2023/0044/BN	R	19, Main Road, Ogmore by Sea. CF32 0PD	Alterations to existing roof structure and dormer.
2023/0058/BN	R	9, Mountjoy Avenue, Penarth, CF64 2SX	Integrate the kitchen, conservatory and part of living room to create open- plan kitchen/dining space. Erect a wall (with sliding doors) to split the existing living space into two areas. Change roof of conservatory to slate and add glass doors at back.

For the information of Members, the following applications have been determined:

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2023/0005/AI	A	28, Dunraven Close, Cowbridge, CF71 7FG	Single storey rear extension
2023/0006/AI	A	26, Dunraven Close, Cowbridge, CF71 7FG	Single storey rear extension
2023/0007/AI	A	73, Westward Rise, Barry, CF62 6PQ	Loft conversion
2023/0008/AI	A	2, The Precinct, Boverton Road, Llantwit Major, CF61 1XA	Fit out works to an existing shell unit
2023/0009/AI	A	Cwrt-yr-Ala House, Michaelston Le Pit, Dinas Powys, CF64 4HE	Construction of a building to form two holiday lets and conversion of a garage to form 2 holiday lets
2023/0010/AI	A	44A, South Road, Sully. CF64 5TG	Internal structural alterations and part garage conversion to create new utility / WC (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0011/AI	A	Hangar 406, Bro Tathan, St. Athan, CF62 4AF	Partial fit out to create internal office space

2023/0012/AI	R	34, West Farm Road, Ogmore By Sea. CF32 0PU	Internal alterations and associated works
2023/0013/AI	A	178, Westward Rise, Barry. CF62 6NQ	Replacement frames and 380 Ultraframe roof to existing conservatory (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0014/AI	A	23, Hickman Road, Penarth, CF64 2AJ	Single storey rear extension
2023/0015/AI	A	20, Heol Yr Ysgol, St. Brides Major. CF32 0TB	Two storey extension to side and rear
2023/0016/AI	A	Eastleigh, St Georges Super Ely, CF5 6EW	Extensions to existing bungalow to create a two storey dwelling, garage conversion and internal structural alterations
2023/0017/AI	A	55, Church Meadow, Boverton, Llantwit Major, CF61 2AT	Single storey rear extension
2023/0018/AI	A	Stourbridge House, Llysworney, Cowbridge. CF71 7NQ	Conversion to existing detached garage to create annex with a two storey rear extension and single storey side extension (works to incorporate material alterations to structure, controlled services, fitting and thermal elements)
2023/0019/AI	A	Unit 6, Vale Business Park, Llandow, Cowbridge, CF71 7PF	New first floor mezzanine to create two offices

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REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

**Decision Codes**

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2016/01444/1/N MA	A (Roadside wall only) 1, 1A and 1B, Treharne Road, Barry	Non Material Amendment - Change to reduce overall combined boundary wall and fence height from 2600 to 2420mm. Original block wall height approved = 1800mm. Original fence height above wall approved = 800mm (Overall height = 2600mm approved). Proposed new block wall (rendered height) proposed = 2060mm in 3 no. places and less than 2060mm elsewhere. Proposed new
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			rail/balustrade on top of wall = 360mm (overall height to be approved = 2420mm) max.
2019/00716/1/N MA	A	Ty Cae Blodau, Llangan	Non Material Amendment - Relocation of log burner flue pipe. Alterations to windows. Rendered façade finish as opposed to slate façade. Planning approval 2019/00716/FUL - Erection of rural enterprise workers dwelling for a horticultural unit manager
2019/01062/5/C D	A	Castle Hotel, Jewel Street, Barry	Discharge of Condition 7 and 9 - Demolition of existing outbuildings and single storey side extension; the refurbishment, reconfiguration and re-use of the existing public house (Use Class A3)/community facility; the provision of 14 no. affordable apartments (Use Class C3) through change of use and a new build 2-storey side extension; together with the repositioning and widening of the existing vehicular access to car parking spaces, new paving to beer garden and play area, bin store, cycle store, ancillary works and uses
2020/01261/FUL	A	Cymle, The Rhiw, Craig Penllyn	Proposed alterations to existing house to provide porch and replacement garage with improved access and parking



2020/01266/FUL	A	Land at Windmill Park, Hayes Road, Barry	Proposed erection of Class B1(b)(c)/B2/B8 Development (Phase 4) together with associated parking and access arrangements
2020/01439/1/N MA	A	35, Trem Y Don, Barry	Non Material Amendment - Amendment to the facade glazing system and colour of associated metal feature cladding. Planning permission ref: 2020/01439/FUL - Proposed two storey side extension and material alterations
2020/01524/1/N MA	A	Haydock House, 1, Holton Road, Barry	Non Material Amendment - Vary Condition 2 of planning reference 2020/01524 - Variation of Conditions 2 and 3 to planning permission 2013/01249/FUL to reposition retail, residential and communal lobby entrances. Reduction in parking provision, increase in retail floorspace with mezzanine level, residential plots 3,7 and 11 increased to 2 bedroom and the introduction of roof top access included
2021/00298/FUL	A	The Old Vicarage, Church Lane, Llantwit Major	Conversion of existing outbuilding to provide ancillary accommodation (short term holiday let) along with the development of a new garden range to provide new double garage, mower and wood store along with garden room
2021/00600/1/N MA	A	Vale Cottage, St Donats, Llantwit Major	Non material Amendment - Proposed porch and minor amendments to sun room.

			Planning permission ref: 2021/00600/FUL - Proposed two storey and single storey extension to the side of the property; internal and external alterations; alteration to fenestration, including additional windows; alterations / addition to terrace; alterations / extension to driveway to include turning area; and other alterations
2021/00973/FUL	A	Land at Greenway Farm, Greenway Road, Bonvilston	Proposed stable block (3 no. stables)
2021/01240/FUL	A	19, Heol Gwerthyd, Barry	AMENDED PROPOSAL: Demolition of existing conservatory and erection of two storey rear extension
2021/01793/FUL	A	Living Accommodation, Nisa, 1, Vere Street, Barry	Conversion of top floor to four bedroom HMO flat
2022/00017/FUL	A	8, Somerset View, Ogmore By Sea	Demolition of existing conservatory. Erection of two storey extension to rear elevation.
2022/00035/1/N MA	A	12, Peterswell Road, Barry	Non Material Amendment - Amendment to the front elevation incorporating a roof canopy to the entrance porch area. Planning permission ref: 2022/00035/FUL - Porch replacement, single storey extension to side and rear, including material alterations
2022/00278/2/N MA	A	Land at Dock Office, Barry Docks, Barry	Non Material Amendment - Change in material / design of wall as original proposed recycled plastic unit wall could not meet the required

120 year design life stipulated by VOG Structures Engineer. The proposed concrete wall does meet this requirement, is used within the Highway industry and will still be efficient and economical to construct. The colour specified has been chosen to match the existing pedestrian subway entrance for aesthetic reasons. The wall length and height will remain as per the original wall extents. Planning permission 2022/00278/RG3 - Transport interchange to integrate bus and rail travel. The transport interchange will utilise the existing council ground level car park area to the east of the Docks offices, creating a circulatory route for buses and taxis, with a central landscaped area with seating, cycle stands and allowing for potential cycle hub / cafe unit and 'Next-bikes' in the future (this would be a separate planning application). The scheme will also have secure cycle lockers and future proof for electric vehicle charging of both buses and taxis. New bus shelters with interactive displays, and new LED lighting to current standards will also be installed

2022/00328/FUL A The Granary, Trepit Road, Wick Rear flat roof dormer

2022/00335/FUL	A	Ty Hafan, Hayes Road, Sully	Resurface the existing gravel car park allowing for safe and flat access to the wheelchair training course, also including a safe drop off area. Modex modular buildings to be installed in corner of gravel car park to provide services for wheelchair training course and service users, connected to electrical, water and sewage supply.
2022/00457/1/N MA	A	11, Min Y Mor, Barry	Non Material amendment - Alterations to the rear dormer and flat roof over utility. Planning permission ref: 2022/00457/FUL - A first floor gable extension and dormer to the front elevation and a dormer to the rear, with internal reconfiguration
2022/00735/FUL	A	11, Lynmouth Drive, Sully	Demolition of existing single storey bungalow and construction of new two storey dwelling
2022/00743/FUL	A	29, St. Davids Avenue, Dinas Powys	Conversion of existing garage and construction of new room above
2022/00887/FUL	A	Ynys Las, Ham Lane South, Llantwit Major	To turn a detached double garage into an annexe with small 12 x10 extension to side of garage making a second bedroom
2022/00927/FUL	A	Glanavon, Piccadilly, Llanblethian, Cowbridge	Two storey side and rear extension. Alterations to porch and front elevation. Widening of the front drive. Creation of outdoor seating area with pergola.
2022/00935/FUL	A	30, Archer Road, Penarth	Demolition of outbuilding to rear, reinstatement of original back door, and

			erection of raised decked area within footprint of outbuilding. New roller door, rainwater goods and make good existing garage.
2022/00943/FUL	A	Drake House, Plymouth Road, Penarth	Change of Use from B1 (offices) to D1 (non residential educational use)
2022/00948/FUL	A	The Chestnuts, Heol Y Cawl, Llysworney	Replacement two storey extension to side elevation and extension to entrance porch
2022/00968/1/N MA	A	259, Gladstone Road, Barry	Non Material Amendment - Put in rooflight 2 X 1.2 m. by 3.3 m. Roof plan not originally submitted as part of approved application. Planning permission ref: 2022/00968/FUL - Proposed single storey rear extension
2022/01011/FUL	A	Church Of Saint Baruc, Phyllis Street, Barry	Demolition of the existing St. Baruc Church and redevelopment to provide residential development and associated works
2022/01038/LAW	A	2, St. Nicholas Close, Dinas Powys	Erect a garden room on a concrete base.
2022/01043/FUL	R	2, Sutton Road, Llandow	Single storey rear extension, first floor rear extension and loft conversion
2022/01047/LAW	A	New Parc Bungalow, Dimlands Road, St Donats	Side and rear extension to existing dwelling
2022/01049/FUL	R	The Barn, Greenway Farm, Bonvilston	Proposed rear two storey extension

2022/01077/FUL	A	Castle Court Dental Practice, 1, Castle Court, Castle Drive, Dinas Powys	Single storey front extension and the change of use of the existing domestic maisonette to be included in the Dental Practice
2022/01094/FUL	A	Cariad Cafe Bar, 1, The Parade, Barry	Erection of a pergola over the existing outdoor seating area to the front of the restaurant.
2022/01096/FUL	A	The Old Manse, A48, St. Nicholas	Renovation, with single storey extension and conservatory at the rear and two storey side extension
2022/01099/FUL	A	32, Torbay Terrace, Rhose	Change of use to Class C3b use
2022/01102/FUL	A	Bay Tree House, Llanbethery	Ground floor rear extension and first floor rear extension with Juliet balconies above existing ground floor
2022/01104/FUL	A	Park Cottage, 28, Wick Road, Ewenny	Proposed extension of existing off road parking area
2022/01106/FUL	A	Land at the former Old Rectory (Land adj to Apartment 4), Old Port Road, Wenvoe	Proposed change of use of area west of Apartment 4 from communal space to private garden space
2022/01111/LAW	A	6, Uplands Crescent, Llandough	Loft conversion with flat roof dormer (to rear) plus associated works

2022/01125/FUL	A	Wm Morrison Supermarkets Plc, Heol Ceiniog, Barry	Installation of Photovoltaic system to the flat roof area of Morrisons supermarket Barry. Installation to be lower than the surrounding parapet. mounting system will be no more than 400mm for the flat roof. Installation will be lower than the existing plant and equipment
2022/01128/FUL	A	5, Norman Cottages, Michealston Le Pit Road, Michaelston Le Pit	Variation of Condition 2 (Plans) of planning permission reference 2021/01031/FUL. Changes to windows and doors and provision of solar panels and air source heat pump.
2022/01137/FUL	A	The Lodge, Alexandra Park, Beach Road, Penarth	First storey rear extension
2022/01141/FUL	R	The Rookery, St Mary's Well Bay Road, Swanbridge, Penarth	Conversion of and extension to an existing outbuilding into self contained 'Granny annexe' that will remain ancillary to the main dwelling house
2022/01142/FUL	A	Spring House, Bonvilston	Single storey rear extension
2022/01143/FUL	A	1, Kymin Terrace, Penarth	Replacement of an existing single storey lean-to shower/WC/Utility area, and internal alterations to relocate the existing Kitchen, with amended and widened window openings.
2022/01148/FUL	A	25, Porth y Castell, Barry	Construction of new detached garage building to rear of property

2022/01161/FUL	A	5, Canon Walk, Llandough, Penarth	Garage conversion to studio room and alterations to rear fenestration
2022/01171/FUL	A	2, Cardigan Close, Dinas Powys	Change a fence for a wall - Levelled out ground
2022/01181/FUL	A	6, Cherry Close, Dinas Powys	Single storey rear extension to provide dining space
2022/01182/FUL	R	Rectory Mews, Rectory Road, Penarth	Proposed 2 bedroom mews house on land at Rectory Mews Penarth
2022/01183/FUL	A	Crafts By The Sea, Church Close, Ogmore By Sea	Proposed loft conversion and single storey rear extension to existing craft centre
2022/01188/FUL	R	123, Fonmon Park Road, Rhoose	Proposed first floor extension over existing garage / kitchen to form two further bedrooms
2022/01196/FUL	A	Copper Beech, Port Road, Wenvoe	Demolition of conservatory to the rear elevation. Erection of an extension and increase in the ridge height of rear gable. Alterations to fenestration of side elevation. In-filling of a car port to form an additional bedroom & gym
2022/01198/FUL	A	19, Canon Walk, Llandough, Penarth	Install solar panels onto south facing elevation of house roof
2022/01200/FUL	A	Land at St. Lythans Farm, St. Lythans	Variation of Condition 4 (Passing Bay) of Planning Permission reference 2021/00904/FUL for Proposed change of use of land to provide caravan storage (use class B8).



2022/01210/FUL	A	Stourbridge House, Llysworney	Proposed granny annexe and amendments to outbuilding
2022/01211/FUL	A	9, Grays Walk, Cowbridge	Proposed ground floor extension to side of existing building
2022/01214/FUL	A	49, Murch Crescent, Dinas Powys	Replacing existing secondary access to a seating window. Skylight addition on single story side/rear extension.
2022/01223/FUL	A	Renishaw Plc., Miskin Business Park, Miskin	Erection of solar carport structures supporting solar panels on an existing staff car park
2022/01227/FUL	A	57, Railway Road, Rhoose	I would like to have an air source heat pump Installed on the side elevation of the house adjacent to the existing parking layout. The ASHP will measure a height of 76cm, Width of 1.1m and a depth of 45cm
2022/01228/FUL	A	The Vale Indoor Arena, Hensol Castle Park, Hensol	Front, two storey extension to the WRU Indoor Training Barn to provide additional rooms and facilities, and additional car parking spaces
2022/01230/FUL	R	17, Ardwyn Walk, Dinas Powys	Existing balcony to front elevation to be extended complete with new finishes and glazed balustrading
2022/01232/FUL	A	4, Baron Road, Penarth	Loft conversion complete with dormer to rear and Juliette balconies
2022/01238/FUL	A	4, Meadow Court, St Brides Major	Single storey rear extension

2022/01240/FUL	A	Bryntirion, Colhugh Street, Llantwit Major	- Demolition of existing conservatory. - Single storey extension to accommodate new kitchen, living & dining area - New pitched roof and flat roof dormer to the rear of the property - Two additional bedroom added to the property - Width of driveway amended to accommodate additional car parking space
2022/01245/FUL	A	44, Brean Close, Sully	It is proposed to increase the size of the current side extension towards the back of the property to bring it in line with the rear wall of the existing house to allow for the kitchen to be relocated to the rear of the property.
2022/01246/FUL	A	41, Minehead Avenue, Sully	It is Proposed to build a two storey rear extension to increase the size of the kitchen and to create an additional bedroom.
2022/01248/LAW	A	5, Salop Street, Penarth	Loft Conversion with rear dormer
2022/01250/FUL	A	5, Cae Garw, Dinas Powys	Proposed single storey rear extension with associated internal alterations to accommodate a new open plan living kitchen dining area. Extension to have large windows/doors out onto the rear garden with a roof lantern also incorporated
2022/01254/FUL	A	The Old Orchard, Bridge Road, Llanblethian, Cowbridge	Two storey pitched roofed extension

2022/01255/FUL	A	58, Wyndham Street, Barry	Proposed change of use to four occupant HMO property existing doors removed from rear elevation new windows added to rear elevation
2022/01258/FUL	A	37, Whitcliffe Drive, Penarth	Proposed first floor extension to front of dwelling
2022/01261/FUL	A	The Old Rectory, Leckwith Road, Llandough, Penarth	Proposed part single / part 2 storey rear extension, new window openings to 1st floor rear and other internal alterations to property
2022/01265/FUL	A	66, Celtic Way, Rhoose	Proposed garage and storage to land to the front and side of existing domestic dwelling
2022/01266/FUL	A	Robin Hill, St. Hilary	Replacement dwelling
2022/01273/FUL	A	8, Fferm Goch, Llangan	Single storey extension to create entrance porch and additional kitchen space
2022/01275/FUL	A	6 Eweny Road, Wick	Replacement frames and roof to existing porch to the front elevation
2022/01277/FUL	A	Willmores 1938, Cliff Tops, Penarth	Variation of Condition 4 (Opening hours) of planning permission ref: 2021/01311/FUL - Change of use from retail kiosk to cafe (A3). Proposed hours of 08:00-22:00 on Monday to Sundays.
2022/01288/FUL	A	87, Lavernock Road, Penarth	Hip to gable and rear dormer
2022/01289/FUL	A	27, Cambridge Street, Barry	Hip to gable and rear dormer

2022/01291/FUL	A	15 St Augustine's Road, Penarth	New bay extension and removal of an existing kitchen window to infill the opening to match the existing wall.
2022/01293/FUL	A	Glanville House, Town Mill Road, Cowbridge	Extension to existing dwelling
2022/01294/LAW	A	13, Wesley Avenue, Rhoose	Loft conversion to increase the property to a 3 bedroom dwelling with downstairs toilet / shower at ground floor and new master bathroom at first floor.
2022/01295/FUL	A	21, Whitehall Close, Wenvoe	Remove the existing defective flat roof and replace with a pitched roof at 20 degrees to the horizontal
2022/01296/FUL	A	The Ferns, 1, Northcliffe Drive, Penarth	Variation of Condition 2 of planning permission 2021/01759/FUL to include change in the use of materials to dwelling house and garage structure.
2022/01297/FUL	A	4, Church View, Llanblethian, Cowbridge	Proposed demolition of existing garage with a construction of new replacement home office
2022/01304/FUL	A	Springside, Llanmaes	Installation of solar panels on south facing roof

2022/01306/FUL	A	Court Farm, Bonvilston	Refurbishment and remodelling of existing internal layouts, replacement of existing windows and doors throughout, new sliding folding doors to the kitchen, new window to the bathroom and minor external improvements including new paving to the entrance and courtyard spaces.
2022/01312/FUL	A	Oakfield, Llangan	A conversion of two of the current attached three garages into a children's playroom while maintaining one garage. Off the back of the garages an extension of approximately 6m x 4m to allow a guest room with ensuite to the property for family stays. There will also be a warm roof put on the conservatory to make it a more usable space.
2022/01314/CAC	A	Robin Hill, St. Hilary	Demolition of exiting dwelling and replacement.
2022/01320/RG3	A	Llansannor and Llanharry Junior and Infant School, Llansannor	Construction of a single storey extension to provide an additional teaching and resource area. Installation of a free standing canopy, to provide an all weather external learning space
2022/01322/FUL	A	7, Church Meadow, Boverton, Llantwit Major	Proposed demolition of existing conservatory. Construction of 2 storey side extension and single storey side / rear extension and other alterations to property.

2022/01327/FUL	A	30, Goldsland Walk, Wenvoe	The conversion of integral garage into a snug, and a small storage area.
2022/01356/LAW	A	13, Cardigan Crescent, Boverton, Llantwit Major	Proposed single storey rear extension for ground floor W.C.
2022/01369/FUL	R	4. St. Augustines Place, Penarth	Proposed loft conversion complete with rooflights to front and dormer with Juliette balcony to rear
2022/01385/PNQ	A	Longlands Quarry, Corntown	The PRIOR APPROVAL of the Local Planning Authority under Part 19 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the erection of a Concrete Batching Plant and Block Making facility at Longlands Quarry
2023/00007/PNA	F	Westmoor Farm, Slatter Lane, Llysworney	Block sheds to replace existing unsafe buildings for mixed agricultural/equine unit - breeding and producing horses/breeding and keeping sheep and making hay
2023/00008/PND	A	Westmoor Farm, Slatter Lane, Llysworney	Demolition of buildings falling down/unsafe for use/posing risk to the public using Slatter Lane. Also 3 trees to be removed (2 x Ash dieback, 1 X Sycamore) as roots causing current issues

2023/00035/OBS	B	Mill Cottage, Peterston Super Ely	Single phase to three phase. The installation will require an additional conductor to be installed within the existing overhead 11kv line from the nearby transformer pole. As this increase in supply is only supplying one single user, it falls within s.37 planning exemption parameters of the Electricity Act 1989.
2023/00042/OBS	B	River Taff, The Marl and Hamadryad Park, Cardiff (22/02945/SCO)	Scoping Opinion request for the proposed pedestrian and cycle bridge between The Marl and Hamadryad Park

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 1 MARCH 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2022/01039/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02457-R7K9Y1  
Appellant: Mr David Davey  
**Location: 51, The Parade, Barry**  
Proposal: Loft conversion including replacement of front aspect Velux window with 2 x velux cabrio windows, elevated side aspect Velux and elevated rear aspect velux above new internal stairwell for additional natural light into loft  
Start Date: 20 January 2023

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LPA Reference No: 2021/01439/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02187-Q0F9C5  
Appellant: Charlotte Williams  
**Location: Land to the West of Woodham Park, CF62 8HP**  
Proposal: Development of 4 no. houses  
Start Date: 9 February 2023

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LPA Reference No: 2021/00423/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02110-Z3G0G4  
Appellant: Transworld Real Estate Ltd  
**Location: Land at Bolston House, Bonvilston, CF5 6TP**  
Proposal: Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works  
Start Date: 14 February 2023

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LPA Reference No: 2021/00424/CAC  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02116-V8L7Z7  
Appellant: Transworld Real Estate Ltd  
**Location:** **Land at Bolston House, Bonvilston, CF5 6TP**  
Proposal: Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works  
Start Date: 14 February 2023

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(b) Enforcement Appeals Received

None.

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(c) Planning Appeal Decisions

LPA Reference No: 2020/00755/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-01926-Z3G4T1  
Appellant: Mr. Allan Parfitt  
**Location:** **Vacant agricultural land with abandoned rural buildings forming a previous smallholding/farmstead, Bonvilston (Easting: 306447, Northing: 173918)**  
Proposal: Restoration consolidation repair and conversion of derelict farmstead to new dwelling  
Decision: Appeal Dismissed  
Date: 13 January 2023  
Inspector: I Stevens  
Council Determination: Delegated

**Summary**

The main issue identified in this case was the effect of the proposal on the character and appearance of the surrounding area, having regard to policies relating to the conversion of rural buildings and the Bonvilston Conservation Area. The appeal site comprised a section of a larger field to the south of Bonvilston and the proposal was for the conversion and alterations of three buildings into one dwelling, with new build extensions connecting the buildings.

The Inspector considered that the site was overgrown and the buildings appeared in a derelict state, with no single building substantially remaining. Their ruinous appearance, along with the amount of vegetation within and around the buildings formed part of the rural character of the area. The proposal was accompanied by a structural survey which concluded that the remaining walls were in good condition and would need minimal maintenance

to bring back the character of the building. The Inspector was not however satisfied that the limestone material on the ground around the buildings was sufficient to complete the external works for two of the buildings and was concerned that the proposal relied on substantial new-build elements to make the scheme work, which brought into question the suitability of the buildings for conversion.

The Inspector considered that although the proposal sought to retain limestone walls, the design failed to respond appropriately to the surrounding features. The buildings' association with their original purpose as simple agricultural buildings would be lost through the scale of the extensions and the extensive areas of modern glazing. The overall domesticated appearance of the buildings would be harmful to the rural character of the area and would not preserve or enhance the character of the Conservation Area.

Whilst the proposal would be set back from the public highway, there would be localised views from neighbouring gardens and the Inspector considered that the fact that a development could not be seen did not justify the harm identified. The large garden space would be arbitrarily defined within the context of the larger field, with the boundary line and detailing further domesticating the appearance of the site, to the detriment of the character of the area including the Nant Llancarfan SLA.

It was therefore concluded that the proposal would involve substantial alterations, extensions and reconstruction of the existing buildings, which would unacceptably harm the character and appearance of the surrounding area, including the Bonvilston Conservation Area. As the proposal was considered to be contrary to Policies MD2, MD8, MD11 and MG17 of the LDP, guidance in the Conversion and Renovation of Rural Buildings SPG and the Bonvilston CAAMP, the appeal was dismissed.

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LPA Reference No:	2022/00638/LAW
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02068-D9F3K6
Appellant:	Mr Andrew Peters
<b>Location:</b>	<b>Tinkins Hall, Cowbridge Road, St. Nicholas</b>
Proposal:	Change of use to residential dwelling
Decision:	Appeal Withdrawn
Date:	17 January 2023
Inspector:	N/A
Council Determination:	Delegated

### **Summary**

The Lawful Development Certificate (LDC) application had been made for the use of the building as a single dwellinghouse, however this had been refused as there is a valid enforcement notice in effect relating to it and an LDC cannot therefore be issued in such circumstances.

Following the receipt of the appeal and confirmation by PEDW that it would initially proceed by way of a public inquiry, officers queried the procedure and confirmed that the LDC application had been refused as there was an effective enforcement notice on the site which had already been upheld at appeal.

PEDW subsequently confirmed to the appellant that there was clear evidence of an extant enforcement notice on the appeal site for the same development as the LDC application and as the use could not be determined as lawful, the appeal was unlikely to succeed. The appellant subsequently withdrew his appeal and officers are in the process of securing compliance with the enforcement notice.

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LPA Reference No:	2021/01721/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02022-F1Z4R0
Appellant:	Mr Damien Case
<b>Location:</b>	<b>Land adjacent to Station Terrace, Station Road East, Wenvoe</b>
Proposal:	Proposed construction of Berm house
Decision:	Appeal Dismissed
Date:	3 February 2023
Inspector:	A Thickett
Council Determination:	Delegated

### **Summary**

The main issues were considered to be whether the proposed development conflicts with national and local policies designed to promote sustainable development, the impact on the character and appearance of the area and whether the proposal should contribute to the provision of affordable housing.

### *Sustainability*

The appeal site was located to the south of a short terrace of 4 houses in the countryside to the east of Wenvoe. The Inspector identified that as the closest bus stops on Port Road were around 500m away along a narrow lane with only intermittent lighting and no footway, it was highly unlikely that prospective occupiers would walk to the shops in Wenvoe or Culverhouse Cross. As the occupiers would be heavily reliant on the private car for trips to the shops, school, work, medical facilities and leisure, the proposed development was not in a sustainable location and conflicted with LDP Policy MD1 and national policy as set out in PPW.

### *Character and appearance*

The Inspector acknowledged that the proposed berm house would introduce a different element but such was the variety in built form in the vicinity, it was not considered that the design of the building was unacceptable. The proposed building would encroach into a small wood protected by a group TPO and a number of protected trees would need to be removed to facilitate the proposed development. Although accepting the appellant's

arboriculturist's view that most of the affected trees were of poor quality, the Inspector considered their contribution to the group still had value and there was no justification for their removal except to facilitate the proposed development. In the absence of a replacement planting and woodland management scheme, it was found that the loss of trees would have an unacceptable impact on the character and appearance of the area and would conflict with Policy MD2 of the LDP.

#### *Affordable Housing*

The Council was satisfied that if the proposed development benefited from a self-build exemption, a contribution towards the provision of affordable housing was not required. Whilst the appellant had accepted the need for a contribution should a self-build exemption not apply and offered a unilateral undertaking to that effect, the Section 106 agreement submitted was not complete or signed. There was therefore no mechanism to secure a contribution, if one was required, and the Inspector therefore concluded that the proposal conflicted with Policy MG4 of the LDP.

#### *Conclusion*

It was therefore concluded that the appeal should be dismissed.

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#### (d) Enforcement Appeal Decisions

None.

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(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	13	5	18	3
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		13 (72%)	5 (28%)	18	3
<b>Committee Determination</b>		1	2	3	1
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	-	-	2
<b>Enforcement Appeals</b>	<b>W</b>	2	-	2	1
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		2 (100%)	-	2	1
<b>All Appeals (excludes non validation appeals)</b>	<b>W</b>	15	5	20	6
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		15 (75%)	5 (25%)	20	6

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 MARCH, 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2022/00702/TPO	A	7, Clos Cradog, Penarth	Work to Trees covered by TPO No.10 of 2003: T.1, 2 and 3 - Fell all three Ash Trees
2022/01092/TPO	A	Vale Of Glamorgan Hotel and Golf Club, Hensol	Work to Trees covered by TPO's – Undertake all works on urgent and high priority trees as per the attached tree reports (TVR1, TVR2, TVR3 , TVR4). TVR1 - T10 Beech; TVR2 - T2 Copper Beech, T3 Beech, T8 Ash, T10 Beech, T11 Beech, T12 Ash. T20 Black Pine, T31 Turkey Oak, T34 Oak, T36 Beech, T38 Beech, T39 Beech, G5 Mixed broadleaf, G6 Mixed broadleaf; TVR3 - T2 Oak, T9 Oak, T15 Ash, T20 Cypress Cultivar, T22 Oak, T41 Oak, T42 Scots Pine, T46 Beech, T53 Oak, T57 Oak, T59 Scots Pine, T60 Ash, T63 Sweet Chestnut, T65 Beech, T66

			Beech, T70 Turkey Oak, T74 Beech, T75 Oak, G2 Beech, G3 Mixed deciduous, G4 Mixed deciduous / coniferous, G11 Mixed deciduous, G13 Ash, G17 Alder/Ash, G18 Mixed deciduous / coniferous, G21 Mixed deciduous, G29 Japanese Knotweed, G35 Ash, G38 Mixed deciduous / coniferous; TVR4 - T14 Ash, T15 Alder, T16 Oak, T17 Oak, T21 Pine/Beech, T35 Red Oak, T36 Larch; T40 Oak, T55 Ash, T59 Beech, T60 Beech, T62 Pine, G4 Mixed, G5 Mixed
2022/01117/TPO	A	Sea Roads, 5, Cliff Parade, Penarth	Work To Tree Preservation Order 1982, No. 3: Crown reduce to the boundary wall of No. 2 Raisdale Gardens 1 X Oak (Mature) and 1 X Maple (Mature). Also clear out overhanging dead/dying wood that is dangerous due to windfall
2022/01262/TPO	A	Fairways, Wenvoe	Work to Tree covered by TPO 004 - 1951 - 04 W07: Felling of single mature Ash tree within woodland area
2022/01279/TPO	A	Porthkerry House, Rhose	Works to trees covered by Tree Preservation Order No. 7, 2020
2022/01303/TCA	A	Llys Gwinwydd, Boverton Park Drive, Boverton	Removal of one mature Sycamore tree (T1). Removal of one Ash tree (T2) and crown lifting of one Maple tree (T3)

2022/01309/TPO	R	2 Groeswen, Llantwit Major	Works to Remove Sycamore tree covered by Tree Preservation Order No. 3, 1977
2022/01364/TPO	A	Ogney Brook House, Colhugh Street, Llantwit Major	Removal of one Sycamore tree (T1)
2023/00009/TCA	A	92, Stanwell Road, Penarth	Work to Tree(s) in a Conservation Area: Removal of 2 Palm trees from the front garden. They are too big, posing a danger with shallow roots and need removing. They are showing signs of weakness, deterioration and age
2023/00013/TCA	A	Fferm Wen, Flemingston	Work to Tree in Flemingston Conservation Area: Lopping and reduction of Ash Tree to level previously approved in 2017 (planning ref: 2017/01273/TCA)
2023/00009/TCA	A	92, Stanwell Road, Penarth	Work to Tree(s) in a Conservation Area: Removal of 2 Palm trees from the front garden. They are too big, posing a danger with shallow roots and need removing. They are showing signs of weakness, deterioration and age
2023/00013/TCA	A	Fferm Wen, Flemingston	Work to Tree in Flemingston Conservation Area: Lopping and reduction of Ash Tree to level previously approved in 2017 (planning ref: 2017/01273/TCA)



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 MARCH 2023

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. ENFORCEMENT ACTION AUTHORISED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

Introduction

Under Section 26 of the Council's Constitution relating to Officer Delegations, provision is made for the Head of Regeneration and Planning to authorise Enforcement and Stop Notices as follows:

*6.2 In consultation with the Head of Legal and Democratic Services, to authorise the preparation of Enforcement and Stop Notices under the Town and Country Planning Act 1990 (as amended), after consultation with the Chair of Planning Committee, where reference to the Planning Committee would occasion detrimental delay and to instruct the Head of Legal and Democratic Services to issue such notices, if appropriate, and to pursue a prosecution in respect of any failure to comply with the terms of the Notice issued.*

It has been necessary for the Head of Regeneration and Planning to authorise enforcement action recently in relation to two cases, where the reporting to Planning Committee would have resulted in detrimental delay and details of these cases are reported below for Members' information.

(i) LAND AND BUILDINGS AT 5 ACRES, ST. HILARY, CF71 7DP

Authorisation was sought to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 in respect of the construction of a timber cabin building and its use for residential purposes on agricultural land near St Hillary. Enforcement action was considered appropriate as the principle of a new dwelling in this location is contrary to policy, given the unsustainable rural location that means occupants are heavily reliant on the use of private cars. Furthermore, allowing new dwellings in sparsely populated areas of the countryside leads to a dispersal of new dwellings, adding pressure to Council services in rural locations.

As a result of the investigation undertaken by officers, an application for a certificate of lawful use was received on 1<sup>st</sup> November 2022, however this was later withdrawn on 9<sup>th</sup> January 2023, due to insufficient evidence to prove that the building had been occupied for more than 4 years. It was therefore considered that enforcement action needed to be taken as a matter of urgency due to evidence suggesting that the building may have been occupied at the end of January 2019 and the issuing of an Enforcement Notice would prevent the residential use from becoming lawful.

Confirmation was provided by the Chair of Planning that delegated powers could be used for this purpose and the Enforcement Notice was issued on 20<sup>th</sup> January 2023 (ENF/2022/0192/PC (A) ). The Enforcement Notice requires the residential use of the cabin building to cease within six months and the building and decking structure to be demolished and all materials and domestic items to be removed from the land within nine months.

(ii) LAND AT HILLSIDE COTTAGE, LECKWITH HILL, LECKWITH, CF11 8AS

Authorisation was sought to issue an Enforcement Notice under Section 172 and a Stop Notice under Section 183 of the Town and Country Planning Act 1990 (as amended) in respect of the unauthorised importation and depositing of materials including waste materials on the land and the ground engineering, excavation and re-profiling works. Enforcement action was considered appropriate as a significant quantity of material was being imported onto and deposited on the land and had resulted in the destruction of a large area of woodland including TPO trees and the re-profiling of the land in a way that was uncharacteristic of the original sloping nature of the site. The destruction of the woodland forming part of a designated Site of Importance for Nature Conservation had also adversely impacted on biodiversity interests in the area and in the absence of any chemical testing of the imported material, it was likely that the development had also resulted in an unacceptable impact on the natural environment and land stability.

As a result of the investigation undertaken and the owner's refusal to engage with officers, a Temporary Stop Notice was issued on 18<sup>th</sup> November 2022, which required all further importation and engineering operations to cease for a period of 28 days (ENF/2022/0059/CLL (A) ). Further complaints continued to be received after this notice was issued and the owner's son advised that a planning application would not be submitted to retain or complete the development. It was therefore considered that enforcement action needed to be taken as a matter of urgency in the form of a permanent Stop Notice and Enforcement Notice in order to prevent any further unknown materials from being imported onto the land and any further uncontrolled engineering works from being undertaken.

Confirmation was provided by the Chair of Planning that delegated powers could be used for this purpose and the Stop Notice and Enforcement Notice were issued on 3<sup>rd</sup> February 2023 (ENF/2022/0059/CLL (B) and (C) ). The Stop Notice requires the importation and depositing of any materials and all ground engineering operations on the land to cease within one day. The Enforcement Notice requires the use of the land for the importation and depositing of materials to cease, all ground engineering operations and re-profiling to cease within one day and the removal of all of the deposited materials from the land within eight months.

Background Papers

Relevant enforcement files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **1 MARCH, 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

6. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

**2019/00871/OUT** Received on 22 April 2021

**APPLICANT:** Legal & General (Strategic Land) Ltd

**AGENT:** Mr Darren Parker Park House, Greyfriars Road, Cardiff, CF10 3AF

### **Land at Model Farm, Port Road, Rhoose**

Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the Head of Regeneration and Planning has deemed it necessary due to the strategic nature of the development and high level of public interest.

### **EXECUTIVE SUMMARY**

This planning application was considered by the Vale of Glamorgan Council's Planning Committee on 14th July 2021, where it was resolved to grant planning permission subject to a Section 106 legal agreement that was subsequently signed, and the permission was issued on 30th July 2021. That decision was judicially reviewed and subsequently quashed by the High Court on 6th October 2021 on the sole ground that the officer's report advised Members that the viability reports could not be released to the public. The application is back with the Council for a decision, albeit it is now subject to a Holding Direction from Welsh Government (WG), which restricts the grant of permission until a decision has been made on whether the application should be referred to the Welsh Ministers. Welsh Government have indicated that they are awaiting an updated report from the Council prior to making that decision.

It is a hybrid application for **outline** planning permission for a 44.75 ha business park on the northern part of the site (shown as 'Area A'), with all matters reserved apart from access. The outline proposals would (subject to reserved matters) include works such as car parking, landscaping, drainage infrastructure, ecological mitigation and all other ancillary works. The application also seeks **full** planning permission for the change of use of the southern part of the site (shown as 'Area B') from agricultural land to recreational open space, to form an approximate 48 ha extension to Porthkerry Country Park.

The site is located on land at Model Farm, Port Road, Rhoose and presently comprises a farmhouse, associated yard and several agricultural fields. It is located near Cardiff Airport, on the immediate opposite side of Porthkerry Road and to the south of Port Road. It is part of the allocated Cardiff Airport – St Athan Enterprise Zone, as identified within the Vale of Glamorgan Local Development Plan (LDP). The land is allocated for employment uses under Policies MG9 – Employment Allocations & MG10 St Athan - Cardiff Airport Enterprise Zone of the LDP. Policy MG28 – Public Open Space Allocations, also refers to the allocation of part of the site to form an extension to Porthkerry Country Park.

This application is supported by an Environmental Statement since the Council determined that an Environmental Impact Assessment (EIA) was required, following a screening request in 2018. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, it was concluded that the size of the development, in context of the site, made the potential impact such that an EIA was required.

There were objections received from over 500 persons to the initial public consultations undertaken in 2019. To date, there were also over 450 objections to two subsequent public consultations in spring 2021, almost 300 objections in spring 2022, and approximately 40 since December 2022. The prevalent reasons for objection have been summarised below:

- Traffic congestion and lack of provision for new transport infrastructure
- Loss of farmland/ opposition to eviction of tenant farmer
- Detriment to local heritage assets
- Detriment to residents' wellbeing and amenity
- Lack of need and justification the development, in this location
- Detrimental visual and landscape impact/ loss of open countryside
- Opposition to proposed Porthkerry Country Park extension
- Not sustainable/ will greatly contribute to climate change
- Nature/ habitat loss, detriment to ecology and biodiversity
- Loss of trees/ impact to ancient woodlands
- Local drainage infrastructure inadequate to accommodate development
- Flooding and contamination
- Opposition to illustrated Rapid Transit Corridor
- Lack of financial viability/ taxpayer burden
- Procedural matters

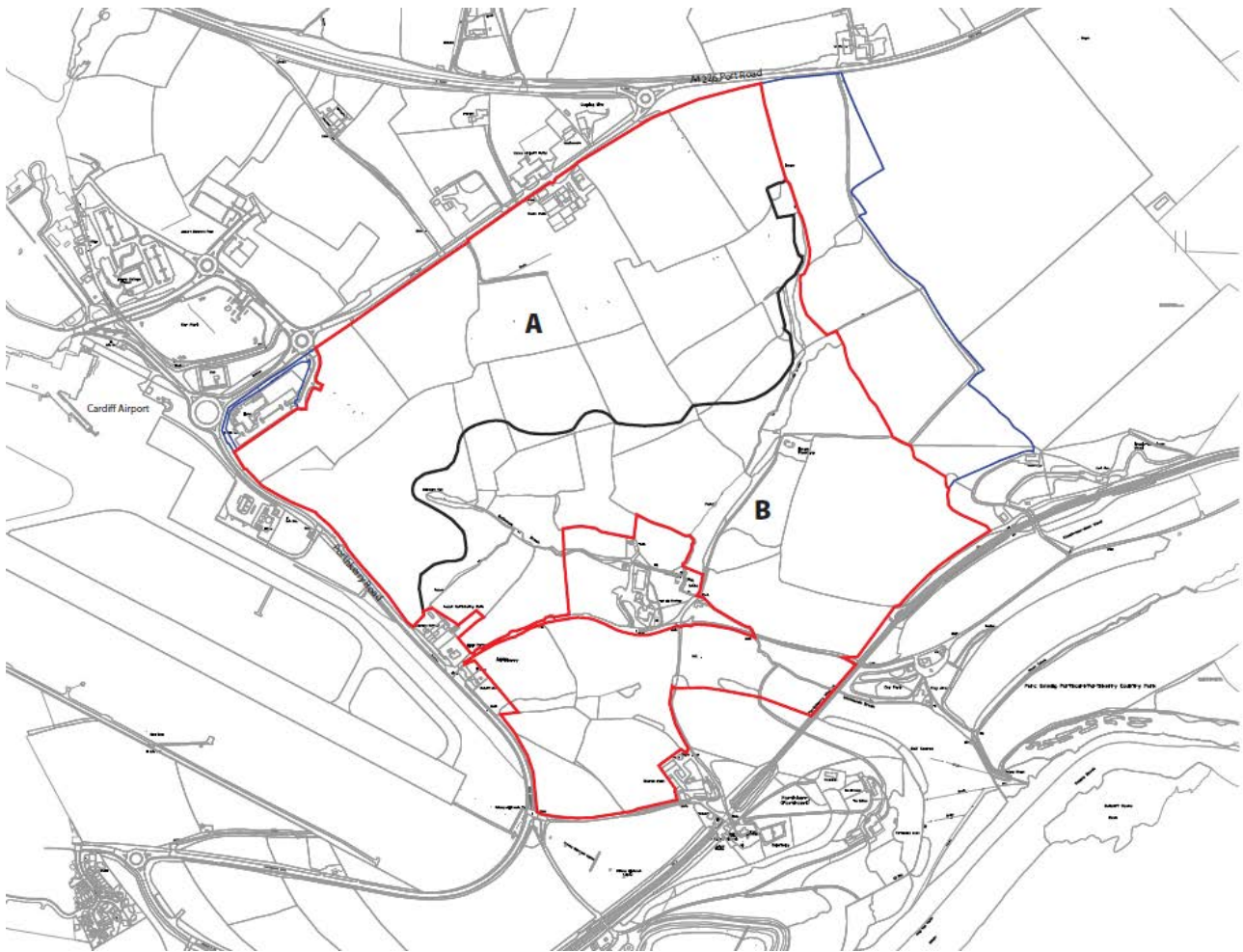
In addition, there were objections to the development received by then Cllr Andrew RT Davies, Cllr Samantha Campbell, Cllr William Hennessey, and Barry Town Council, which are expanded upon in the consultations section of the report.

It is recommended that the application be APPROVED having regard to all the submitted environmental information in accordance with Section 25(1) of the 2017 EIA Regulations, and subject to conditions, and a S106 legal agreement, relating to sustainable transport (land safeguarding), creation of public open space (land transfer and commuted sum) for the extension of Porthkerry Country Park and ecology mitigation (commuted sum).

## SITE AND CONTEXT

The site is located on land at Model Farm, Port Road, Rhoose and presently comprises a farmhouse, associated yard and several agricultural fields. It is located near Cardiff Airport, on the immediate opposite side of Porthkerry Road and to the south of Port Road.

The site is split into two parts, as illustrated on the site location plan below. The business park development parcel is shown as 'Area A', with land to form an extension to Porthkerry Country Park shown as 'Area B'.



The land also forms part of the allocated Cardiff Airport – St Athan Enterprise Zone, as identified within the Vale of Glamorgan Local Development Plan (LDP). It forms part of land allocated for employment use under Policies SP2 – Strategic Sites, MG9 – Employment Allocations & MG10 St Athan - Cardiff Airport Enterprise Zone of the LDP. Policy MG28 – Public Open Space Allocations also refers to the allocation of part of the site to form an extension to Porthkerry Country Park.

There are two listed buildings located to the south of the development parcel, at Upper and Lower Porthkerry Farm, and the Porthkerry Viaduct is also approx. 700m from the site. The Porthkerry Conservation Area is located approx. 700m south of the site. Archaeological resource has been recorded within the site and there are also ancient scheduled monuments (Bulwarks Camp and Medieval Mill and Mill Leat Cliffwood), some 900m to the south.

There are two Sites of Importance for Nature Conservation (SINC) on the site, both comprising areas of ancient woodland close to Bullhouse Brook. This watercourse feeds into Whitelands Brook, which is on the peripheries of the proposed Business Park, located in 'Area B', and discharges to the sea via Porthkerry Park. It is also approx. 500m from the Barry Woodlands SSSI and approx. 1km from the Cliff Wood SSSI.

The following footpaths are also located on or adjacent to the site:

- No.17 Penmark (status – Footpath)
- No.20 Penmark (status – Footpath)
- No.6 Porthkerry (status – Restricted byway)

In addition to the above, parts of the site are also subject to the following constraints:

- 'Green Wedge' designation within the LDP
- Limestone Safeguarding Zone (Category 2)
- Sand and Gravel Safeguarding Zone (Category 2)

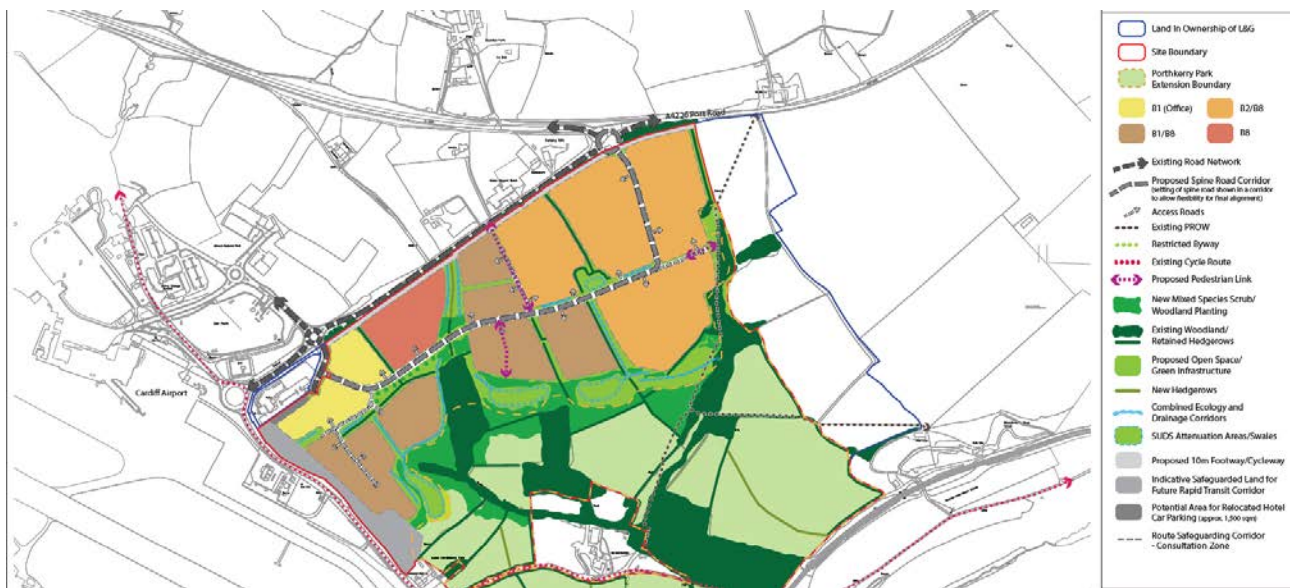
The site is located outside of any HSE (COMAH) Consultation Zone.

## DESCRIPTION OF DEVELOPMENT

The application is a hybrid planning application, therefore partly in outline and partly a full application. The outline proposals are for the development of the northern part of the site, shown as 'Area A' above, for a business park. In addition, full planning permission is sought for the change of use of the southern part of the site, shown as 'Area B' above, to form an extension to Porthkerry Country Park.

### Business Park

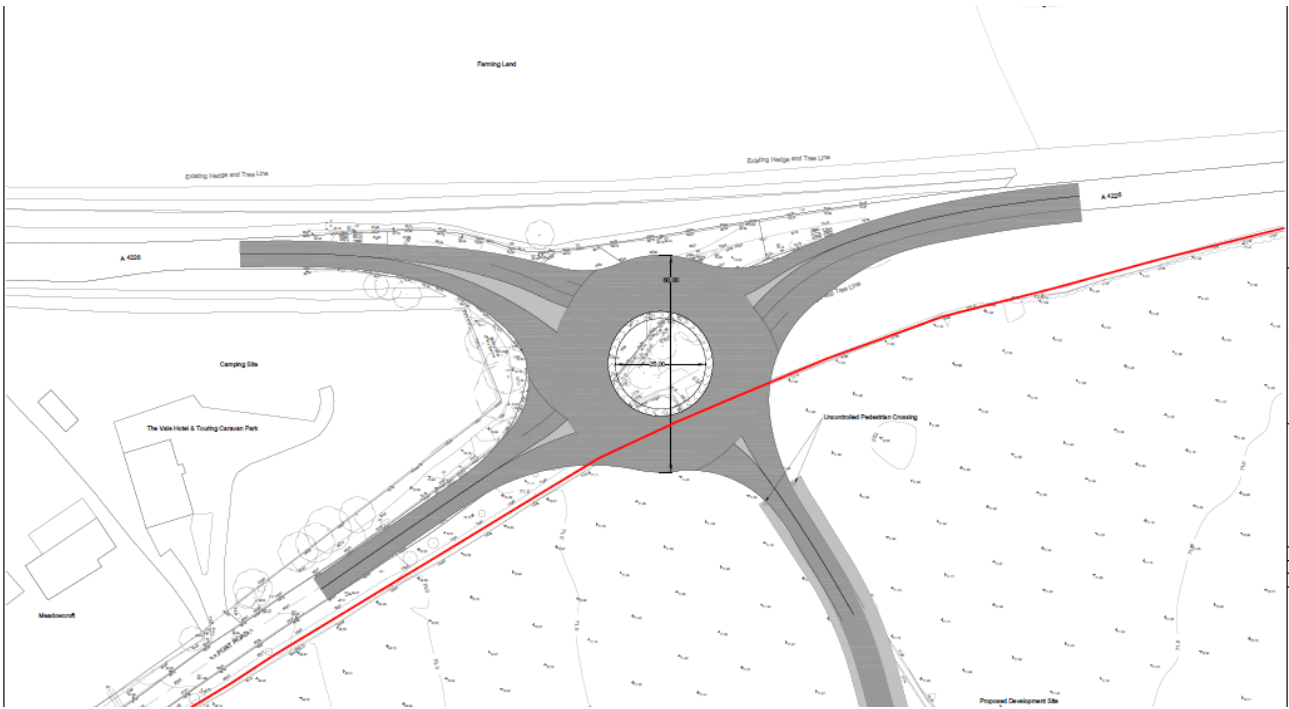
The outline proposals are for a 44.75 ha business park, with all matters reserved except site access. The location, points of access, and an indicative layout are illustrated in the below extract of the site masterplan.



### Access

The site is proposed to be accessed at two points, one at the A4226 roundabout junction with Port Road, at the north-eastern side of the site, and another via the Port Road roundabout arm that serves the Express Holiday Inn. The former would provide for the main vehicular access to the site and involve the provision of a new roundabout. It would be larger, at approximately 60m diameter, re-modelled, and would occupy a new position south of the existing roundabout. It is illustrated in the plan extract below:





### Development Parameters

The internal layout of the site is a reserved matter, but the site is shown split into twelve development parcels on the parameter plans, the majority accessed via a single spine road that links the two points of vehicular access. A mixture of employment uses are proposed throughout the site, which would fall into Class B1 (Business), B2 (General Industrial) or B8 (Storage and Distribution). The proposed gross new internal floorspace is approx. 160,000-162,000 sq.m.



The building size parameters are illustrated below:

Plot	Min/Max Length	Min/Max Width	Min/Max Building Height	Storey Height
1	150m/171m	22m/26m	12m/16m	4
2	112m/116m	22m/26m	12m/16m	5
3	67.5m/193m	26m/51m	8m/10m	1
4	60m/73m	60m/64.5m	12m/14m	1
5	90m/110m	60m/64.5m	12m/14m	1
6a	75m/85m	45m/55m	12m/14m	1
6b	60m/65m	50m/56m	12m/14m	1
7	140m/160m	80m/90m	12m/16m	1
8	190m/200m	85m/95m	12m/16m	1
9	200m/220m	70m/80m	12m/16m	1
10	35m/65m	29m/37m	8m/10m	2
11	37m/43m	29m/37m	8m/10m	2
12	97m/140m	25m/38.5m	8m/10m	2

### Movement and Access



## Active Travel/ Safeguarded Rapid Transit Corridor

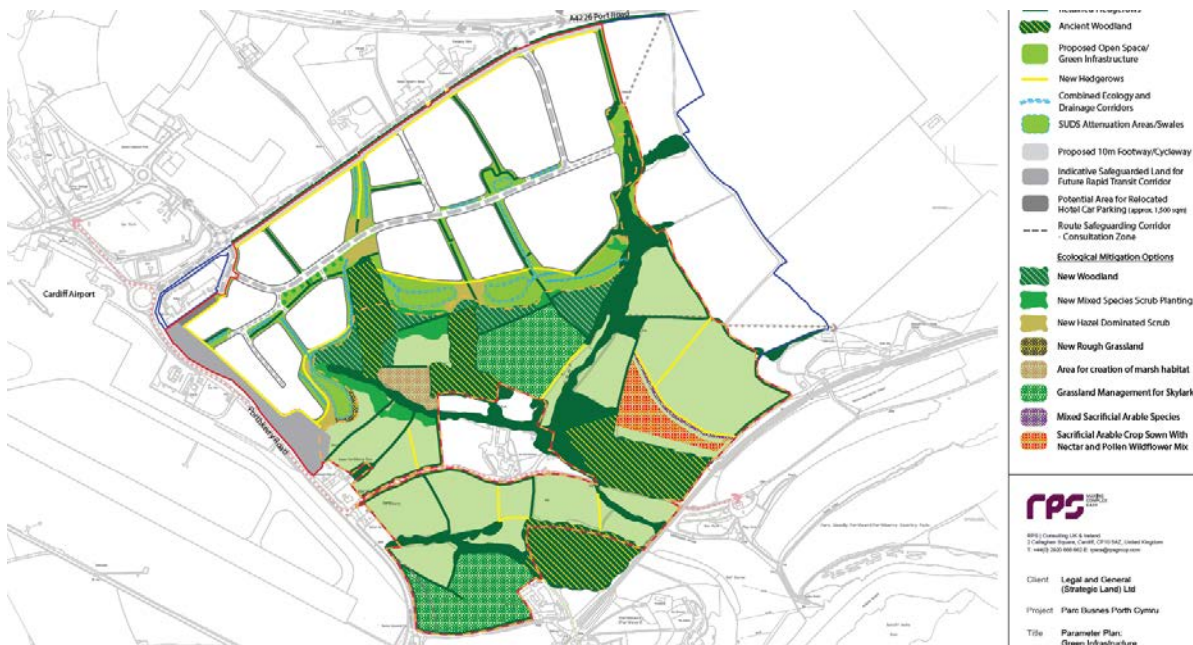
The above plan extract illustrates (shaded light grey) a 10m wide strip of land adjoining Port Road on the northern site frontage. This land is proposed to be transferred to the Council for future provision of an active travel route. The whole route (subject to further design work and funding) would connect facilities at Weycock Cross, Barry to Cardiff Airport. It would also 'complete' the active travel linkages between Rhoose to Barry, as well as Five Mile Lane and Culverhouse Cross to Cardiff Airport.

There is also land on the western extent of the site (shaded a darker grey), adjacent to Porthkerry Road, that is proposed to be safeguarded for potential future 'Rapid Transit' connection with Rhoose Rail Station. The application does not seek permission for this development. The purpose of the safeguarded land would be to ensure that the area remained undeveloped and would not fetter the future delivery of improved public transport infrastructure.

## Porthkerry Park Extension

The full proposals include the transfer of approx. 48ha of land to form an extension to Porthkerry Country Park, which is operated by the Vale of Glamorgan Council as public parkland. The existing park itself is approximately 90ha in size, served by a car park and vehicular access from Park Road, Barry, whilst also having a connection to the Wales Coastal Path, and being accessible on foot from Porthkerry and Rhoose.

The land would be transferred to the Council for the benefit of providing public access, but also to promote nature conservation. The 'green infrastructure' plan (extract below) illustrates indicatively how measures such as hedgerow replacement and habitat creation could take place:



The full proposal is for the change of use of the land from agriculture and does not include any operational development in the park area.

## PLANNING HISTORY

1991/00474/FUL, Address: Model Farm, Port Road, Rhoose, Proposal: Fill valley to gain safe access between fields, because of loss of flat ground being proposed by South Glamorgan County Council, Decision: Approved

1991/01190/FUL, Address: Land at Cardiff-Wales Airport, Rhoose, Proposal: Warehouse development, Decision: Approved

1992/00524/FUL, Address: Model Farm, Port Road, Rhoose, Proposal: Extension of period for filling in valley to gain safe access between fields (91/00474/ful refers), Decision: Approved

1993/00780/FUL, Address: Land at Model Farm, Rhoose, Proposal: Renewal of existing permission (No. 92/00524/FUL) and extension of site for tipping of soil and sub-soil purposes, Decision: Refused

1993/01052/FUL, Address: Land at Model Farm, Rhoose, Proposal: Renewal of permission 92/00524/FUL for tipping of soil and subsoil purposes, Decision: Approved

1993/01270/RES, Address: Cardiff Wales Airport, Rhoose - Land at, Proposal: Warehousing Development, Decision: Approved

1994/01139/FUL, Address: Land at Model Farm, Rhoose, Proposal: Reclamation of waste or unusable land by inert landfill and 9' topsoil and grass seeding for agricultural use, Decision: Approved

2003/00827/FUL, Address: Express By Holiday Inn, Port Road, Rhoose, Proposal: Hotel and car parking ancillary works, Decision: Approved

2004/01364/FUL, Address: Express By Holiday Inn, Port Road, Rhoose, Proposal: Variation of conditions 4, 7, 9, 11 and 12 of planning permission ref: 03/00827/Ful to allow for discharge within 6 months of commencement of the development. Decision: Approved

2004/01686/OUT, Address: Port Road, Rhoose, Proposal: Proposed Class A3 restaurant, car parking, landscaping and access arrangements together with amendments to previously approved car parking layout (03/00827/FUL), Decision: Approved

2005/00147/ADV, Address: Express By Holiday Inn, Port Road, Rhoose, Proposal: Various signs, Decision: Approved

2007/01734/OUT, Address: Port Road, Rhoose, Proposal: Renewal of application for proposed Class A3 restaurant, car parking, landscaping and access arrangements together with amendments to previously approved car parking layout (application 2003/00827/FUL), Decision: Approved

2012/00484/FUL, Address: Holiday Inn Express, Port Road, Rhoose, Proposal: Retention of car park extensions and covered patio, Decision: Approved

2019/00254/SC1, Address: Land at Model Farm, Port Road, Rhoose, Proposal: Request for screening opinion, Decision: Environmental Impact Assessment (Screening) - Required

## CONSULTATIONS

**RT Hon Alun Cairns MP** stated *“I am writing in relation to the planning application 2019/00871/OUT, which proposes a business park at Model Farm in Rhoose. I have been contacted by local residents who have raised a number of concerns, as set out below. I would be grateful if this could be shared with the Planning Department and the relevant officers.*

*Their concerns are primarily centred around the correct protocols being followed before planning is granted by the Vale Council. Therefore, the Council must have the full and complete survey details of the effects that such a development would have on the wildlife, insects, flora and fauna, and protected species such as horseshoe bats, skylarks and badgers, all of which are present on the farm.*

*My constituent explained that there are numerous cases where planning has been granted with the proviso that full surveys must be done before work commences. However, they state: “This is not the correct procedure. As the Cornwall ruling cited that the planning authority acted unlawfully by granting planning permission without sufficient information on flora and fauna. This is relevant where a development requires an Environmental Impact Assessment. The Vale of Glamorgan Council did indeed request an E I A for this proposed development. Full detailed surveys have not been carried out. Model Farm is rich in wildlife, contains ancient woodland, is home to some protected species, yet the developers are giving scant regard to environment they are destroying.”*

*I look forward to your response and appreciate the Planning Department looking into these concerns.”*

A further email on 12 January stated:

*“I would like to write to the council supporting my constituent’s email below and to raise the same objections and concerns. I appreciate that you may already have responded to my constituent regarding this matter, but I would like to add my voice to his concerns.”*

The email referred to dated 23 December 2022, in summary, requested consideration of the application be postponed pending conclusion of a Newport City Council Freeport bid which included Cardiff Airport. It also raised concerns regarding associated traffic, planning policy implications, traffic flows through St Nicholas and Bonvilston, employment land oversupply, and alleged failures to consult and disclose information. The full letter is **appended** to this report.

**Civil Aviation Authority** – no response received to date.

**Vale of Glamorgan Highway Development** – did not object to the development and their comments are outlined in greater detail below:



## Traffic modelling

An independent consultant was engaged to review the Transport Assessment (TA) and associated Technical Note (TN). The scope of the traffic modelling contained within the Transport Assessment was subject of scoping and pre-application discussions. The approach was therefore considered acceptable and robust.

The review of the TA resulted in a number of items being raised and discussed with the applicant – subject of the Technical Note. The comments of the consultant having undertaken a further review of the TN, have been summarised as follows:

- It was concluded that the modal share used for the transport modelling was appropriate.
- There was a need to keep parking levels below the maximum standard – which was recognised in the Transport Assessment.
- It was agreed that the assessed impact of development traffic to the Sycamore Cross junction was not likely to be significant.
- Phasing details were recommended to identify key milestones and agree planning obligations.
- It was recommended that RPS be provided with personal injury accident data or VoGC undertake a separate review.

## Access Strategy

A review was also undertaken of the access strategy, summarised as follows:

- It was agreed that the access strategy is not definitive but does consider emerging improvements in the context of likely build out.
- The strategy was considered comprehensive and considers the transport demand for the Enterprise Zone, committed transport improvement schemes (both funded and unfunded).
- Vehicle movements for the enterprise zone have been estimated for the years 2021-2026, 2028, 2030 and 2040, identifying at which point transport improvements may be required.
- It was agreed that Table 12 provides an initial overview and timescale for the transport infrastructure needed to deliver and service the enterprise zone based on the existing growth aspirations.
- It was recommended that the Access Strategy (and Table 12) are used as a basis for discussions to agree sustainable transport obligations and highway improvements. It was also agreed that the focus should be on sustainable modes of transport to achieve a mode shift away from the private car.

It is concluded that the items raised in the TA review have been adequately addressed by the Technical Note and the Access Strategy provided an appropriate framework from which suitable planning obligations can be agreed, to deliver sustainable transport and highway improvements, along with the development of the Enterprise Zone.

Site access:

The site access was reviewed by the Council's Highways Engineer. Their comments are summarised below:

- Priority access to Holiday Inn Express required to be changed to give priority to the proposed development, with a side access to the hotel with a possible ghost right hand turning lane depending on vehicle modelling flows.
- Existing roundabouts to be modelled and size and layout to be determined within the scope of the existing adopted highway and any land in the ownership of the applicant. To take account of footways/shared surfaces and verges and embankments supporting the highway.
- The drawings show the provision of 10m wide verge running along port Road fronting the site to be dedicated as highway verge to provide land provision to the VoGC for future active travel routes.

Comments in regard to internal layout:

- Internal roads required to meet geometrical standards
- Provide suitable active travel routes connections and routes through the development to be either, shared or segregated, type and dimensions to be agreed depending on current AT guidelines at the time.
- Provide public transport facilities with bus laybys, stops and shelters.
- Proposed pedestrian links and access points to be for shared use pedestrian and cycle to tie in with proposed shared surfaces throughout the development.
- Provide internal roundabouts to serve as a speed reducing feature and access to the side land parcels

In addition, it was recommended that conditions be secured for the submission of full engineering details and design calculations for the proposed vehicular access points, a highway signing strategy, a Construction Traffic Management Plan and highway condition surveys. It was also advised that the applicant will be required to enter into a legally binding agreement to secure the proper implementation of the proposed highway works.

Their latest response on 1<sup>st</sup> December 2022 confirmed, following a review of the TIS Addendum (Nov 2022), that there were no changes or amendments to their previous comments and conditions (as dated 20<sup>th</sup> May 2021).

**Public Rights of Way Officer** stated that the below public footpaths cross the property:

- No.17 Penmark (status – Footpath)
- No.20 Penmark (status – Footpath)
- No.6 Porthkerry (status – Restricted byway)

Advisory notes were also provided stating, the Public Rights of Way must be kept open and available for safe use by the public at all times, and legal orders are required for the temporary closure or diversion. It was also stated that the PRoW shown on parameter plans were inaccurate.

**The Council's Drainage Section** stated that the site is not located within a DAM Flood Risk Zone and NRW flood maps indicate that there is a very low risk of surface water flooding to the site.

Their detailed comments (primary assessment) are provided as follows:

*“Initial Infiltration testing submitted in support of this application (RPS April 2019) indicates that infiltration at shallow depths to be generally poor of which we are in acceptance. It is suggested that further penetration through the bedrock may produce a greater variation in permeability rates. In line with the Environment Agency’s Approach to Groundwater Protection (February 2018) adopted by NRW we would discourage the use of any infiltration system that bypasses the soil layer, limiting the ability of the ground to attenuate pollutants.*

*Should infiltration techniques be used within the final design, it will be required that further testing is required in areas of proposed infiltration. All testing should be undertaken at the proposed site of infiltration inclusive of permeable surfaces. Where larger infiltration features are to be used we would require additional testing to be undertaken on a 25m grid basis. Infiltration testing should be completed at an appropriate depth to that of the proposed design.*

*It is proposed within the Sustainable Drainage Assessment (RPS July 2019) that surface waters from impermeable surfaces will be treated and controlled at source where possible, before discharge to watercourse. It is proposed that the rate of discharge will be restricted to existing greenfield runoff rates. We find these discharge rates acceptable in principle and would request that further hydraulic calculations are provided on final design demonstrating the discharge rate at the point of discharge. The design of any offsite drainage system should demonstrate that the scheme does not adversely affect offsite flood risk elsewhere.”*

It was also stated that a Flood Exceedance Plan, management details, a Construction Environmental Management Plan would be required, but as the detailed surface water disposal design is subject to SAB approval, it is not subject to further planning condition.

**Shared Regulatory Services (Neighbourhood Services)** stated no objection in principle, but requested that a condition be included relating to provision of a Construction Environment Management Plan, for the construction phase. It was also stated that details of lighting, hours of operation, delivery times and plant (for which a noise report may be required) may be required as part of any subsequent Reserved Matters application.

**Cardiff Airport** provided the following comments:

*“Aerodrome Physical Safeguarding/Obstacle Limitation Surfaces (OLS’s) - From an aerodrome physical safeguarding perspective, and based upon our assessment against regulatory Aerodrome safeguarded OLS’s in conjunction with the information detailed in document ‘JCD0064-004-I-210511-Parameter plan – Land Use & Storey Heights’, the buildings would not penetrate our OLS’s and therefore, if this application were to be approved, we would be content with this aspect of the development.*

*National Air Traffic Services (NATS) Safeguarding – I have engaged with NATS, who have confirmed that their safeguarding team have reviewed the planning application again and have no concerns.*



*Wildlife Hazard Management/Birdstrike Hazard Safeguarding – Please see attached report of a specialist assessment conducted by Birdstrike Management Limited (BML) on behalf of Cardiff Airport, which details the issues, concerns and mitigations in relation to this application. If this application were to be approved, Cardiff Airport request that conditions be applied to the planning consent in order to fully address the mitigations detailed within the attached report. (Condition 18 construction phase and condition 17 operational phase refer).*

*Car Parking - Planning history within the vicinity of the site demonstrates the site's proximity to the airport make car parking uses commercially attractive. We therefore request that in the event of the approval of this application, a condition be imposed which restricts any associated car parking numbers for the site and to be used only in association with the proposed development and not as a standalone parking facility. It will also aim to ensure that car dependency is reduced and sustainable transport promoted."*

**Gwent Glamorgan Archaeological Trust** stated, in summary, that the Information in the Historic Environment Record shows that there are a number of archaeological and historic environment sites and findspots within the proposed development area, from Neolithic to modern date. It was concluded that mitigation can be by condition rather than pre-determination.

It was recommended that a condition be attached that ensures the submission and implementation of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

It was envisaged that this programme of work would include, but not be limited to: geophysical survey, which may enable targeted fieldwork, which may include a strip, map and record of some areas if these cannot be excluded from a final masterplan, and would also include, an archaeological watching brief during groundworks. **(Condition 16 refers)**

Their response on 14<sup>th</sup> February 2022 confirmed no change to their comments.

**CADW (Ancient Monuments)** stated that a number of designated heritage assets are located inside 3km of the development. In relation to the impact of the development, it was stated:

*"An archaeological desk-based assessment for the development has been prepared by CGMS and considered the impact of the proposed development on the settings of these designated heritage assets. It has concluded that in most cases intervening topography, buildings and vegetation block views between them. Where views are possible the proposed development will be seen as part of the very wide landscape setting which also includes the existing airport and the urban settlement of Barry. This will not alter the way that these designated heritage assets are understood, experienced and appreciated. Consequently, it is our opinion that the proposed development will not have any impact on any scheduled monument or registered historic park and garden or their settings."*

Their subsequent response on 11 May 2021 stated:

*“Amended plans including revisions to the indicative concept masterplan and the revised parameter plan - green infrastructure, have been submitted in support of this application. The information contained in these documents does not alter the advice given previously.”*

Their subsequent response on 14<sup>th</sup> February 2022 confirmed no objections and referred to their previous advice.

**The Council’s Conservation Officer** objected and recommended refusal due to the harm caused to the settings of historic assets.

More specifically, it was stated that the Built Heritage Statement supporting the application was generally robust, however it concluded there will be a moderate degree of harm to the setting of Lower Porthkerry Farm House (Grade II listed); Upper Porthkerry Farm House (Grade II listed) and the Porthkerry Conservation Area. There will be a minor degree of harm to the setting of Church Farmhouse (Grade II\*); the Outbuilding to Church Farmhouse (Grade II\*); the former stables block associated with Upper Porthkerry Farm House (locally listed County Treasure); and Egerton Grey (locally listed County Treasure). There will be a negligible degree of harm to the setting of the Church of St Curig (Grade II\*) and Porthkerry Viaduct (Grade II). The Conservation Officer also considered a minor degree of harm would be caused to the significance of Welford Barn.

On this basis they could not offer support to the application.

The Conservation Officer also stated (following review of the correspondence ref: JAC24500 from the applicant’s agent) that they were *“not aware of any significant changes in either the nature or extent of historic assets which would effect this application. Neither has there been any significant changes in legislation or policy relating to the historic environment.”*

**Dwr Cymru / Welsh Water** stated that a public sewer crossed the site and that it has a protection zone measured 3m either side. It recommend a condition which requires a foul water drainage scheme be agreed prior to any approval of reserved matters or commencement of development for that site and/or other identified part **(Condition 9 refers)**.

It was also stated:

*“Furthermore, as highlighted within our consultation response (Ref: PPA0004091) to PAC, we have considered the impact of foul flows generated by the proposed development upon the local public sewerage network and concluded that it is unlikely that sufficient capacity exists to accommodate this development. Our response also fails to identify a suitable point of communication for the proposed development site to be served by an adequate water supply. Accordingly, the developer has been advised it will be necessary to undertake Hydraulic Modelling Assessments (HMAs) of the public sewerage and potable water supply networks, which will examine the existing networks and consider the impact of the introduction of flows from this development, and then identify solutions and points of communication to ensure that the site can be accommodated within these systems.”*

In lieu of the above, the following conditions were recommended:

*“No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a foul water drainage scheme, for that reserved matter site and/or other identified part has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage 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.*

1. *No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, for that reserved matter site and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.*

*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.*

2. *No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a potable water scheme to serve the site, for that reserved matter site and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.*

*Reason: To ensure the site is served by a suitable potable water supply.”*

**(Conditions 9, 10, 11 and 12 refer)**

Advisory notes were also provided in relation to SuDS Approval Body (SAB) requirements relating to surface water, the legislative requirements of the Water Industry Act and asset recording and protection.

Their subsequent responses, most recently on 18<sup>th</sup> February 2022, state that they have no additional comments to make.

**Vale of Glamorgan Council Ecology Officer** in response to initial consultation raised concerns in relation to habitat loss, hedgerow loss and raised concerns that have resulted in both further surveys and plan amendments. In a later response to consultation on 14<sup>th</sup> June 2021, it was stated in summary:

- The original Preliminary Ecology Appraisal (PEA) conformed to national standards.
- This will continue to be an iterative process as this is an outline application
- A number of rare species have been recorded on site, but none of these has any protection in law and, in their view, such species are unlikely to be adversely affected by the development.
- All of these (above referenced) species are principally woodland species and the existing woodlands are not affected by the development.
- The applicants have now provided a table listing the losses of hedgerow at 2.04 km. and a length of 3.01 km of new hedgerows and 0.3km of hedgerows to be restored through additional planting. Therefore, the target set out in the Biodiversity and Development SPG has been met.
- The applicants also propose to plant 1.5 hectare of hazel dominated scrub, 1 hectare of scrub and 2.5 hectares of new broadleaved woodland planting.

In addition, the mitigation for ground nesting birds on land to form the Porthkerry Country Park extension has been discussed, and was considered acceptable subject to appropriate funding.

The requirements of Cardiff Airport in relation to birdstrike management have also been discussed and it was considered these could be acceptably managed (from an ecological perspective).

In response to subsequent consultation following the submission of additional ecological information, a further response on 4<sup>th</sup> January 2023 stated, in summary, that badgers and bats had been dealt with, and whilst the applicants previous submissions had conformed to standard practice, sightings of additional species have been reported in representations since the data was compiled. It was noted a site walkover survey had been conducted, however, it was recommended that the data search informing the PEA was refreshed and any mitigation and enhancement proposals to reflect the results of that data search.

The ecologist's most recent responses have confirmed that the revised PEA has now included all the recent biodiversity records, with several additional species recorded. It was stated that "*many are not found in the development area and even where they are the change in management of the Ecological Mitigation Area should make it more attractive to these and other species... for example, the more relaxed and time managed management of the hedgerows in the Ecological Mitigation Area will have beneficial impacts for bats, dormice, invertebrates and hedgehogs. Similarly, the sacrificial arable area will benefit the Brown Hare, Breeding Birds and wintering flocks of birds.*"

Lastly, the ecologist stated that the most recent version of the PEA had been amended to cover previous points (satisfactorily) and that the Species Management Objectives were fine. It was, nonetheless, suggested that the bat flight lines be designated as 'dark corridors' when preparing future detailed lighting strategies and (layout/ landscaping) plans (**condition 9 refers**).

It was also advised that the demolition of the farmhouse and barns will require a Protected Species Licence from Natural Resources Wales because of the bat roosts.

**Vale of Glamorgan (Parks and Grounds Maintenance)** – do not object to the development, subject to security of a commuted sum to cover costs related to future maintenance of the park extension.

**Wales and West Utilities** – made a request for payment to produce utility plans. No further response was received following clarification.

**National Air Traffic Control Centre** stated:

*“The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal.”*

**Vale of Glamorgan Council (Transport and Road Safety)** – have reviewed the Transport Implementation Strategy and proposals for safeguarding a route for active travel, and considered the proposals acceptable in relation to public transport and active travel provision.

**Natural Resources Wales** recommended that planning permission should only be granted subject to conditions. A summary of their detailed comments is provided below:

#### Dormice

NRW advised that although no dormice were found during surveys, they are aware that dormice are present in the wider landscape, in woodland to the west/north-west of the application site and part of Porthkerry Country Park. The intention to retain most of the existing habitat suitable for dormice in the extended area, and further bolster it with new woodland, scrub and hedgerow planting was welcomed.

It was advised that submission of an updated Precautionary Dormouse Strategy was required by condition. **(Condition 6 refers)**

#### Biodiversity

It was advised that submission of an updated Biodiversity Management Strategy was also required by condition, to reflect the iterative changes to the scheme since original submission. It was also recommended that the habitat management objectives within the strategy are designed with dormice in mind. **(Condition 7 refers)**

#### Pollution Prevention

In view of the potential risk to the water environment during the construction phase a condition requiring submission and approval of a Construction Environment Management Plan (CEMP) was requested. **(Condition 19 refers)**

## Drainage

The proposed development is in a publicly sewered area and NRW would expect the site to connect to the mains sewerage system.

They noted a lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991, and they may refuse to issue an environmental permit for private treatment facilities in such circumstances.

They also noted the application form states that foul drainage will be discharged to the public foul sewer and DCWW's suggested condition – and offered no further comments on that basis.

Their response on 7th December 2022 stated that whilst only a further eDNA survey for GCN can update the previous eDNA survey that was undertaken, having considered the latest information (Baseline Ecology Review ref: ECO02103) in the context of the previous survey results, they confirmed that their previous advice dated 2<sup>nd</sup> March 2022, remains valid.

**Western Power Distribution** initially stated that there is an extensive 11kV network that will require diversion and LV supplies to buildings within the development that will require attention. A subsequent response also highlighted concern regarding the proximity to overhead lines, provided advisory notes relating to the provision of electricity to the site.

**Shared Regulatory Services (Environment)** stated *“...available records identify the site as including/being in close proximity to an historic landfill and former quarry site (Model Farm Landfill and Model Farm Quarry). Further historic landfill is identified as being within potential influencing distance of the development site. The nature and extent of infilling of these sites is unknown.”*

It was requested that conditions be included in the interest of the safety of future occupiers. These relate to ground gas protection, land contamination assessment and mitigation, as well as conditions relating to unforeseen contamination, imported soil and aggregate, as well as the use of site won materials. **(Conditions 23-28 refer)**

**Shared Regulatory Services (Environment – Air Quality)** stated that they agreed with the conclusions of the Air Quality Assessment, i.e. that the operational impact of the development was not significant. It was also considered essential that a suitable Construction Environmental Management Plan, outlining a detailed Dust Management Plan with appropriate measures, be submitted and approved prior to the development proceeding. **(Condition 19 refers)**

**Cllr Andrew R T Davies** stated in a letter dated 13<sup>th</sup> August 2019:

*“While I accept that the site in question is included within the Local Development Plan, the LDP stipulates that it should be phased with other developments around Cardiff Airport, and this is not reflected in these proposals. Furthermore, the traffic situation in the area has deteriorated greatly since the LDP was adopted, and I*

*firmly believe that at least until sufficient remedial measures are put in place, the development should not be given the go-ahead.*

*I also have strong reservations about the potential impacts the development will have on the natural environment, given it is situated in an area that includes natural woodland. Additionally, I note that the proposals include an extension of Porthkerry Park, and were this to go ahead serious regard would need to be given to ensure residents' privacy is protected sufficiently.*

*From my conversations with Cardiff Airport, I detect that there is currently no pressure on or demand for additional cargo space. I consequently believe that the development looks speculative at best, and I remain to be convinced by the business case for it.*

*For these reasons, I do not believe the development should go ahead, and I urge you to reject the application. Furthermore, were permission to be granted, the adverse effects the development will have on the community will need to be mitigated, and it in this scenario the Council would need to secure significant s106 contributions from the developers."*

A further letter dated 15<sup>th</sup> February 2022 stated:

*"I wish to be clear at the outset that all previous grounds for objection I have cited still stand. However, I am conscious these will automatically be considered as part of any new decision taken regarding the application. I will therefore focus my comments on the viability reports that were not disclosed when the application was initially determined.*

*The viability report supplied by RPS Sutton estimates that in the first 8 years, the development will make a loss of over £6million. When added to the building costs of almost £73million, this suggests a total loss of almost £80million. When planning obligations, not accounted for in the report, are added, this loss will almost certainly increase. This demonstrates that the development is not commercially viable, and so should be rejected on these grounds.*

*I remain of the view that the grounds for objection I have cited previously are sufficient in planning law for the application to be rejected. The new grounds I have highlighted add considerable weight to that. I therefore urge you to refuse planning permission."*

**Cllr Samantha Campbell** stated:

*"Legal and General's proposed development of Model Farm should not be granted permission.*

*As the local Councillor, I know how much residents are opposed to this. As a local resident, I am heavily opposed to this also.*

*Rhose is a village, and with most villages, we have very limited road infrastructure. In fact, there is only one road either side of the village. We have seen on many occasions due to road works, RTC's etc that we are cut off from our nearest town,*

*Barry. Weycock Cross, even after sustaining vast improvements in recent year, struggles daily with the volume of traffic that travels from the rural Vale into Barry and beyond. The proposal from L&G gives a heavy emphasis on personal vehicle travel, and constantly through all the media associated with this proposed development, public transport is identified as being able to sustain a significant influx of new travellers which is not the case. We have a substandard public transport network in Rhoose. Our buses are extremely unreliable and only service a third of the village. We have been promised over and over more frequent trains, but this has been pushed back again by Transport for Wales. Without an adequate public transport network, it is inevitable that more cars will be on the road; creating more traffic. Also, further vehicles on the road will erode the road surface quicker leading to increased public service costs by residents across the entire Vale.*

*Green initiatives are an ever developing area. The Vale of Glamorgan Council declared a climate emergency in 2019 and a nature emergency in 2021, and this development will actively increase the needs for these emergencies through the abolition of 100acres of greenspace that local wildlife call home. 100acres of green space is a significant area. Significant enough to not only change the lineage of the Jenkins family, but also the lives of thousands of Vale residents. The Well Being of Future Generations (Wales) Act 2015 requires the Vale of Glamorgan Council to think about the long term decisions; specifically focusing on the impact to future generations and how to tackle persistent problems such as climate change, however this seems to have been overlooked in the decision making process. We should be conserving green space areas, not granting planning to destroy them. This direct conflicts with our climate emergency pledges.*

*We have many brownfield sites across the Vale such as Bro Tathan and Llandow. Bro Tathan is sitting unoccupied and is currently for sale. This shows that if this industrial park was built it would not be occupied. It would be a massive expensive derelict smudge on the beautiful Vale landscape. At no point in this process has any business come forward and expressed an interest in being on this industrial park, so who will be the tenants? It has been shown time after time that there is no need for this development.*

*Over the past two years, we have seen a significant rise in the cost of materials and labour, and increased lead times of products. As these plans were submitted almost 3 years, I fully believe that an up-to-date costings must be produced by Legal and General to show how much the development would cost now, and the timescale for building. In the Development Viability Appraisal, it is forecasted over £6million loss in the first 8 years of this development. Given we are now in a cost of living crisis, as well as unprecedented financial times, can we afford to throw away £6million when we have residents who can't afford to put the heating on, or have a hot meal? Legal and General must provide a current financial forecasting for this development if they wish it to even be considered. Not doing so would show their lack of forethought and preparedness in their business endeavours.*

*It's spoken of in a lot of the documentation surrounding this development that it will be indirectly responsible for thousands of jobs. However, I suspect the majority of these jobs will not go to local residents. The businesses this development is hoping to attract are highly skilled specialised workers, which will already be employed by these companies. Therefore, this is just a job relocation not creation. With this influx of new workers, the Vale housing crisis will surely increase, leading to more*



*financial outlay by the Vale of Glamorgan Council and the potential of more greenspace building to keep up with demand.*

*This development should not just been seen a Rhoose issue. This will negatively affect everyone in the Vale on a daily basis.*

*I love the vastly green countryside that encapsulates our wonderful village. The fantastic wildlife and the beautiful fauna and flora. To grant permission for Model Farm to be concreted over would destroy that, not just for me and other residents, but for our children and their children. I want my daughter to grow up appreciating nature, not watching it be decimated.”*

A further response on 4<sup>th</sup> January stated:

*“I would like to reiterate my previous objections I have made towards application 2019/00871/OUT, from my position as a local resident of Rhoose and as the Rhoose Ward Councillor. I believe that pushing forward with this planning would be a massively damaging mistake that has no future benefits for our local community. The Vale, as a whole, will be so negatively impacted that the quality of life of its residents will be permanently affected to no positive outcome for generations. This goes against the Wellbeing of Future Generations Act 2015 which requires us, as the local authority to assess the long term impacts of every decision we make, and mitigate as many negative impacts as possible. In some cases, this is not possible. However, we are fully aware of the negative impacts of this proposed development, and these are being ignored. Unfortunately, there are no positives to this development. It will destroy the Vale. It will be destructive for my village and the quality of life for residents, myself included. It will become a derelict money pit the same as Bro Tathan, that can't be unloaded on any business. Honestly, I'm baffled that after declaring a climate emergency we are still debating this. Please for my future, for the future of our children, don't make the wrong decision.”*

**Cllr I Perry** stated:

*“I have a couple of concerns with the Final Report in relation to: Land at Model Farm, Port Road, Rhoose*

*The report states:*

*“...land in locations such as Barry docklands, Llandow, and those further afield are unlikely to be suitable for businesses in the aviation industry or those reliant on international connectivity, for example. It is employment opportunities arising from these sorts of sectors which the designation of the Enterprise Zone seeks to exploit.”*

*This statement seems subjective – to be an opinion. Aerospace companies are operating successfully aware from airports in Wales. For example:*

- *GE Aviation Wales (jet engines) – Nantgarw*
- *Nordam Europe – Blackwood*
- *Aerfin – Caerphilly*
- *STG Aerospace – Cwmbran*
- *British Airways Avionics Engineering – Pontyclun*
- *Safran Seats – Cwmbran*
- *Aermach – Newport*

- BAE Systems – Usk
- Drone Tech Aerospace – Ffordd Pengam, Cardiff

*Opinions must be clearly identified as opinion, and the source of opinions must be made clear in a Final Report on planning matters. As written, the statement does not appear to be supported by facts – and companies compete successfully internationally, without need of an airport adjacent to offices or warehouse to provide connectivity.*

*A further claim in the report is questionable:*

*“The proposed development therefore brings with it the potential for creation of high quality jobs, such that are in demand in the locality.”*

*Do we have an excess of people with the skills sought by the aviation industry living in the Vale of Glamorgan?*

*A 2015 report for the Vale Council by the BE Group talked about the gradual relocation of aerospace businesses to the Vale of Glamorgan. Can you confirm that the intention isn’t to stimulate new businesses, but to relocate existing businesses? The report states, “its high profile position on the M4 and large sites mean that it would still be attractive to potential users.” The report mentions accessibility for workers from other parts of South Wales (Rhondda Cynon Taff specifically).*

*The site is some distance from the M4, and linked via the A4232 and Culverhouse Cross. Is there sufficient spare capacity on these roads and the A470?*

*Are you able to clarify/correct these matters ahead of the meeting of the Planning Committee?”*

**Cllr William Hennessy** stated:

*“I would like to put forward my objection to the proposed development of model Farm on the grounds that*

- 1. It has been stated it is not financially viable proposal*
- 2. It is situated in the wrong place*
- 3. it will taking away good farming land*
- 4. It is going to destroy wildlife habitation*
- 5. It will destroy 2 viable local businesses*
- 6. This all goes against all Welsh government policy.*

*These are some reasons why I personally believe this development should not go ahead at model Farm.”*

**Transport for Wales** (and separately Welsh Government) raised concern in their initial responses relating to the lack of accommodation for a future rail link across the site, and a lack of sustainable transport provision within the proposals.

A revised joint response was received on 04 March 2021, which stated in summary:

*“Transport for Wales (TfW) has been asked by the Welsh Government to identify the most suitable corridor for a rapid transit link to the airport and therefore to*

*identify the area(s) of land that should be safeguarded, and engage with you in this regard. The corridor must be of a suitable width for a rail solution, should this be selected in future as the preferred transport mode for the rapid transit link.”*

Plans were also provided by TfW illustrating a Route Safeguarding Corridor and an indicative area to safeguard. It was also stated:

*“The rationale for safeguarding this particular rapid transit corridor is that it will:*

- Provide sufficient land for a rapid transit shuttle service that can connect to Vale of Glamorgan line rail services via a new interchange to the east of Rhoose*
- Allow the airport and surrounding Gateway Development Zone to be served but without the need to divert rail services away from communities along the Vale of Glamorgan line*
- Minimise the extent of land required by following the development site boundary*
- Allow for an intermediate station to serve the business park, which is accessible from an existing public highway rather than through the development site*

*...On this basis, and subject to the indicated land being safeguarded, I have been asked to confirm that the Welsh Government would be willing to withdraw its previous objection to this planning application based on the absence of route safeguarding option(s) for a potential future rail link.” (proposed section 106 agreement refers)*

**Barry Town Council** stated a strong objection to the development, for the following reasons:

- The proposals would generate increased and unacceptable traffic levels, leading to congestion particularly on local roads.*
- There appears a lack of a phasing programme within the application.*
- The project appears purely speculative, with currently no identifiable tenants.*
- The proposals do not appear to have adequately assessed the implications for the local environment.*
- The project does not appear to be initiated or led by the key site activity/occupier i.e. Cardiff Airport. This reinforces the speculative nature of the proposals.*
- The proposed extension of Porthkerry Park – who funds this proposal and who maintains in future this is not explained.*
- There appears to be poor linkage between pedestrian routes and cycleways in the proposals. Also question mark regarding the practicality of walking to the site via local roads and Porthkerry Park.*
- The loss of a productive farm is not acceptable.*

- *The construction of new build on green field land is not acceptable. The Council should be directing developers to existing Brownfield sites e.g. Llandow Airfield and former Dow Corning land.*
- *The unacceptable and ill-timed traffic surveys - not undertaken at peak periods.*
- *The proposals appear at odds with the objectives and sentiments of The Well Being of Future Generations (Wales) Act 2015, to the detriment of the people of Barry and local rural villages.*
- *The proposals appear dysfunctional in travel/transport terms with heavy reliance upon private motor vehicles. There are limited proposals for improving public transport in terms of buses or rail passengers/freight.*

Their response on 17<sup>th</sup> February 2022 reiterated these concerns, and:

- *The Town Council considers it should be a statutory consultee in this matter*
- *The Town Council are disappointed that the Development Viability Appraisal was not made publicly available when this application was first considered and its subsequent implications for the Section 106 payments/funding arrangements.*
- *There are local alternative sites for redevelopment as industrial parks e.g. Bro Tathan development.*
- *The recent updated TAN 15 document identifies that parts of the site may be liable to potential flooding.*
- *The proposed development will adversely impact upon the existing foul drainage system and local Sewage Treatment Works.*
- *There is concern that local public footpath network will be adversely impacted by the proposed development.*

Their latest response on 6<sup>th</sup> January 2023 reiterated the above concerns.

**St Nicholas and Bonvilston Community Council** stated:

*“The St Nicholas with Bonvilston Community Council reconsidered this planning application to develop 44.79ha of agricultural land at Model Farm at our meeting of March 7, 2022 and resolved to again object.*

*The proposal documents acknowledge that development at Model Farm will result in increased traffic volumes using the A4226 to Sycamore Cross, then onwards along the A48 through the villages of St Nicholas and Bonvilston.*

*Both villages already suffer road noise levels that are harmful to the health and well-being of residents, and increased traffic will make this worse. This problem has been recognised by the Welsh Government, and the Vale Council has been actioned, and has a duty to reduce the harm to residents of St Nicholas and Bonvilston from road noise.*

*It's been suggested that Officer recommendation for approval of this proposal, without first addressing the traffic and road noise issue along the A48, and reducing it to "safe levels", may be unlawful.*

*On the following pages, are the results of Environmental Noise Mapping from 2017. This mapping is now outdated, as the opening of the new (A4226) road in 2019, to replace Five Mile Lane, has greatly increased the number of heavy vehicles taking this route, and as a result the level of road noise, particularly in St Nicholas."*

**Friends of the Earth** objected to the application on grounds of drainage, flooding, and foul sewage concerns.

The letter states, more specifically, that the foul drainage (DC/WW) infrastructure in the area is inadequate, resulting in frequent spillage direct to sea, which in turn has detrimental bathing water, health, and environmental implications, as well as not adhering to current regulatory requirements in this area. In turn, the Environmental Statement should address the likely significant effects of the waste disposal from development, taking into account existing environmental problems, cumulatively with other developments in the catchment area.

**Woodland Trust** stated a holding objection unless the applicant is able to provide the ancient woodland on-site with a larger buffer zone (30m).

This was due to concerns about the impact of large-scale commercial development in close proximity to ancient woodland, and cumulative impacts such as fragmentation of habitats, pollution, development and/or human pressures, and hydrology, citing '*detrimental edge effects that have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges*'.

The response also refers to other mitigation measures and standing advice from Natural Resources Wales on this topic, and provides additional advice relating to veteran trees.

**First Minister - Welsh Assembly Government** – has been notified of this EIA application and associated addendum.

A Holding Direction has been issued by Welsh Government. This direction prevents the grant of planning permission pending their final decision as to whether it should be referred to the Welsh Ministers.

**Local Members** - No response has been received to date from Baruc, Dyfan, Illtyd, and Rhoose Ward Councillors to date, other than where specified above.

## REPRESENTATIONS

The neighbouring properties were consulted on 13 August 2019, further consultations following amendments to the application were undertaken on 16 March 2021 and 28 April 2021, on 27 January 2022 following the publication of viability information, and on 6/7 December 2022 following the submission of additional supporting information. Site Notices were also displayed on 15 August 2019, 4 October 2019, 15 March 2021, 29 April 2021,

and 2 February 2022. The application was also advertised in the press on 15 August 2019, 26 September 2019, 31 March 2021, 30 April 2021, and 10 February 2022.

There were objections received from over 500 persons to the initial public consultations undertaken in 2019. To date, there were also over 450 objections to two subsequent public consultations in spring 2021, almost 300 objections in spring 2022, and approximately 40 since December 2022. In addition, one person stated no objection and one expressed support. The Council has also been contacted by four respondents during re-consultations, who each stated that they did not submit, or sign, the objections submitted in their name.

The prevalent reasons for objection have been summarised below:

Traffic and transportation:

- Increased congestion
- Resultant slowing of emergency response times, impact on airport viability
- Detriment to highway safety
- High accident rate on port road/a4662/ recent death of pedestrian on port road
- The proposals do not address existing poor public transport/ active travel connectivity
- Infrastructure improvement cost will need to be met by public funds
- Car dependent/ unsustainable development
- Local road surfacing poor/ future maintenance/ highways not designed for modern traffic loads
- Traffic survey work outdated/ not representative or comprehensive enough (inc. surveys undertaken during school holidays, use of public transport has decreased following pandemic)
- Sustainable transport improvements not funded/ guaranteed
- The benefits of sustainable transport improvements have been overstated
- Transport modelling has not taken into account other developments
- Assumptions regarding Covid impact and modal shift are incorrect/ unrealised
- Increased pedestrian use of Port Road in recent times
- TIS addendum - survey work insufficient (7 day survey of Weycock cross required)

Loss of farmland:

- Loss of good quality arable/ productive farmland/ farmhouse
- Opposition to eviction of tenant farmer
- Possible introduction of new protections for Tenant Farmers
- Loss of sovereign food production capability (with added emphasis due to Ukraine war)
- Significant recent changes in agricultural planning policy

Heritage:

- Archaeology survey (desk based) not sufficient
- Evidence of the temporary railway "loop" constructed c.1898 should be considered
- Loss of cultural landscape
- Detrimental impact to heritage assets, such as the setting of local listed buildings, Porthkerry Conservation Area and Scheduled Ancient Monuments

#### Wellbeing and residential amenity:

- Adverse impacts relating to: noise, overlooking, overshadowing, smells, light pollution, loss of daylight, loss of privacy, dust, vibration, litter, residents mental health and privacy
- Prolonged detrimental impacts at construction phase
- Road traffic noise (inc. in St Nicholas and Bonvilston)
- Air pollution from associated vehicular traffic
- Disruption and change in character of local communities
- Lack of noise survey/ report
- Personal health concerns

#### The need for the development:

- Alternative brownfield sites are available
- No justification for / need / interest for the development
- No demand for cargo capacity (can be accommodated within existing infrastructure)
- ICAT training centre - space available to northern part of allocation
- Reduced need for office space following pandemic
- It will eventually fail/ site subsequently developed for housing
- A cumulative overdevelopment of the area
- Land allocation to the north should be phased in first
- Phasing - previous drafts of the LDP stated that the development should be phased after land the northern side of Port Road
- It is contrary to national and local planning policies
- Cardiff Airport is failing, required bailout, expansion of Bristol Airport
- Employment allocations are not coming forward
- Employment land oversupply

#### Visual and landscape impact:

- Detrimental visual impact
- Loss of views/ gateway into Rhoose
- Loss of countryside, green/open space
- Amalgamation of Rhoose with Barry
- Encroaches into Porthkerry Park
- LVIA assessment is insufficient (inc. does not take into account views from the viaduct and does not provide photomontages/ superimposed images of development)
- Resultant detrimental impact on tourism and views from public rights of way

#### Porthkerry Park extension:

- VoGC will require additional resources to manage additional land
- Sufficient 106 obligations required for infrastructure improvements
- Recreational use will cause detriment to ecology/ biodiversity

## Sustainability and climate change:

- It will cause environmental destruction
- Significant contribution to climate change/ not sustainable
- Political hypocrisy (policy goals to promote both airport expansion and tackling environmental conservation and climate change are mutually exclusive)
- Detrimental impact on future generations
- No consideration of Energy Centre
- VoGC and WAG have declared climate emergency
- Contrary to VoGC Project Zero

## Ecology:

- Losses in biodiversity and habitat
- Loss of fauna and flora
- Loss of protected species
- Loss of/ detriment to ancient and mature woodland
- Recreational use of park extension conflicts with biodiversity interests
- Ecological assessments/ surveys insufficient and a number of rare species have not been taken into account
- Ecology survey work (inc. Newt DNA) analysis is outdated
- COP15 WG letter MA/JJ/3780/22: *Biodiversity Deep Dive, Section 6 Duty and the Planning System* (the letter gives notice of proposed changes to planning policy in relation to net benefit for biodiversity and the protection afforded to Sites of Special Scientific Interest and trees and woodlands)

## Drainage:

- Unacceptable surface water and foul drainage impact
- Flooding
- Would overwhelm public sewers/ local treatment works (Egerton grey pump station)
- Pollution to whitelands brook/ porthkerry park from resultant overflow
- Local stormwater infrastructure inadequate – resulting in silting of whitelands brook
- SuDS assessment insufficient/ concerns regarding deliverability
- Detrimental impact of infrastructure to ancient woodland

## Rapid Transit Corridor:

- Objections to the safeguarded route
- It is not included in the LDP
- Separate consultation required on these proposals
- Detrimental impact to nearby residents, ecology, farm access, heritage assets, archaeology, local roads and traffic, crosses gas main and other drains
- Lack of detail
- Impact on land allocated for housing
- Not deliverable



### Viability:

- Prospective jobs/ economic benefit overstated
- No capacity in local workforce
- Development should not be granted permission if not viable
- Insufficient infrastructure contributions
- Taxpayer burden
- Viability work outdated and/ or assumptive
- Land purchase overpriced
- Erodes weight in favour of the economic benefits

### Procedural Matters:

- Insufficient notice/ consultation to the application and the Cardiff Airport and Gateway Development Zone SPG
- Insufficient notice/ consultation by developer for PAC
- Inappropriate to consult during pandemic
- The decision is a foregone conclusion
- LDP should be revisited/ not fit for purpose (in face of climate/ nature emergency)
- Lack of consultation on LDP
- Put on hold until LDP review concluded
- Dishonesty/ bribery/ lack of transparency/ conflicts of interest / bias
- Incorrect application fee paid
- Profiteering
- Error and omissions within the technical assessments/ supporting documentation
- Technical reports produced by employees of the planning agent
- Documentation outdated
- Representations miscounted

### Other matters:

- Land contamination
- Impacts to Public Rights of Way
- Detrimental impact on property values
- Detrimental impact to local business
- Danger to occupiers from nearby gas installation
- Concerns relating to potential development at Aberthaw
- Freeport- traffic, employment land oversupply, increased freight traffic, failure to previously disclose bid, policies would be outdated, not considered in EIA (accumulation)
- [Danger to aircraft safety from birdstrike](#)
- Insubstantial waste management proposals

The representation in support referred to the economic benefit and benefit to Cardiff airport outweighing negatives.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP2 – Strategic Sites  
POLICY SP5 – Employment Requirements  
POLICY SP7 – Transportation  
POLICY SP10 – Built and Natural Environment  
POLICY SP11 – Tourism and Leisure

#### **Managing Growth Policies:**

POLICY MG9 – Employment Allocations  
POLICY MG10 – St Athan - Cardiff Airport Enterprise Zone  
POLICY MG11 – Land to the South of Junction 34 M4 Hensol  
POLICY MG16 – Transport Proposals  
POLICY MG18 – Green Wedges  
POLICY MG19 – Sites and Species of European Importance  
POLICY MG20 – Nationally Protected Sites and Species  
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species  
POLICY MG22 – Development in Mineral Safeguarding Areas  
POLICY MG28 – Public Open Space Allocations

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD3 - Provision for Open Space  
POLICY MD4 - Community Infrastructure and Planning Obligations  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD14 - New Employment Proposals  
POLICY MD15 - Protection of Allocated Employment Sites

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

## **Future Wales: The National Plan 2040:**

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process.

In relation to Cardiff Airport and the Enterprise Zone, it is stated on Page 82:

*“Cardiff Airport is an essential part of Wales’ strategic transport infrastructure. It is an international gateway connecting Wales to the world and is an important driver within the Welsh economy. Cardiff Airport is located within the Cardiff Airport and Bro Tathan Enterprise Zone which offers opportunities for investment in the site and surrounding areas. The Enterprise Zone offers a wide range of development sites and business accommodation, providing opportunities for the development of bespoke facilities or investment in existing accommodation.”*

The following chapters and policies are of relevance in the assessment of this planning application:

### Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales’ regional policies have been taken into account.

### Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

### Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

### Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

### Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

### Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

#### Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

#### Policy 10 – International Connectivity

- Cardiff Airport identified as a strategic gateway to facilitate international connectivity.
- Enterprise Zone offers opportunities for investment in the site and surrounding areas.
- New development around strategic gateways should be carefully managed to ensure their operation is not constrained or compromised.

#### Policy 11- National Connectivity

- Support developments associated with improvements to national connectivity.
- Where appropriate, new development should contribute towards the improvement and development of the National Cycle Network and the key links to and from it.

#### Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.
- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

#### Policy 13 – Supporting Digital Communications

- New development should include the provision of Gigabit capable broadband infrastructure from the outset.

#### Policy 15 – National Forest

- Supports tree planting as part of new development proposals.

#### Policy 16 – Heat Networks

- Large-scale mixed-use development should where feasible have a heat network with a renewable / low carbon or waste heat energy source.
- Relevant planning applications should include an energy masterplan and an implementation plan, if applicable.

### Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

- National growth area is the focus for strategic economic and housing growth, essential services and facilities, advanced manufacturing, transport and digital infrastructure.
- Supports development in the wider region which addresses the opportunities and challenges arising from the region's geographic location and its functions as a Capital region.

### Policy 36 - South East Metro

- Supports the development of the South East metro and refers to maximising associated opportunities arising from better regional connectivity.

## **Llwybr Newydd: The Wales Transport Strategy 2021**

This is a strategic policy document that aims to shape the transport system in Wales over the next 20 years. It sets out four long-term ambitions for the transport system in Wales, delivered through a set of five-year priorities. These include more active travel, more local services, growth in public transport use, electrification and more affordable and sustainable transport choices.

The strategy also contains nine 'mini-plans' for modes and sectors: active travel; rail; bus; roads (including streets and parking); the third sector; taxis and private hire vehicles; freight and logistics; and ports, maritime transport and aviation.

The document outlines the following priorities:

- support remote working so people can work from an office near their home one or more days a week instead of commuting long distances, in line with our wider Welsh Government target of 30% of the workforce to work remotely on a regular basis
- locate new public services such as education, health and leisure facilities close to where people live, and to existing public transport routes, adopting a Town Centre First approach
- build new workplaces and homes close to public transport and design new developments to be walk- and cycle-friendly from the outset
- ensure a joined-up approach to infrastructure investment decisions across Welsh Government and in regional planning
- maximise the use of land close to transport hubs including railway stations and ports, as sites for investment and growth
- improve access to fast and reliable broadband both at home and for businesses
- set aside land for multi-modal hubs to transfer long haul freight to smaller vans or e-cargo bikes for last mile deliveries, so that deliveries in urban areas are more efficient and cause less congestion.

The aviation 'mini-plan' also outlines Welsh Government priorities. Stating that over the next five years, they will:

- develop Cardiff Airport to enable Welsh-based passengers to fly from closer to home
- work with the UK Government and the Jet Zero initiative, as well as with Cardiff Airport, to reduce the environmental impacts of aviation

- support Cardiff Airport to recover from the impact of COVID-19 on the business and wider industry
- engage with UK airports and other devolved administrations to improve regional connectivity to Wales as part of the regional planning process
- continue to work with the UK Government on levelling up UK-wide aviation policy specifically for Wales, including continuing the pursuit of devolution of Air Passenger Duty (APD) to Wales and via the introduction of new Public Service Obligation (PSO) air services
- continue to explore opportunities to better connect Cardiff and Wales with the rest of the UK and Europe.

The well-being ambitions for the aviation mini-plan are:

- Cardiff Airport is accessible and staff have the skills and training to ensure that everyone feels welcome and is supported where appropriate
- there are fewer greenhouse gas emissions from Wales based aviation
- Cardiff Airport has a robust decarbonisation strategy, delivering measures such as onsite generation, energy exporting and carbon neutral buildings Economy and places
- communities across Wales, including rural communities, benefit from better, safer local and international connectivity
- good connectivity means that businesses are confident about relocating to Wales and staying in Wales, whilst Welsh businesses are reaching new markets
- the aviation supply chain and general aviation deliver benefits to economically disadvantaged areas that have traditionally suffered from lack of quality employment
- Wales is a centre for skills in aircraft maintenance and engineering, prominent in the national and international delivery of Maintenance, Repair and Overhaul (MRO) services
- we have helped grow international visitors to Wales and business passengers safeguarding jobs in the visitor economy across Wales Culture and the Welsh language
- more international visitors will discover and enjoy our rich cultural heritage and language
- more Welsh speakers will be able to travel using the Welsh language

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application. The primary objective of 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. The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking

## Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- The Best and Most Versatile Agricultural Land
- Development in the Countryside
- Supporting Infrastructure
- Managing Settlement Form – Green Wedges

## Chapter 4 - Active and Social Places

- Transport
- Activities in Places (retail and commercial development)
- Recreational Spaces

## Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

### Airports

*5.3.17 Airports are important hubs, which play a significant role in providing national and international connectivity for tourism and business. The Welsh Government supports the growth and enhancement of airports and their infrastructure in Wales and the improvement of transport links to them by road and rail, particularly those which improve public transport accessibility.*

*5.3.18 Planning authorities should recognise the strategic and local importance of airports and their potential as centres of economic activity. Authorities should promote access to airports by sustainable transport, taking into account the existing and planned levels of public transport, and ensure environmental impacts, including airborne pollution, are fully taken into account.*

## Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Cardiff Airport and Gateway Development Zone (2019)

*Paragraph 7.21: Due to the scale of the site, the phasing of the development is important to ensure that there is adequate infrastructure to support the proposal. The Council will require an appropriate phasing strategy to be submitted to support future applications on the site which demonstrates that the proposal would not compromise the future development of the entire site and that each phase of the proposal would be supported by adequate infrastructure. The phasing strategy will therefore need to consider all landowners and those with an interest in the site. A collaborative approach should be pursued to ensure the phasing strategy does not undermine the council's aspirations for the site. The phasing strategy should identify green infrastructure and demonstrate how it relates to other parts of the site and the*



*wider area. The focus should be on ensuring green infrastructure is in place and established ahead of any potential impacts on protected species or their habitat.*

- Conservation Areas in the Rural Vale
- County Treasures
- Design in the Landscape
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- Porthkerry Conservation Area Appraisal and Management Plan

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Employment Land and Premises Study (2013)
- Further Advice on Employment Land and Premises Study (2015)
- Cardiff Airport and St Athan Enterprise Zone - Strategic Plan 2015
- St Athan and Cardiff Airport Enterprise Zone - Draft Strategic Development Framework 2015
- Local Development Plan Highway Impact Assessment (2013)
- VOGC - Local Transport Plan (2015)
- Open Space Background Paper (2013)

**Other relevant evidence or policy guidance:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 - Planning Obligations

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.
- Planning for Sustainable Buildings July 2014
- Cardiff Airport and St Athan Enterprise Zone Strategic Plan 2018 – 2021
- Cardiff Airport 2040 Masterplan
- South East Wales Transport Alliance Regional Transport Plan (2010)
- Vale of Glamorgan Local Development Draft Review Report (November 2021)
- Vale of Glamorgan Local Transport Plan 2015 – 2030
- Vale of Glamorgan Corporate Plan 2020 – 2025
- Vale of Glamorgan Council Climate Change Challenge Plan 2021 - 2030
- Welsh Government: Noise and soundscape action plan 2018 – 2023
- Welsh Government: Natural Resources Policy (2017)
- Welsh Government: Prosperity for All: Low Carbon Wales (2019)
- Welsh Government: Building Better Places (2020)
- Welsh Government: National Strategy for Coastal Erosion and Risk Management in Wales (2020)

### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## Issues

### **Background**

#### Previous Planning Committee

This planning application was considered by the Vale of Glamorgan Council's Planning Committee on 14th July 2021, where it was resolved to grant planning permission subject to a Section 106 legal agreement that was subsequently signed, and the permission was issued on 30th July 2021. The decision was subsequently judicially reviewed and quashed by the High Court on 6th October 2021 on the sole ground that the officer's report advised Members that the viability reports could not be released to the public. It is also now subject to a Holding Direction from Welsh Government, which restricts the grant of permission until they decide whether the application should be referred to the Welsh Ministers for their decision. Welsh Government have indicated that they are awaiting an updated report from the Council prior to making that decision.

In light of recent case law and having regard to the Local Government Act 1972 (Schedule 12(A)), and the relevant advice in Planning Policy Wales Edition 11, documentation relating to development viability has now been made available to view publicly and a re-consultation exercise has been undertaken. The results of the consultation exercise are summarised in the 'representations' section of the report, above.

#### The application and report

This is a major EIA application and in considering a screening request in 2018, the Council determined that an Environmental Impact Assessment was required, having regard to the key issues identified in Schedule 3 of the 2017 Regulations and WO Circular 11/99. It was concluded that the size of the development, with consideration of the characteristics and location of the site, made the potential impact such that an EIA was required.

Within this context, the proposal is assessed against the above policies and guidance, with many of the key environmental impacts identified within the supporting ES being of primary concern, these include:-

- Highways and transportation
- Landscape and visual character
- Built heritage

In addition, the other key environmental considerations in this assessment are as follows:

- Impact to residential and local amenity
- Sustainability and climate change
- Ecology and biodiversity
- Trees/ woodlands
- Drainage
- Flooding
- Contamination
- Soil and mineral conservation

However, this report will firstly address matters relating to the principle of the development, these being planning and transport policy, the location, and the loss of the farmland and farm buildings. The report will thereafter address matters relating to the above, alongside a wide range of other environmental impacts and matters raised in representations. It will also address matters relating to the green wedge, Porthkerry Country Park extension/ public open space, development viability, and planning obligations.

## **National planning and transport policy**

In relation to the national policy framework, there is clear and recent support for the future development of Cardiff Airport. The relevant documents have been outlined above in the 'planning policies and guidance' section of this report, in more detail. Their significance in relation to this site is discussed in more detail below:

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

This national development framework supports Cardiff Airport for its strategic importance for international connectivity, it being the only airport in Wales that offers scheduled international flights. This is emphasised by Policy 10, which states:

- Cardiff Airport identified as a strategic gateway to facilitate international connectivity.
- Enterprise Zone offers opportunities for investment in the site and surrounding areas.
- New development around strategic gateways should be carefully managed to ensure their operation is not constrained or compromised.

It is also stated that:

*“Cardiff Airport is located within the Cardiff Airport and Bro Tathan Enterprise Zone which offers opportunities for investment in the site and surrounding areas. The Enterprise Zone offers a wide range of development sites and business accommodation, providing opportunities for the development of bespoke facilities or investment in existing accommodation.” (page 82)*

The application site is primarily located within the aforementioned Enterprise Zone, providing for just over half of the land allocation in the 'Gateway Development Zone' adjacent to Cardiff Airport. Its presence in the context of the LDP is discussed in more detail below, but the strategic nature of the location is notable, as is the national policy framework, recently put in place by Welsh Government and post-dating the LDP, which overtly supports the future development of Cardiff Airport and the Enterprise Zone.

### Llwybr Newydd: The Wales Transport Strategy 2021

This document sets out four long-term ambitions for the transport system in Wales, delivered through a set of five-year priorities, as well as containing a 'mini-plan' for aviation. It also provides policy support to the strategic development of Cardiff Airport, whilst emphasising in particular the need to improve sustainability of air travel as well as connectivity to the airport.

In addition, Welsh Government have outlined its long-term ambition for 30 per cent of the workforce to work from home or remotely, achieved by giving people more choice over how and where they work. This ambition is also reflected in the strategy, which accept that more local services and more active travel can mean fewer people needing to use their cars daily.

The other stated priorities of particular significance to this development are, to:

- maximise the use of land close to transport hubs including railway stations and ports, as sites for investment and growth
- improve access to fast and reliable broadband both at home and for businesses
- set aside land for multi-modal hubs to transfer long haul freight to smaller vans or e-cargo bikes for last mile deliveries, so that deliveries in urban areas are more efficient and cause less congestion.

There have been many representations made which oppose the principles behind some of these policies. The two prevalent reasons have been those relating to viability and management of Cardiff Airport (such as its national ownership, public funding); and that the objectives of supporting the aviation industry and combatting climate change are mutually exclusive.

In relation to the latter, the tension between these two objectives is clearly recognised within the document, with the stated vision for aviation in Llwybr Newydd being:

*“We are committed to maintaining an aviation capacity in Wales, because of the benefits that it brings to the Welsh economy as a whole, whilst recognising the challenges this creates for meeting our targets on decarbonisation.” (page 88)*

The document envisages that measures will be put in place to decrease greenhouse gas emission from Wales based aviation, as well as adoption of a decarbonisation strategy at the airport (such as onsite generation, energy exporting, and carbon neutral buildings) to mitigate this impact. In doing so, Llwybr Newydd and Future Wales provide a robust and recent policy framework that commits to supporting and promoting the principle of developing Cardiff Airport and the Enterprise Zone.

In addition, Planning Policy Wales (11<sup>th</sup> Edition) and TAN 23 - Economic Development support the strategic, plan led approach that directs industrial development to allocated employment sites through a plan-led system.

The matters of sustainability and climate change (insofar as they relate to these outline proposals) are considered in more detail later in this report.

### **Local planning policy and background**

Local planning policy and guidance should accord and harmonise with the national policy framework. Those of greatest relevance to this application are discussed in more detail below:

#### Local Development Plan

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan,

unless material considerations indicate otherwise. This comprises the Vale of Glamorgan Local Development Plan (LDP) 2011 – 2026.

Policy SP2 (Strategic Sites) of the LDP identifies sites within the Vale of Glamorgan that are considered to be major elements of the implementation of the LDP Strategy. The site is part of a wider allocation referred to within the document as the 'St. Athan – Cardiff Airport Enterprise Zone'. It is one of only eight Enterprise Zones designated by Welsh Government, which are geographical areas that support new and expanding businesses by providing first class business infrastructure and support.

The development plan strategy recognises the importance of Cardiff Airport to the future prosperity of the Vale, being a strategically located site that is intended to stimulate inward investment and economic growth. This is reflected in Policy SP5 (Employment Requirements) which states that the LDP Strategy recognises that, in following through with the development of the St. Athan – Cardiff Airport Enterprise Zone, the Vale of Glamorgan will play an important role in promoting the future economic prosperity of the region.

In order to facilitate the Enterprise Zone, 77.4 ha of land is allocated to focus on business and employment uses catering specifically for the needs of the aerospace industry and high tech manufacturing. This area is referred to as the 'Gateway Development Zone' and Policy MG9 - Employment Allocations of the LDP notes the site as being part of the strategic employment site allocation. The application site is an important component of the Gateway Development Zone and thus the wider employment allocation. As such, it is considered to be a significant material consideration that the site has been designated for employment use and the principle of the development proposed in the application is clearly established through the adoption of the LDP.

The application site (i.e. Plots 1-12 in Area A) equates to just over half of the Gateway Development Zone employment allocation. The remainder of the allocated employment land is located to the northern side of Port Road. The land on the northern side has seen some piecemeal development over the years, with a college, a small airport business park, and a hotel located here. The Holiday Inn Express Hotel is the only significant development on the southern side of Port Road, which otherwise comprises largely of a network of agricultural fields, a farmhouse, and its yard.

Policy MG9 states that the employment uses for this site should be a mixture of B1, B2 and B8 uses. Policy MG10 – St Athan – Cardiff Airport Enterprise Zone refers more specifically to the Enterprise Zone and the creation of a 'masterplan' for its development; to inform the planning and development of the allocated sites. The key elements of the masterplan would be to deliver employment, land for the extension of Porthkerry Country Park, an energy centre and sustainable transport infrastructure. The supporting text also notes phasing will be critical. In support of the above, Policy MD14 – New Employment Proposals states that, on existing and allocated employment sites, development proposals for B1, B2 and B8 employment uses, and complementary ancillary uses, will be supported.

A part of Area A (as well as the Porthkerry Park extension 'Area B') is also located within a 'green wedge'. The impacts of the development in respect of the green wedge are discussed later in this report.

The proposals would likely entail (as shown on the parameter plans) the location of some of the drainage infrastructure within the 'green wedge' area. These would, however, be

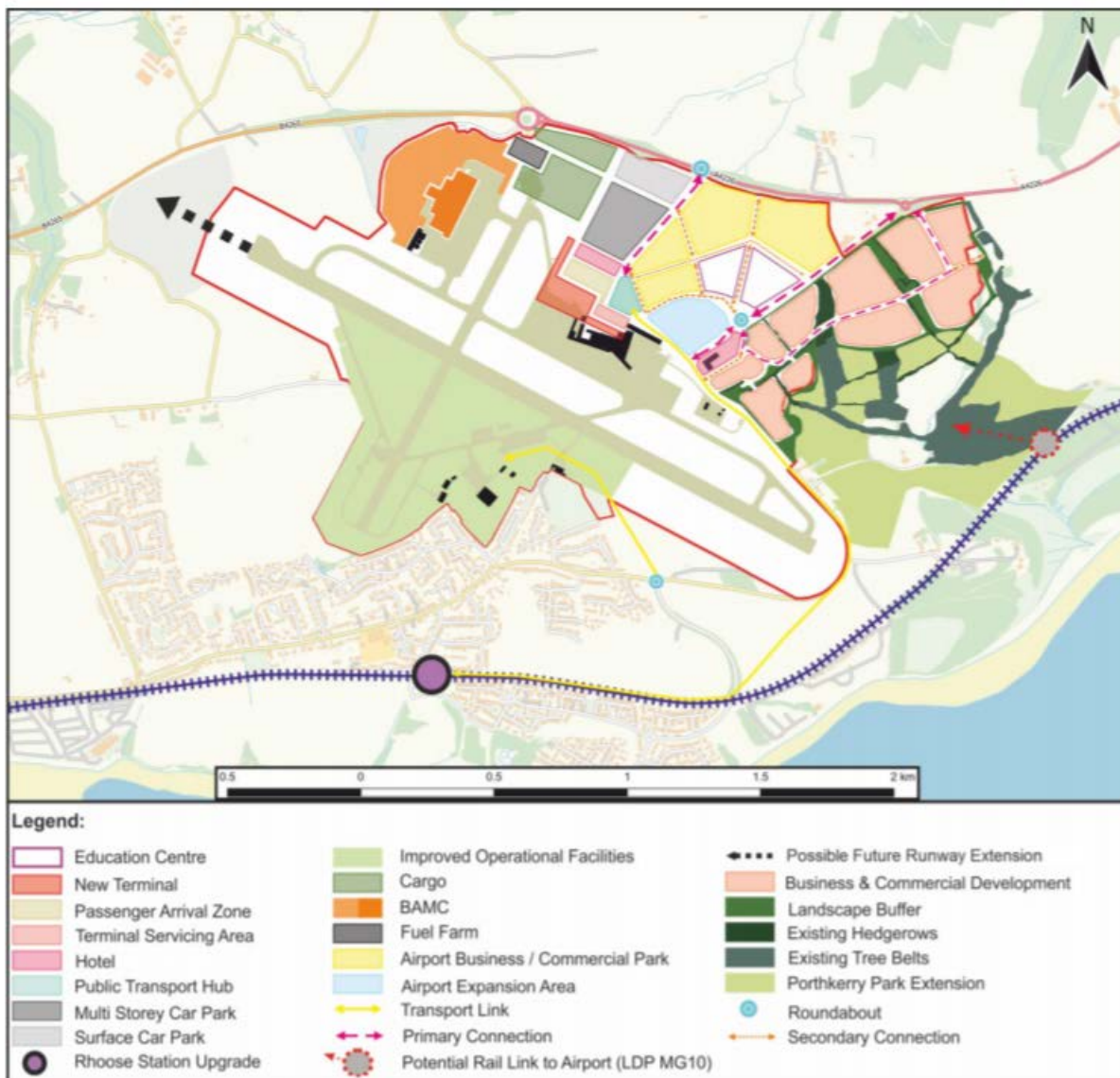
soft SuDS attenuation areas and swales. There is no operational development proposed within the Porthkerry Country Park extension and, therefore, it is considered that the proposals would not prejudice the open nature of land within the green wedge.

It is also noted that an LDP review has commenced, which will monitor progress and implementation. The review is not a moratorium on development, however, and the LDP will remain extant until at least 2026 or until a new plan is adopted (expected 2025), whichever is sooner.

Cardiff Airport and Gateway Development Zone SPG

Policy MG9 of the LDP, noted above, does not place a duty upon the applicant to provide a masterplan for the Gateway Development Zone. In this respect, the Council has adopted further guidance in the form of the Cardiff Airport and Gateway Development Zone Supplementary Planning Guidance (SPG). The document expands upon the policy framework and also provides an illustrative masterplan at Appendix 10, as depicted below:

10.10. APPENDIX 10: ILLUSTRATIVE MASTERPLAN



The SPG does, however, refer to phasing, noting it is important to ensure that there is adequate infrastructure (including green infrastructure) to support the proposal at each phase. It also states that future applications should be supported by an appropriate phasing strategy. This is discussed in more detail below.

### Freeport Bid

It has been raised in representations that a Freeport bid, by Newport City Council but including land at Cardiff Airport, is a new material consideration.

The Freeport bid, which is understood to be an expression of interest at this stage submitted by Newport City Council, is a competitive selection process to the UK Government (although the Welsh Government is involved in the bid selection process). Currently it is understood there are 3 submitted sites, in Holyhead, Port Talbot/Milford Haven and Blaenau Gwent/Newport/Cardiff Airport.

The Freeport bid is at a very early stage and is not considered to amount to committed development that would be fundamental to the assessment of this planning application. Moreover, should the Newport submission be selected to be taken forward to a full bid, it is considered very likely that any significant and additional port facilities would require consent, whereby its impacts in conjunction with any other existing and approved development would need to be given further consideration through the planning and any other regulatory processes which may apply to it.

### **The need for the development**

A lack of need for the development has been raised by many in representations. The principal concerns relate to the lack of any detailed interest, the future viability of Cardiff Airport and, the availability of alternative brownfield land locally and elsewhere in the region to satisfy any such need.

### Need for the development

The LDP policies relevant to this site are outlined and discussed above. However, in relation to need, it must be noted that the LDP policies are underpinned by evidence and have undergone a rigorous examination process. The site allocation was informed by the Employment Land and Premises Study (2013), which is a background paper to the LDP. It is stated within:

*“In terms of the inward investment market, the Vale of Glamorgan does not have a high profile. It is quite rural and recognised as such. The Vale also has little property available which could meet the needs of inward investors. Major office based businesses are likely to look to Cardiff City rather than the Vale. However, the St Athan – Cardiff Airport Enterprise Zone has been successful in generating business investment, primarily connected to St Athan.” (para. 4.11)*

The document forms part of the evidence base for this land allocation. The rationale for the location (that underpins the allocation) is the strategic nature of the location. There are several existing industrial sites and other, allocated employment land in the Vale which can meet present and arising local demand. However, land in locations such as Barry docklands, Llandow, and those further afield are considered less suitable or desirable for businesses in the aviation industry or those reliant on international connectivity, for



example (relative to this site, given its location and proximity to the airport and the St Athan Enterprise zone). It is employment opportunities arising from these sorts of sectors which the designation of the Enterprise Zone seeks to exploit and maximise.

There is no tangible evidence of site interest provided by the applicant, but there is no overriding policy requirement for them to do so. The site is already allocated for employment uses within the LDP, for the reasons and evidence base outlined above. This application also comes to the Council predominantly in outline and so, understandably, the proposals lack specific detail at this point in time. If the developer had or were able to generate interest and the inward investment needed to progress, this detail would be required to follow as part of reserved matters submissions. Nonetheless, the Draft LDP Monitoring Report (Nov 2021) identifies that the LDP target of 20% of employment site allocations being approved by 2020 has been met, signifying there is wider demand for employment land, that the Vale labour workforce is projected to continue growing, and that this strategic site is integral to future job supply and growth.

It is noted that TAN 23 – Economic Development advises that persistent oversupply of employment land may cause harm where the planned land supply exceeds demand, however, the available evidence described above would suggest such conditions do not currently exist.

A condition is recommended requiring the future reserved matters applications to be supported by a statement which explains how that phase of development shall comply with the strategic objectives of the Enterprise Zone and Local Development Plan, specifically to create a business destination that caters for the needs of the aerospace industry and high tech manufacturing (**condition 40 refers**).

### Phasing

As has been noted in representations, previous draft iterations of the LDP once specified a sequential approach within the Gateway Development Zone, geared toward the northern part of the allocated land being brought forward first. This is not the case within the Adopted LDP. The latter makes no such distinction in relation to timing, thus placing no barrier to this site being brought forward first, should circumstances allow.

The site context dictates that the northern part of the allocation is more suited to development, than the southern. The main reasons being the highway infrastructure and the greater sense of openness (and productive agricultural use) of the application site, in comparison to the northern side, which is bounded by arterial roads and the airport.

Though not referred to explicitly, this is recognised within the supporting text of Policy MG10, which states:

*“Given the fine landscape qualities of the Vale of Glamorgan, and the need to promote sustainability, development to the south of Port Road is only considered acceptable as part of a comprehensive development including the transfer to the ownership of the Vale of Glamorgan Council (together with appropriate negotiated financial contributions) of land for a 42ha extension to Porthkerry Country Park (Policy MG28 refers).”*

The LDP, by requiring land to extend Porthkerry Country Park, seeks to mitigate the potential impacts associated with development of the application site, i.e. as a standalone development. The development of the allocation in isolation of the northern side, as must

follow, does not conflict with the LDP. As is the case for all development on this scale, funding/ investment and timings, in particular, are complex and subject of many variables. There are no reasonable grounds to resist development of this part of the allocation ahead of the other, if interest transpires and the site can be brought forward for development.

The application is in outline, therefore no definitive phasing plan exists at present time, nor can one reasonably be expected at this stage. In relation to transportation infrastructure, indicative details are provided within the Transport Implementation Strategy. It is, nonetheless, important to ensure adequate control over phasing (build out rate), to ensure adequate infrastructure provision as development progresses. This can be achieved by a condition, as referred to in the s106 section of the report (**see condition 38**). The adequacy of existing/ proposed site infrastructure is considered later in this report.

#### The proposed use:

It is envisaged that the proposed employment uses on the site comprise a mixture that is complementary to Cardiff Airport and caters specifically for the needs of the aerospace industry and high-tech manufacturing, to encourage strategic investment and the creation of a business destination that is attractive to local and international businesses. The uses could encompass high quality office accommodation, high-tech industry, specialist education and training facilities, for example.

The application is in outline, and therefore the exact nature of proposed occupiers is not known at this stage. The proposed mix and ratio of uses, all within Classes B1, B2 and B8 of The Town and Country Planning (Use Classes) Order 1987, is considered an appropriate parameter for this site. However, in view of the strategic nature of the site and Enterprise Zone, for example those serving more local needs, may not be appropriate and a condition is recommended to require the development to comply with the strategic objectives of the Enterprise Zone and Local Development Plan, specifically to create a business destination that caters for the needs of the aerospace industry and high tech manufacturing (**condition 40** refers).

In summary, the proposal seeks employment uses on a strategic employment site, which has been assessed and considered acceptable for these uses in the adoption process of the Local Development Plan. The uses are, likely, to be principally be based around the aviation industry, complementary services or 'high-tech' industry to complement the ambition of the Enterprise Zone. The site has the potential to generate significant economic benefits for not just the Vale of Glamorgan but also the region and Wales as a whole, both in terms of direct and indirect employment opportunities.

### **Loss of farmland, buildings and impact on the tenant farm**

#### Impact of the development on the tenant farm

The majority of the site is occupied agricultural farmland and objections have been submitted by many citing the impact of the development on the tenant farmer, if the development was to be approved. In this respect, TAN 6 states:

*"Farms vary considerably in size, type of farm business and layout. The loss of part of a holding can have important implications for the remainder. The effect of severance and fragmentation upon the farm and its structure may be relevant."* (para. 6.2.6)

The site encompasses a total of approx. 93ha, and most of which is actively farmed and contains the farmhouse and yard/ barn complex associated with Model Farm. There are also areas, such as the woodland, which are not actively farmed. Arable fields dominate the higher lying, more exposed and predominantly flat areas, while grazing and strips of woodland dominate the sheltered slopes and valleys. The field system consists of moderately sized fields enclosed by hedgerows of varying height and density.

It is stated within the Environmental Statement that the farm is currently operating as a going concern and is anticipated to support 4 employees in the Agriculture sector. There have been objections to the loss of a working farm raised by the tenant and many others in representations.

Whilst understandably disappointing to the tenant, these issues have been weighed against the benefits of the development and the positive contributions explained in this report. While the representations received in this respect have been considered, the personal circumstances of the tenant farmer and his family are not considered to outweigh those other significant factors weighing in favour of the proposal (set out above and below in respect of the role and contribution of the site to jobs, the economy, and policy aims in the LDP and Future Wales). Having regard to the impact on the farm and holding generally and the loss of a working farm, in the face of the significant economic benefit associated with the development and its allocation within the LDP, it is considered that the proposals are acceptable in this regard.

There is a portion of land to the east of the site that is also in the ownership of the applicant. This land is understood to be subject of a separate tenancy. In the event need arose for replacement agricultural building(s) off-site, there is not likely to be an objection in principle to them on that land (subject to usual planning considerations such as siting and design).

#### Agricultural land

The existing use of the agricultural land is a mixture of arable cultivation, improved pasture, and permanent pasture. In terms of the Agricultural Land Classification, the vast majority of the site is classified as Grade 3b. This grade indicates a moderate quality, which is not afforded the same protection in policy terms as the Best and Most Versatile (that is grades 1, 2 and 3A) as identified by Policy MD1 (Location of New Development) of the LDP.

There is some land on the site classified as Grade 4 (poor), whereas a smaller proportion, equating to approx. 1.7%, is classed as Grade 3a (good). The latter is amongst the Best and Most Versatile as defined above. Policy MD1 of the LDP states, at Criterion 9, that developments should have *no unacceptable impact on the best and most versatile agricultural land*.

The concerns relating to local and sovereignty over food supply are noted. However, notwithstanding the above, there is no wholesale protection afforded to all agricultural/ 'greenfield' land within the planning policy framework. The majority of the site is allocated toward employment and public open space, with the economic benefits, together with public amenity and nature conservation weighing in its favour. In view of this, and that the extent of good quality agricultural land on the site is relatively limited, the impact is considered acceptable in the planning balance.

## Sustainability and climate change

It is recognised that sustainable development and the causes, impacts and mitigation of climate change are wide ranging and so affect, to varying degrees, all the facets of development on this scale. The matter of the principle of the development, insofar that it is for development of a business park in a strategic location adjacent to Cardiff Airport, and the contribution of the aviation industry to climate change, has been considered previously in this report. It is worth reiterating here that the adopted Welsh Government policy in Future Wales (the National Development Plan for Wales) supports the principle of this type of development given its strategic location and connections to the Airport.

It is noted that the Council declared a climate emergency in July 2019, and this has led to the preparation and adoption of other plans and strategies in the intervening period under the broad heading of 'Project Zero'. The LDP is one of the plans referred to (albeit a pre-existing one) as contributing to the Council's work in this area. The LDP acknowledges the need to mitigate the adverse effects of climate change (Objective 2 refers) and this is reflected by Criterion 12 of Policy MD2. This requires that new development mitigate the causes of climate change by minimising greenhouse gas emissions associated with their design, construction, use and eventual demolition. A climate emergency has been declared and this is a material consideration in the assessment of the proposal, however, it is noted that Future Wales (which is considered to support and advocate the role and function of this site in the context of the airport opportunities for investment in the surrounding area) postdates the declaration of the climate emergency and continues to recognise the importance of the airport and the enterprise zone. The Vale of Glamorgan is within the National Growth Area defined in Future Wales and while this must be balanced against the legitimate wider climate concerns, the site's context in national policy (and the recent timing of that national policy) is considered very relevant on this balance. I.e. it is officers' view that the climate emergency does not simply supersede other policy considerations in favour of the development, and while the two must be balanced, there remains a compelling policy basis to support the proposal.

The LDP allocates the site for employment use, taking into account several factors such as the need for the development, its strategic location, as well as the existing use and its largely undeveloped state. The precise climate impact of development of the development, being an outline application, is not specifically quantified and the sustainability of the design, construction, use (such as those associated with the individual buildings or phases of development) would be given further consideration when detailed designs are known (these would also need to meet separately with Building Regulations requirements, in this regard). In order to ensure that the climate impact is considered at an early stage in the design stage, it is recommended that a sustainable development guide for the site, informed by an assessment of the climate impact, is secured by condition. This should ensure that the climate impact is considered integrally in the design process, and could be used to inform the assessment of any reserved matters applications which may arise (**see condition 44**).

In terms of making provision for more sustainable transport options Future Wales: The National Plan requires new non-residential development, to provide a minimum of 10% of car parking spaces to have electric vehicle charging points (Policy 12 – Regional Connectivity) refers. This is secured by **condition 43**.

In addition, matters relating to sustainable transport connectivity specifically, and the other direct environmental impacts of the proposals, are considered in more detail below.

## Energy supply

Policy MG10 (St Athan - Cardiff Airport Enterprise Zone) of the LDP refers to the provision of a sustainable energy centre (such as a Combined Heat and Power Plant) to ensure the development has high sustainability credentials. Policy MD2 (Design of New Development) meanwhile states that new development should mitigate for climate change within design, construction and use. Policy 16 of Future Wales (2021) refers to District Heat Networks, stating schemes of this size should prepare an energy masterplan and, if applicable, an implementation plan.

There are no specific details of energy provision provided with the application. However, the applicant has pledged to co-operate and consider options and the feasibility of establishing a sustainable energy centre for the Enterprise Zone. It is considered reasonable and appropriate to have such a study carried out, however but this can be secured by condition (**see condition 34**). This would allow the opportunity for it to be carried out as a joint exercise with other interested parties in the Enterprise Zone and have regard to the more detailed proposed once they are known at a later stage.. However, the proposals are also of sufficient magnitude to require consideration of feasibility on its own merits, should it proceed in isolation.

## **Economy**

The policy framework and strategic nature of the location have been discussed in detail in the policy sections above. In addition, the proposals have the potential for significant job creation and make a major contribution to the local and regional economy. This is considered in more detail within the Environmental Statement, which concluded that (and taking into account the loss of the farmland and farmstead) the proposals have the potential to have a major beneficial and long term impact in this respect.

The ES finds that The Vale of Glamorgan economy contributed approximately £2.0 billion in Gross Value Added (GVA) to the Welsh economy in 2015, which was around 3.6% of the Welsh economy as a whole that year (ONS), ranking the Vale of Glamorgan 13th out of the 22 local authorities in Wales. In addition, a relatively high concentration of high-skill residents was identified in the Vale, but this was not reflected in the nature of locally available jobs, with heavy out-commuting to Cardiff.

The proposed development therefore brings with it the potential for creation of high quality jobs, such that are in demand in the locality, bringing greater employment opportunities that can be exploited by the existing residents of the Vale, as well as opportunities to local businesses in servicing the site and in terms of indirect expenditure. In addition, the development could facilitate new training and apprenticeship opportunities, which is given further consideration in the S106 section of this report, below (and referred to in **conditions 35 and 36**).

It is estimated in the ES that the development will create capacity to accommodate around 3,225 net additional FTE jobs for the Vale of Glamorgan, supporting approximately £94 million in net additional wages and £171 million in net additional GVA. This figure factors in the indirect benefits of the development, through repeated effects of expenditure in the economy through supply chains and by workers. This evidence (though an estimation and dependent on delivery) demonstrates the significant positive economic potential that could be realised from the development of the site and this is considered to be a significant material consideration in favour of the development.

## Traffic, Travel and Access

Matters relating to sustainable transport infrastructure, including connectivity, are considered in more detail in the S106 section of this report. The matters of access, parking, traffic generation, and highway safety, are considered below:

### Vehicular access

The development is proposed to be accessed via two points on the existing highway network. There would be one access on the eastern side of the site, served by the addition of a fourth arm to the existing Port Road/A4226 three-arm roundabout. The second access would be to the western side, via the roundabout arm serving the Holiday Inn Express from Port Road.

In respect of the accesses, the Council's Highways Engineer has advised that the proposed points of access, including the reconfiguration of the eastern (A4226) roundabout are acceptable.

In relation to the western (Holiday Inn Express) access, the plans illustrate that the existing configuration of the roundabout would be maintained, with access to 11 of the 12 development plots via a spine road located off an existing spur. The roundabout is considered able to acceptably deal with modelled development traffic, however, the existing configuration would provide sole priority to 'Plot 1' of the development. The comments of the Highways Engineer state that the priority should instead be given to the spine road serving the development site, which appears reasonable based on likely predominance of movements into the development site (rather than the hotel or Plot 1).

There would be further engineering detail required, and is it considered reasonable for details of both access points to be secured by condition. This would include for the detailed design, safety auditing, and an active travel route to be factored in. In the case of the western access, the alteration to priority would require further design work to be carried out. However, it is considered that the alterations can be accommodated for within the application site and/or land in ownership of the applicant, and ultimately provide for acceptable connectivity on to the adopted highway. It is considered necessary, due to likely further design work, for the details to be secured by condition (**condition 13 refers**).

The vehicular access to the site is therefore considered acceptable and would not adversely impact upon the free flow of traffic or highway safety. The detail of the spine road and other internal road would be subject to review at reserved matters.

### Traffic

A scoping exercise was undertaken with the Council, Welsh Government and Transport for Wales to agree the broad measures required to assess the transport aspects of the development proposal, including the extent and timings of initial survey work, based on industry standards and best practice. These discussions have informed the Transport Assessment (TA) submitted with the application, which assesses the likely traffic / highways impacts that would result from the development, in the context of the existing road network and the modelling work to establish the likely number of car movements.

The initial surveys and assessments were undertaken in 2018, and this formed the baseline for the initial modelling. The survey timings were considered appropriate given the highway works being undertaken at Five Mile Lane/ Weycock Cross at other times that year. From this baseline, future year scenarios were created for 2026 and 2029 by applying traffic growth rates (at the time) to the observed traffic flows. The growth rates included allowances for background traffic growth, committed development, as well as traffic associated with the proposed development. The traffic assessment took account of the due improvements to Five Mile Lane development, but the potential M4 Link via Pendoylan was discounted from the assessment as it was not committed.

The TA assessed traffic impacts at a series of junctions, the scope of which was agreed with the Council's Highways Development section and their appointed consultant. An initial modelling of 11 junctions was undertaken, as well as a capacity assessment for the Port Road (A4226) link to Weycock Cross. This work identified junctions requiring detailed operational assessment, i.e. those with a projected increase of greater than 10%. These junctions were:

- Northern Site Access roundabout;
- A4226, B4265, Tredogan Road & Dragonfly Drive roundabout; and
- Weycock Cross

The TA has thereafter been reviewed by the Council's appointed consultant on behalf of the Highway Authority and this initially raised a number of queries regarding the assessment methodology, although these have subsequently been addressed within the accompanying Technical Note, which was also subject to further review. The latter TN included a further junction assessment of Sycamore Cross.

In representations, a letter from Paul Bansham Associates (as a peer review) advises that, in their opinion, the detail assessment should extend to Culverhouse Cross. This gyratory was, however, scoped out due to projected overall increases being below 10% (approx. 1-3%, peak hours), that also came within expected daily flow fluctuations. The modal shift (toward non-private car trips), though ambitious, was also considered achievable, if the identified infrastructure improvements associated with development of the Gateway Development Zone were to come forward. These schemes (identified within the Transport Implementation Strategy) are not committed – though are subject to further discussion in the s106 section of this report, below. The documents have also been reviewed by the Highways Engineer in consultation with the appointed consultant, who considered the scope and methodology of the TA, and associated documents, acceptable.

It is, therefore, considered that the TA (and associated Technical Note) provide for a robust basis for traffic impacts to be assessed. In summary, it observes that this development would not result in the Port Road (A4226) link, the site access roundabout, Dragonfly Drive roundabout or Sycamore Cross operating over capacity. However, it did identify that Weycock Cross would operate over capacity at peak hour in the 2029 scenario, i.e. at full build out.

In response to concerns raised over this impact, as well as the timing and delivery of infrastructure improvements, a 'Transport Implementation Strategy' (TIS) was submitted by the applicant in 2020, as well as an addendum in 2022 to address its relevancy and validity given the passage of time. The TIS identified that the Weycock Cross modelled at over capacity at approx. 95% 'build out' of the development.

In addition to the above, the TIS sought to address observed changes to working patterns and behaviours as a result of the Coronavirus pandemic that are likely to have a long term impact on commuter travel patterns using these roads and junctions. Although the significant reductions in traffic flows seen in summer 2020 were temporary, there remains a palpable shift in attitudes, as well as in transport policy, toward promoting long term adoption of more home and flexible working. The Welsh Government ambition, with reference to Llwybr Newydd, is for 30% of the workforce to work remotely by putting in place a series of measures to give people more choice over how and where they work. Investiture in sustainable and active travel is also a part of this strategy.

The details of further modelling work are shown in the TIS, which by extracting the number of commuters from the data and making adjustment for both 30% and 20% of the workforce working remotely, calculates the impact of likely continuation of this trend on Weycock Cross. The growth factors applied to passenger numbers from Cardiff Airport (despite a likely set back) and the baseline have not been changed.

The peak pandemic level of home and remote working will likely have reduced as restrictions were lifted. The adoption of a 20% scenario for modelling purposes was considered to be a realistically cautious representation, considering the direction of travel toward and continued support for and promotion of remote and flexible working in the long term. The impact of flexible working upon peak flows within the modelling data is significant, even in the 20% scenario, and the TIS finds that Weycock Cross would not operate over capacity (at 100% build out) as a result.

The TIS addendum has also looked at surveyed traffic flows on the A4226 (both east of Weycock Cross and west of Port Road) and found no significant change in traffic flows between surveys in 2016/17 and those undertaken in 2022. It concludes that the traffic survey work that informed the TIS therefore remains relevant and up to date. It also concludes that the assumptions relating to increased passenger services to Rhoose Train Station remain relevant and reasonable, because the development would not likely be occupied prior to the revised increase to a half hourly train service being implemented (now potentially delayed until 2025).

The TIS and its addendum have been reviewed by the Highways Engineer, who is in agreement in regard to its conclusions and raises no objection in relation to traffic generation/ congestion. Their most recent response confirms no change in this regard, and **Condition 38** restricts development build out beyond 20,000sq.m unless an active travel route is completed connecting Cardiff Airport to Weycock Cross.

In relation to the Porthkerry Country Park Extension, although an unquantified increase in visitor numbers is expected, it is not anticipated that there would be significant implications as a result of traffic congestion. It is noted that concerns are raised in relation to emergency response times, including access to Cardiff Airport. However, as noted above, the development is not considered to have a significant adverse impact in relation to traffic congestion, and so is also considered acceptable in this respect.

Accordingly, it is considered that the supporting documentation demonstrates satisfactorily that the existing highway network is capable of accommodating the proposed development's forecasted traffic, without resulting in an unacceptable traffic impact locally and in the within the wider highway network. This is notably reliant upon infrastructure improvement in the locality, to in order to promote travel by means other than private car. These matters are discussed below in the s106 section of the report, below.



Therefore, based on the above, it is considered that the proposals would not have an unacceptably harmful impact upon traffic congestion or highway safety, complying with the requirements of policies MD1, MD2, and MD7 of the LDP and the Councils Parking Standards SPG.

## **Heritage**

The Vale of Glamorgan LDP policies generally reflect the national policy for the strict control of development affecting conservation areas, listed buildings, and other heritage assets. These policies and guidance also reflect the duties imposed upon the Council by the Planning (Listed Buildings and Conservation Areas) Act 1990. These, together with the impact of the development upon local heritage assets, are discussed in more detail below:

### Listed Buildings / Conservation Areas

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states as follows:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

In addition, there is relevant case law, namely the Court of Appeal decision regarding Barnwell Manor (February 2014) within which the court held that the effect of Section 66(1) quoted above was that the desirability of preserving the setting of listed building should be given considerable importance and weight.

Policy SP10 (Built and Natural Environment) of the LDP aims to preserve or enhance the character or appearance of the Vale of Glamorgan’s conservation areas. In particular, Policy MD8 (Historic Environment) requires development proposals to preserve or enhance the character or appearance of conservation areas, as well as the preserve or enhance the setting of listed and locally listed buildings, their settings and any of its features of significance.

There are no designated historic assets (listed buildings / conservation areas) present on the site and, therefore, the development would not have a direct impact in this regard. There are, however, a number of listed and locally listed buildings in the locality, and the Porthkerry Conservation Area is also located to the south of the site.

A Built Heritage Statement prepared has been submitted with the application and the impact upon built heritage is also a topic in the Environmental Statement. Whilst the document was prepared in 2019, recent communications from the applicant’s agent (letter JAC24500 refers) on 2<sup>nd</sup> November states that no changes were recorded to the assessment baseline (as the heritage assets settings have not changed) and that the assessment criteria has not changed in the intervening period. This was taken to suggest that any (new) assessment would reach the same conclusions as the original.

The original document has been reviewed by the Council’s Conservation Officer, who considered it to accurately reflect the impacts of the proposed development on the setting of local historic assets. Following the submission of letter ref: JAC24500 the Council’s

Conservation Officer stated: *“I’m not aware of any significant changes in either the nature or extent of historic assets which would effect this application. Neither has there been any significant changes in legislation or policy relating to the historic environment.”*

The applicant’s Built Heritage Statement, together with the Environmental Statement and recent communications, are therefore considered to provide a robust analysis of the impact of the proposal upon built heritage, as discussed in further detail below.

The Built Heritage Statement acknowledges that there is potential to impact on the significance of six designated heritage assets and two undesignated heritage assets. Of primary concern are the impacts to Lower Porthkerry Farm House (Grade II listed); Upper Porthkerry Farm House (Grade II listed), and the Porthkerry Conservation Area. The statement concludes that there will be a moderate degree of harm to the setting of these assets.

In addition, the statement identifies that there would be a moderate degree of harm to the significance of the Lower Porthkerry Farmhouse; Upper Porthkerry Farmhouse; and The Porthkerry Conservation Area, a minor degree of harm to the significance of Church Farmhouse (Grade II\*); the Outbuilding to Church Farmhouse (Grade II\*); the former stables block associated with Upper Porthkerry Farm House (locally listed County Treasure); and Egerton Grey (locally listed County Treasure). In addition, a negligible degree of harm to the setting of the Church of St Curig (Grade II\*) was identified; whilst there would be no material impact to Porthkerry Viaduct (Grade II).

The Conservation Officer objected to proposals on this basis, and was also of the opinion that the impact to another County Treasure (local listing), the Barns at Welford Farm, should have been considered. It was considered, as a result of changes and harm to significance already seen through significant alterations to the farmstead through the demolition of the farmhouse; that the development would result in a minor degree of harm to this asset, due to the change to the immediate and wider setting.

In terms of mitigation, it is suggested that the careful management of lighting within the proposed development will assist in reducing light spill and in reducing the perceived level of harm to these assets; although, it is acknowledged that this would be unlikely to completely remove all harm.

In conclusion, the Conservation Officer stated:

*“I agree with the conclusions of the Built Heritage Statement that there will be varying degrees of harm to the setting of historic assets. This is contrary to policies SP10 and MD8 of the LDP. On this basis I cannot offer my support to the application.”*

*However, you will need to reach your own conclusion, and if necessary, carry out a balancing exercising weighing any ‘harm’ against any benefits. Furthermore, you will need to demonstrate how considerable importance and weight has been afforded to the considerations to which s66 and/or s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply and, where appropriate to explain how benefits have been weighed against such matters.”*

In respect of the aforementioned assets, the site is particularly pronounced in relation to both Upper and Lower Porthkerry Farmhouse, where a moderate harm was identified. The site would form a prominent part of their backdrop when viewed from the lower end of

Porthkerry Road. The employment land/ nearest plot (part of Area A) at the site is shown to be approx. 120m distance from Lower Porthkerry Farmhouse. The proposals have therefore provided for a buffer (notwithstanding the rapid transport safeguard) between it and the developable area of the site. The parameter plans also identify that buildings within the closest plot (No.4) would be single storey (12-14m tall).

The distance between the developable part of the site and the Church (Glebe) Farm buildings (Grade II\*) is much greater, being approx. 600m, and St Curig Church (Grade II\*) greater still. The boundary of the Porthkerry Conservation Area also co-terminates with the Church Farm yard curtilage.

The application site is in agricultural use and so, in spite of the nearby airport, still provides a small positive benefit to the setting of these buildings, as well as the wider surroundings of the Porthkerry Conservation Area, though at much greater distance. The development would urbanise the site itself, significantly changing its character and contribution to the setting of the aforementioned heritage assets.

In view of the content of Policies SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the LDP, it is noted the development does not adhere to their strict requirements to preserve or enhance these assets. However, it does not inevitably follow that the development is unacceptable. It is important to note, and as expanded upon previously in this report; the fundamental principle of developing the site for employment use is set by the allocation of the site within the LDP itself. In considering the position and elevation of the site in relation to some of the heritage assets, it is inevitable that the site will be seen in the backdrop from certain viewpoints. It is therefore reasonable to expect a certain degree of change to their setting. The development of Cardiff Airport and the runway has also already had a significant impact upon the character of the locality, and the application site is already and would continue to be appreciated in the context of the airport and its surrounding development.

In respect of the scale of development, the buildings, though taller than the Upper/ Lower Porthkerry Farmhouse, would not dominate them at this scale and distance. The application site also is not directly associated with these buildings. The impacts discussed above relate predominantly to the openness, and character and urbanisation of the land, insofar that is presently provides a rural context to these former farmsteads. The proposed scale parameters and design brief are therefore considered acceptable, in this respect.

Section 66 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard to the desirability of *preserving the listed building, its setting or any features of special architectural or historic interest* is given and, respectively, that special attention be paid to the desirability of preserving or enhancing the *character or appearance* of conservation areas. This is reflected in paragraphs 6.1.10 and 6.1.14 – 6.1.16 of PPW which state there should be a general presumption in favour of the preservation or enhancement of listed buildings, the character and appearance of conservation areas, and their respective settings. The Council must therefore consider the desirability of preserving the settings and wider rural context of these heritage assets in their current form, given the harm that has been identified – a matter that should be given considerable importance and weight.

It is noted that the Conservation Officer objects to the impacts to the heritage assets and it is agreed that the development will have some negative impacts as set out in their assessment, and noted above. Having regard to this legislative duty, special regard must

be given to these matters in the decision making process. In reaching a recommendation for approval, whilst there is no disagreement as to the extent of these impacts, it is because the strategic importance of the location, coupled with the economic benefits associated with the development of this site (as previously outlined in this report), are considered to weigh significantly in favour of its development, to a degree which outweighs the identified impacts (albeit not an insignificant consideration in its own right) to the heritage assets concerned. In addition, the use of a significant part of the site as an extension to Porthkerry Country Park, proposed planting and landscaping, as well as the management of lighting through reserved matters (**condition 33** refers), would assist in mitigating (but not wholly eliminating) the identified harm.

The development is therefore on balance considered acceptable in relation to the impact upon built heritage and to accord with the objectives of the Local Development Plan.

### Archaeology

Criterion 4 of Policy MD8 (Historic Environment) also requires that development proposals must preserve or enhance archaeological remains and where appropriate their settings.

The application is supported by an archaeological desk-based assessment that considers the potential impacts on the historic environment. The Council's specialist advisors in this regard, the Gwent Glamorgan Archaeological Trust (GGAT), have reviewed this information together with information contained in the Historic Environment Record. The latter contains record of a number of archaeological and historic environment sites and findspots within the proposed development area. These range from findspots from Neolithic to modern date, and features of platforms related to buildings for agriculture, modern military features, including a crash site, and quarrying and transport.

GGAT have advised that the development will require archaeological mitigation as a result, and recommend this be carried out by condition (see **condition 16**) prior to commencement. The mitigation would include a detailed written scheme of investigation for a programme of archaeological work. The work is envisaged to include a geophysical survey, which may enable targeted fieldwork, which may in turn include a strip, map and record of some areas if these cannot be excluded from a final masterplan, and would also include an archaeological watching brief during groundworks required for the development.

The development is considered acceptable in relation to archaeology and compliant with Policies SP10 and MD8 of the LDP, subject to it being carried out in accordance with the above condition.

### Ancient Monuments/ Historic Parks and Gardens

The above-mentioned desk-based assessment also considers the impact on the setting of a number of Scheduled Ancient Monuments (SAM) and Registered Historic Parks and Gardens within a 3km radius of the site.

The assessment concludes that, in most cases, intervening topography, buildings and vegetation block views between them and the application site. The proposed development would also, where visible, be seen as part of the very wide landscape setting, which also includes the Cardiff Airport, surrounding buildings, and the settlement of Barry. In this regard, CADW stated this would not alter the way that these designated heritage assets

are understood experienced and appreciated. Consequently, they held no objections considering the impact of the proposals on SAM and registered gardens.

The development is therefore considered acceptable in relation to the above and the associated requirement of Policies SP10 and MD8 of the LDP.

### **Landscape and Visual Impact**

Policy MD1 (Location of New Development) of the LDP requires that development have no unacceptable impact upon the countryside, whereas Policy MD2 (Design of New Development) promotes high quality in design. Policy MD10 (Built and Natural Environment) requires development proposals to preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan. Proposals must also demonstrate that they would not have *an unacceptable adverse impact* upon Special Landscape Areas, in accordance with LDP Policy MG17 (Special Landscape Areas) and not *prejudice the open nature* of the green wedge – Policy MD18.

In relation to the impact of the development to the local landscape character, the application has been supported by a Landscape Visual Impact Assessment (LVIA). The appraisal assesses the existing site conditions and likely effects of the development upon nearby landscape designations, and considers views from surrounding areas. The study area extends to 5km from the application site boundary, with photographs presented from the chosen viewpoints informed by the Zone of Theoretical Visibility (ZTV).

The LVIA provides an assessment of the impacts at ‘Year 1’ winter, post completion, and ‘Year 10’, summer. The scope of the assessment was discussed prior to the submission of the application and the viewpoints chosen informed by the outcome of these discussions. The subsequent fieldwork has resulted in some of these viewpoints being ‘scoped out’ of the assessment, for reasons of limited or zero visibility, having equivalent viewpoints represented, or being of limited sensitivity. The 15 chosen viewpoints have been reviewed and are considered to be broadly representative, for the purposes of the LVIA assessment, as is the general methodology. In addition to the LVIA, the magnitude of the impacts are also considered within the Environmental Statement.

The LVIA has also been peer reviewed (by Veridian on behalf of representors) who also undertook a visual assessment, which incorporated additional (local) viewpoints and photomontages. This has resulted in the highlighting of errors and omissions in documentation (some described below). These are, in majority, minor in nature and, having been reviewed by officers, are not considered to have any significant bearing upon findings (which have been tested through site visits) or the ability to undertake an assessment of the impacts arising from the proposals. The conclusions of the LVIA, including its assessment of the magnitude of impact (i.e. the reported effect) for the chosen viewpoints is considered sound.

In summary, the development would result in a substantial localised impact. This would perhaps be at its greatest magnitude at close viewpoints such as along Port Road and Porthkerry Road. However, these locations are generally of a lesser sensitivity, where users will typically be travelling or have the experience of being on the transport infrastructure. The impact from views on local Public Rights of Way (PRoW) are considered to be of greater sensitivity, and so are discussed in greater detail below. There are also other wider viewpoints identified, at mid-distance or greater, where minor or negligible impacts have been identified.

There are footpaths located both on the site and adjacent to it, with PRow P4/17/1 leading to the site from Port Road. It then runs along the periphery of the developable area of the site (Area A), dissecting woodland before connecting to PRow P4-20-1 across Whitelands Brook, via a footbridge. PRow P4/17/2 thereafter continues south, both leading eventually to Porthkerry Country Park at separate locations.

The routes are highlighted below. Highlighted green is the 'Country Park to a Norman Village' Circular Walk (a promoted route).



The internal layout would be subject to consideration at reserved matters, but based on the indicative plans, the development would be unlikely to impact upon the PRow directly, being at the employment site edge.

In relation to views from the footpaths, these are represented within the LVIA as Viewpoint 2a and Viewpoint 8. These show the site at approx. 100m and 300m distance, respectively. It was noted that the distance of viewpoint 8 is incorrectly reported as c. 500m, though this has not had a bearing upon the findings - described below. These locations are considered to be of high sensitivity, being predominantly recreational (and promoted) routes. The character of the land is also pleasant, open, and agricultural; though not remote. Cardiff Airport is visible from many locations, with noise from air traffic and/or road traffic being experienced along much of it.

The development would be especially prominent at the above viewpoints and accordingly both are described as substantial (i.e. of the highest magnitude) – though localised. In short, the impact is substantial but experienced at locations in close proximity to the application site. The impact is also likely to be experienced for a relatively short duration, and so not have a persisting effect (in the landscape). The character of the site and its immediate surroundings would nonetheless alter, and substantially so. This impact would also be felt where the footpath passes the site peripheries, to varying degrees. The footpath drops into a valley at this point (and so site-wide views are not possible), and it also dissects woodland. However, the immediate development will likely be visible at several points, closely, and where not, the sense of seclusion would nonetheless likely be reduced. This impact can be mitigated somewhat through design and care with the siting of buildings, for example by drawing the buildings away from the extreme edges of the plots.

It is nonetheless important to note, and as expanded upon previously in this report; the site is allocated as employment land (and country park extension), within the LDP. The development of the site accords with the LDP (and therefore is not considered contrary to Policy MD1), in spite of the local visual impact and change in character to the land. Having regard to the above, and the strategic location, it is considered that the site represents an acceptable location for employment development, in terms of the impact on the local countryside. This is reflected in the fact that the site has been allocated in the LDP. The height and density of the scheme is also considered acceptable, having regard to the above.

There also exists scope to mitigate the above impacts, to a degree, through appropriate design and landscaping. In this respect, the proposed park extension (together with significant woodland and hedgerow planting) has the potential to reduce the long-term impact to being a moderate one.

### Green Wedge

A part of the site is also located within a 'green wedge'. In regard to this, Policy MG18 of the LDP states that "*within these areas development which prejudices the open nature of the land will not be permitted.*"

The proposals would likely entail (as shown on the parameter plans) the location of some of the drainage infrastructure within the 'green wedge' area. These would, however, be soft SuDS attenuation areas and swales. There is no operational development proposed within the Porthkerry Country Park extension and, therefore, it is considered that the proposals would not prejudice the open nature of land within the green wedge.

### The Nant Llancarfan Special Landscape Area

The site is not within a Special Landscape Area (SLA), however the edge of the Nant Llancarfan SLA is located on the northern side of the A4226, at approx. 100m distance from the application site at its closest point. The road, however, forms a fairly hard boundary to the SLA and runs across a plateau leading to Cardiff Airport. Therefore (and apart from where PRoW joins Port Road) there would be no close visual relationship between the site and the SLA.

The development would nonetheless be visible from more distant vantage points. This is represented by Viewpoints 12 and 13 within the LVIA. It is noted that photograph 12 is of



low quality. However, as demonstrated by the photograph below (taken nearby) the conclusions of the assessment, which describe the impact at these points as negligible, are considered to be sound. In the photograph, the roof and top (4<sup>th</sup>) floor of The Holiday Inn Express is visible above development in the foreground. These views would nonetheless be slight, also glimpsed, typically at breaches in the hedgerows adjacent to the highway.



(field access from public road, west of Moulton)

The development would, however, be seen more prominently from another location within the SLA, which was 'scoped out'. The site would unlikely be visible from PRow 4/13/1, but is visible from parts of the rural track connecting it to Tredogan Road. The track is part of the adopted highway, so public right of access exists across it. The aforementioned 'Country Park to a Norman Village' Circular Walk also takes this route.

The British Airways facility and Cardiff Airport (latter visible in photograph below) are both relatively prominent from this location. The application site is less so, due to the greater distance, intervening vegetation and other buildings in the foreground. Nonetheless, Model Farm (farmhouse only) can be seen (at a 1km plus distance) at points and some parts of the development on the application site would likely be seen where gaps exist or protrude slightly above existing trees and buildings.







(un-named track off Tredogan Road)

This development would have a more tangible impact from this location, but would be at a mid-distance and be partially screened by the immediate hedgerow, other intervening vegetation, and other buildings. It would also be experienced in the context of the Airport and associated buildings, which have a much closer relationship and so would still have greater prominence than development on the application site. The British Airways Facility is very prominent from this location (though out of shot). The sensitivity of this location is high, but with a projected low magnitude impact, the resultant effect upon this viewpoint would be moderate. There is also potential to mitigate this impact to a degree, through beneficial siting, design and landscaping.

The views of the development from the SLA (taken as a whole) are very few in number, considering its proximity to the site. The site would also be seen in the context of the Airport, associated buildings, infrastructure and other development from these locations. It is therefore agreed that the overall impact to the SLA would remain negligible, in spite of the above. Therefore, it is considered that would not be any unacceptable impact to the special environmental qualities of the Special Landscape Area, in accordance with Policy MG17 of the LDP.

### **Design and layout**

MD2 (Design of New Development) requires proposals to:

- *Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;*

Whereas the landscape impact of the proposals has been considered in detail, above, the detailed design, appearance of the buildings and fine layout cannot be fully assessed at this stage. The assessment of any future reserved matters applications for phases of development will involve an appraisal of the design and visual impact of those phases.

However, a general assessment can still be made based on the indicative plans and parameters.

In relation to the proposed plots, these are laid out intuitively and can be accessed via the existing road network and a new spine road. The proposed general layout of the plots is considered acceptable.

The application is also supported by a design brief which outlines the site parameters and recognises that the public areas within the site must feel comfortable, safe and attractive to users. The buildings would be relatively tall (up to 16m) and some very expansive, though this is to be expected for a development of this type. Though purely indicative, the vignettes below demonstrate how the design objectives this might be achieved within such a layout (interspersing large buildings/ operational areas with soft landscaping).



The development would therefore not inherently appear over scaled in this context (noting the size of some nearby buildings) or visually incongruous, subject to detailed design. The proposed parameters and design brief are considered acceptable in this respect, with review of detailed design only possible at reserved matters stage. The proposals are therefore considered to comply with Policy MD2 of the LDP, in this respect.

### **Minerals Safeguarding**

A proportion of the site, including parts of 'Area A' identified for SuDS attenuation, are located within Mineral Safeguarding Zones for Limestone and Sand and Gravel.

In this respect, Policy MG22 of the LDP states:

*New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:*

1. *Any reserves of minerals can be economically extracted prior to the commencement of the development;*
2. *Or extraction would have an unacceptable impact on environmental or amenity considerations; or*
3. *The development would have no significant impact on the possible working of the resource by reason of its nature or size; or*
4. *The resource in question is of poor quality / quantity.*

The areas not already allocated for employment are, by in large, allocated within the LDP as Public Open Space and located within the green wedge, where mineral extraction would likely have unacceptable impact on environmental considerations and amenity. The proposals are therefore considered to be compliant with this policy.

### **Amenity and neighbouring uses**

Criterion 8 of Policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

#### Residential amenity

There are residential properties to the north of the site, as well as properties to the south adjacent to Porthkerry Road. The former are separated from the site by Port Road and relatively well-screened, whereas the latter are a minimum distance of approx. 130m from the proposed business park.

The site is relatively divorced from neighbouring residential properties, insofar as the new buildings and structures themselves would not have any direct impacts, such as shading, or cause close overlooking of, or be overbearing to, residential properties and gardens. The buildings would likely be visible from a number of nearby residential properties, however impact on private views is not a material planning consideration.

The application proposes a mix of employment uses. The B1 uses would typically include development such as offices, light industry, and research facilities etc. which are highly unlikely to be significant noise generators and can co-exist comfortably with residential uses. Whilst there is greater scope for noise generation from typical uses in the B2-B8 classes, the site is not envisaged to be occupied by exceptionally heavy industry (or uses outside those classes, such as car breakers or scrap metal salvage), though freight uses are possible.

The proposed development is therefore considered acceptable in terms of the impacts on residential properties, and at these separation distances, particularly in a context such as this where aviation and vehicular traffic will likely remain the primary noise sources for these receptors.

There would be a degree of noise generated from the increase in vehicular traffic to and from the site. It is also noted that parts of the highway network serving the site are designated as Noise Priority or Proximity Areas as part of the Welsh Government Noise Action Plan. However, considering the uplift in vehicular traffic (data provided within the Transport Assessment and Environmental Statement), the uplift in noise from vehicular traffic is not likely to be cause a significant adverse impact to amenity. In addition, Shared Regulatory Services (SRS) have been consulted in relation to noise (among other impacts) and stated no objection.

A Construction Environmental Management Plan (CEMP) condition is recommended to guide inform mitigation measures during construction (see **condition 19**) to ensure that impacts during are minimised as far as practicable. SRS also consider that matters such as hours of operation, site lighting and plant provision can be dealt with at reserved matters.

It is, therefore, considered that subject to the proposed site parameters, there would not be an unacceptable impact on residential amenity in accordance with the requirements of policies MD1, MD2 and MD7 of the Adopted LDP 2011-2026.

### Air Quality

An Air Quality Assessment (AQA) has been undertaken to ascertain the likely air quality impacts associated with the proposed development through its construction and operational phases.

For the operational phase of the development, the report utilises detailed dispersion modelling to depict whether local residents and future occupants of the proposed development will be made susceptible to any adverse changes in air quality levels, particularly focusing upon transport derived nitrogen dioxide and particulate matter. The AQA concludes that the operational impacts associated with the development are not likely to be significant.

The AQA has been reviewed by SRS, who considered it acceptable subject to a suitable CEMP being in place for the construction phase (**condition 19**).

### **Land contamination**

It has been identified that the site contains an historic landfill and former quarry site (Model Farm Landfill and Model Farm Quarry). In response to consultation, it was requested by SRS that conditions be included in the interest of the safety of future occupiers.

These conditions relate to ground gas protection (**condition 23**), land contamination assessment and mitigation (**conditions 24 - 26**), as well as conditions relating to unforeseen contamination, imported soil and aggregate, and the use of site won materials (**conditions 27 & 28**).

In addition, NRW requested that a CEMP include a silt management plan with particular focus on pollution prevention plans for Whitelands and Bullhouse brooks, given their proximity to the developable area of the site. This is included within **condition 19**.

As such, and subject to compliance with those requested conditions, the proposal is considered acceptable in respect of land contamination and pollution.

The adequacy of drainage proposals in relation to contamination is considered within the drainage section of this report.

### **Ecology, Biodiversity, Trees and Woodland**

Policy MD9 'Promoting Biodiversity' of the Council's LDP requires new development to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

- 1. The need for the development clearly outweighs the biodiversity value of the site;*  
*and*
- 2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes*

Furthermore policy MG21 'Sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species' of the LDP requires that Development proposals likely to have an adverse impact on priority habitats and species will only be permitted where it can be demonstrated that:

1. *The need for the development clearly outweighs the nature conservation value of the site;*
2. *Adverse impacts on nature conservation can be avoided*
3. *Appropriate and proportionate mitigation and compensation measures can be provided;*
4. *The development conserves and where possible enhances biodiversity interests*

This is supported by the Council's SPG on Biodiversity and Development and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations').

The application is supported by an ecological survey and its results, conclusions and recommendations are discussed in greater detail below.

### European Protected Species

Policy MD19 (Sites and Species of European Importance) of the LDP applies in the case of European Protected Species. Developments that are likely to compromise the protection afforded to bats or roosts under the provisions of the Conservation of Habitats, & Species Regulations 2016 will also require a European Protected Species (EPS) mitigation licence from Natural Resources Wales (NRW).

In view of the above, surveys of the business park development site (Area A) have been carried out. They found a number of bat species utilising the site for foraging and commuting as well as roosting. Bats species identified roosting within the site included both common and soprano pipistrelle and noctule, within the farm buildings and trees. In consultation, and the submission of further information following initial concern over the survey detail, NRW have advised that they do not consider the proposed development will result in a detriment to the maintenance of the favourable conservation status of the bats. The additional detail confirmed that, while a detailed targeted survey was not undertaken for three of the modern barns, these had been classed as having negligible potential to support roosting bats, based on visual inspection.

No dormice were found during the survey work, however their presence has been documented in the wider landscape, in woodland to the west/north-west of the application site and part of Porthkerry Country Park. In this respect, NRW stated that they welcomed the intention to retain most of the existing habitat suitable for dormice in the extended area, and further bolster it with new woodland, scrub and hedgerow planting. It was recommended that an updated Dormouse Conservation Strategy was secured (by **condition 6**), to reflect subsequent revisions to the application.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6).

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

The three tests are:

*Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

In terms of Test 1, it is considered that the proposed development is imperative and in the overriding public interest, due to the essential contribution it would make towards meeting employment provision in a strategic location, the significant potential benefit to the regional economy, reflected by the allocation of the site for employment development in the LDP.

*Test ii) There is no satisfactory alternative.*

In terms of Test 2, the site has been allocated for employment use in the LDP, having regard to its strategic location adjacent to Cardiff Airport and the other planning requirements. Consequently, there is not considered to be a satisfactory alternative location which would also meet these particular requirements and public interest, referred to above.

*Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

In terms of Test 3, NRW were consulted and advised that, subject to the mitigation measures recommended in the ecological report being carried out, the development would not be detrimental to the maintenance of the population of the protected species. A recent response from NRW on 7<sup>th</sup> December 2022 also confirmed their position remained the same.

In addition to the above, NRW recommended conditions requiring submission and approval of a Biodiversity Management Strategy (**condition 7**), a Lighting Plan (**condition 33**), details of the intersections of the green infrastructure with the roads and pedestrian routes (**condition 31**) and pre-commencement species surveys (**condition 32**).

Further to the above, the Council's Ecologist subsequently requested details of the bat mitigation, with the applicant in turn advising that it would likely comprise provision of bat boxes on trees within the site. The Council's Ecologist has subsequently confirmed there is no objection in principle, in this regard. There is no condition recommended in relation to bat mitigation, however, as these would form part of the EPS licence application made directly to NRW.

Having regard to the duties placed upon the Council by the Habitats Regulations, the proposals are considered acceptable in relation to the impact to protected species, and so consequently, the requirements of Policies MG19, MG20 and MG21 of the LDP.



## Skylark

The updated PEA confirmed data records of skylark, and field survey work by the applicant's ecologist also included a number of "probable" records within the results. The approach undertaken by the applicant has been to provide for mitigation based on assumed presence, which is illustrated on the parameter plan JCD0064-006-J-210607 - Green Infrastructure. The Council's Ecologist has advised this approach is acceptable in principle. This proposed mitigation is located on land proposed to be part of the Porthkerry Country Park extension. Therefore, please refer to the s106 section of this report, below, for further details regarding its delivery.

## Other flora, fauna and biota

It has been raised in representations that the submitted ecology surveys were not extensive enough and have failed to take proper account of a number of species. The scope and survey methodology have been reviewed by the Council's Ecologist and Natural Resources Wales, who raise no objection in this respect. Following comments by the Council's Ecologist which referred to timings and reported sightings of additional species since the Preliminary Ecological Appraisal (PEA) data was compiled, it was recommended that the data search informing the PEA was refreshed and any mitigation and enhancement proposals to reflect the results of that data search. This work has since been carried out and it has been confirmed by the Council's Ecologist that the proposed mitigation and enhancement measures are acceptable. The precise detail, including delivery and timing, is recommended to be subject of **Condition 9**, and as detailed under the Section 106 heading of this report, below.

A number of species are present on the wider application site, according to local records, however none of these have any protection in law, neither through the Wildlife and Countryside Act 1981 (as amended), nor in the Section 6 species list of the Environment (Wales) Act 2016. In reviewing the proposals, the Council's Ecologist was also of the view that these would unlikely be adversely affected by the development. These species include: beetle, weevil and fungi that are principally woodland species. The proposed development does not encroach upon the existing woodlands within the site.

It is noted that on 30<sup>th</sup> July 2021, the Council declared a nature emergency. The protection of the natural environment is already enshrined in legislation, policy, and guidance and these requirements are borne out in the LDP policies (principally MG19-21 & MD9 and the underlying requirement that all development must enhance biodiversity interests). The development impacts in respect biodiversity and these policies have been discussed above, and there has been no significant shift recently in policy or guidance in this area. Following the recent COP15 a letter was circulated by Welsh Government (letter MA/JJ/3780/22: *Biodiversity Deep Dive, Section 6 Duty and the Planning System*). The letter gives notice of proposed changes to planning policy in relation to net benefit for biodiversity and strengthening the protection afforded to Sites of Special Scientific Interest, trees and woodlands. It is not, however, adopted policy and does not provide any strong indication that the manner in which the biodiversity credentials of this proposal would significantly change in the event its recommendations were implemented.

In conclusion, the proposal is considered acceptable in respect of ecology matters for the reasons outlined above, and it would therefore be in accordance with policies MG19, MG20, MG21, MD9 and the advice within the Biodiversity and Development SPG.

## Porthkerry Park Extension (ecology, biodiversity, mitigation)

In respect of the extended area, no operational development is proposed as part of this application and it is envisaged it would be managed in the interest of biodiversity. It is expected that the majority of human presence would remain in the central areas of the park, adjacent to the car parking and café buildings, as well as the expansive grassed fields. There would be no detriment to ecology interest on this part of the site as a result.

## Aviation /Birdstrike Hazard Safeguarding

In response to consultation Cardiff Airport produced an assessment conducted by Birdstrike Management Limited, which detailed the issues, concerns, and mitigations in relation to the landscaping proposals and ecological mitigation proposals related to this application. It outlines that measures should be adopted to avoid attracting certain species of bird from the environs of the airport. Cardiff Airport did not object to the approval of the application on safeguarding grounds but requested that conditions be applied to the planning consent in order to address and mitigate the risk. Please refer to **conditions 18** (construction phase), and **17** (operational phase).

Having reviewed the above response, the Council's Ecologist advised that subject to further discussion and detailed proposals, this matter could acceptably (from an ecology and biodiversity perspective) be managed as detailed design of the development progressed. Note, **condition 7** refers to further approval of a Biodiversity Management Strategy, in this regard.

## Hedgerows

There would be a number of hedgerows (a priority habitat) likely to be impacted by the development and/ or could be impacted in future being within the safeguarded areas of the site. This is due to the alignment of the indicative road corridor and development plots. In view of this, a request was made by the Council's Ecologist to quantify the loss, together with the extent of new and improved hedgerows. These have been provided below:

### **Hedgerow and Scrub Loss and Creation Summary**

	<b>Total</b>	<b>Retained</b>	<b>Loss</b>	<b>Creation</b>	<b>Enhancement</b>
Hedgerows (km)	10.67	7.5	2.04	3.01	0.30
Woodland planting				2.50	
Native Mixed Species Scrub (ha)			-	1.00	
Hazel dominated planting (ha)			-	1.50	

The Council's Ecologist has stated that the mitigation target set out within the Biodiversity and Development SPG has been met. The applicants also propose to plant approx. 1.5 hectare of hazel dominated scrub, 1 hectare of scrub and 2.5 hectares of new broadleaved woodland planting, which is illustrated on plan ref: JCD0064-007 - Hedgerow, Scrub and Woodland Plan, which is considered acceptable enhancement in this respect. This can be secured by condition, as part of the Biodiversity Management Strategy (see also **condition 7**).



## Trees and Woodland

The application is supported by a Tree Survey & Impact Assessment Report (2019) and a Technical Note (2022) relating to the ancient woodland. The survey makes an assessment of the quality of the trees on Area A of the site, as well as an Impact Assessment of the delivery of the road corridor. The surveyed trees and tree groups consisted mainly of Lombardy Poplar, Common Ash, English Oak and mixed native species hedgerow, each categorised according to their quality (as per BS5837).

The woodlands are identified as 'Ancient Semi-Natural Woodland' on the Natural Resources Wales records, and were recognised in the report as '*collectively significant arboreal features in the wider landscape*' and some veteran trees were also noted in the woodlands.

There are no trees on the site subject to Tree Preservation Order.

Whilst the alignment of the indicative road corridor avoids most of the trees on site, the report identified that the new roundabout at the junction of Port Road and the A4226 would require the removal of some trees to accommodate the proposed roundabout and visibility splays. These, together with other trees identified as being impacted and requiring removal based upon the Indicative Concept Masterplan are listed below:

### Groups:

G1 – Cypress – Category C2  
Part of G2 – Mixed Deciduous - Category B2  
G12 – Poplar - Category C2  
G13 – Ash – Category U  
G14 – Ash – Category B3

### Trees:

T52 – Common Oak – Category C1  
T53 - Common Oak – Category C1  
T69 – Common Ash – Category B2  
T70 - Common Ash – Category B2  
T71 - Common Ash – Category C3  
T72 - Common Ash – Category B3

The loss of part of the tree group at the eastern access is regrettable, however, is clearly necessary in order to facilitate vehicular access into the site. The approach is considered reasonable in this respect, and the loss of trees is mitigated by the proposed planting of new and expansive woodland areas within 'Area B' of the site (**see condition 7**). Oak trees on the highway verge would also be lost, but although well established, these remain juvenile trees and can be adequately replaced as part of on-site landscaping.

The Woodland Trust stated a holding objection unless the applicant is able to provide the ancient woodland on-site with a larger buffer zone (30m), due to concerns about the impact of large-scale commercial development in close proximity to ancient woodland, and cumulative impacts such as fragmentation of habitats, pollution, development and/or human pressures, and hydrology, citing '*detrimental edge effects that have been shown to*

*penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges'.*

In relation to the above, some of the development parcels are less than a 30m distance from the ancient woodland. However, at this outline stage, the precise nature of the built development and layout are not known and these spaces will contain areas such as incidental landscaping, verges etc. that would not be inherently harmful to the ancient woodland at less than 30m distance. It is recommended that the detailed layout at Reserved Matters assessment be accompanied by an updated Tree Survey and Arboricultural Impact Assessment, **(condition 8 refers)**, to ensure the impact on the ancient woodland (including the need and extent of any buffer zone) can be considered in full knowledge of the proposed layout and design.

The spine road detail is indicative at this stage, but has been taken into account in the above report. The route of the road does not impinge upon the ancient woodland (G9). However, due to site topography at this point, it would likely be necessary to engineer a new bank to maintain a suitable gradient to the road. A detailed scheme would require further consideration at reserved matters, but it would appear that the road and bank could be comfortably accommodated outside of the Root Protection Area (RPA) of the woodland and without causing inherent harm to the ancient woodland.

In addition, and as shown in the Sustainable Drainage Assessment, foul drainage apparatus and features such as swales, are shown in close proximity to the ancient woodland (in the preliminary scheme). These preliminary proposals are neither cross-referenced in the tree survey nor is an appropriate Root Protection Area (RPA) identified. There would likely be some conflict between the two if the preliminary scheme was to be pursued in this manner. The scheme is, however, indicative only at this stage, with conditions proposed in order to secure further details of foul and surface water disposal **(see condition 9)** which can be considered in conjunction with any details submitted under condition 8.

In the interest of preserving the health of the trees and woodland, it is considered necessary to also provide an updated Tree Survey and Arboricultural Impact Assessment, **(condition 8 refers)**, this in order to take into account the impact to the woodlands (based on detailed schemes for the development parcels, spine road and drainage, once further developed). A greater buffer zone may be necessary for the ancient woodland, though this assessment must be informed by the detailed design and an arboricultural assessment of its likely impact (as confirmed by the applicant's technical note). In practice, the development of a detailed drainage scheme for this will require significant further work, and the proposed foul route could encounter other constraints, such as topography, other woodland/ watercourses and land ownership - and so be subject to change.

The report does not identify any instances of Ash dieback within the survey, however instances have recently been recorded within Porthkerry Park and surrounding areas. It is possible, or indeed probable, the disease will have spread to the application site in the intervening period, though this is presently unknown.

It is not considered necessary to re-survey the site at this point in time, as the trees on the application site have been adequately identified, as well as those that are almost certain to be lost to development, based upon the access and outline parameter plans. However, quite clearly protection of the existing woodlands is required and can be achieved through as outlined above. This would allow for the detailed proposals for the internal spine road

and drainage scheme to be developed, and accordingly measures for tree and woodland protection, to be considered and updated as the scheme is developed. Please refer to **condition 8**, in this regard.

Having regard to the Trees, Woodland, Hedgerows and Development SPG, the proposals are therefore considered acceptable in relation to the impact to trees and woodlands.

## **Drainage**

Policy MD7 (Environmental Protection) of the LDP requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk. In this respect, the site is not located in DAM zones at risk of tidal or fluvial flooding.

### Surface water drainage

The application is supported by a Sustainable Drainage Assessment, which provides a preliminary assessment of site conditions and proposed methods of surface water disposal. This is indicated to be via a combination of SuDS features/ attenuation areas; before controlled discharge to existing watercourse (Bullhouse Brook and Whitelands Brook).

A report/ peer review by Stantec, submitted in representations, recommends that further information is submitted in relation to proposed rainwater harvesting tanks, reassessment of the sizing of the attenuation tanks, among other recommendations. The Council's Drainage Engineer, however, having reviewed the same preliminary information, does not object to the development and advises it would be subject to separate SAB approval for a detailed scheme of surface water disposal. This approach is considered acceptable noting the outline nature of the proposals and need to further develop a detailed drainage scheme.

In the interest of preserving the health of the trees, it is considered necessary to require submission of a scheme of surface and foul water disposal, and further survey of the woodland to establish a zone of protection, prior to commencement (**see conditions 8, 9 and 12**), as discussed previously in this report.

### Foul drainage

Dwr Cymru/ Welsh Water stated that a public sewer crossed the site and that it has a protection zone measured 3m either side. They have requested a condition that would require details of a foul water drainage scheme to be agreed prior to the approval of any reserved matters (**see condition 9**).

In addition, it was concluded that unlikely sufficient capacity exists within existing infrastructure to accommodate foul flows from the development, hence a suitable point of adequacy on the network for the communication for foul flows has not been identified. Accordingly, Dwr Cymru / Welsh Water have requested a condition restricting a connection to the public system until further modelling is undertaken to identify a suitable point of connection and any subsequent reinforcement works (as necessary) have been carried out (**condition 10**).

## Water supply

Dwr Cymru Welsh Water stated that development was in an area of water supply problems. They requested a planning condition that would require the approval of a potable water scheme prior to the approval of reserved matters (**see condition 11**).

Dwr Cymru/ Welsh Water have sought to restrict the approval of reserved matters in these conditions. Whilst this is not considered a reasonable trigger point (the reserved matters involve a separate application process that would relate to scale, appearance, layout, and landscaping), a Grampian condition preventing commencement of development until these details have first been agreed is considered a more appropriate trigger point for the conditions.

It is noted that Friends of the Earth objected to the application citing inadequate foul drainage infrastructure in the area, with emphasis on the Cog Moors waste water works, which they suggest spills untreated sewage frequently. It is acknowledged that spillages of untreated sewerage have occurred here during heavy rainfall, via systems designed to operate as a failsafe when capacity is exceeded. Their role as sewerage undertaker is subject to separate regulation and performance monitoring which are not in the remit of this application to test. Whilst Welsh Water requested further modelling take place, they have nonetheless stated explicitly that *'no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site'*.

Therefore, having regard to the above, and subject to the aforementioned conditions, the proposal is considered acceptable in respect of foul drainage.

## **Section 106 Matters**

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types.

## Development Viability

During negotiations, the applicant has raised concern that the Council's requirements for planning obligations threaten the economic viability of the development. Welsh Government advice, as well as the Council's LDP and the Planning Obligations SPG, make it clear that development viability is a material consideration in determining planning applications.

LDP Policy MD4 recognises that regard should be given to development viability, and supporting paragraphs 7.29-7.30 advise as follows:

*"7.29 Where a developer contends that the Section 106 requirements are too onerous...and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value*

*assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.*

*7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available”*

The applicant submitted a viability review prepared by Sutton Consulting and RPS (October 2019), which included details such as sales revenue, development costs, abnormal costs, professional fees, finance costs and a Benchmark Land Value. The abnormal cost information reviewed related only to those needed to open up the site for development, for example the vehicular access and drainage works.

Avison Young was appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. Their appraisal and report regarding the viability of the development confirmed the development was not viable and planning obligations would adversely affect viability. The development was predicted to result in a loss of £10,405,000M before interest, or £34,508,455M if interest costs were payable at 5%.

In view of the length of time passed since the original appraisal, a further letter was submitted by Sutton Consulting as an addendum to the previous appraisal. It provides commentary on the previous viability appraisal in light of changes in economic circumstances and states in conclusion that the broad overall position on viability remains unchanged. This has again been reviewed by Avison Young and who were of the contrary opinion that, while construction and finance costs have changed, there has been little to no variation on incomes and capital values, and land values, which have remained consistent with their previous report. They concluded that it was fair to expect that higher costs and finance charges would result in the scheme being unviable by an approximate additional £5M.

It is therefore acknowledged that the development remains unviable and gap funding for primary infrastructure would likely be required for the development to become viable. However, in the circumstances of this development, officers do not consider that the current lack of viability is a reason to refuse planning permission (acknowledging that essential infrastructure to ‘open up’ the site must still always be provided). The site is part of an Enterprise Zone and aspirations to develop Cardiff Airport and its surroundings as a strategic gateway (Future Wales refers), to promote growth, inward investment, boost the economy, and provide skilled employment opportunities locally. It is a strategic site in the LDP, as outlined previously in this report. The ensuring of taxpayer value in distributing public funds may be a judgement for the decision makers involved in that process.

As set out above, Policy MD4 (paragraph 7.30) recognises and accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity.

In such scenarios, Policy MD4 (paragraph 7.31) and the Planning Obligations SPG set out that “Essential Infrastructure” should be required (and thereafter, prioritised), i.e. the infrastructure required to both enable the development of the site and adequately mitigate the impacts of the development. It cannot be speculated upon whether gap funding might be made available, or not. However, it has been clearly demonstrated that no excess profit exists within the scheme to provide anything but essential infrastructure. These include, as discussed in more detail below: land to provide an extension to Porthkerry Country Park; a commuted sum for maintenance of this land (as public open space); a land provision in lieu of and to facilitate sustainable transport infrastructure; and ecological mitigation.

Having regard to the location of the development, and the needs arising from it, officers recommend a S106 package prioritised according to the following:

### Porthkerry Country Park Extension

Policy MG28 of the Local Development Plan (LDP) allocates 42ha of open space at Porthkerry Country Park, as part of the development of the Enterprise Zone site adjacent to Cardiff Airport and south of Port Road, Rhoose (Policy MG9 (2) refers). Policy MG28 (supporting text) advises that *“the extension to Porthkerry Country Park is an essential part of such development [the Enterprise Zone], and will be required to form part of the first phase of development of the land for employment purposes.”* Policy MG10 of the LDP refers to the transfer of the land as part of this development. These sentiments are also echoed within the Cardiff Airport and Gateway Development Zone SPG.

The developer has proposed the transfer of approx. 48ha of land to the Council, which exceeds the above policy requirement. In view of the costs associated with the delivery and upkeep of the extension of Porthkerry Country Park a commuted sum, in addition to the transfer of the land, is also recommended.

The initial costs relating to implementation works will require implementation of new footpaths, trails, footbridges, together with associated signage and furniture. In addition, it is anticipated that the extension will also result in increased visitor numbers to Porthkerry Country Park, and therefore the financial obligations should also provide for upgrades and extension to the car park facilities. The total cost of these works has been estimated at **£75,000**.

It is also recommended that an annual commuted sum toward cost of on-going hedgerow and woodland management, land maintenance and repairs is secured, equivalent to £20,000 per annum over a period of 20 years. In addition, the Ash trees in the woodland suffer from Ash dieback and will need to be managed. Therefore, an additional commuted sum equivalent to £5,000 per annum for a period of 5 years is also recommended. The management costs would come to a total figure of **£425,000**, and both have been agreed by the applicant.

In view of the above, and that pedestrian linkage via the existing public right of way can be provided for, this provision is considered to meet and exceed the typical ‘on-site’ open space requirements as outlined in the Council’s SPG. The proposal is therefore considered acceptable in respect of planning obligations for public open space.

### Biodiversity/ Ecology mitigation

A requirement for ecological mitigation has been identified due to loss of habitat potentially suitable for ground nesting birds, as well as other notable species that have been sighted on the development site, or nearby. This has been discussed in greater detail in the Ecology section of this report.

It is not feasible to retain the habitat within the developable site area, however it is possible to re-create the habitat on land proposed to form the Porthkerry Country Park extension. In order to facilitate these works, a further sum of **£31,500** has been agreed. This sum would cover the cost of implementation and on-going maintenance for a period of ten years.

### Sustainable Transport

Future Wales, Llwybr Newydd and Planning Policy Wales all place a strong emphasis upon active travel and developing sustainable transportation infrastructure to connect people with jobs, leisure, community facilities etc. - and to reduce the reliance on the private car for daily travel. Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20, allows local planning authorities to use planning obligations to secure improvements to the travel network, such as for walking, cycling and public transport, to meet arising need from new development.

The Planning Obligations SPG outlines that the contribution for this type of development to be £2,300 per 100sq.m floor space. This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals.

On the basis that the total gross floor area of the development would be 161,834 sq.m, the financial obligation would be calculated as £3,723,700. The development viability has however been discussed in detail, above and this sum would adversely affect the viability of the development. In view of that, officers recommend the following:

Cycle/ Footway provision:

In terms of existing conditions, although the site is served by a (partly unlit) footway/ cycleway from Rhoose, there is presently no footway connecting the site to Barry. Infrastructure improvements are therefore considered integral to the future sustainability of the Gateway Development Zone, as well as encouraging a modal shift from the private car.

However, (due to development viability) in lieu of a financial contribution, the applicant proposes to transfer a 10m strip of land to the Council across its frontage with Port Road. This land would be of sufficient size to accommodate either a combined, or a segregated, footway/ cycleway along the extent of the site frontage. The land runs from a point adjacent to the junction of the Holiday Express Inn roundabout with Port Road (the western access), to the eastern site edge beyond the Port Road/ A4226 roundabout – a near kilometre distance.

Whilst this development would not deliver the footway/cycleway itself, it would enable and facilitate the delivery of it. The Council's Active Travel Officer has advised that the Council

are undertaking detailed design work for an active travel route connecting Barry to Cardiff Airport.

The scheme is identified within Policy MG16 (2) (Transport Proposals) as an improvement which will support the strategic objectives of the Plan and realise enhanced sustainable transport facilities. The Vale of Glamorgan Local Transport Plan 2015-2030 also identifies it as a high priority scheme. The works would comprise an approx. 1.7 mile footway/cycleway link from Weycock Cross roundabout to Cardiff Airport, which is envisaged would provide additional connectivity and raise the profile of the approach to the Airport.

Whilst the subsequent funding will need to be secured for construction, the progression to date, design funding and policy support are considered to be a very positive indicator of the deliverability of this route (and its case for further funding). The facilitation of this is fundamentally dependent on the land first being obtained and consequently, this 'in lieu' land offer from the applicant, over a significant portion of the route, is a positive contribution towards sustainable transport to serve the site. The proposal is, therefore, considered acceptable in respect of sustainable transport/ active travel.

#### Rapid transit link:

In terms of the LDP, and The Cardiff Airport and Gateway Development Zone SPG, it is stated that consideration should also be given to a route for a potential direct rail (including light rail or tram / road tram alternatives) link to Cardiff Airport across the site. This is to ensure that new development does not compromise future proposals to enhance sustainable access to the airport and Enterprise Zone.

There are no detailed proposals at this stage, but in consultation to this application Transport for Wales have provided an indicative route for a rapid transit link. This has been illustrated on the parameter plans (shown in the description of development section, at the beginning of the report).

The stated rationale for the chosen route from Transport for Wales (TfW) is that it would:

- Provide sufficient land for a rapid transit shuttle service that can connect to Vale of Glamorgan line rail services via a new interchange to the east of Rhoose
- Allow the airport and surrounding Gateway Development Zone to be served but without the need to divert rail services away from communities along the Vale of Glamorgan line
- Minimise the extent of land required by following the development site boundary
- Allow for an intermediate station to serve the business park, which is accessible from an existing public highway rather than through the development site

It is important to note, despite a number of objections relating to the route, that this application does not seek permission for a rail link. It would be subject to detailed design and development by TfW, as well as funding. The land in question is being shown as safeguarded land, being the most likely deliverable rail link option at this moment in time, bearing in mind site topography, and the logistics of delivering a heavy rail route direct to the terminal.



The practicality of delivery, implications to a housing allocation (now subject of a planning application) and personal interests of landowners on or adjacent to the consultation zone, as illustrated in the TfW response, and its theoretical environmental impacts, are not considered to be material to the determination of this application. The safeguarding of the land merely prevents the delivery of a rail link being fettered by the proposed development.

It is recommended that the safeguarding of the land be secured as part of a S106 agreement.

#### Public Transport:

In addition to the above, the TIS has provided a Public Transport Strategy and a Travel Plan was submitted with the initial application. This has been reviewed by the Council's Transport Manager and is considered to be an appropriate framework for public transport improvements.

In relation to bus services, it is proposed that the 303 (Barry – Rhoose) bus service could penetrate the site, with new infrastructure in turn provided within the site bounds by the developer. The T9 service meanwhile could provide for good connectivity to Cardiff, although this would be subject to the service being resumed following its current suspension, which to date it has not. This detail can form part of reserved matters, along with detail of the spine road. It is also proposed to upgrade existing bus stops on Port Road as mitigation, to include raised kerbs, shelter, seating and timetable information. The latter would be provided from the outset prior to any occupation of development (see **condition 13**).

As noted above, development viability is such that officers do not recommend seeking a financial contribution toward sustainable transport. However, it is nonetheless considered to be of significant importance that these improvements are delivered as the development progresses, in view of the emphasis toward achieving modal shift within the Transport Assessment and associated documents.

The implementation of bus penetration and bus stops will encourage employees of the development to use public transport. Linked trips between the site and Rhoose (CIA) Rail Station can also be accommodated via bus, or rapid transit should such a scheme be developed by TfW. In addition, proposed increases to both bus and rail services would allow for sustainable means of travel by future employees. The development is therefore considered acceptable in relation to public transport connectivity.

#### Travel Plan

A Framework Travel Plan has been developed and has been considered in conjunction with the TA. The travel plan would be implemented across the site and includes appropriate, targets, measures and marketing techniques to promote a sustainable travel to employees and visitors. A site-wide Travel Plan Co-ordinator will need to be appointed and, at detailed design individual travel plans will need to be developed and monitored.

#### Infrastructure provision:

Table 2 of the TIS provides a summary of trigger points for transportation infrastructure, this based upon the build out of the development by Gross Floor Area (GFA):

**Table 2: Summary of Trigger Points for Transport Infrastructure**

<b>Development Build Out Trigger</b>	<b>Additional Transport Infrastructure and Mitigation</b>	<b>Delivery</b>
Prior to Occupation	Existing bus stops on Port Road to be upgraded to include raised kerbs, shelter, seating and timetable information. Provide Active Travel infrastructure within the site to link to the existing bus stops and the existing Active Travel infrastructure on Port Road.	Completed by applicant / developer.
20,000 m <sup>2</sup> GFA	Provision of compliant Active Travel Route along Port Road West to Barry	Aspiration for VoGC and forms part of Policy MG16 of the VoGC LDP 2011 to 2026. Concept design scheme completed. To be delivered in collaboration with VoGC.
40,000 m <sup>2</sup> GFA	Initial improvement to bus services (303 bus service every 30 minutes)	Mindful of the wider EZ, to be delivered in collaboration with VoGC and other key stakeholders in conjunction with the bus operators.
120,000 m <sup>2</sup> GFA	Final improvement to bus services (303 bus service every 20 minutes)	Mindful of the wider EZ, to be delivered in collaboration with VoGC and other key stakeholders in conjunction with the bus operators.
170,000m <sup>2</sup> GFA	Highway Improvements to the Port Road West arm of Waycock Cross (left turn slip)	Aspiration for VoGC as part of the EZ. No design scheme or any funding. To be delivered in collaboration with VoGC.

#### Active Travel Route:

The provision of an active travel route connecting from Weycock Cross to existing facilities adjacent to the Holiday Inn Express. This, as noted above, is considered integral to the providing sustainable means of travel to the site and achieving the aforementioned modal shift from use of private car. It is therefore considered appropriate to ensure this is delivered at an early stage. The proposed trigger of 20,000sq.m GFA is considered acceptable in this respect (**see condition 38**).

#### Bus services:

In future years, it is predicted that the 303 (or equivalent service) should be upgraded to two services per hour at approximately 40,000sq.m GFA (gross floor area) build out, and again to three services per hour at approximately 120,000sq.m GFA build out. The rationale for these trigger points has been reviewed and is considered acceptable. The improvements to projected modal shift described within the TA and associated documents also assumes the increased provision of bus services (as shown in table above). Given the lack of viability from this development to secure funding for these services, the Council will need to work in partnership with Welsh Government and transport providers to support improved public transport / bus services in the vicinity serving the site through other means.

#### Training and Development

A critical part of the policy justification for permitting new developments of this type is the employment opportunities they present. Training local residents, especially those in deprived areas, to be able to apply for some of the new job opportunities helps to create sustainable communities.

Therefore on major developments of this scale the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population. It would be expected that the developer can provide for training opportunities equivalent to one employee per 500sq.m of new floor space, on site.

The applicant has advised that training and apprenticeship opportunities can be provided for on this site. This can be secured by conditions which require further details of a site wide Labour Recruitment and Training and Development Strategies (**conditions 35 and 36 refer**).

This approach will provide for a comprehensive and strategic approach to training and development across the site, and provides an opportunity for a collaborative approach, dependent on progression on the remainder of the allocation, north of Port Road.

### Public Art

The 'Planning Obligations' SPG states that developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal.

As noted above, the development viability is such that it would not be desirable to prioritise public art above other essential infrastructure. However, there is opportunity to explore public art within the development site, at reserved matters, within the landscaped/ amenity spaces, building facades and/ or public furniture etc. provided across the site. **Condition 42 refers.**

### RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- 48ha extension to Porthkerry Country Park as indicated on plan reference JCD0064-003 210511, to include transfer of the land to the Council at nil value and a commuted sum of £531,500 toward facilitation, access, ecology mitigation and maintenance.
- Transfer of a 10m wide section of land to the Council along southern side of Port Road as indicated on plan reference JCD0064-003 T 210511, at nil value, for provision of an active travel route.
- The safeguarding of land for a rapid transit corridor and relocated hotel parking as indicated on plan reference JCD0064-003 T 210511, for 10 years, and a further 10 years if evidence of a detailed design is presented by Transport for Wales within three months of the expiry of the initial period.

Having regard to all the submitted environmental information in accordance with Section 25(1) of the 2017 EIA Regulations to APPROVE subject to the following condition(s):

### APPROVE subject to the following conditions:

1. Details of the layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters for any phase of development shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the scale parameters for buildings illustrated on plan ref: JCD0064-004-I-210511 - Parameter plan - Land Use & Storey Heights, and for the development as a whole, be up to an aggregate gross internal floor space of 161,834 sq.m.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

5. The development shall be carried out in accordance with the following approved plans and documents:

JCD0064-001-D-210331 - Site Boundary Plan;  
JCD0064-003-T-210511 - Indicative Concept Masterplan;  
JCD0064-004-I-210511 - Parameter plan - Land Use & Storey Heights;  
JCD0064-005-G-210510 - Parameter plan - Movement & Access;  
JCD0064-006-J-210607 - Parameter plan - Green Infrastructure;  
JCD0064-007 - Hedgerow, Scrub and Woodland Plan;  
210520\_ECO01271-002 Rev A - Proposed Additional Mitigation and Wildlife Enhancement

Environmental Statement Vols1-3 by RPS dated July 2019;  
Environmental Statement - Addendum (April 2021);

Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019;

JNY9624-05 v.3 Framework Travel Plan;  
Design and Access Statement;  
Design Brief V6;

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

6. No development, or preparatory works such as site clearance, shall take place until a Dormouse Conservation Strategy has been submitted to and approved by the Local Planning Authority. The strategy shall set out the likely impacts of the proposals on dormice, and detail measures that will be put in place to mitigate and/or compensate the impacts on dormice (as appropriate). The Strategy shall include:
- A plan showing habitat to be lost, created and retained, which should identify the extent and location on appropriate scale;
  - Details of protective measures to be taken to minimise the impacts;
  - Proposals to minimise the severance of dormouse habitat, including at least 2 safe crossings for dormice where green infrastructure is severed by the central spine/access road;
  - Details of the nature and widths of dormouse habitat buffers, and where these will apply across the site; we would advise that these are planted with appropriate species
  - Details of the condition of current dormouse habitat, proposed habitat enhancement measures, and the condition of dormouse habitat that these aim to achieve;
  - Details of phasing of construction activities and conservation measures, including a timetable for implementation of mitigation demonstrating that works are aligned with the proposed phasing of the development;
  - Details of initial aftercare and long-term management including details of who will be responsible for and how long-term management will be funded;

The Dormouse Conservation Strategy shall thereafter be implemented in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

7. No development, or preparatory works such as site clearance, shall take place until a Biodiversity Management Strategy has been submitted to and approved by the Local Planning Authority. The Strategy shall include:
- Details of habitats, landscaping, environmental and ecological features present or to be created at the site, including maps to show their present and desired distribution;

- Details of the desired conditions of features (present and to be created) at the site;
- Details of scheduling and timings of activities;
- Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition (including management proposals with dormice in mind);
- Details of aftercare for any new planting, and replacement measures should any new planting die, be removed or become seriously damaged or diseased within 5 years of completion of development;
- Cross-reference to the Precautionary Dormouse Strategy (in particular the monitoring proposals);
- Details of management and maintenance responsibilities;
- Details of a lighting strategy;
- Details of timescales, length of plan, and the method to review and update plans (informed by monitoring) at specific intervals;

The Biodiversity Management Strategy shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

8. No development shall take place, nor any excavation or site clearance, until there has been an updated Tree Survey and Arboricultural Impact Assessment submitted to and approved by the Local Planning Authority. The submitted details shall include:
- a) a plan, showing the position of every tree on the site and on land adjacent to the site (including woodlands and street trees) that could influence or be affected by the development, and indicating which trees are to be removed and which are to be retained;
  - b) and in relation to every tree identified a schedule listing:
    - information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
    - any proposed pruning, felling or other work;
  - c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
    - any proposed alterations to existing ground levels, and of the position of any proposed excavation, including from drainage or SuDS proposals, that might affect the root protection area;
    - all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).
    - establish suitable buffer areas to the ancient woodland
  - d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

9. No development shall take place on any phase of the development, until a foul water drainage scheme, for that phase and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage 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 and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

10. No development shall take place on any phase of development, until a point of connection on the public sewerage system for that phase and/or other identified part, has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved in writing by the Local Planning Authority (to include details of the proposed timing of delivery of the connection). Thereafter, the connection shall be made in accordance with the recommended connection option (including the approved timing of connection) following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

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 in accordance with Policy MD7 of the Local Development Plan.

11. No development shall take place on any phase of development until a potable water scheme to serve the site, and for that phase of development and/or other identified part, has been submitted to and approved by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason:

To ensure the site is served by a suitable potable water supply and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

12. No development, including excavations, shall take place until a sustainable drainage system for the surface water disposal has been submitted to and approved by the Local Planning Authority. The sustainable drainage system shall thereafter be implemented in full accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

To enable a more sustainable form of drainage, and to prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

13. Notwithstanding the plans and details submitted, no development shall commence until full design and engineering details of the proposed primary vehicular accesses to Port Road, and re-aligned roundabout with the A4226, have been submitted to and approved in writing by the Local Planning Authority. The details shall include provisions for active travel, vision splays, street signage, street lighting, upgrades to bus stop facilities on Port Road, surface water drainage details and any retaining structures. The development shall not be brought into beneficial use until the roundabout, access road and associated junctions have been constructed in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

14. No works whatsoever shall commence upon any structures, drainage systems, street lighting, and water culverts etc. abutting or within close proximity to the existing/ proposed highway, until the design calculations and full Engineering details have been submitted to and approved by the Local Planning Authority.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

15. Prior to the commencement of development, a Highway Signing Strategy shall be submitted and approved in writing by the Local Planning Authority. The Strategy shall thereafter be implemented in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1



(Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

16. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the 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 and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

17. No development shall take place until a Bird Hazard Management Plan (BHMP), for the operational phase of the development, has been submitted to and approved by the Local Planning Authority. The Plan shall detail mitigation measures to be in place for the built environment, proposed landscaping and SuDS, aimed at reducing the risk of birdstrike at Cardiff Airport. The plan should include threshold numbers of target species (that will initiate mitigation) and failure criteria to assure the efficacy of the plan.

Reason:

To mitigate the risk of birdstrike during construction activity in the interest of air traffic safety

18. Prior to the commencement of development, a construction phase Bird Hazard Management Plan (BHMP) shall be submitted to and approved by the Local Planning Authority. The Plan shall detail mitigation measures to be in place, to ensure there is no increased risk of birdstrike at Cardiff Airport. The plan should include threshold numbers of target species (that will initiate mitigation) and failure criteria to assure the efficacy of the plan.

Reason:

To mitigate the risk of birdstrike during construction activity in the interest of air traffic safety

19. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- wheel washing facilities;
- measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- hours of construction;
- lighting;
- management, control and mitigation of noise and vibration;
- odour management and mitigation;
- diesel and oil tank storage areas and bunds;
- how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- a system for the management of complaints from local residents which will incorporate a reporting system.
- details of the construction programme including timetable, details of site clearance;
- details of site construction drainage, and any watercourse or surface drain.
- pollution prevention, including details of emergency spill procedures and incident response plan.
- details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- details of landscape/ecological clerk of works (to ensure construction compliance with approved plans and environmental regulations).

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy MD7 (Environmental Protection) of the Local Development Plan.

20. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

21. No development shall take place until a Highway Condition Survey Report (along a haulage route agreed with The Councils Highway Network Manager and undertaken by a suitably qualified Highway Maintenance Consultant) has been submitted to and

approved by the Local Planning Authority. It shall also be accompanied by details of timings for subsequent Highway Condition Surveys to be undertaken, post completion of appropriate phases or at other agreed intervals, that will identify any difference in the condition of the highway since the first survey and report, and any remedial works that may be required.

Reason:

In the interest of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

22. The remedial works identified within the subsequent Highway Condition Surveys and Reports, referred to in the above condition, shall be carried out within three months of the date of the approval of that report.

Reason:

In the interest of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

23. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

24. Prior to the commencement of each phase of development, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

(i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, as recommended by the Phase 1 Combined Geo-environmental and Geotechnical Assessment Desktop Study (5 August 2019) (13 December 2019)

(ii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

25. Prior to the commencement of each phase of development a detailed remediation scheme and verification plan to bring the site of each phase to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical

environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The schemes must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

26. The remediation schemes approved by the above condition must be fully undertaken in accordance with their terms prior to the occupation of any part of the development covered by the relevant remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in any given approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further

development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

28. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies MD1 and MD7 of the LDP.

29. Prior to the commencement of development, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) A statement setting out the design objectives and how these will be delivered;
  - ii) earthworks showing existing and proposed finished levels or contours;
  - iii) means of enclosure and retaining structures;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) minor artefacts and structures in the public realm (e.g. furniture, refuse or other storage units, signs, etc.);
  - vii) opportunities for public art within the public realm;
  - viii) proposed planting within areas such as verges, and other parts of the public realm, and

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant)].

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan

30. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

31. Prior to the commencement of development, the detail of the intersections of the green infrastructure with the roads and pedestrian routes shall be submitted to and agreed in writing by the Local Planning Authority. The proposals shall be implemented in accordance with the approved details.

Reason:

To ensure a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow bats and other species to move through the landscape to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

32. Prior to the commencement of any phase of the development, including site clearance, a pre-construction protected species survey shall be carried out for that phase. If the survey confirms the presence of protected species, no development or site clearance shall take place until the results of the survey, together with proposed mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure the potential presence or absence of protected species is confirmed, prior to construction and where necessary, remedial measures are implemented for their protection, in the interests of ecology and to ensure compliance with Policies MG19, MG20, MG21 and MD9 (Promoting Biodiversity) of the LDP.

33. Prior to the first beneficial occupation of each phase of the development, full details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of that phase of the site (or reserved matters application) to which the lighting relates. The lighting scheme shall include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas (Ancient Semi-Natural Woodland, green infrastructure linking the two, and retained boundary hedgerows). Lighting in these areas shall be <1lux;
- Details of lighting to be used both during construction and operation;
- Measures to monitor light spillage once the development is operational; and provisions for any subsequent remedial works that may be required to maintain dark corridors, as a consequence of the monitoring results.
- Details of measures to deter birds, such as spikes on the lighting head and arm

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety, air traffic safety, security, heritage and in the interests of ecology and to accord with Policies MD2 (Design of New Development), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Local Development Plan.

34. Prior to the commencement of development, an Energy Masterplan and Implementation Plan shall be submitted to and approved in writing by the Local Planning Authority. The masterplan shall include a study of the feasibility of a sustainable energy centre to service the Enterprise Zone, and if not feasible, a District Heat Network to service the application site. The development shall thereafter be carried out in accordance with the measures and timings outlined in the Energy Masterplan and Implementation Plan.

Reason:

To ensure the development has high sustainability credentials and to ensure compliance with Policies MG10 (St Athan - Cardiff Airport Enterprise Zone) and MD2 (Design of New Development) of the Local Development Plan, and Policy 16 of Future Wales (2021).

35. Prior to the commencement of the development, a Labour Recruitment Strategy shall be submitted to and approved by the Local Planning Authority. The Strategy shall include measures aimed at facilitating best available access for people to the opportunities for employment arising from the construction and operation development, such as the provision of a local 'job shop, and shall include a



timetable for its implementation. The Strategy shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure that the developer facilitates best available access for local people to the opportunities for employment arising from the construction and operation of the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), SP5 (Employment Requirements), MD14 (New Employment Proposals), and the wider economic objectives of the Local Development Plan.

36. Prior to beneficial occupation of any building / development plot of the development hereby approved, a Training and Development Scheme for future employees within that respective part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include measures for training and development, such as apprenticeship schemes, and timings of their implementation. The Scheme shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure that the developer facilitates best available access for local people to the opportunities for employment arising from the construction and operation of the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), SP5 (Employment Requirements), MD14 (New Employment Proposals), and the wider economic objectives of the Local Development Plan.

37. The development shall be carried out in accordance with the document JNY9624-05 v.3 - Framework Travel Plan.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policy MD2 of the Local Development Plan

38. No more than 20,000sq.m gross floor area of the development shall be put into beneficial occupation until provision of a compliant Active Travel Route (Active Travel (Wales) Act 2013) has been completed along Port Road, connecting the site to existing facilities at Cardiff Airport and Barry (Weycock Cross).

Reason:

In the interest of sustainability, highway safety, to avoid unacceptable traffic congestion and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

39. The development hereby approved shall only be for uses falling within Class B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

40. The application(s) for reserved matters shall be accompanied by a statement which explains how that phase of development shall comply with the strategic objectives of the Enterprise Zone and Local Development Plan, specifically to create a business destination that caters for the needs of the aerospace industry and high tech manufacturing.

Reason:

Due to the strategic location of the site and control the precise nature of the use in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

41. The application(s) for reserved matters shall be accompanied by full design and engineering details of the proposed primary internal spine road to serve the development parcels within the site. The design details shall also include bus stop facilities to allow for services to penetrate the site, active travel provision, vision splays, street signage, street lighting, surface water drainage details and details of any retaining structures. The spine road shall be completed in accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

42. The application(s) for reserved matters shall be accompanied by a statement which explains how that phase of development has regard to the design objectives of the site (Design Brief V6) and has explored opportunities for delivery of public art

Reason:

Due to the strategic location of the site and control the precise nature of the use in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

43. Each phase of development shall provide a minimum of 10% of all car parking spaces provided therein to have electric vehicle charging points prior to beneficial occupation of that phase of the development which shall remain available for their designated use in perpetuity.

Reason:

To ensure the provision on site of electric vehicle charging point parking to serve the development to ensure compliance with policy 12 of Future Wales: The National Plan.

44. Prior to the commencement of development, a Sustainable Development Guide shall be submitted to and approved in writing by the Local Planning Authority. The guide shall include an analysis of the climate impact from the development and contain sustainable design guidelines and measures to reduce the greenhouse gas emissions associated with the development. The approved Guide shall be incorporated into the detailed designs for each phase of the development.

Reason:

To ensure the development has high sustainability credentials and to ensure compliance with Policies MG10 (St Athan - Cardiff Airport Enterprise Zone) and MD2 (Design of New Development) of the Local Development Plan.

#### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040. In accordance with Regulation 25(1) of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the Local Planning Authority has examined the environmental information submitted with this application and the Local Planning Authority has taken into account all environmental information submitted with this application.

Having regard to Policies SP1, SP2, SP5, SP7, SP10, SP11, MG9, MG10, MG11, MG16, MG18, MG19, MG20, MG21, MG22, MG28, MD1, MD2, MD3, MD4, MD7, MD8, MD9, MD14 and MD15 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales 11, Future Wales, TANs 5, 11, 12, 13, 14, 16, 18, 23 and 24, the Welsh National Marine Plan and the Council's SPG on Biodiversity and Development, Cardiff Airport and Gateway Development Zone, Conservation Areas in the Rural Vale, County Treasures, Design in the Landscape, Parking Standards, Planning Obligations, Public Art in New Development, Travel Plan, Trees, Woodlands, Hedgerows and Development, and the Porthkerry Conservation Area Appraisal and Management Plan the proposed development is considered acceptable in principle, in terms of the loss of the farm and buildings and in terms of sustainability, design scale, highway safety, traffic and transportation, impact on neighbouring uses, residential amenity, ecology, drainage, flooding, contamination, soil conservation and, on balance, the landscape impact and impact to the historic environment.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

**NOTE:**

1. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
2. **R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE**

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

(i) determining the extent and effects of such constraints;  
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

3. Secured by design has been shown to reduce crime risks by up to 75 % further information about this can be found on [www.securedbydesign.com](http://www.securedbydesign.com). South Wales Police welcome the opportunity to work with developers to achieve Secured by Design on the proposed developments. The applicant is advised to contact Gwyn Batten at South Wales Police on 01656 761888 to ensure that the development complies with Secured by Design Standards.

The applicant should consider the following to reduce the risk of crime.

- 1) Ensure that a perimeter fence at least 2.4m high and of light coloured weld mesh construction is erected to posts with galvanised fixings on the inside of the posts that securely attach the weldmesh and that are embedded in concrete (LPS 1175:ISSUE 7, SECURITY RATING 2)
- 2) Gated entrance with a gate to the same height as the fence. The gates should free from foot holds that can be used to climb and to LPS 1175: ISSUE 7, SECURITY RATING 2 standard.
- 3) An appropriate access control system is installed – this could be by means of gate house during the day or automatic gates operated by key/ card/manual control.
- 4) CCTV system that is capable of recording and retaining information of evidential quality for a minimum of 30 days. Reason: to control those coming in and out of development and reduce the risk of crime and offer appropriate levels of security.
- 5) Install clear signage Reason: giving direction as to the public / private areas of the site.
- 6) Design paths that are straight and well lit. Any planting near paths should be managed and be of a type that is slow growing with a low mature height of no more than 1m. Reason: To make those using the site to feel safe whilst walking around, particularly at night.
- 7) Produce a scheme work of lighting produced for the whole site. This should be approved by The Vale of Glamorgan council and appropriate for this site.
- 8) Configuring buildings to maximise natural surveillance. Designing out any recessed areas . Reason: During quiet times e.g. over the weekend this could leave the development vulnerable to burglary/ theft.
- 9) Building shell/roof security is important as the site is remote and could be prone to criminal attack during the night/ weekends. If lightweight construction is being considered reinforced lining such as welded steel mesh can enhance the security of the building. All doors and windows to LPS 1175:issue 7 SR 2. Roller shutter and grilles can provide additional protection to internal and external doors and windows, the minimum standard would be to LPS 1175: ISSUE 7 SECURITY RATING 1. Reason: To reduce the risk of burglary.
- 10) Install an access control system for each unit Reason: To reduce the risk of theft
- 11) Install intruder alarm systems to the following standard: LPS 1602 ISSUE 1.0: 2005
- 12) Depending on what is being stored in the premise consideration should also be given to SAFES and STRONGROOMS certified to LPS 1183: ISSUE 4.2
- 13) There should be a management plan in place. If there are multiple users on this site a suitable plan should be in place that clearly defines key areas such as security, access control, vetting of staff, general safety on site etc.
- 14) Install a secure waste storage that is lockable – with a pin code lock Reduce: littering/ instances of arson.
- 15) The documents refer to the site being accessible to cyclist – A cycle stand should be in overlooked by occupied offices. Bicycles should facilitate the locking of both wheels and the crossbar, be of galvanised steel construction and have a minimum depth of 300mm with a welded anchor bar. Reason: Reduce risk of theft.

**16) Appropriate Fire Risk Assessments are in place and include adequate fire warning and prevention measures.**

- 4. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

**Further information of the SAB process can be found at our website or by contacting our SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)**

- 5. The applicant is advised to contact Dwr Cymru Welsh Water Developer Services at an early stage to discuss foul drainage options and water supply to the site.**

**The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)**

**The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.**

**The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

- 6. The applicant is advised to**

- 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.**
- 2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.**
- 3. Refer to the Environment Agency's (2018) 'Approach to Groundwater Protection'**

**The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.**

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

7. **Warning: An European protected species (EPS) Licence is required for this development.**  
This planning permission does not provide consent to undertake works that require an EPS licence.  
It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.  
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.
8. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
9. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 ( as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.  
  
At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.
10. Please note, Western Power stated their immediate concerns are the close proximity of the development to our overhead lines, to ensure they comply with current ESQCR Regulations, statutory distances must be kept from any fixed objects as per GS6 guidance from the Health and Safety Executive.

**Furthermore, if there are new sub-stations installed/required on site to feed the development, they would request as part of the new connections process, the freehold for these sites, to ensure we have full control for any future maintenance of the sub-stations.**

**The developer in the first instance, should make an application for a quotation directly with Western Power, to divert any overhead and underground lines, which are affected by the development and for any new connections that are required.**

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

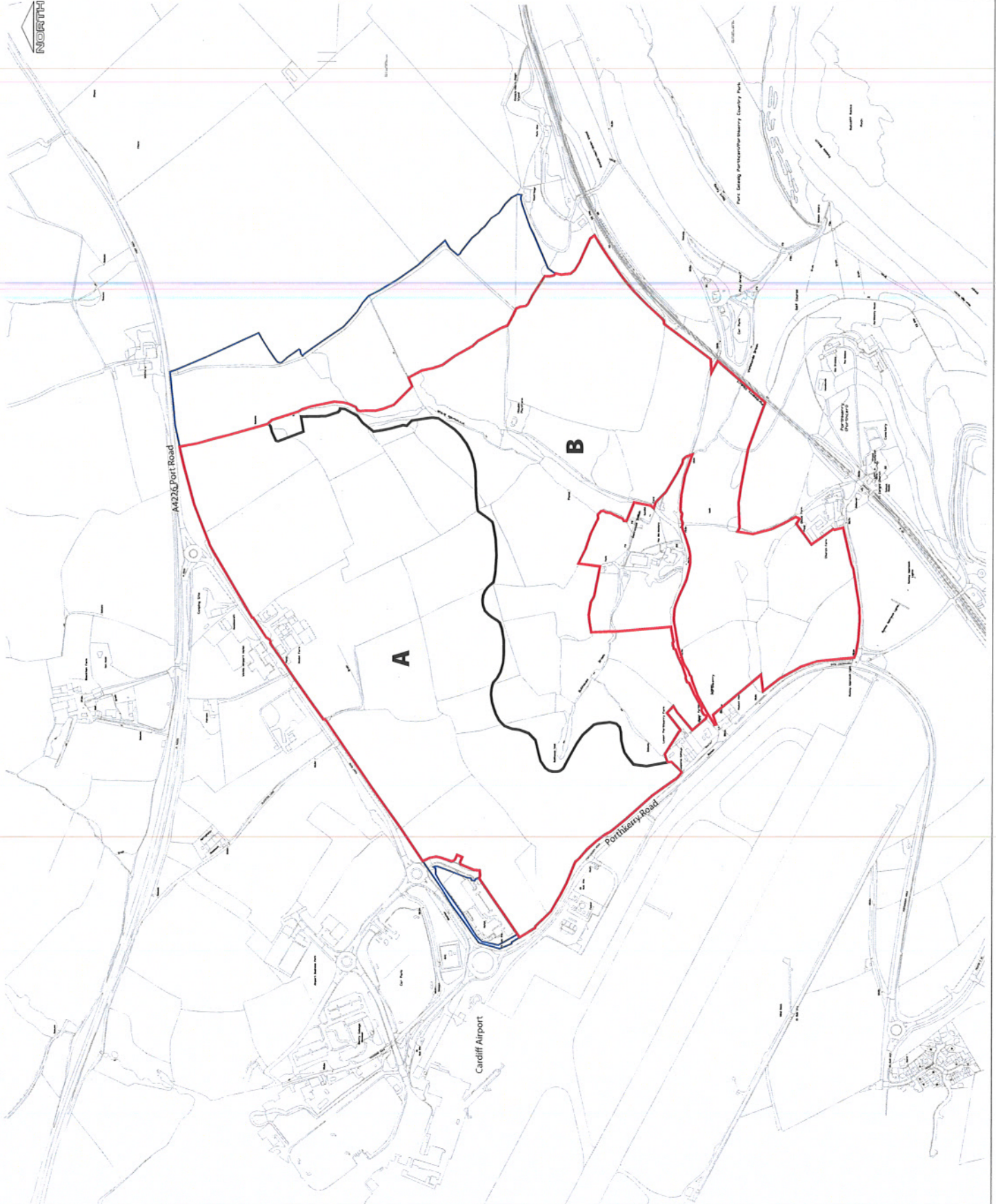


# 2019/00871/OUT

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- Land In Ownership of L&G
- Site Boundary



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<b>Client</b>	Legal and General (Strategic Land) Ltd
<b>Project</b>	Parc Busnes Porth Cymru
<b>Title</b>	Site Boundary Plan
<b>Status</b>	DRAFT
<b>Drawn By</b>	PO
<b>Job Ref</b>	JCD0064
<b>Scale</b>	@ A2
<b>Date Created</b>	MAY 2019
<b>Scale</b>	1:5000
<b>Drawing Number</b>	JCD0064-001
<b>Rev</b>	D

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[REDACTED]

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**From:** Davies, Andrew RT (Cllr)  
**Sent:** 13 August 2019 13:40  
**To:** Rowlands, Ceiri  
**Cc:** Planning  
**Subject:** Planning Application 2019/00871 (OUT) (CR)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ceiri

I have been approached by several constituents regarding the above, and hold a number of concerns regarding the application.

While I accept that the site in question is included within the Local Development Plan, the LDP stipulates that it should be phased with other developments around Cardiff Airport, and this is not reflected in these proposals. Furthermore, the traffic situation in the area has deteriorated greatly since the LDP was adopted, and I firmly believe that at least until sufficient remedial measures are put in place, the development should not be given the go-ahead.

I also have strong reservations about the potential impacts the development will have on the natural environment, given it is situated in an area that includes natural woodland. Additionally, I note that the proposals include an extension of Porthkerry Park, and were this to go ahead serious regard would need to be given to ensure residents' privacy is protected sufficiently.

From my conversations with Cardiff Airport, I detect that there is currently no pressure on or demand for additional cargo space. I consequently believe that the development looks speculative at best, and I remain to be convinced by the business case for it.

For these reasons, I do not believe the development should go ahead, and I urge you to reject the application. Furthermore, were permission to be granted, the adverse effects the development will have on the community will need to be mitigated, and it in this scenario the Council would need to secure significant s106 contributions from the developers.

For clarity, please take this email as a formal objection to the proposals, in my capacity as ward member. To avoid confusion, I have also written to submit a formal objection in my capacity as Assembly Member for South Wales Central.

---

Thank you for your assistance with this issue, and I would be grateful if you would confirm receipt.

Kind regards,

Cllr Andrew RT Davies

Elected Member  
Rhoose ward



Andrew RT Davies AM/AC



Assembly Member for South Wales Central

National Assembly for Wales  
Cynulliad Cenedlaethol Cymru

Ceiri Rowlands  
Planning Department  
Vale of Glamorgan Council  
Docks Office  
Barry  
CF63 4RT

RECEIVED

16 AUG 2019

Regeneration  
and Planning

13<sup>th</sup> August 2019

Dear Ceiri

**Re: Planning Application 2019/00871 (OUT) (CR) Land at Model Farm, Port Road, Rhoose**

I have been approached by several constituents regarding the above, and hold a number of concerns regarding the application.

While I accept that the site in question is included within the Local Development Plan, the LDP stipulates that it should be phased with other developments around Cardiff Airport, and this is not reflected in these proposals. Furthermore, the traffic situation in the area has deteriorated greatly since the LDP was adopted, and I firmly believe that at least until sufficient remedial measures are put in place, the development should not be given the go-ahead.

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For these reasons, I do not believe the development should go ahead, and I urge you to reject the application. Furthermore, were permission to be granted, the adverse effects the development will have on the community will need to be mitigated, and it in this scenario the Council would need to secure significant s106 contributions from the development.

National Assembly for Wales  
Cardiff Bay, Cardiff, CF99 1NA  
0300 200 7233

AndrewRT.Davies@assembly.wales  
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Cynulliad Cenedlaethol Cymru  
Bae Caerdydd, Caerdydd, CF99 1NA  
0300 200 7233

AndrewRT.Davies@cynlliad.cymru  
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**Andrew RT Davies AM/AC**

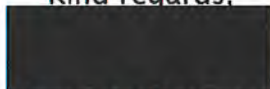


**Assembly Member for South Wales Central**

National Assembly for Wales  
Cynulliad Cenedlaethol Cymru

Thank you for taking the time to consider my concerns, and I look forward to hearing from you.

Kind regards,



**Andrew RT Davies AM**  
South Wales Central Regional AM





To: Vale of Glamorgan Planning Department

Sent by email

15<sup>th</sup> February 2022

Dear Sir or Madam

**Re: Planning Application 2019/00871/OUT Land at Model Farm, Rhoose**

I am writing to you to make representations as part of the ongoing consultation regarding the above. To clarify, I am making these representations in both my capacity as a regional MS and also as the ward member.

I wish to be clear at the outset that all previous grounds for objection I have cited still stand. However, I am conscious these will automatically be considered as part of any new decision taken regarding the application. I will therefore focus my comments on the viability reports that were not disclosed when the application was initially determined.

The viability report supplied by RPS Sutton estimates that in the first 8 years, the development will make a loss of over £6million. When added to the building costs of almost £73million, this suggests a total loss of almost £80million. When planning obligations, not accounted for in the report, are added, this loss will almost certainly increase. This demonstrates that the development is not commercially viable, and so should be rejected on these grounds.

I remain of the view that the grounds for objection I have cited previously are sufficient in planning law for the application to be rejected. The new grounds I have highlighted add considerable weight to that. I therefore urge you to refuse planning permission.

Thank you for taking the time to consider my representations, and I look forward to hearing from you.

Kind regards,



**Cllr Andrew RT Davies MS**

South Wales Central Regional MS  
Vale of Glamorgan Councillor for the Rhoose ward



# MEMORANDUM / COFNOD

The Vale of Glamorgan Council  
Regeneration & Planning  
Dock Office, Barry Docks, Barry, CF63 4RT



To / I:	Regeneration and Planning	From / Oddi Wrth:	Public Rights of Way Officer
Dept / Adran:		My Ref / Fy Cyf:	Porthkerry
Date / Dyddiad:	14.08.2019	Tel / Ffôn:	(01446) 704705
Your Ref / Eich Cyf:	P/DC/LC/CR/2019/00871/O UT		

**Subject / Testyn: Planning Application No. 2019/000871/OUT (CR)**

**Location : Land at Model Farm, Port Road, Rhoose**  
**Proposal : Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.**

The following Public Rights of Way cross the property:

- No.17 Penmark (status – Footpath)
- No.20 Penmark (status – Footpath)
- No.6 Porthkerry (status – Restricted byway)

Public Rights of Way must be kept open and available for safe use by the public at all times., No adverse effect should result to the Public Rights of Way, the applicant should ensure that materials are not stored on the Public Rights of Way and that any damage to the surface as a result of the development is made good at their own expense.

Should the Public Rights of Way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

A legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the path.

Sandra Thomas  
On behalf of Gwyn Teague  
Public Rights of Way Officer

# Consultee Comment for planning application 2019/00871/OUT

**Application Number** 2019/00871/OUT

**Location** Land at Model Farm, Port Road, Rhoose

**Proposal** Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.

**Case Officer** Mr. Ceiri Rowlands

**Organisation  
Name**

Public Rights of Way Officer

**Address** Mrs. Sandra Thomas, Dock Office, Barry.

**Type of Comment** Comment

**Type**

**Comments** Comment submitted by Sandra Thomas: Please make the applicant aware that the southern end of the PROW shown on plan JCD0064-005-F-210414-Parameter Plan - Movement and Access is inaccurately represented. PROW Section can provide detail of position as recorded on the Definitive Map of Public Rights of Way.

**Received Date** 04/05/2021 12:02:31

**Attachments**

[REDACTED]

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**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 14 August 2019 12:42  
**To:** Planning  
**Cc:** NATS Safeguarding  
**Subject:** RE: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose (SG28517)

---

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
www.nats.co.uk

---

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 13 August 2019 12:51  
**To:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Subject:** FW: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose



From: Vale of Glamorgan Council Development Services  
Sent: 13 August 2019 12:40:22 (UTC+00:00) Dublin, Edinburgh, Lisbon, London  
To: [REDACTED]  
Subject: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

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\*\*\*\*\*

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\*\*\*\*\*



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**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 18 March 2021 15:58  
**To:** Planning  
**Subject:** FW: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose [SG28517]

---

Our Ref: SG28517

Dear Sir/Madam

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---

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Yours faithfully



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Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



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**From:** [Redacted]  
**Sent:** 15 March 2021 09:39  
**To:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Subject:** FW: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

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**From:** Vale of Glamorgan Council Development Services  
**Sent:** 15 March 2021 09:30:48 (UTC+00:00) Dublin, Edinburgh, Lisbon, London  
**To:** [Redacted]  
**Subject:** Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

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---

[REDACTED]

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**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 10 May 2021 16:29  
**To:** Planning  
**Subject:** FW: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose [SG28517]

---

Our Ref: SG28517

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

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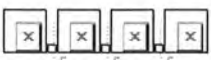
Yours faithfully



**NATS Safeguarding**

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Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



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**From:** [REDACTED]  
**Sent:** 26 April 2021 11:24  
**To:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Subject:** FW: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

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**From:** Vale of Glamorgan Council Development Services <[Planning@valeofglamorgan.gov.uk](mailto:Planning@valeofglamorgan.gov.uk)>  
**Sent:** 26 April 2021 11:22:54 (UTC+00:00) Dublin, Edinburgh, Lisbon, London  
**To:** [REDACTED]  
**Subject:** Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

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[REDACTED]

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**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 10 May 2021 16:29  
**To:** Planning  
**Subject:** FW: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose [SG28517]

---

Our Ref: SG28517

Dear Sir/Madam

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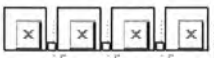
Yours faithfully



**NATS Safeguarding**

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---



## COFNOD / MEMORANDUM

I / To:	<b>Mr Ceiri Rowlands</b>
Adran / Dept:	<b>Planning Department</b>
Dyddiad / Date:	<b>14<sup>th</sup> August 2019</b>
Eich Cyf / Your Ref:	<b>P/DC/LC/CR/2019/00871/OUT</b>

Oddi Wrth / From:	<b>D Margetson</b>
Ein cyf / Our ref:	<b>SRS/E/DMM /2019/00871/OUT</b>
Ffôn / Tel:	<b>03001236696</b>
Ebost / Email:	<b>EnvPlan-SRSWales@valeofglamorgan.gov.uk</b>

**SUBJECT: PLANNING APPLICATION NO: 2019/00871/OUT: LAND AT MODEL FARM, PORT ROAD, RHOOSE; OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSITY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.**

Further to receipt of the above accepted planning applications, I would like to provide comments in relation to potential contamination issues on behalf of SRS: Environment Team:-

The following information has been submitted as part of the application:

*RPS, 24/05/2019; Desk Study and Preliminary Risk Assessment.  
Ref: JER1539/ 180510 R JER1539OG DTS & PRA*

The above report includes a preliminary conceptual site model based on a desk based contamination assessment and the observations from a walkover survey of the proposed development site.

The report identifies potential risks to human health and the environment from contamination, requiring site based investigation. This is confirmed by available information in-house.

In addition, available records identify the site as including/being in close proximity to an historic landfill and former quarry site (Model Farm Landfill and Model Farm Quarry). Further historic landfill is identified as being within potential influencing distance of the development site. The nature and extent of infilling of these sites is unknown. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites.

Consequently a robust contamination and ground gas assessment of the site, including site based investigation and monitoring, in line with current guidance, is required to identify any associated risks. This will determine what remediation and mitigation measures are required to ensure the site is made suitable for use.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Consequently, the inclusion of conditions to ensure the use of suitable materials is requested.





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# COFNOD / MEMORANDUM

Shared Regulatory Services requests the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan:

## CONDITIONS

### **PC13. GROUND GAS PROTECTION**

Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future occupiers is not prejudiced.

### **PC14A. CONTAMINATED LAND MEASURES – ASSESSMENT**

Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:



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## COFNOD / MEMORANDUM

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(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
  - archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

### **PC14B. CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN**

Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land





## COFNOD / MEMORANDUM

under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **PC14C. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION**

The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk



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## COFNOD / MEMORANDUM

assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **PC15A IMPORTED SOIL**

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

### **PC15B IMPORTED AGGREGATES**

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.





# COFNOD / MEMORANDUM

## PC15C USE OF SITE WON MATERIALS

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

## ADVISORY/INFORMATIVE

### R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**Environment Team**  
**Shared Regulatory Services**  
**Bridgend, Cardiff & the Vale of Glamorgan**

**From:** Env Plan (SRS Wales)  
**Sent:** 26 April 2021 13:36  
**To:** Planning  
**Cc:** Rowlands, Ceiri  
**Subject:** RE: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

Afternoon Ceiri

From an land quality perspective, comments remain as per memo ref SRS/E/DMM /2019/00871/OUT of 14 Aug 2019.

Regards  
Deborah



**Environment Team (Enterprise and Specialist Services)**

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

Website / Gwefan: <http://www.srs.wales> | <http://www.grhr.cymru>

e-mail / e-bost: [EnvPlan-SRSWales@valeofglamorgan.gov.uk](mailto:EnvPlan-SRSWales@valeofglamorgan.gov.uk)

Phone / Ffôn: 03001236696

*The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact [welshstandards@valeofglamorgan.gov.uk](mailto:welshstandards@valeofglamorgan.gov.uk) to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.*

*Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â [welshstandards@valeofglamorgan.gov.uk](mailto:welshstandards@valeofglamorgan.gov.uk) i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.*

*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen*

**From:** Planning <[Planning@valeofglamorgan.gov.uk](mailto:Planning@valeofglamorgan.gov.uk)>  
**Sent:** 26 April 2021 11:24  
**To:** Env Plan (SRS Wales) <[EnvPlan-SRSWales@valeofglamorgan.gov.uk](mailto:EnvPlan-SRSWales@valeofglamorgan.gov.uk)>  
**Subject:** Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

Please find attached a letter regarding a planning application submitted to the Vale of Glamorgan Council. If this is a consultation letter, please respond to this consultation through the link provided in the attached letter. Please note that your comments may be made available online for interested persons to view.





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Welsh Water

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Vale of Glamorgan County Council  
Dock Office  
Holton Road  
Barry Docks  
Barry  
CF63 4RT

**Date: 29/08/2019**  
**Our Ref: PLA0044209**  
**Your Ref: 2019/00871/OUT**

Dear Sir/Madam

**Grid Ref: ST0787067539 307870 167539**

**Site: Land at Model Farm, Port Road, Rhoose, Vale of Glamorgan**

**Development: Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works.**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response (Ref: PPA0004091) has been acknowledged and included at Appendix I of the accompanying Pre-Application Consultation (PAC) Report, prepared by RPS Group, which highlights that the site is crossed by a foul water public sewer and its approximate position is marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the 'Indicative Concept Masterplan' (Drawing No. JCD0064-003), it appears the sewer is located within the plots of land proposed for "B1 (Office)" and "B1/B8" uses, and we would advise that the sewer has a protection zone measured 3 metres either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss and consider possible solutions. Whilst we acknowledge the application is accompanied by a 'Preliminary Drainage Strategy' (Ref: JNY9969-RPS-0500-001; 002 & 003), the plan does not appear to include any detailed layout for either plots of land proposed for "B1 (Office)" and "B1/B8" uses and fails to include reference to this existing public sewer crossing. Therefore, as per below, we recommend a condition which requires a foul water drainage scheme prior to any approval of reserved matters or commencement of development for that site and/or other identified part.



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Welsh and English

Dŵr Cymru Cyf, a limited company registered in  
Wales no 2366777. Registered office: Pentwyn Road,  
Nelson, Treheris, Mid Glamorgan CF46 6LY

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Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng  
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Furthermore, as highlighted within our consultation response (Ref: PPA0004091) to PAC, we have considered the impact of foul flows generated by the proposed development upon the local public sewerage network and concluded that it is unlikely that sufficient capacity exists to accommodate this development. Our response also fails to identify a suitable point of communication for the proposed development site to be served by an adequate water supply. Accordingly, the developer has been advised it will be necessary to undertake Hydraulic Modelling Assessments (HMAs) of the public sewerage and potable water supply networks, which will examine the existing networks and consider the impact of the introduction of flows from this development, and then identify solutions and points of communication to ensure that the site can be accommodated within these systems.

In addition, as of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. Accordingly, it is recommended that the developer engage in consultation with Vale of Glamorgan Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, DCWW is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. Therefore, if minded to grant planning consent, we would request that the following **Conditions and Advisory Notes** are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

### **Conditions**

No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a foul water drainage scheme, for that reserved matter site and/or other identified part has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage 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.*

No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, for that reserved matter site and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

*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.*



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No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a potable water scheme to serve the site, for that reserved matter site and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

*Reason: To ensure the site is served by a suitable potable water supply.*

### **Advisory Notes**

*As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Vale of Glamorgan Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.*

*The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).*

*The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.*

*If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.*



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Nelson, Treharris, Morgannwg Ganol CF46 6LY

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com)

Please quote our reference number in all communications and correspondence.

Yours faithfully,

**Sion Jones**  
**Development Control Officer**  
**Developer Services**



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Vale of Glamorgan County  
Dock Office  
Holton Road Barry Docks  
Barry  
CF63 4RT

**Date: 18/02/2022**  
**Our Ref: PLA0063191**  
**Your Ref: 2019/00871/OUT**

Dear Sir/Madam

**Grid Ref: ST072673 308014 167312**

**Site: Land at Model Farm, Rhoose**

**Development: Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park. See consultation for full details**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We refer you to our letter dated 29th August 2019 and can confirm we have no additional comments to make regarding this application since our original response letter. All comments and recommended conditions within our original comments are still applicable.

### **Conditions**

No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a foul water drainage scheme, for that reserved matter site and/or other identified part has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage 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.*

No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, for that reserved matter site and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the



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*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.*

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*Reason: To ensure the site is served by a suitable potable water supply.*

### **Advisory Notes**

*As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Vale of Glamorgan Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.*

*The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).*

*The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.*



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*If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.*

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com)

Please quote our reference number in all communications and correspondence.

Yours faithfully,

**Chris Scourfield**  
**Development Control Officer**  
**Developer Services**



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Nelson, Treharris, Morgannwg Ganol CF46 6LY.

Our Ref: VOG1411/JBHD

## ARCHAEOLOGICAL PLANNING



Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

Archaeological  
Planning

30<sup>th</sup> August 2019

FAO: Ceiri Rowlands

Dear Sir

**Re: Outline Application Comprising Demolition Of Existing Buildings And Erection Of 44.79ha Class B1/B2/B8 Business Park, Car Parking, Landscaping, Drainage Infrastructure, Biodiversity Provision And Ancillary Works. All Matters Reserved Aside From Access:  
Land at Model Farm, Port Road, Rhoose.  
Pl.App.No.: 2019/00871/OUT.**

Thank you for consulting us regarding this application: **the proposal will require archaeological mitigation.**

Information in the Historic Environment Record shows that there are a number of archaeological and historic environment sites and findspots within the proposed development area. These range from findspots from Neolithic to modern date, and features of platforms related to buildings for agriculture, modern military features, including a crash site, and quarrying and transport. These are described in the supporting documentation in the archaeological desk based assessment (CGMS 2019). The impact upon these of the proposed development has been assessed and concluded that the mitigation can be by condition rather than pre-determination.

In order to mitigate and inform further investigation, therefore, our recommendation is for a condition to be attached to any consent granted by your Members; this will ensure the submission and implementation of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

We envisage that this programme of work would include but not be limited to: geophysical survey, which may enable targeted fieldwork, which may include a strip, map and record of some areas if these cannot be excluded from a final masterplan. and would also include, an archaeological watching brief during groundworks, required for the development, including any demolition, construction of roads and foundations, and services installation and any hard landscaping, 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 include provision for any hand excavation and sampling that may prove necessary, post-excavation recording and assessment; reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the

The Glamorgan-Gwent  
Archaeological Trust  
Limited

Heathfield House  
Heathfield  
Swansea  
SA1 6EL

Tel: (01792)655208  
www.ggat.org.uk

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No.505609





condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the 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.*

We also recommend that a note should be attached to the planning consent explaining that:

*The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" ([www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa)) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (<https://www.archaeologists.net/civicrm-contact-distance-search>) or an MCIfA level accredited Member.*

If you have any questions or require further advice on the matters covered in this letter, please do not hesitate to contact us.

Yours faithfully



Judith Doyle BA MBA MCIfA  
Archaeological Planning Officer





Our ref: VOG1421/RD

## ARCHAEOLOGICAL PLANNING

Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

1st March 2022

Dear Sir

**Re: Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B**  
**Land at Model Farm, Port Road, Rhoose**  
**Pl.App.No.: 2019/00871**

Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that **the proposal requires archaeological mitigation.**

We previously commented on this application, most recently in our letter dated 27th April 2021 and whilst we note the reasons for the re-submission our understanding of the archaeological resource remains unchanged.

Information in the Historic Environment Record shows that there are a number of archaeological and historic environment sites and findspots within the proposed development area. These range from findspots from Neolithic to modern date, and features of platforms related to buildings for agriculture, modern military features, including a crash site, and quarrying and transport. These are described in the supporting documentation in the archaeological desk based assessment (CGMS, July 2019).

Therefore, as previously it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would include but not be limited to: geophysical survey, which may enable targeted fieldwork, which may include a strip, map and record of some areas if these cannot be excluded from a final masterplan, and would also include an archaeological watching brief during groundworks required for the development, including any demolition, construction of roads and foundations, and services installation and any hard landscaping, 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 include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure

Glamorgan-Gwent  
Archaeological Trust  
Limited  
Ymddiriedolaeth  
Archeolegol  
Morgannwg-Gwent

SA12 Business Centre  
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adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the 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.*

We also recommend that a note should be attached to the planning consent explaining that:

*The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.*

If you have any questions or require further advice on this matter please do not hesitate to contact us.

Yours faithfully

*R. Dunning*

Rob Dunning BSc MCIfA  
Archaeological Planning Officer





Llywodraeth Cymru  
Welsh Government

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Mr Ceiri Rowlands The Vale of Glamorgan Council	Eich cyfeirnod Your reference	2019/00871/OUT(CR)
By email: <a href="mailto:planning@valeofglamorgan.gov.uk">planning@valeofglamorgan.gov.uk</a>	Ein cyfeirnod Our reference	DH
	Dyddiad Date	3 September 2019
	Llinell uniongyrchol Direct line	0300 0256004
	Ebost Email:	<a href="mailto:cadwplanning@gov.wales">cadwplanning@gov.wales</a>

Dear Mr Rowlands,

**Planning Application – Outline application comprising demolition of existing buildings and erection of 44.79ha class B1/B2/B8 Business park and associated works, Land at Model Farm, Port Road, Rhoose**

Thank you for your letter of inviting our comments on the (additional) information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



## National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 – The Historic Environment) explains that It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct, adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

## Assessment

### Scheduled Ancient Monuments

GM029 The Bulwarks Camp

GM071 Castle Ditches

GM135 Barry Castle

GM229 Penmark Castle

GM253 Moulton Roman Site

GM301 Highlight Medieval House Site

GM344 Highlight Church, Remains of

GM360 Westward Corner Round Barrow

GM419 Knap Roman Site

GM446 Site of Medieval Mill & Mill Leat Cliffwood

### Registered Parks and Gardens

PGW (Gm) 39(GLA) Fonmon Castle (grade II)

PGW (Gm) 58(GLA) Barry: Cold Knap Park (grade II)

PGW (Gm) 63(GLA) Barry: Romilly Park (grade II)



---

The above designated heritage assets are located inside 3km of the proposed development. An archaeological desk-based assessment for the development has been prepared by CGMS and considered the impact of the proposed development on the settings of these designated heritage assets. It has concluded that in most cases intervening topography, buildings and vegetation block views between them. Where views are possible the proposed development will be seen as part of the very wide landscape setting which also includes the existing airport and the urban settlement of Barry. This will not alter the way that these designated heritage assets are understood, experienced and appreciated. Consequently, it is our opinion that the proposed development will not have any impact on any scheduled monument or registered historic park and garden or their settings.

Yours sincerely,

---

Denise Harris  
Diogelu a Pholisi/ Protection and Policy



Llywodraeth Cymru  
Welsh Government

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[www.cadw.gov.wales](http://www.cadw.gov.wales)

The Vale of Glamorgan Council

Eich cyfeirnod  
Your reference

2019/00871/OUT (CR)

By email:  
[planning@valeofglamorgan.gov.uk](mailto:planning@valeofglamorgan.gov.uk)

Ein cyfeirnod  
Our reference

LC

Dyddiad  
Date

29 March 2021

Llinell uniongyrchol  
Direct line

0300 0256004

Ebost  
Email:

[cadwplanning@gov.wales](mailto:cadwplanning@gov.wales)

Dear Sir/Madam

**Planning Application – Outline application comprising demolition of existing buildings and erection of 44.79ha class B1/B2/B8 Business Park and associated works, Land at Model Farm, Port Road, Rhoose**

Thank you for your letter of 15 March inviting our comments on the additional information submitted for the above planning application.

Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens.

Assessment

Amended plans including a revised indicative concept masterplan and a revised parameter plan - green infrastructure, have been submitted in support of this application. The information contained in these documents does not alter the advice given previously on 3 September 2019.

Yours sincerely,

Laura Cooper  
Diogelu a Pholisi/ Protection and Policy

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.

P.174



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## Annex A

### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW [planning-policy-wales-edition-11.pdf](#) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

### Historic Parks and Gardens

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.



The Vale of Glamorgan Council

Eich cyfeirnod Your reference 2019/00871/OUT

By email:  
[Planning@valeofglamorgan.gov.uk](mailto:Planning@valeofglamorgan.gov.uk)

Ein cyfeirnod Our reference LC

Dyddiad Date 14 February 2022

Llinell uniongyrchol Direct line 0300 0256004

Ebost Email: [cadwplanning@gov.wales](mailto:cadwplanning@gov.wales)

Dear Sir/Madam

**Planning Application – Hybrid application comprising an outline application for the demolition of existing buildings and erection of Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B, Land at Model Farm, Port Road, Rhoose**

Thank you for your letter of 28 January inviting our comments on the additional information submitted for the above planning application.

#### Advice

Having carefully considered the information provided, we have no objection to the proposed development.

#### Assessment

This planning application was considered by the Vale of Glamorgan Council's Planning Committee on 14th July 2021 where it was resolved to grant planning permission subject to a Section 106 legal agreement that was subsequently signed and the permission issued on 30th July 2021. The planning application decision was subsequently quashed by the Courts on 6th October 2021. Therefore the planning application is now being re-determined by the Vale of Glamorgan Council's Planning Committee.

There has been no additional information of material changes to the historic environment which alters the advice given previously on 3 September 2019.

Yours sincerely,

Laura Cooper  
Diogelu a Pholisi/ Protection and Policy

## Rowlands, Ceiri

---

**From:** campaigning@woodlandtrust.org.uk  
**Sent:** 05 September 2019 16:52  
**To:** Planning  
**Cc:** campaigning@woodlandtrust.org.uk  
**Subject:** FAO Mr Ceiri Rowlands - Woodland Trust comments on application 2019/00871/OUT

---

Dear Mr Rowlands,

Whilst the Woodland Trust appreciates that the consultation deadline for this application has now passed, we would appreciate clarity on certain aspects of this development in relation to ancient woodland.

The Trust notes that the documents accompanying this application outlines that a 'suitable buffer zone' is provided to the adjacent ancient woodland (at grid reference: ST0774667388), yet we cannot find reference to the size of the buffer afforded. If it is possible to receive further information on this, it would help the Trust to assess whether there will be any detrimental impact to the ancient woodland from this development.

Kind regards,  
Nicole Hillier

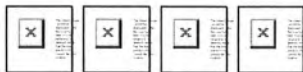
**Nicole Hillier**  
Campaigner - Ancient Woodland

Telephone: 03437705438  
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Woodland Trust, Kempton Way, Grantham, Lincolnshire, NG31 6LL  
0330 333 3300  
[www.woodlandtrust.org.uk](http://www.woodlandtrust.org.uk)

Cases involving woods and trees under threat can change and evolve during the planning process due to a wide variety of reasons. Where a development involving ancient woods or veteran trees no longer remains a threat due to changing circumstance surrounding said application and based upon professional judgement steered by our conservation research, the Woodland Trust withholds the right to withdraw or amend its objection and review its approach.

The Woodland Trust is not a statutory body. As a charity, we provide all information in good faith, funded by public donations. For more information about this [visit here](#).



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Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-97607-W9Y2  
Eich cyf/Your ref: 2019/00871/OUT

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Ffôn/Phone: 0300 0653098

Dyddiad/Date: 6 September 2019

Annwyl Syr/Madam / Dear Sir/Madam

**LAND AT MODEL FARM, PORT ROAD, RHOOSE - OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSITY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.**

Thank you for referring us to the above application, which we received on 13 August 2019.

**We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.**

**Requirement 1 - European Protected Species (EPS)** – further information is required to demonstrate no detrimental impacts on EPS.

**Requirement 2 - Foul drainage** – site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

We received a statutory pre-application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 5 July 2019.

**Requirement 1 - European Protected Species (EPS)**

We have reviewed the Pre-Application Consultation Report, dated July 2019, by RPS, reference JCD0064 V1, submitted in support of the application. We note the applicant's

response to our comments in relation to EPS (table 3.1) and note that surveys relating bats and dormouse are ongoing. However, it does not mention surveys for otter.

As no further information has been submitted to address the EPS concerns set out in our letter of 5 July 2019, our advice remains the same. A copy of that letter is attached for ease of reference.

## **Requirement 2 - Foul Drainage**

We note from the application form that it is proposed to discharge foul drainage to the public foul sewer. However, we note the comments and requested planning conditions set out in the letter from DCWW, dated 29 August 2019, reference PLA0044209 and 'Appendix G' of the Sustainable Drainage Assessment, which indicate that there is not sufficient capacity in the existing system to deal with the predicted trade and foul effluent loads from the proposed development.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note the proposed development is in a publicly seweraged area and as such, we would expect the site to connect to the mains sewerage system.

We therefore advise that if they haven't already done so, the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.
- Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.



The Applicant should also be aware that should a connection to the mains sewer not be feasible, they will need to apply for an environmental permit or register an exemption with us. As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

Please note, lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

## **Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for further details.

Should you have any queries on the above, please do not hesitate to contact us.



Yn gywir / Yours faithfully

**Mrs Claire McCorkindale**  
**Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor**



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-102849-Q4C4  
Eich cyf/Your ref: 2019/00871/OUT

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Ffôn/Phone: 0300 0653098

13 November 2019

Annwyl Syr/Madam / Dear Sir/Madam

**BWRIAD / PROPOSAL: OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSITY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.**

**LLEOLIAD / LOCATION: LAND AT MODEL FARM, PORT ROAD, RHOOSE**

Thank you for referring us to the above application, which we received on 13 August 2019.

**We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the following requirements are met and you attach conditions to the permission. Otherwise, we would object to the scheme.**

**Requirement 1 - European Protected Species (EPS)** – further information is required to demonstrate no detrimental impacts on EPS.

**Requirement 2 - Foul drainage** – site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

*Further details are given below. Please note if further information is provided to satisfy the requirements, it may then be necessary to request further conditions to avoid / mitigate environmental effects.*

**Requirement 1 - European Protected Species (EPS)**

We note the submission of the following in support of the above outline application:



- Environmental Statement (ES) entitled 'Parc Busnes Porth Cymru. Port Road, Rhoose. Environmental Statement' by RPS dated July 2019';
- 'Model Farm. Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019;
- 'Model Farm – Precautionary Dormouse Strategy' by RPS dated 10 October 2019;
- 'Model Farm. Biodiversity Management Strategy' by RPS dated 25 October 2019;
- 'Preliminary Ecological Appraisal (PEA). On behalf of Legal and General (Strategic Land) Ltd. Model Farm. Port Road, Rhoose' dated 24 May 2019;
- Drawing JCD0064-003 (Rev N) entitled 'Parc Busnes Porth Cymru. Indicative Concept Masterplan' by RPS dated May 2018; and
- Drawing JCD0064-006 (Rev C) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019.

### Bats

We welcome that surveys for bats have been undertaken to inform the outline application.

#### Bats in buildings

With regards to the surveys of bats in buildings, we note that the surveys focused on Model Farm, the farmstead in the north-west part of the application site, including the farmhouse and barn complex (comprising three single storey and two two-storey brick built buildings with tiled apex rooves, ridge tiles, timber fascias and bargeboards).

Of the buildings that were surveyed, we note that the following was observed:

- Building A – soprano pipistrelle day roost (likely non-breeding roost)
- Building C - pipistrelle day roost (likely non-breeding roost)
- Building D - soprano pipistrelle day roost (likely non-breeding roost)

We are satisfied that the proposed mitigation outlined in section 6.1.6 of the ecology surveys report would be sufficient to mitigate the loss of these roosts.

However, we note from Figure 4 in the Ecology Survey Report that the farmstead includes a number of other agricultural barns/buildings that do not appear to have been covered by the bat surveys. The PEA report suggests that they may have moderate bat roost potential. In view of this, we have significant concerns with the proposed development as submitted and seek clarification as to why these buildings were not covered by the bat surveys. We advise that they are subject to bat roost surveys. If any further roosts are likely to be lost or otherwise affected by the proposals, the application should include details of additional mitigation that will be put in place.

**The information above is required to fully assess the likely impacts of the proposals on bats, European Protected Species. We would be pleased to advise further when consulted on the additional information specified above.**

#### **Requirement 2 - Foul Drainage**

No additional information has been submitted in relation to this requirement. Therefore, our advice remains as set out in our letter of 6 September 2019, reference CAS-907607-W9Y2.



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## **Additional advice in respect of European Protected Species**

### **Bat roosts in trees**

We note the survey results of bat roosts in trees. We are satisfied that the proposed mitigation outlined in section 6.1.6 of the ecology surveys report would be sufficient to mitigate for the loss of these roosts.

### **Bat movements through the landscape**

We note that static detectors recorded a diversity of bat species using the application site, including Lesser Horseshoe bats, one of Wales' rarer species. We note that records of these were picked up in the western woodland, eastern boundary woodland and stream, and over the western field boundaries.

This emphasises the need for a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow this (and other) species to move through the landscape.

### **Indicative Concept Masterplan and the 'Parameter Plan-Green Infrastructure'**

We welcome the proposals to retain the existing woodland on site, as well as the two wooded corridors extending NW-SE across the site. However, we note that these will be crossed by the main spine road, and a pedestrian link (in the NE of the site). At these locations it will be important that street lighting does not compromise the animals' ability to traverse the site. Lesser horseshoe bats in particular are light sensitive. We therefore consider that a sensitive lighting design will be required which includes dark crossing points (<1lux) at these locations for a key period during the night (e.g. 11pm-5am).

### **Dormice**

The dormouse surveys appear not to have found evidence of the species on the application site, however we welcome the preparation of the precautionary dormouse strategy in support of the application. Should planning permission be granted, we recommend that this document features in the list of approved documents that the development must comply with.

However, with records of dormice (otters and great crested newts) in the wider landscape, the proposals provide a valuable opportunity to implement appropriate long-term habitat management, to provide high quality habitats on site and allow the expansion or movement of protected species in future. We advise you to liaise with your in-house Ecologist in relation to the long-term habitat management and implementation of the Biodiversity Management Strategy. We recommend that the habitat management objectives within the Strategy are designed with dormice in mind.

### **Great Crested Newts**

We note that great crested newts are unlikely to be affected by the proposals and therefore We have no further comments in respect of GCN.

### Otters

We welcome that the stream corridors will be retained as part of the scheme design, although we note that the proposed development in the southern part of the site may come close to one such corridor. We note that otters are unlikely to be affected by the proposals, and therefore have no further comments in respect of otters.

### **In summary**

At this juncture, further information regarding bats, European Protected Species and the proposed method of foul drainage is required, prior to the determination of the application.

At such time that the requirements noted above have been satisfactorily met, our remaining concerns could then be addressed via the imposition of conditions on any outline permission that your Authority is minded to grant. Such conditions may include, but may not be limited to, the following issues:

1. A lighting plan - to reduce the impacts of lighting to ensure the continued use of the site by protected species e.g. bats
2. Submission of details of the intersections of the green infrastructure with the roads and pedestrian routes
3. Pre-commencement species surveys
4. Secure the implementation of the 'Precautionary Dormouse Strategy' by RPS dated 10 October 2019
5. Secure the proposed mitigation outlined in section 6.1.6 of the ecology surveys report.

### **Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for further details.

Should you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

**Mrs Claire McCorkindale**  
**Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor**





**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-104589-R7C3  
Eich cyf/Your ref: 2019/00871/OUT

Rivers House  
St Mellons Business Park  
Fortran Road  
Cardiff  
CF3 0EY

The Vale of Glamorgan Council  
Dock Office  
Barry Docks,  
Barry  
CF63 4RT

Ebost/Email:  
[southeastplanning@cyfoethnaturiolcymru.gov.uk](mailto:southeastplanning@cyfoethnaturiolcymru.gov.uk)  
Ffôn/Phone: 0300 0653098

12 December 2019

Annwyl Syr/Madam / Dear Sir/Madam

**BWRIAD / PROPOSAL: OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSITY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.**

**LLEOLIAD / LOCATION: LAND AT MODEL FARM, PORT ROAD, RHOOSE**

Thank you for referring us to the additional information submitted in support of the above application, which we received on 20 November 2019.

**We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the following requirement is met and you attach the following conditions to the permission. We would object if the scheme does not meet these requirements.**

**Requirement - Foul drainage** – site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

### **Conditions 1-5 European Protected Species**

Further details are set out below.

### **Foul Drainage**

No additional information has been submitted in relation to foul drainage. Therefore, our advice remains as set out in our letter of 6 September 2019, reference CAS-907607-W9Y2.



## **European Protected Species (EPS)**

We note the content of the letter from Kate Davies (RPS) to Ceiri Rowlands (Vale Planning Officer), dated 14 November 2019, which has been submitted in support of the above application. Having considered the information in that letter, we are satisfied that the bat surveys of the Model Farm farmstead are adequate, and we do not consider the proposed development will result in a detriment to the maintenance of the favourable conservation status of the bats.

Therefore, as per our letter of 13 November 2019, reference CAS-102849-Q4C4, our remaining concerns in respect of EPS can be addressed via the imposition of conditions on any outline permission that your Authority is minded to grant.

### **Condition 1 Lighting Plan**

Each reserved matters application shall be accompanied by full details of proposed lighting, for agreement in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas (Ancient Semi-Natural Woodland, green infrastructure linking the two, and retained boundary hedgerows). Lighting in these areas shall be <1lux;
- Details of lighting to be used both during construction and operation;
- Measures to monitor light spillage once the development is operational; and provisions for any subsequent remedial works that may be required to maintain dark corridors, as a consequence of the monitoring results.

The lighting shall be installed and retained as approved during construction and operation.

**Justification:** A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of ensuring continued use of the site by protected species (e.g. bats).

### **Condition 2 Details of the intersections of the green infrastructure with the roads and pedestrian routes**

Prior to works commencing on site, the detail of the intersections of the green infrastructure with the roads and pedestrian routes shall be submitted to and agreed in writing by the LPA. The proposals shall be implemented as agreed.

**Justification:** To ensure a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow bats and other species to move through the landscape.

### **Condition 3 Pre-commencement species survey**

No phase of development, including site clearance, shall commence until a pre-construction protected species survey has been carried out for the phase of development. If the survey confirms the presence of protected species, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

**Justification:** To ensure the potential presence or absence of protected species is confirmed, prior to construction and where necessary, remedial measures are implemented for their protection.

### **Condition 4 Approved Plans / Documents**

The following submitted documents to be included within the scope of the condition identifying the approved plans and documents on the decision notice:

- 'The Precautionary Dormouse Strategy' by RPS, dated 10 October 2019, reference ECO00138;
- 'Model Farm. Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019.

### **Condition 5 Biodiversity Management Strategy**

No development or phase of development, shall commence until a final version of the Biodiversity Management Strategy has been submitted to and approved by the Local Planning Authority. The Biodiversity Management Strategy should include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site, including maps to show their present and desired distribution;
- Details of the desired conditions of features (present and to be created) at the site;
- Details of scheduling and timings of activities;
- Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition (including management proposals with dormice in mind);
- Details of aftercare for any new planting, and replacement measures should any new planting die, be removed or become seriously damaged or diseased within 5 years of completion of development;
- Cross-reference to the Precautionary Dormouse Strategy (in particular the monitoring proposals);
- Details of management and maintenance responsibilities;
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals;



- The Biodiversity Management Strategy shall be carried out in accordance with the approved details.

**Justification:** The preparation of the Biodiversity Management Strategy, by RPS, dated 25 October 2019, (including long-term habitat management) is welcomed. We recommend that the habitat management objectives within the strategy are designed with dormice in mind:

Eg.

- Hedges - are at least 3m high, with trimming no frequent than once every 3 years (less frequently if necessary, and leaving at least a third of the length of the hedge for 7-10 years).
- Woodland - selective thinning to promote structural diversity in the wood.

We therefore advise that the above condition is required to ensure necessary landscape and environmental management measures are agreed prior to commencement, implemented and properly managed long term.

### **Additional comments**

We note the presence of Japanese Knotweed, an invasive non-native species, on the proposed development site. The applicant can find information on this on our website. We would also advise consultation with the relevant section of your Local Authority on this matter.

### **Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for further details.

Should you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

**Mrs Claire McCorkindale**  
**Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor**



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-146736-P7P6  
Eich cyf/Your ref: 2019/00871/OUT

Rivers House  
St Mellons Business Park  
Fortran Road  
Cardiff  
CF3 0EY

The Vale of Glamorgan Council  
Dock Office  
Barry Docks,  
Barry  
CF63 4RT

Ebost/Email:  
[southeastplanning@cyfoethnaturiolcymru.gov.uk](mailto:southeastplanning@cyfoethnaturiolcymru.gov.uk)  
Ffôn/Phone: 0300 0653098

17/05/2021

Annwyl Syr/Madam / Dear Sir/Madam

**BWRIAD / PROPOSAL: HYBRID APPLICATION COMPRISING AN OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.75HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, ECOLOGICAL MITIGATION AND ANCILLARY WORKS (ALL MATTERS RESERVED ASIDE FROM ACCESS) WITHIN AREA A AND A FULL APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL LAND TO COUNTRY PARK (USE CLASS D2) WITHIN AREA B.**

**LLEOLIAD / LOCATION: LAND AT MODEL FARM, PORT ROAD, RHOOSE**

Thank you for referring us to the additional information submitted in support of the above application, which we received on 26 April 2021.

We note the amended proposals including an increase from 44.79ha to 93.2ha to take in an extension to the Porthkerry Country Park. We note several revised documents have been submitted following the changes to the application.

**Our advice is that we continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.**

Conditions 1- 6: European Protected Species

Condition 7: Pollution Prevention – Construction Environmental Management Plan

Further details are set out below.

### **European Protected Species**

We note the submission of the following documents:

- Parc Business Porth Cymru, Port Road, Rhose. Environmental Statement Addendum Vol 1-Main Report and Figures;



- Figure 1 entitled 'Land at Rhoose. Hedgerow, scrub and woodland plan' by RPS dated April 2021;
- Drawing JCD0064-006 (Rev F) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019; and
- Drawing JCD0064-003 (Rev S) entitled 'Parc Busnes Porth Cymru. Indicative Concept Masterplan' by RPS dated May 2018.

### Dormice

We note that the additional land proposed to be included in the red line planning boundary seeks to extend Porthkerry Country Park and, as such, no operational development is proposed to be included in this area.

Although no dormice were found during surveys in 2018/2019 to inform the original application, we are aware that dormice are present in the wider landscape, in woodland to the west/north-west of the application site and part of Porthkerry Country Park. The extension to the red line planning boundary brings the application site adjacent to these areas. We note and welcome the intention to retain most of the existing habitat suitable for dormice in the extended area, and further bolster it with new woodland, scrub and hedgerow planting. As indicated previously, appropriate long-term management of new and retained habitat across the site for dormice will be key to their continued survival in the landscape.

Previously we advised that the Precautionary Dormouse Strategy was included in the list of approved documents. In light of the changes made to the application, we now advise that this document is updated to relate to the revised site. However, we consider that this can be addressed via an appropriately worded condition attached to any permission granted:

#### *Condition 1 Dormouse Conservation Strategy*

Prior to the commencement of works on site, a final version of the Dormouse Conservation Strategy shall be submitted for the written approval the LPA. The strategy shall set out the likely impacts of the proposals on dormice, and detail measures that will be put in place to mitigate and/or compensate the impacts on dormice (as appropriate). The strategy shall include:

- A plan showing habitat to be lost, created and retained, which should identify the extent and location on appropriate scale;
- Details of protective measures to be taken to minimise the impacts;
- Proposals to minimise the severance of dormouse habitat, including at least 2 safe crossings for dormice where green infrastructure is severed by the central spine/access road;
- Details of the nature and widths of dormouse habitat buffers, and where these will apply across the site; we would advise that these are planted with appropriate species
- Details of the condition of current dormouse habitat, proposed habitat enhancement measures, and the condition of dormouse habitat that these aim to achieve;



- Details of phasing of construction activities and conservation measures, including a timetable for implementation of mitigation demonstrating that works are aligned with the proposed phasing of the development;
- Details of initial aftercare and long-term management including details of who will be responsible for and how long-term management will be funded;

The Dormouse Conservation Strategy to be implemented in accordance with the approved details.

*Justification:* To ensure that an approved Dormouse Conservation Strategy is implemented, which protects Dormice affected by the development.

We also previously recommended changes to the drafted Biodiversity Management Strategy, and that a final version of it should be agreed with the LPA as a requirement of an appropriately worded condition attached to any permission granted. As with the Dormouse Strategy, we advise that this document is also updated to refer to the revised site.

#### *Condition 2 Biodiversity Management Strategy*

No development or phase of development, shall commence until a final version of the Biodiversity Management Strategy has been submitted to and approved by the Local Planning Authority. The Biodiversity Management Strategy should include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site, including maps to show their present and desired distribution;
- Details of the desired conditions of features (present and to be created) at the site;
- Details of scheduling and timings of activities;
- Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition (including management proposals with dormice in mind);
- Details of aftercare for any new planting, and replacement measures should any new planting die, be removed or become seriously damaged or diseased within 5 years of completion of development;
- Cross-reference to the Precautionary Dormouse Strategy (in particular the monitoring proposals);
- Details of management and maintenance responsibilities;
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals;
- The Biodiversity Management Strategy shall be carried out in accordance with the approved details.

*Justification:* to ensure necessary landscape and environmental management measures are agreed prior to commencement, implemented and properly managed long term.



The preparation of the Biodiversity Management Strategy, by RPS, dated 25 October 2019, (including long-term habitat management) is welcomed. We recommend that the habitat management objectives within the strategy are designed with dormice in mind, for example: hedges are at least 3m high, with trimming no frequent than once every 3 years (less frequently if necessary, and leaving at least a third of the length of the hedge for 7-10 years); woodland has selective thinning to promote structural diversity in the wood.

The additional conditions in relation to EPS set out in our letter of 13 November 2019, reference CAS-102849-Q4C4, remain as follows:

#### *Condition 3 Lighting Plan*

Each reserved matters application shall be accompanied by full details of proposed lighting, for agreement in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas (Ancient Semi-Natural Woodland, green infrastructure linking the two, and retained boundary hedgerows). Lighting in these areas shall be <1lux;
- Details of lighting to be used both during construction and operation;
- Measures to monitor light spillage once the development is operational; and provisions for any subsequent remedial works that may be required to maintain dark corridors, as a consequence of the monitoring results.

The lighting shall be installed and retained as approved during construction and operation.

*Justification:* A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of ensuring continued use of the site by protected species (e.g. bats).

#### *Condition 4 Details of the intersections of the green infrastructure with the roads and pedestrian routes*

Prior to works commencing on site, the detail of the intersections of the green infrastructure with the roads and pedestrian routes shall be submitted to and agreed in writing by the LPA. The proposals shall be implemented as agreed.

*Justification:* To ensure a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow bats and other species to move through the landscape.

#### *Condition 5 Pre-commencement species survey*

No phase of development, including site clearance, shall commence until a pre-construction protected species survey has been carried out for the phase of development. If the survey confirms the presence of protected species, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.



*Justification:* To ensure the potential presence or absence of protected species is confirmed, prior to construction and where necessary, remedial measures are implemented for their protection.

#### *Condition 6 Approved Plans / Documents*

The following submitted documents to be included within the scope of the condition identifying the approved plans and documents on the decision notice:

- Parc Busnes Porth Cymru, Port Road, Rhoose. Environmental Statement Vols1-3 by RPs dated July 2019;
- Model Farm. Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019;
- Parc Business Porth Cymru, Port Road, Rhoose. Environmental Statement Addendum Vol 1-Main Report and Figures;
- Figure 1 entitled 'Land at Rhoose. Hedgerow, scrub and woodland plan' by RPS dated April 2021;
- Drawing JCD0064-006 (Rev F) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019; and
- Drawing JCD0064-003 (Rev S) entitled 'Parc Busnes Porth Cymru. Indicative Concept Masterplan' by RPS dated May 2018.

#### **Pollution Prevention**

We note that two watercourses, Whitelands and Bullhouse brooks, lie within the extended redline boundary. However, we note that point 2.5 of the technical summary states there are no water features within the application site.

In view of the potential risk to the water environment during the construction phase we request a condition be included in any planning permission granted for the submission and approval of a Construction Environment Management Plan (CEMP). This should include a silt management plan with particular focus on pollution prevention plans for Whitelands and Bullhouse brooks, in line with Guidance on Pollution Prevention 5: Works or maintenance in or near water. Further information can be found on the [NetRegs website](#).

#### *Condition 7 Construction Environmental Management Plan*

No 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:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: 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.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.



- Resource Management: details of fuel and chemical storage and containment; details of water consumption, wastewater and energy use
- Traffic Management: details of wheel wash facilities
- 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.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

*Justification:* A CEMP should be submitted to ensure necessary management measures are agreed and implemented for the protection of the environment during construction.

#### **Advice - Foul Drainage**

No additional information has been submitted in relation to the concerns raised in relation to the disposal of foul drainage in our previous letters. The proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We previously raised concerns in relation to the comments set out in the letter from DCWW, dated 29 August 2019, reference PLA0044209, re-iterated in their letter dated 25 March 2021, reference PL0055596, which indicated that there is not sufficient capacity in the existing system to deal with the predicted trade and foul effluent loads from the proposed development.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

We note the application form states that foul drainage will be discharged to the public foul sewer and DCWW's suggested condition. On this basis we offer no further comments on foul drainage at this stage. However, if the applicant amends their plans and proposes a private drainage solution, we should be notified and consulted.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer.

#### **Additional comments**

We note the presence of Japanese Knotweed, an invasive non-native species, on the proposed development site. The applicant can find information on this on our website. We

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would also advise consultation with the relevant section of your Local Authority on this matter.

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**Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for further details.

Should you have any queries on the above, please do not hesitate to contact us.

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Yn gywir / Yours faithfully

**Mrs Claire McCorkindale**  
**Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor**





**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-180477-G3G4  
Eich cyf/Your ref: 2019/00871/OUT

Rivers House  
St Mellons Business Park  
Fortran Road  
Cardiff  
CF3 0EY

The Vale of Glamorgan Council  
Dock Office  
Barry Docks,  
Barry  
CF63 4RT

Ebost/Email:  
[southeastplanning@cyfoethnaturiolcymru.gov.uk](mailto:southeastplanning@cyfoethnaturiolcymru.gov.uk)  
Ffôn/Phone: 0300 0653098

02/03/2022

Annwyl Syr/Madam / Dear Sir/Madam

**BWRIAD / PROPOSAL: HYBRID APPLICATION COMPRISING AN OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.75HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, ECOLOGICAL MITIGATION AND ANCILLARY WORKS (ALL MATTERS RESERVED ASIDE FROM ACCESS) WITHIN AREA A AND A FULL APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL LAND TO COUNTRY PARK (USE CLASS D2) WITHIN AREA B.**

**LLEOLIAD / LOCATION: LAND AT MODEL FARM, PORT ROAD, RHOOSE**

Thank you for referring us to the additional information provided in relation to the above application, which we received on 28 January 2022.

Our advice and comments set out in our letter dated 17 May 2021, reference CAS-146736-P7P6 remain unchanged save for the updated drawings JCD0064-003, -006 and -007 to be included within the scope of the condition identifying the approved plans and documents on the decision notice as listed below.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Conditions 1- 6: European Protected Species

Condition 7: Pollution Prevention – Construction Environmental Management Plan

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

### **European Protected Species**

We note the submission of the following documents:



- Parc Business Porth Cymru, Port Road, Rhoose. Environmental Statement Addendum Vol 1-Main Report and Figures;
- Drawing JCD0064-007 entitled 'Hedgerow, scrub and woodland plan' by RPS dated June 2021;
- Drawing JCD0064-006 (Rev J) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019; and
- Drawing JCD0064-003 (Rev T) entitled 'Parc Busnes Porth Cymru. Indicative Concept Masterplan' by RPS dated May 2018.

### Dormice

We note that the additional land proposed to be included in the red line planning boundary seeks to extend Porthkerry Country Park and, as such, no operational development is proposed to be included in this area.

Although no dormice were found during surveys in 2018/2019 to inform the original application, we are aware that dormice are present in the wider landscape, in woodland to the west/north-west of the application site and part of Porthkerry Country Park. The extension to the red line planning boundary brings the application site adjacent to these areas. We note and welcome the intention to retain most of the existing habitat suitable for dormice in the extended area, and further bolster it with new woodland, scrub and hedgerow planting. As indicated previously, appropriate long-term management of new and retained habitat across the site for dormice will be key to their continued survival in the landscape.

Previously we advised that the Precautionary Dormouse Strategy was included in the list of approved documents. In light of the changes made to the application, we now advise that this document is updated to relate to the revised site. However, we consider that this can be addressed via an appropriately worded condition attached to any permission granted:

#### *Condition 1 Dormouse Conservation Strategy*

Prior to the commencement of works on site, a final version of the Dormouse Conservation Strategy shall be submitted for the written approval the LPA. The strategy shall set out the likely impacts of the proposals on dormice, and detail measures that will be put in place to mitigate and/or compensate the impacts on dormice (as appropriate). The strategy shall include:

- A plan showing habitat to be lost, created and retained, which should identify the extent and location on appropriate scale;
- Details of protective measures to be taken to minimise the impacts;
- Proposals to minimise the severance of dormouse habitat, including at least 2 safe crossings for dormice where green infrastructure is severed by the central spine/access road;
- Details of the nature and widths of dormouse habitat buffers, and where these will apply across the site; we would advise that these are planted with appropriate species



- Details of the condition of current dormouse habitat, proposed habitat enhancement measures, and the condition of dormouse habitat that these aim to achieve;
- Details of phasing of construction activities and conservation measures, including a timetable for implementation of mitigation demonstrating that works are aligned with the proposed phasing of the development;
- Details of initial aftercare and long-term management including details of who will be responsible for and how long-term management will be funded;

The Dormouse Conservation Strategy to be implemented in accordance with the approved details.

*Justification:* To ensure that an approved Dormouse Conservation Strategy is implemented, which protects Dormice affected by the development.

We also previously recommended changes to the drafted Biodiversity Management Strategy, and that a final version of it should be agreed with the LPA as a requirement of an appropriately worded condition attached to any permission granted. As with the Dormouse Strategy, we advise that this document is also updated to refer to the revised site.

#### *Condition 2 Biodiversity Management Strategy*

No development or phase of development, shall commence until a final version of the Biodiversity Management Strategy has been submitted to and approved by the Local Planning Authority. The Biodiversity Management Strategy should include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site, including maps to show their present and desired distribution;
- Details of the desired conditions of features (present and to be created) at the site;
- Details of scheduling and timings of activities;
- Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition (including management proposals with dormice in mind);
- Details of aftercare for any new planting, and replacement measures should any new planting die, be removed or become seriously damaged or diseased within 5 years of completion of development;
- Cross-reference to the Precautionary Dormouse Strategy (in particular the monitoring proposals);
- Details of management and maintenance responsibilities;
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals;
- The Biodiversity Management Strategy shall be carried out in accordance with the approved details.



*Justification:* to ensure necessary landscape and environmental management measures are agreed prior to commencement, implemented and properly managed long term.

The preparation of the Biodiversity Management Strategy, by RPS, dated 25 October 2019, (including long-term habitat management) is welcomed. We recommend that the habitat management objectives within the strategy are designed with dormice in mind, for example: hedges are at least 3m high, with trimming no frequent than once every 3 years (less frequently if necessary, and leaving at least a third of the length of the hedge for 7-10 years); woodland has selective thinning to promote structural diversity in the wood.

The additional conditions in relation to EPS set out in our letter of 13 November 2019, reference CAS-102849-Q4C4, remain as follows:

#### *Condition 3 Lighting Plan*

Each reserved matters application shall be accompanied by full details of proposed lighting, for agreement in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas (Ancient Semi-Natural Woodland, green infrastructure linking the two, and retained boundary hedgerows). Lighting in these areas shall be <1lux;
- Details of lighting to be used both during construction and operation;
- Measures to monitor light spillage once the development is operational; and provisions for any subsequent remedial works that may be required to maintain dark corridors, as a consequence of the monitoring results.

The lighting shall be installed and retained as approved during construction and operation.

*Justification:* A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of ensuring continued use of the site by protected species (e.g. bats).

#### *Condition 4 Details of the intersections of the green infrastructure with the roads and pedestrian routes*

Prior to works commencing on site, the detail of the intersections of the green infrastructure with the roads and pedestrian routes shall be submitted to and agreed in writing by the LPA. The proposals shall be implemented as agreed.

*Justification:* To ensure a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow bats and other species to move through the landscape.

#### *Condition 5 Pre-commencement species survey*

No phase of development, including site clearance, shall commence until a pre-construction protected species survey has been carried out for the phase of development. If the survey confirms the presence of protected species, the results of the survey together



with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

*Justification:* To ensure the potential presence or absence of protected species is confirmed, prior to construction and where necessary, remedial measures are implemented for their protection.

#### *Condition 6 Approved Plans / Documents*

The following submitted documents to be included within the scope of the condition identifying the approved plans and documents on the decision notice:

- Parc Busnes Porth Cymru, Port Road, Rhoose. Environmental Statement Vols1-3 by RPs dated July 2019;
- Model Farm. Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019;
- Parc Business Porth Cymru, Port Road, Rhoose. Environmental Statement Addendum Vol 1-Main Report and Figures;
- Drawing JCD0064-007 entitled 'Hedgerow, scrub and woodland plan' by RPS dated June 2021;
- Drawing JCD0064-006 (Rev J) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019; and
- Drawing JCD0064-003 (RevTS) entitled 'Parc Busnes Porth Cymru. Indicative Concept Masterplan' by RPS dated May 2018.

#### **Pollution Prevention**

We note that two watercourses, Whitelands and Bullhouse brooks, lie within the extended redline boundary. However, we note that point 2.5 of the technical summary states there are no water features within the application site.

In view of the potential risk to the water environment during the construction phase we request a condition be included in any planning permission granted for the submission and approval of a Construction Environment Management Plan (CEMP). This should include a silt management plan with particular focus on pollution prevention plans for Whitelands and Bullhouse brooks, in line with Guidance on Pollution Prevention 5: Works or maintenance in or near water. Further information can be found on the [NetRegs website](#).

#### *Condition 7 Construction Environmental Management Plan*

No 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:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: 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.

- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Resource Management: details of fuel and chemical storage and containment; details of water consumption, wastewater and energy use
- Traffic Management: details of wheel wash facilities
- 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.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

*Justification:* A CEMP should be submitted to ensure necessary management measures are agreed and implemented for the protection of the environment during construction.

#### **Advice - Foul Drainage**

No additional information has been submitted in relation to the concerns raised in relation to the disposal of foul drainage in our previous letters. The proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We previously raised concerns in relation to the comments set out in the letter from DCWW, dated 29 August 2019, reference PLA0044209, re-iterated in their letter dated 25 March 2021, reference PL0055596, which indicated that there is not sufficient capacity in the existing system to deal with the predicted trade and foul effluent loads from the proposed development.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

We note the application form states that foul drainage will be discharged to the public foul sewer and DCWW's suggested condition. On this basis we offer no further comments on foul drainage at this stage. However, if the applicant amends their plans and proposes a private drainage solution, we should be notified and consulted.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer.



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**Additional comments**

We note the presence of Japanese Knotweed, an invasive non-native species, on the proposed development site. The applicant can find information on this on our website. We would also advise consultation with the relevant section of your Local Authority on this matter.

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**Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for further details.

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Should you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

**Mrs Claire McCorkindale**  
**Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor**

## Rowlands, Ceiri

---

**From:** South East Planning <southeastplanning@cyfoethnaturiolcymru.gov.uk>  
**Sent:** 07 December 2022 14:43  
**To:** Planning  
**Cc:** Rowlands, Ceiri  
**Subject:** 2019/00871/OUT - Land at Model Farm, Port Road, Rhoose (Major) (V7) - NRW Response NRW:01165323  
**Attachments:** 2019\_00871\_Out V6 Model Farm.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ceiri,

Thank you for consulting us on the following further information in support of the above application:

- Letter to Andrew McPhillips (Legal and General) from Stephen Devereaux dated 11/11/22 incorporating RPS Report ECO02103 '*Review of Baseline Ecology, Model Farm, Rhoose*'.

We note that an updated walkover survey was undertaken of the Model Farm proposed development site on 4/11/22 to broadly assess any habitat change since the PEA report prepared in 2019. We also note the results of this survey, including in respect of the Habitat Suitability Index (HSI), assessment of the on-site pond for its suitability for Great Crested Newts (GCN). However, the HSI survey is only an assessment of the potential suitability of the habitat within a pond to support GCN. Only a further eDNA survey for GCN can update the previous eDNA survey that was undertaken. However, we have considered this latest information in the context of the previous survey results and overall, confirm that our previous advice dated 2/3/22, reference CAS-180477-G3G4, remains valid. (A copy of that letter is attached for ease of reference.)

If you have any queries, please do not hesitate to contact me.

Kind Regards  
Claire McCorkindale

•  
Tîm Cynllunio Datblygu / Development Planning Team  
Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn / Tel: 03000 653098  
[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) / [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

**Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy / Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.**

**Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.**



# BARRY TOWN COUNCIL CYNGOR TREF Y BARRI

Our Ref:

Your Ref:

Please reply to: TOWN CLERK

EF/co

When calling please ask for:

12 September 2019

Victoria Robinson  
Operational Manager Development Management  
Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU



Dear Mrs Robinson,

**Re: Planning Application No 2019/00871/OUT – Land at Model Farm, Port Road, Rhoose.**

The proposed development at Model Farm, Port Road, Rhoose was discussed by Councillors at Barry Town Council's Planning Committee on Tuesday 10<sup>th</sup> September 2019, and also in attendance were several members of the public who addressed the Committee explaining their respective views.

Despite not being in Barry, the Committee felt that there are clear implications for the Barry area and its population which would justify the Town Council's views being sought and considered by the VOG Planning department. The Planning Committee therefore expressed their disappointment with the lack of formal consultation by the Vale of Glamorgan Council upon these proposals.

The Planning Committee have asked me to write to you as they wish to **strongly object** to the current proposals for the following reasons;

- The proposals would generate increased and unacceptable traffic levels, leading to congestion particularly on local roads.
- There appears a lack of a phasing programme within the application.
- The project appears purely speculative, with currently no identifiable tenants.

*The Council welcomes correspondence in English or Welsh  
Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg neu'n Saesneg*

7 GLADSTONE ROAD, BARRY,  
VALE OF GLAMORGAN CF62 8NA

7 HEOL GLADSTONE, Y BARRI,  
BRO MORGANNWG CF62 8NA

Tel: (01446) 738663

Ffôn: (01446) 738663

Fax: (01446) 704929

Ffacs: (01446) 704929

Email: [info@barrytowncouncil.gov.uk](mailto:info@barrytowncouncil.gov.uk)

Ebost: [info@barrytowncouncil.gov.uk](mailto:info@barrytowncouncil.gov.uk)



- The proposals do not appear to have adequately assessed the implications for the local environment.
- The project does not appear to be initiated or led by the key site activity/occupier i.e. Cardiff Airport. This reinforces the speculative nature of the proposals.
- The proposed extension of Porthkerry Park – who funds this proposal and who maintains in future- this is not explained.
- There appears to be poor linkage between pedestrian routes and cycleways in the proposals. Also question mark regarding the practicality of walking to the site via local roads and Porthkerry Park.
- The loss of a productive farm is not acceptable.
- The construction of new build on green field land is not acceptable. The Council should be directing developers to existing Brownfield sites e.g. Llandow Airfield and former Dow Corning land.
- The unacceptable and ill-timed traffic surveys- not undertaken at peak periods.
- The proposals appear at odds with the objectives and sentiments of The Well Being of Future Generations (Wales) Act 2015, to the detriment of the people of Barry and local rural villages.
- The proposals appear dysfunctional in travel/transport terms with heavy reliance upon private motor vehicles. There are limited proposals for improving public transport in terms of buses or rail passengers/freight.

I would be grateful if you could therefore consider the Planning Committee's comments in your decision making process.

Yours sincerely,



PP

David Watkins  
Planning Officer



**Planning Application No. 2019/00871/OUT – Land at Model Farm, Port Road, Rhoose.**

The Planning Committee wish to **strongly object** to the current proposals for the following reasons;

- The proposals would generate increased and unacceptable traffic levels, leading to congestion particularly on local roads.
- There appears a lack of a phasing programme within the application.
- The project appears purely speculative, with currently no identifiable tenants.
- The proposals do not appear to have adequately assessed the implications for the local environment.
- The project does not appear to be initiated or led by the key site activity/occupier i.e. Cardiff Airport. This reinforces the speculative nature of the proposals.
- The proposed extension of Porthkerry Park – who funds this proposal and who maintains in future- this is not explained.
- There appears to be poor linkage between pedestrian routes and cycleways in the proposals. Also question mark regarding the practicality of walking to the site via local roads and Porthkerry Park.
- The loss of a productive farm is not acceptable.
- The construction of new build on green field land is not acceptable. The Council should be directing developers to existing Brownfield sites e.g. Llandow Airfield and former Dow Corning land.
- The unacceptable and ill-timed traffic surveys- not undertaken at peak periods.
- The proposals appear at odds with the objectives and sentiments of The Well Being of Future Generations (Wales) Act 2015, to the detriment of the people of Barry and local rural villages.
- The proposals appear dysfunctional in travel/transport terms with heavy reliance upon private motor vehicles. There are limited proposals for improving public transport in terms of buses or rail passengers/freight.



Observation in respect of Planning Application No. 2019/00871/OUT

Members have previously expressed concerns regarding these proposals and it is recommended that;

The Planning Committee re-iterate its concerns regarding the proposed development and strongly object to the current proposals for the following reasons;

- The proposals would generate increased and unacceptable traffic levels, leading to congestion particularly on local roads.
- There appears a lack of a phasing programme within the application.
- The project appears purely speculative, with currently no identifiable tenants.
- The proposals do not appear to have adequately assessed the implications for the local environment.
- The project does not appear to be initiated or led by the key site activity/occupier i.e. Cardiff Airport. This reinforces the speculative nature of the proposals.
- The proposed extension of Porthkerry Park – who funds this proposal and who maintains in future- this is not explained.
- There appears to be poor linkage between pedestrian routes and cycleways in the proposals. Also question mark regarding the practicality of walking to the site via local roads and Porthkerry Park.
- The loss of a productive farm is not acceptable.
- The construction of new build on green field land is not acceptable. The Council should be directing developers to existing Brownfield sites e.g. Llandow Airfield and former Dow Corning land.
- The unacceptable and ill-timed traffic surveys - not undertaken at peak periods.
- The proposals appear at odds with the objectives and sentiments of The Well Being of Future Generations (Wales) Act 2015, to the detriment of the people of Barry and local rural villages.
- The proposals appear dysfunctional in travel/transport terms with heavy reliance upon private motor vehicles. There are limited proposals for improving public transport in terms of buses or rail passengers/freight.

# Comment for planning application 2019/00871/OUT

**Application Number** 2019/00871/OUT

**Location** Land at Model Farm, Port Road, Rhoose

**Proposal** Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.

**Case Officer** Mr. Ceiri Rowlands

**Organisation  
Name**

Mr David Watkins

**Address**

Barry Town Council ,Town Hall,King Square,Barry

**Type of Comment**

Objection

**Type**

neighbour

**Comments**

Barry Town Council's Observations in respect of 2019/000871/OUT

Barry Town Council wish to highlight 2 important considerations in relation to the planning application process for the proposed development at Model Farm. They are;

The Town Council considers it should be a statutory consultee in this matter

The Town Council are disappointed that the Development Viability Appraisal was not made publicly available when this application was first considered and its subsequent implications for the Section 106 payments/funding arrangements.

The Planning Committee re-iterate its concerns regarding the proposed development and very strongly object to the current proposals for the following reasons;

The proposals would generate increased and unacceptable traffic levels, leading to congestion particularly on local roads, particularly Port Road

There appears a lack of a phasing programme within the application.

The project appears purely speculative and unviable, with currently no identifiable tenants.

The proposals do not appear to have adequately assessed the implications for the local environment.

The project does not appear to be initiated or led by the key site activity/occupier i.e. Cardiff Airport. This reinforces the speculative nature of the proposals.

The proposed extension of Porthkerry Park - who funds this proposal and who maintains in future this is not explained.

There appears to be poor linkage between pedestrian routes and cycleways in the proposals. Also question mark regarding the practicality of walking to the site via local roads and Porthkerry Park.



The loss of a productive farm is not acceptable.

The construction of new build on green field land is not acceptable. The Council should be directing developers to existing Brownfield sites e.g. Llandow Airfield and former Dow Corning land.

The unacceptable and ill-timed traffic surveys - not undertaken at peak periods.

The proposals appear at odds with the objectives and sentiments of The Well Being of Future Generations (Wales) Act 2015, to the detriment of the people of Barry and local rural villages.

The proposals appear dysfunctional in travel/transport terms with heavy reliance upon private motor vehicles. There are limited proposals for improving public transport in terms of buses or rail passengers/freight.

There are local alternative sites for redevelopment as industrial parks e.g. Bro Tathan development.

The recent updated TAN 15 document identifies that parts of the site may be liable to potential flooding

The proposed development will adversely impact upon the existing foul drainage system and local Sewage Treatment Works..

There is concern that local public footpath network will be adversely impacted by the proposed development.

**Received Date**

17/02/2022 14:43:20

**Attachments**



## COFNOD / MEMORANDUM

I / To:	<b>Mr Ceiri Rowlands</b>
Adran / Dept:	<b>Planning Department</b>
Dyddiad / Date:	<b>26<sup>th</sup> September 2019</b>
Eich Cyf / Your Ref:	<b>2019/00871/OUT</b>

Oddi Wrth / From:	<b>C Lewis</b>
Ein cyf / Our ref:	<b>SRS/E/CL/2019/00871/OUT</b>
Ffôn / Tel:	<b>03001236696</b>
Ebost / Email:	<b>EnvPlan-SRSWales@valeofglamorgan.gov.uk</b>

**SUBJECT: PLANNING APPLICATION NO: 2019/00871/OUT: LAND AT MODEL FARM, PORT ROAD, RHOOSE; OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSITY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.**

Further to receipt of the above accepted planning applications, I would like to provide comments in relation to potential air quality issues on behalf of SRS: Environment Team:-

### **Air Quality Comments** **Officer: Craig Lewis**

In accordance with planning application 2019/00871/OUT an Air Quality Assessment (AQA) has been undertaken to ascertain the likely air quality impacts associated with the proposed development through its construction and operational phases.

For the construction phase of the proposed development a medium risk has been identified with respect to dust as a result of construction phase activities (Earthworks and Construction). With regards to the element of risk associated with the construction phase of the development, it is therefore considered essential that a suitable Construction Environmental Management Plan outlining a detailed Dust Management Plan with appropriate measures be submitted and approved by the Local Planning Authority (LPA) prior to the development proceeding.

### **Condition: Dust Control**

Prior to the commencement of development, a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from construction activities on site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.



---

## COFNOD / MEMORANDUM

Reason: To assess air quality and agree any mitigation measures that may be required to safeguard the amenity of nearby residents in the area.

For the operational phase of the development, the report utilises detailed dispersion modelling (ADMS-Roads) to depict whether local residents and future occupants of the proposed development will be made susceptible to any adverse changes in air quality levels, particularly focusing upon transport derived nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> & PM<sub>2.5</sub>).

For operational purposes, in order to determine potential impacts to air quality as a result of nearby traffic movements, the air quality modelling considers an understanding for a baseline scenario and a projected year of opening scenario (2023). The modelling adopts best practise guidance and considers a conservative approach to provide outcomes.

**Tables 6.1, 6.2, 6.3 & 6.4** outline the long term and short term air quality levels (NO<sub>2</sub>, PM<sub>10</sub> & PM<sub>2.5</sub>) with the proposed scheme in place for an opening year of 2023 (**With Scheme**).

The operational impacts derived by the proposal are expected to not be significant. I am in agreement with this conclusion.

**Environment Team**  
**Shared Regulatory Services**  
**Bridgend, Cardiff & the Vale of Glamorgan**



MEMORANDUM / COFNOD

The Vale of Glamorgan Council  
Development Services  
Dock Office, Barry Docks, Barry, CF63 4RT



To / I:	Cieri Rowlands	From / Oddi Wrth:	Conservation and Design
Dept / Adran:	Development Management	My Ref / Fy Cyf:	
Date / Dyddiad:	02 October 2019	Tel / Ffôn:	(01446) 704628
Your Ref / Eich Cyf:		Fax / Ffacs:	(01446) 421392

**Application:** 2019/00871/OUT  
**Location:** Land at Model Farm, Port Road, Rhoose  
**Proposal:**

**Recommendation**

- |  |  |
|--|--|
| <input type="checkbox"/> No objection                            | <input type="checkbox"/> Notes for applicant             |
| <input type="checkbox"/> Object (holding objection)              | <input type="checkbox"/> Request for further information |
| <input checked="" type="checkbox"/> Object and recommend refusal | <input type="checkbox"/> Recommend planning conditions   |

**Main Issue**

The main issues considered by me are:

- whether the proposed development preserves the listed buildings, their setting or any features of architectural or historic interest which they possess; and
- whether the proposed development preserves or enhances the character or appearance of conservation areas.

Please note the primary consideration for any development affecting a listed building or its setting or a conservation area are the statutory requirements to have special regard to the desirability of preserving the historic asset.

**Legislation and Policy**

The Planning (Listed Buildings and Conservation Areas) Act (1990)

The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out the principal statutory instruments which must be considered in the determination of any application affecting either listed buildings or conservation areas.

Section 66 of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning

authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 69 enables Local Planning Authorities to designate conservation areas. Conservation areas are those areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. Section 72 requires that in the exercise of planning duties special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Courts have made it clear that the duty imposed in the Act means that in considering whether to grant permission for development that may cause harm to a designated asset and/or its setting, the decision maker should give particular weight to the desirability of avoiding that harm. There is still a requirement for a planning balance, but it must be informed by the need to give weight to the desirability of preserving the asset and its setting.

### Planning Policy Wales

Chapter 6 of Planning Policy Wales (PPW) sets out the Welsh Government's planning guidance on the conservation and enhancement of the historic environment.

Paragraph 6.1.9 makes clear "Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place."

Paragraph 6.1.10 states:

"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."

Paragraph 6.1.14 states:

"There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised."

### Technical Advice Note 12: Design

TAN 12 seeks to promote sustainability through good design. Paragraph 2.2 states:



*“The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.”*

## Technical Advice Note 24: The Historic Environment

### Local Development Plan

The Vale of Glamorgan LDP policies reflect the national policy for the strict control of development affecting conservation areas. Policy SP10 (Built and Natural Environment) and Policy MD8 (Historic Environment) set out the preserve or enhance the character or appearance of the Vale of Glamorgan’s Conservation Areas.

#### **POLICY SP 10 - BUILT AND NATURAL ENVIRONMENT**

DEVELOPMENT PROPOSALS MUST PRESERVE AND WHERE APPROPRIATE ENHANCE THE RICH AND DIVERSE BUILT AND NATURAL ENVIRONMENT AND HERITAGE OF THE VALE OF GLAMORGAN INCLUDING:

1. THE ARCHITECTURAL AND / OR HISTORIC QUALITIES OF INDIVIDUAL BUILDINGS OR CONSERVATION AREAS, INCLUDING LOCALLY LISTED BUILDINGS;
2. HISTORIC LANDSCAPES, PARKS AND GARDENS;
3. SPECIAL LANDSCAPE AREAS;
4. THE GLAMORGAN HERITAGE COAST;
5. SITES DESIGNATED FOR THEIR LOCAL, NATIONAL AND EUROPEAN NATURE CONSERVATION IMPORTANCE; AND
6. IMPORTANT ARCHAEOLOGICAL AND GEOLOGICAL FEATURES.

Policy MD8 (Historic Environment) deals specifically with the protection of the qualities of the built historic environment, and in particular the preservation and enhancement of conservation areas character or appearance:

#### **POLICY MD 8 - HISTORIC ENVIRONMENT**

DEVELOPMENT PROPOSALS MUST PROTECT THE QUALITIES OF THE BUILT AND HISTORIC ENVIRONMENT OF THE VALE OF GLAMORGAN, SPECIFICALLY:

1. WITHIN CONSERVATION AREAS, DEVELOPMENT PROPOSALS MUST PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE AREA;
2. FOR LISTED AND LOCALLY LISTED BUILDINGS, DEVELOPMENT PROPOSALS MUST PRESERVE OR ENHANCE THE BUILDING, ITS SETTING AND ANY FEATURES OF SIGNIFICANCE IT POSSESSES;
3. WITHIN DESIGNATED LANDSCAPES, HISTORIC PARKS AND GARDENS, AND BATTLEFIELDS, DEVELOPMENT PROPOSALS MUST RESPECT THE SPECIAL HISTORIC CHARACTER AND



- QUALITY OF THESE AREAS, THEIR SETTINGS OR HISTORIC VIEWS OR VISTAS;
4. FOR SITES OF ARCHAEOLOGICAL INTEREST, DEVELOPMENT PROPOSALS MUST PRESERVE OR ENHANCE ARCHAEOLOGICAL REMAINS AND WHERE APPROPRIATE THEIR SETTINGS.

### Supplementary Planning Guidance

#### *Conservation Area Appraisal and Management Plan*

The Porthkerry Conservation Area Appraisal and Management Plan identifies the qualities of the conservation area. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

The CAAMP is not prescriptive about which areas may be suitable for development but is guidance on general principles. It provides more detail than the Local Development Plan and is the preferred guidance for assessing the impact of the proposed scheme.

#### **Assessment**

The application is supported by a Built Heritage Statement prepared by CGMS heritage. This acknowledges that there will be potential to impact on the significance of six designated heritage assets and two undesignated heritage assets. Although the language used relates to the English policy context it is readily understood.

It infers that any impact will be on the setting of these historic assets rather than any direct impact. Specifically, it concludes that there will be a **moderate degree of harm** to the setting of Lower Porthkerry Farm House (Grade II listed); Upper Porthkerry Farm House (Grade II listed) and the Porthkerry Conservation Area. There will be a **minor degree of harm** to the setting of Church Farmhouse (Grade II\*); the Outbuilding to Church Farmhouse (Grade II\*); the former stables block associated with Upper Porthkerry Farm House (locally listed County Treasure); and Egerton Grey (locally listed County Treasure). There will be a **negligible degree of harm** to the setting of the Church of St Curig (Grade II\*) and Porthkerry Viaduct (Grade II).

The methodology employed in the assessment is considered robust and the findings of the report in respect of the above buildings is accepted as an accurate assessment. Notwithstanding this, I note that no consideration has been given to two locally listed County Treasures (namely Welford Farmhouse and Welford Farm Barns). The former because it has been demolished and the latter because they have been converted to residential use.

Whilst it is accepted that the demolition of the house means no consideration should be given to this element and the conversion of the barns has reduced their



significance to some degree; it is not accepted that they do not retain significance that should be considered in the determination of this application. I have carried out a brief assessment of the barn below:

### Barns at Welford Farm

*Significance:* The remaining barns on the site are part of a range of two-storey rubble outbuildings which formerly enclosed three sides of a courtyard. The buildings feature hipped slate roofs and square headed window and door openings under heavy stone lintels. It has been significantly altered including the demolition of the western wing (in addition to the farmhouse). In addition, the barns have been converted to residential use which has further diluted their significance. Nevertheless, the barns retain

As the only remnant part of the historic farmstead, it provides some historic and aesthetic value in detailing the designs, materials and building types in the eighteenth century. The presence of original fabric fronting onto the A4226 provides a degree of visual connection with the fields that the building most likely served.

*Setting:* The Welford Farm complex is experienced primarily in the immediate and intermediate setting of their surrounding plots, associated former farmstead development (where remaining) and the surrounding field parcels. The application site abuts close to the southern boundary of the former farmstead.

From the intermediate and wider extended setting, it is still possible to experience Welford barn as part of a former farmstead even though the alterations (including demolition of the house and part of the barn, and conversion of the remaining barn to residential use) and cessation of an agricultural use have impacted upon the overall experience. In addition, an upgraded road, immediately south of the barn has markedly impacted the way the building is experienced.

Accordingly, the historic setting of the remnant former farm buildings has been much eroded both in the intermediate and wider extended setting by the road alterations and its immediate surrounds with the cessation of the farm's agricultural use, demolition of much of the farmstead and residential conversion of the barn. Setting makes a small positive contribution, though much reduced and limited to the surviving rural context still experienced. The Site correspondingly makes a small positive contribution in this regard.

*Significance and Setting Summary:* The former barn associated with Welford Farm is of local significance with its significance derived from the retained original fabric and the historic functional relationship with Welford Farm.

The wider rural surrounds, including application site makes some positive contribution to the building's significance by providing some historic rural and agricultural context to the understanding of the historic asset, primarily as a barn.

*Assessment of impact:* The proposed development of the business park to the south west of the barn would alter some of the wider rural landscape. The application site to the south west of the barn will be used to provide B2/B8 uses with the Parameter



Plan: Land Use and Storey Heights indicating min/max heights of 12m/16m; lengths of 200m/220m; and widths of 70m/80m. The proposed development represents a degree of further erosion of the wider rural environment alongside the existing airport development.

There will be a change to the intermediate and wider setting. It is considered that the proposed development will result in a **minor degree of harm** to the significance of the Welford Barn. This level reflects the changes and harm to significance already seen through significant alterations to the farmstead through the demolition of the farmhouse; the new dwelling and the conversion of the barn. This harm will arise through the further erosion of the wider agricultural landscape from the proposed built development which will be visible on the surrounding landscape.

Mitigation: No mitigation is proposed.

Where harm has been identified in the Built Heritage Statement the only mitigation proposed relates to lighting, which it is acknowledged, will unlikely remove that harm completely. It is unclear if any other mitigation has been considered.

### **Conclusion**

Having regard to the above I am of the view that the Built Heritage Statement is a generally accurate reflection of the impacts of the proposed development on the setting of historic assets and broadly agree with its contents. I disagree with its conclusions on the significance of the Welford Barn and have provided a brief assessment of this above.

I agree with the conclusions of the Built Heritage Statement that there will be varying degrees of harm to the setting of historic assets. This is contrary to policies SP10 and MD8 of the LDP. On this basis I cannot offer my support to the application.

However, you will need to reach your own conclusion, and if necessary, carry out a balancing exercise weighing any 'harm' against any benefits. Furthermore, you will need to demonstrate how considerable importance and weight has been afforded to the considerations to which s66 and/or s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply and, where appropriate to explain how benefits have been weighed against such matters.

Peter Thomas  
Senior Planner (Conservation and Design)

## Rowlands, Ceiri

---

**From:** Thomas, Peter DJ  
**Sent:** 15 November 2022 12:29  
**To:** Rowlands, Ceiri  
**Subject:** RE: Results of Heritage and Ecology Reviews

I'm not aware of any significant changes in either the nature or extent of historic assets which would effect this application. Neither has there been any significant changes in legislation or policy relating to the historic environment.

**From:** Rowlands, Ceiri [REDACTED]  
**Sent:** 15 November 2022 12:07  
**To:** Cheesman, Colin R [REDACTED]; Thomas, Peter DJ  
[REDACTED]  
**Subject:** FW: Results of Heritage and Ecology Reviews

Hello both.

I've received the below letters from the applicant in relation to planning application 2019/00871/OUT at Model Farm. Both look to address the validity of the supporting information. There are specific caveats in the supporting heritage assessment and the ecological assessments, the latter relating to a 2 year expiry for the new dna analysis.

Please could you review these and let me know if you have any further comments on this application?

I'll ask the question of NRW Colin re GCN, but we do need to be satisfied ourselves that the wider survey work remains valid.

Thanks,  
Ceiri

**From:** Darren Parker [REDACTED]  
**Sent:** 14 November 2022 10:31  
**To:** Rowlands, Ceiri [REDACTED]  
**Cc:** Robinson, Ian [REDACTED]; Andrew McPhillips [REDACTED]; Mike Emmett [REDACTED]  
[REDACTED]  
**Subject:** Results of Heritage and Ecology Reviews

Ceiri,

Please see the letters attached.

Regards,

Darren

**Darren Parker**  
Operations Director  
RPS | Consulting UK & Ireland  
2 Callaghan Square  
Cardiff  
CF10 5AZ, United Kingdom  
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D +44 29 20 550 665 M +44 7825 402087  
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RPS Group Plc web link: <http://www.rpsgroup.com>





## COFNOD / MEMORANDUM

I / To:	<b>Ceiri Rowlands</b>	Oddi Wrth / From:	<b>Andrew Nunn</b>
Adran / Dept:	<b>Planning Department</b>	Ein cyf / Our ref:	<b>AN1-5790/19</b>
Dyddiad / Date:	<b>08 October 2019</b>	Ffôn / Tel:	<b>01446 709267</b>
Eich Cyf / Your Ref:	<b>2019/00871/OUT</b>	Ebost / Email:	<b>anunn@valeofglamorgan.gov.uk</b>

**SUBJECT: OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSITY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.**

**PLANNING APPLICATION NO: 2019/00871/OUT**

**MODEL FARM, PORT ROAD, RHOOSE, BARRY, VALE OF GLAMORGAN, CF62 3BT**

I refer to your memorandum received by this department on 13 August 2019.

This department has no objection in principal regarding the above application. However I should be obliged if you would consider the following as a condition to any consent: -

### **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)**

No development should commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) loading and unloading of plant and materials;
- ii) storage of plant used in the construction process;
- iii) the erection and maintenance of security hoarding;
- iv) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- v) hours of construction works;
- vi) lighting, including the use of security lighting on site outside normal construction hours;
- vii) management control and mitigation of noise and vibration; including the use of generators on site outside normal construction hours;
- viii) odour management and mitigation;
- ix) a system for the management of complaints from local residents which will incorporate a reporting system.

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

It is likely that we would ask for additional conditions at the reserved matters stage of the development, including, but not restricted to: -

**LIGHTING SCHEME**

**HOURS OF OPERATION**

**DELIVERY TIMES**

**PLANT NOISE (for which a noise report may be required)**

**ANDREW NUNN, NEIGHBOURHOOD SERVICES OFFICER**

# MEMORANDUM / COFNOD

The Vale of Glamorgan Council  
The Alps, Wenvoe, CF5 6AA



To / I:	Ceiri Rowlands
Dept / Adran:	
Date / Dyddiad:	02/10/2019
Your Ref / Eich Cyf:	P/DC/LC/CR/2019/00871/OUT

From / Oddi Wrth:	Operational Manager Environment and Engineering
My Ref / Cyf:	HE/SP/GTD/L5/1
Tel / Ffôn:	02920 673 235
Fax / Ffacs:	02920 673 114

**Subject / Testyn: Planning Application No. 2019/00871/OUT Land at Model Farm, Port Road, Rhoose**

**Proposal: Outline application comprising demolition of existing building and erection of 44.79ha Class B1/B2/B8 business park, car parking, landscaping, drainage infrastructure, Biodiversity provision and ancillary works. All matters reserved aside from access.**

This site is not located within a DAM zone at risk of tidal or fluvial flooding, and NRW flood maps indicate that there is a very low risk of surface water flooding to the site.

## **Overview:**

Information submitted to support this application suggests that surface waters generated by the development will be disposed of via a combination of SuDS features before controlled discharge to existing watercourse (Bullhouse Brook and Whitelands Brook).

In accordance with the Welsh Governments Statutory Standards for sustainable drainage systems, surface water runoff should be disposed of according to the following hierarchy:

### **S1 Surface water runoff destination**

1. Is collected for use;
2. Is infiltrated to ground;
3. Is discharged to a surface water body;
4. Is discharged to surface water sewer, highway drain, or another drainage system
5. Is discharged to a combined sewer.

Initial Infiltration testing submitted in support of this application (RPS April 2019) indicates that infiltration at shallow depths to be generally poor of which we are in acceptance. It is suggested that further penetration through the bedrock may produce a greater variation in permeability rates. In line with the Environment Agency's Approach to Groundwater Protection (February 2018) adopted by NRW we would discourage the use of any infiltration system that bypasses the soil layer, limiting the ability of the ground to attenuate pollutants.

Should infiltration techniques be used within the final design, it will be required that further testing is required in areas of proposed infiltration. All testing should be undertaken at the proposed site of infiltration inclusive of permeable surfaces. Where larger infiltration features are to be used we would require additional testing to be undertaken on a 25m grid basis. Infiltration testing should be completed at an appropriate depth to that of the proposed design.

It is proposed within the Sustainable Drainage Assessment (RPS July 2019) that surface waters from impermeable surfaces will be treated and controlled at source where possible, before discharge to watercourse. It is proposed that the rate of discharge will be restricted to existing greenfield runoff rates. We find these discharge rates acceptable in principle and would request that further hydraulic calculations are provided on final design demonstrating the discharge rate at



the point of discharge. The design of any offsite drainage system should demonstrate that the scheme does not adversely affect offsite flood risk elsewhere.

It has been indicated that the drainage scheme will provide hydraulic control up to a 1 in 100 year return period + climate change (30%) with preliminary calculations provided to demonstrate the required level of storage. No Flood Exceedance Plan has been submitted with this application. Conveyance routes should be selected such that likely changes on the site will not prevent the safe routing of flood flows. The Flood Exceedance Plan must also take into consideration the effect of receiving flows from the wider catchment.

No details on the management and maintenance of the proposed drainage system have been included with this application. A management plan which includes details on future management responsibilities for the site and its drainage assets should be submitted and approved in writing by the LPA. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the drainage scheme throughout its lifetime.

No Construction Environmental Management Plan (CEMP) has been submitted with this application. The submitted CEMP must make reference to the proposed SuDS features and how pollution / silt mitigation measures will be implemented to protect these features and associated watercourse. The submitted CEMP will also be required to make reference to the phasing of the development and how the proposed drainage (permanent or temporary) will be managed during construction.

Should you be minded to grant approval, we would request that you attach the following conditions

Given the above, no development shall commence on site until a detailed scheme for the surface water drainage of the site has been submitted and approved in writing by the LPA. If infiltration techniques are used, then the plan shall include the details of field percolation testing. Any calculations for onsite attenuation or discharge should also be included together with the details on the management of the drainage system.

Development shall not commence until a Construction Environmental Management Plan (CEMP) for the protection of the receiving watercourse has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways and describe how these risks will be mitigated during the construction phase of development.

**Advisory:**

New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

Given the proposal to discharge surface waters into a watercourse, the applicant is advised to seek ordinary watercourse consent from the Lead Local Flood Authority.

Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.

Gareth Thelwell-Davies

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Engineer – Environment

for Operational Manager Environment and Engineering  
ar gyfer Rheolwr Gweithredol Amgylchedd a Pheirianeg

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# MEMORANDUM / COFNOD

The Vale of Glamorgan Council  
The Alps, Wenvoe, CF5 6AA



To / I:	Ceiri Rowlands
Dept / Adran:	
Date / Dyddiad:	10/05/2021
Your Ref / Eich Cyf:	P/DC/LC/CR/2019/00871/OUT

From / Oddi Wrth:	Operational Manager Environment and Engineering
My Ref / Cyf:	HE/SP/GTD/L5/1
Tel / Ffôn:	02920 673 235
Fax / Ffacs:	02920 673 114

**Subject / Testyn: Planning Application No. 2019/00871/OUT Land at Model Farm, Port Road, Rhoose**

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This site is not located within a DAM zone at risk of tidal or fluvial flooding, and NRW flood maps indicate that there is a very low risk of surface water flooding to the site.

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Information submitted to support this application suggests that surface waters generated by the development will be disposed of via a combination of SuDS features before controlled discharge to existing watercourse (Bullhouse Brook and Whitelands Brook).

In accordance with the Welsh Governments Statutory Standards for sustainable drainage systems, surface water runoff should be disposed of according to the following hierarchy:

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Initial Infiltration testing submitted in support of this application (RPS April 2019) indicates that infiltration at shallow depths to be generally poor of which we are in acceptance. It is suggested that further penetration through the bedrock may produce a greater variation in permeability rates. In line with the Environment Agency's Approach to Groundwater Protection (February 2018) adopted by NRW we would discourage the use of any infiltration system that bypasses the soil layer, limiting the ability of the ground to attenuate pollutants.

Should infiltration techniques be used within the final design, it will be required that further testing is required in areas of proposed infiltration. All testing should be undertaken at the proposed site of infiltration inclusive of permeable surfaces. Where larger infiltration features are to be used we would require additional testing to be undertaken on a 25m grid basis. Infiltration testing should be completed at an appropriate depth to that of the proposed design.

It is proposed within the Sustainable Drainage Assessment (RPS July 2019) that surface waters from impermeable surfaces will be treated and controlled at source where possible, before discharge to watercourse. It is proposed that the rate of discharge will be restricted to existing greenfield runoff rates. We find these discharge rates acceptable in principle and would request

that further hydraulic calculations are provided on final design demonstrating the discharge rate at the point of discharge. The design of any offsite drainage system should demonstrate that the scheme does not adversely affect offsite flood risk elsewhere.

It has been indicated that the drainage scheme will provide hydraulic control up to a 1 in 100 year return period + climate change (30%) with preliminary calculations provided to demonstrate the required level of storage. No Flood Exceedance Plan has been submitted with this application. Conveyance routes should be selected such that likely changes on the site will not prevent the safe routing of flood flows. The Flood Exceedance Plan must also take into consideration the effect of receiving flows from the wider catchment.

No details on the management and maintenance of the proposed drainage system have been included with this application. A management plan which includes details on future management responsibilities for the site and its drainage assets should be submitted and approved in writing by the LPA. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the drainage scheme throughout its lifetime.

No Construction Environmental Management Plan (CEMP) has been submitted with this application. The submitted CEMP must make reference to the proposed SuDS features and how pollution / silt mitigation measures will be implemented to protect these features and associated watercourse. The submitted CEMP will also be required to make reference to the phasing of the development and how the proposed drainage (permanent or temporary) will be managed during construction.

The proposed development is subject to SAB approval. As such the applicant is advised to submit a detailed design through the SAB process and is therefore not subject to further planning condition.

**Advisory:**

New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

Given the proposal to discharge surface waters into a watercourse, the applicant is advised to seek ordinary watercourse consent from the Lead Local Flood Authority.

Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.

Gareth Thelwell-Davies  
Engineer – Environment

for Operational Manager Environment and Engineering  
ar gyfer Rheolwr Gweithredol Amgylchedd a Pheirianneg





Our Ref: A113720/PW  
Date: 14 October 2019

**Mr Ceiri Rowlands**

The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
Vale of Glamorgan  
CF63 4RT

Dear Mr Rowlands,

**REPRESENTATIONS ON BEHALF OF CARDIFF INTERNATIONAL AIRPORT LIMITED  
LAND AT MODEL FARM, PORT ROAD, RHOOSE  
APPLICATION REF: 2019/00871/OUT**

WYG write on behalf of Cardiff International Airport Ltd in respect of the above application. Our client is supportive of the principle of the development but wish the following comments to be taken into consideration in the determination of the planning application.

**Rail Link**

We note that LDP Policy MG10 requires the provision of sustainable transport infrastructure and the supporting text (para 6.57(d)) clarifies that for the Cardiff Airport Gateway Development Zone requirements will include, "*Sustainable transport infrastructure including consideration of a route for a potential rail link to Cardiff Airport across the site to ensure the development does not compromise future proposals to enhance sustainable access to the airport.*" We note that the application submission remains silent on this and the Indicative Concept Masterplan does not appear to make any provision for a dedicated rail link. Consideration of a route for a potential rail link clearly has not been given.

Our client accepts that delivery of the rail link could not be justified by the business park development alone. However, the Masterplan should respect the future prospect of achieving this link and safeguard the principle of an appropriate route through the site which could be referred to in an enforceable planning condition and ultimately delivered through any reserved matters application(s). Failure to safeguard this now will mean the potential to achieve such a link will be lost forever.

A similar position has been considered in Cardiff recently. Policy T9 of the Cardiff LDP seeks to facilitate LRT / tram / bus connectivity (with no definitive routes known) and states:

" *Where the alignment of a future route which is likely to form part of a 'Metro' network falls within any part of a development site, the Council will, through the development management process, seek either to secure provision of the necessary infrastructure as part of the development, or otherwise, safeguard the land and space required to accommodate the route and potential mode options in the future. This will include requiring a development to be designed in a way which does not prejudice the future development of the 'Metro' route and would enable it to be incorporated within the development at a later date.*"  
(underlining added)





Subsequent applications include that at North West Cardiff (now known as "Plas Dwr"), permitted in March 2017 under reference 14/002733/MJR (attached). That outline permission included the following condition:

**"RAPID TRANSIT CORRIDOR / METRO**

*7. Details in relation to the reserved matter ACCESS submitted to the Local Planning Authority in compliance with condition 1 shall include:*

- a) details, including layout and cross sections, of the 'Express Bus Priority Route' shown on p. 70 of the Design and Access Statement (October 2016)*
- b) details, including layout and cross sections, of the zone to be provided and reserved for Rapid Transit, shown on the Access Parameter Plan (drawing no R.0319\_17j-3), including details of the 'Safeguarded Alternative Tram Train Alignment' (shown on p.70 of the Design and Access Statement (October 2016) and demonstrating how this will not prejudice proposed green and movement corridors. The zone to be provided for Rapid Transit shown on the Access parameter plan shall be extended to include the 'safeguarded route for metro within the site' set out on the LDP Schematic Framework for strategic site C.*

*The development shall be carried out in accordance with the approved details."*

We attach the relevant access parameter plan referred to in part (b) of the condition which shows a zone to be reserved for rapid transit options. Your attention is drawn to the text on page 1 which confirms that "A bus only route will be provided along the alignment of the rapid transport corridor before the LRT is delivered. This will provide express public transport at an early stage."

Accordingly, it is clear that Cardiff Council did not have a precise corridor alignment at the time of LDP preparation or at the time of outline planning approval. The lack of detail at these stages did not prevent safeguarding of route options through the site and, wisely, the allowance of such routes to be used for alternative measures in the meantime (in the case of Plas Dwr the alternative use was a strategic bus route, but walking/cycling/ecology could equally be appropriate interim uses). Fundamentally, the safeguarding of route options in the absence of a definitive alignment were not seen to be inimical to the grant of a beneficial planning permission.

Accordingly, our client objects to the application in its current form due to the absence of route safeguarding option(s) for a potential future rail link.

### **Active Travel**

We also note that the Preliminary Spine Road Alignment plans include a footway to the north and a footway/cycleway to the south of the carriageway. The definition of "access" at Article 2 of the Development Management Procedure Order includes reference to cyclists and pedestrians, to and within the site, circulation routes "and how these fit into the surrounding access network". The 'Access and Movement' parameters plan show three points of pedestrian connection into the site, but no appropriate existing pedestrian facilities currently exist at two of these points (the exception being Porthkerry Road).

Furthermore, no commitments are given to off-site improvements beyond commitments that "Off-site mitigation will be discussed" or such facilities "will be considered". Opportunities for active travel and connectivity should be seized, in line with LDP Policy MG16 which refers to walking and cycling proposals at A4050 Port Road to Cardiff Airport (as well as the sustainable transport infrastructure required by Policy MG10).

Our client seeks reassurance that active travel routes within the site will be secured and will appropriately link into existing or proposed off-site infrastructure, secured by Grampian condition or planning obligation, as required.





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## Conclusion

In conclusion our client:

1. supports the principle of the development proposed;
2. urges that the application be amended such that the future prospect of achieving a direct rail link is safeguarded through the site;
3. suggests that cyclists and pedestrian circulation routes to and within the site, and detail as to how these fit into the surrounding access network is provided, as required by the DMPO where 'access' is unreserved;
4. seeks greater clarity of the proposed off-site active travel proposals and mitigation associated with the proposal.

Yours sincerely



Peter Waldren  
**Director**  
For and on behalf of WYG

Encl.

cc Mark Bailey, Cardiff International Airport Ltd

Application No: 14/02733/MJR

## PERMISSION FOR DEVELOPMENT

To:  
Mr G Williams  
Nathaniel Lichfield & Partners  
Helmont House  
Churchill Way  
Cardiff  
CF10 2HE

**Town and Country Planning Act 1990 (As Amended)**  
**Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

---

WHEREAS you submitted an application for Outline Planning Permission received on 21/11/2014 for:

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED APART FROM STRATEGIC ACCESS JUNCTIONS FOR RESIDENTIAL-LED MIXED USE DEVELOPMENT, TO BE DEVELOPED IN PHASES, INCLUDING PREPARATORY WORKS AS NECESSARY INCLUDING DEMOLITION AND RE-GRADING OF SITE LEVELS; UP TO 5,970 RESIDENTIAL UNITS (USE CLASS C3, INCLUDING AFFORDABLE HOMES); 3 NO. LOCAL CENTRES PROVIDING RESIDENTIAL UNITS, CONVENIENCE SHOPS AND FACILITIES/SERVICES (INCLUDING UP TO 7,900 SQ M IN USE CLASSES A1-A3) AND 1NO. DISTRICT CENTRE PROVIDING RESIDENTIAL UNITS, UP TO 12,000 SQ M IN USE CLASSES A1-A3 INCLUDING UP TO TWO FOOD STORES (UP TO 5,000 SQ M GROSS) WITH ASSOCIATED PARKING, UP TO 15,500 SQ M OF USE CLASS B1(A), B1(B) AND B1(C); PROVISION OF UP TO 5,100 SQ M OF COMMUNITY AND HEALTHCARE FACILITIES ACROSS THE DISTRICT AND LOCAL CENTRES (USE CLASSES D1 AND D2); PROVISION FOR 3NO. PRIMARY SCHOOLS AND 1NO. SECONDARY SCHOOL; OPEN SPACE INCLUDING ALLOTMENTS; PARKS; NATURAL AND SEMI NATURAL GREEN SPACE; AMENITY GREEN SPACES; FACILITIES FOR CHILDREN AND YOUNG PEOPLE; OUTDOOR SPORTS PROVISION INCLUDING PLAYING PITCHES; ASSOCIATED INFRASTRUCTURE AND ENGINEERING WORKS INCLUDING NEW VEHICULAR ACCESSES, IMPROVEMENT WORKS TO THE EXISTING HIGHWAY NETWORK, NEW ROADS, FOOTPATHS/CYCLEWAYS, A RESERVED STRATEGIC TRANSPORT CORRIDOR; UP TO 1 NO. ELECTRICITY PRIMARY-SUBSTATION AND LANDSCAPING WORKS (INCLUDING SUDS). at NORTH WEST CARDIFF (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with the application and plans submitted therewith, subject to compliance with the conditions specified hereunder:



## **PART 1 RESERVED MATTERS AND PLANS**

### **RESERVED MATTERS AND TIME LIMIT**

1. 

A. Prior to the commencement of development on any Reserved Matters site, details of the layout, scale and appearance of the buildings, access (except for the detailed highway improvement works that are the subject of conditions 26 - 34) and landscaping (hereinafter called "the reserved matters") for that Reserved Matters site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.

B. Application for approval of the first Reserved Matters site shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for approval of all other reserved matters sites shall be made to the Local Planning Authority before the expiration of twenty years from the date of this permission.

C. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons: A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. B and C. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

### **APPLICATION PLANS AND DOCUMENTS**

2. This consent relates to the following plans and documents attached to and forming part of this planning application:  
Plans:
  - a) Planning Application Boundary (drawing no. R.0319\_17j-1)
  - b) Land Use Parameter Plan (drawing no. R.0319\_17j-2) and supporting text
  - c) Access Parameter Plan (drawing no. R.0319\_17j-3) and supporting text
  - d) Green Infrastructure Parameter Plan (drawing no. R.0319\_17j-4) and supporting text
  - e) Density Parameter Plan (drawing no. R.0319\_17j-5)
  - f) Demolition Parameter Plan (drawing no. R.0319\_17j-6)
  - g) Scale Parameter Plan (drawing no. R.0319\_17j-7) and supporting text
  - h) Illustrative Masterplan (drawing no. R.0319\_8j)
  - i) POS Provision Plan (drawing no. R.0319-45A)
  - j) Indicative Phasing Plan (drawing no. R.0319\_51)
  - k) Complete Overview (drawing no. W141304\_A01 Rev J)
  - l) Llantrisant Road Junction / Crofft Y Genau Junction 1 (drawing no. W141304\_A01\_J1 Rev J)
  - m) Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304\_A01\_J2 Rev J)
  - n) Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction

- 3 (drawing no. W141304\_A01\_J3 Rev J)
- o) Clos Park Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304\_A01\_J4-5-6 Rev J)
- p) Llantrisant Road North Priority Site Access Junction 7 (drawing no. W141304\_A01\_J7 Rev J)
- q) Llantrisant Road / Heol Isaf Signalised Crossroads Junction 8 (drawing no. W141304\_A01\_J8 Rev J)
- r) Llantrisant Road South Mini Roundabout Access Junction 9 (drawing no. W141304\_A01\_J9 Rev J)
- s) Llantrisant Road BBC Bus Lane Junction 10 (drawing no. W141304\_A01\_J10 Rev J)
- t) Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no. W141304\_A01\_J11 Rev J)
- u) Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13 (drawing no. W141304\_A01\_J12-13 Rev J)
- v) Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14 (drawing no. W141304\_A01\_J14 Rev J)
- w) Crofft y Genau Road Southern Site Access Junction 15 (drawing no. W141304\_A01\_J15 Rev J)
- x) Crofft y Genau Road Priority Access Flared for Bus Movements Junction 16 (drawing no. W141304\_A01\_J16 Rev J)
- y) Residential Development Slope Analysis (drawing no. SK057 C2)
- z) Preliminary Earthworks Depths Mixed Use Development, Schools, Playing Fields and Primary Road Corridors (drawing no. SK058 C2)

#### Documents

- a) Revised application form (including Certificate B and Agricultural Holdings Certificate) dated 31/10/16
- b) NLP Covering Letter dated 9 December 2014
- c) NLP Covering Letter dated 31 October 2016
- d) Flood Risk Statement for Plasdwr (13 October 2014)
- e) Retail Statement (November 2014)
- f) Planning Statement (November 2014)
- g) Planning Statement Addendum (31 Oct 2016)
- h) revised Design and Access Statement (R.0319\_30D Oct 2016);
- i) Environmental Statement (November 2014)
- j) Environmental Statement Addendum (Nov 2016);
- k) Environmental Statement Non-Technical Summary (November 2016)
- l) Revised Green Infrastructure Strategy (Oct 2016);
- m) Great Crested Newt Conservation Strategy (C\_EDP1027\_87a\_170117)

Reason : For the avoidance of doubt.



RESERVED MATTERS AND DISCHARGE OF CONDITION PLANS AND DOCUMENTS

3. Subject to the provisions of conditions 5 (ACCESS TO RADYR FARM), 14 (USEABLE SPORTS PITCHES), 17 (PHASING), 18 (DESIGN CODE), 20 (ALLOTMENT STRATEGY), 26 - 34 relating to DETAILED HIGHWAY IMPROVEMENT WORKS, 39 (RADYR GOLF COURSE INTERFACE STRATEGY), 44 (DISTRICT CENTRE DESIGN CODE), 67 (SCHOOL SITE SIZES), 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), 69 (KEY PEDESTRIAN / CYCLING/ HORSE RIDING ROUTE), 70 (ECOTONE), 71 (ENHANCED GREEN CORRIDOR), 72 (ADDITIONAL HOP OVERS), 73 (PITCH SIZES), 74 (PUBLIC OPENSOURCE PROVISION), 76 (RADYR FARM WIND TURBINE), 81 (HSE ADVICE), 82 (WALES AND WEST UTILITIES APPARATUS), 84 (BUILDING OUTSIDE SETTLEMENT BOUNDARY), the development shall accord with the following approved plans and documents:

- a) Planning Application Boundary (drawing no. R.0319\_17j-1)
- b) Land Use Parameter Plan (drawing no. R.0319\_17j-2) and supporting text
- c) Access Parameter Plan (drawing no. R.0319\_17j-3) and supporting text
- d) Green Infrastructure Parameter Plan (drawing no. R.0319\_17j-4) and supporting text
- e) Density Parameter Plan (drawing no. R.0319\_17j-5)
- f) Demolition Parameter Plan (drawing no. R.0319\_17j-6)
- g) Scale Parameter Plan (drawing no. R.0319\_17j-7) and supporting text
- h) Pentrebane Farm: Refined Design Principles (Environmental Statement November 2014, para C3.44)
- i) the Spine and Llantrisant Road street sections shown on pp. 72 - 73 of the Design and Access Statement (October 2016)

and shall be in substantial accordance with the following approved plans and documents:

- j) Llantrisant Road Junction / Crofft Y Genau Junction 1 (drawing no. W141304\_A01\_J1 Rev J)
- k) Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304\_A01\_J2 Rev J)
- l) Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction 3 (drawing no. W141304\_A01\_J3 Rev J)
- m) Clos Park Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304\_A01\_J4-5-6 Rev J)
- n) Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no. W141304\_A01\_J11 Rev J)
- o) Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13 (drawing no. W141304\_A01\_J12-13 Rev J)

- p) Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14 (drawing no. W141304\_A01\_J14 Rev J)
- q) Crofft y Genau Road Southern Site Access Junction 15 (drawing no. W141304\_A01\_J15 Rev J)
- r) Crofft y Genau Road Priority Access Flared for Bus Movements Junction 16 (drawing no. W141304\_A01\_J16 Rev J)
- s) POS Provision Plan (drawing no. R.0319-45A)
- t) Environmental Statement (November 2014)
- u) Environmental Statement Addendum (Nov 2016);
- v) Revised Green Infrastructure Strategy (Oct 2016);
- w) Great Crested Newt Conservation Strategy (C\_EDP1027\_87a\_170117)

and shall be in broad accordance with the following approved plans and documents:

- x) Illustrative Masterplan (drawing no. R.0319\_8j)
- y) revised Design and Access Statement (R.0319\_30D Oct 2016)

unless otherwise approved through subsequent discharge of condition and reserved matters applications. Reason: To retain control of the development and given the information has been used to assess the development.

**PART 2: CONDITIONS REQUIRING DETAILS TO BE SUBMITTED AS PART OF THE DISCHARGE OF CONDITION 1  
ACCESS WITHIN THE SITE**

4. Details in relation to the reserved matter ACCESS submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include:

- a) details showing the position and form of construction of all junctions, roads, verges, cycle paths, footpaths, bridleways, shared paths and shared surfaces, including any PROW diversions, and the method of disposal of all surface water drainage therefrom
- b) details of 'safe zones' within any proposed shared spaces to protect vulnerable users
- c) the position of street lighting linked to a Central Management System
- d) bus stops and associated facilities
- e) bus priority measures, including any bus lanes and bus gates
- f) where amphibian activity is envisaged, road and junction design measures to ensure that Great Crested Newts and other protected amphibians are not harmed, including use of inset/ dropped kerbs, offset gully pots, amphibian friendly underpasses and/ or amphibian ladders in gully pots
- g) details of and an implementation programme for any temporary access required to ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction, where construction is complete and along PROWs including details of any proposed diversions
- h) details of land to be provided and safeguarded for pedestrian / cycle links to existing areas, shown on the Access parameter plan



(drawing no R.0319\_17k-3) and a strategy for their delivery  
The development shall be carried out in accordance with the approved details, condition 80 (PROVISION OF ROAD BEFORE OCCUPATION OF DWELLINGS) and the phasing details approved under condition 17 (PHASING).

Reason: To make provision for satisfactory access and to allow the phased dimming of street lights to protect light sensitive species on the site.

5. ACCESS TO RADYR FARM  
Notwithstanding the provisions of condition 3, details in relation to the reserved matter ACCESS, submitted to the Local Planning Authority in compliance with condition 1, shall include details to demonstrate that the legal right of way to Radyr Farm from Llantrisant Road shall be maintained in perpetuity. The development shall be carried out in accordance with the approved details.  
Reason: To maintain vehicular access to Radyr Farm.

6. ACCESS TO THE REMAINDER OF SITE C  
Details in relation to the reserved matter ACCESS, submitted to the Local Planning Authority in compliance with condition 1 for any reserved matters site that adjoins the boundary of the remainder of Strategic Site C shall include details to secure pedestrian, cycle and vehicular access up to the boundary of the outline permission site to serve development beyond the boundary and a strategy for their delivery. The submitted details shall demonstrate how the access will not prejudice the proposed green and movement corridors. The development shall be carried out in accordance with the approved details.  
Reason: To make provision for effective pedestrian, cycle and vehicular links to the wider strategic site and future expansion areas identified in the Cardiff Local Development Plan.

7. RAPID TRANSIT CORRIDOR / METRO  
Details in relation to the reserved matter ACCESS submitted to the Local Planning Authority in compliance with condition 1 shall include:
- a) details, including layout and cross sections, of the 'Express Bus Priority Route' shown on p. 70 of the Design and Access Statement (October 2016)
  - b) details, including layout and cross sections, of the zone to be provided and reserved for Rapid Transit, shown on the Access Parameter Plan (drawing no R.0319\_17j-3), including details of the 'Safeguarded Alternative Tram Train Alignment' (shown on p.70 of the Design and Access Statement (October 2016) and demonstrating how this will not prejudice proposed green and movement corridors. The zone to be provided for Rapid Transit shown on the Access parameter plan shall be extended to include the 'safeguarded route for metro within the site' set out on the LDP Schematic Framework for strategic site C
- The development shall be carried out in accordance with the approved details.

Reason: To safeguard options for the future delivery of the 'Metro' within the

site, in accordance with policies KP2(C) and T9 of the Cardiff Local Transport Plan.

#### CAR PARKING

8. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details for the parking of vehicles. The details shall include, but not be limited to, a strategy and implementation programme for the provision, management, monitoring and control of car parking for any and all non-residential land uses proposed within that reserved matters site. The development shall be implemented in accordance with the approved details and no dwelling or building shall be occupied until the approved parking facilities serving it have been provided. The approved parking shall be retained thereafter and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic circulating within and passing the site.

#### CYCLE AND MOTORCYCLE PARKING

9. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details for the provision of secure cycle and motorcycle parking spaces. No building shall be occupied until the approved cycle or motorcycle parking serving it has been provided and the cycle and motorcycle parking shall be retained in perpetuity and shall not be used for any other purpose. For the avoidance of doubt, cycle parking will not be required to be provided for any dwellings with garages and motorcycle parking will not be required to be provided for dwellings.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

#### LOADING AND UNLOADING OF VEHICLES

10. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details of facilities for the loading and unloading of vehicles serving any and all non-residential buildings and a Servicing Management Plan. The development shall be implemented in accordance with the application details and no non-residential building shall be occupied until the approved loading/unloading facilities serving it have been provided. The approved details shall be thereafter maintained and retained.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site.



- ADOPTABLE AREAS PLAN
11. Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site in compliance with condition 1 shall include a plan showing the following:
- a) adoptable highway
  - b) open space maintained by management company
  - c) any private drives maintained by management company where public right of access is maintained
  - d) any other categories pertaining to management arrangements.
- The development shall be implemented in accordance with the approved details.
- Reason: To help clarify and inform the management arrangements for the site.

- REFUSE
12. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include the following:
- a) details of facilities for the storage of refuse containers for each house and flat, and collection points for refuse collection vehicles
  - b) vehicle tracking plan(s) which shall demonstrate via swept path analysis that the Council's largest refuse collection vehicle is able to reach within 25m of all dwellings, and enter and exit all roads (including shared surfaces) in a forward gear and that the turning heads are of sufficient size. Where private drives are identified and access for the Council's refuse collection is not suitable, details of collection arrangements must be submitted to and agreed by the Local Planning Authority in writing
  - c) details of facilities for the storage of refuse containers for any and all non-residential buildings and vehicle tracking plans(s) and which shall demonstrate via swept path analysis that they can be serviced by the Council's largest refuse collection vehicle
  - d) details showing the location of litter bins and - for those litter bins that are proposed on adopted land and/or which are to be emptied and maintained by the Council – details of their design and specifications
- No dwelling or building shall be occupied until the approved refuse facilities and arrangements serving it have been provided. The approved refuse facilities shall thereafter be retained for future use.
- Reason: To secure an orderly form of development, to protect the amenities of the area and because refuse collection vehicles are not permitted to reverse down any roads and must be able to reach within 25m of all dwellings in order for crews to empty bins.

- FLOOR AND GROUND LEVELS
13. Details in relation to the reserved matters submitted to the Local Planning

Authority for any reserved matters site in compliance with condition 1 shall include:

- a) details and a plan(s) showing proposed finished floor levels of each dwelling and building, and existing and proposed ground levels in relation to a fixed datum
- b) a plan showing proposed gradients of all streets, cycleways and footpaths and shared surfaces in full compliance with DfT Inclusive Mobility Guide and Manual for Streets 1 & 2, except where it can be demonstrated that there is a suitable, alternative route available.

The development shall be carried out in accordance with the approved details.

Reason: To enable assessment of the relative heights of existing and proposed ground/floor levels and access requirements.

#### USEABLE SPORTS PITCHES

14. Notwithstanding the provisions of condition 3, details in relation to the reserved matters submitted to the Local Planning Authority in compliance with condition 1 in respect of any reserved matters site including sports pitches shall include:

- a) details showing the number and size of sports pitches, taking into consideration the provisions of condition 73 (PITCH SIZES)
- b) details showing the location and design of changing facilities for the adult sized pitches or satisfactory alternative provision
- c) a scheme to provide for level and well-drained pitches.

The development shall be implemented in accordance with the approved details prior to the use of the pitches and the drainage scheme shall be retained and maintained for the lifetime of the development.

Reason: To ensure the sports pitches are appropriately drained and useable.

#### LANDSCAPE SCHEME FOR EACH RESERVED MATTERS SITE

15. Details in relation to the reserved matter LANDSCAPING submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include the following details and an implementation programme:



- a) hard landscape works which shall include: means of enclosure and retaining structures; vehicle, cycle and pedestrian access and circulation areas; hard surfacing materials; position of external lighting including street lights; minor artefacts and structures (e.g. litter bins, seating and other furniture, play equipment and signs); proposed and existing functional services above and below ground (eg. drainage, power, communications cables)
- b) a landscaping scheme which shall include: proposed finished levels and contours, scaled planting plans/ written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate; top soil and subsoil specifications, tree pit sections and plan views showing root available soil volume, planting and aftercare methodology, proposals for remediation work in the event that any element of the landscaping fails
- c) details of public open space provision, in accordance with the provisions of condition 74 (PUBLIC OPEN SPACE PROVISION)
- d) details, where applicable, of allotment provision, as proposed under condition 20 (ALLOTMENT STRATEGY)
- e) details, where applicable, of existing and proposed ponds, attenuation basins and water features, which shall include detailed plans and cross sections of proposed features and respective landscaping, planting and lighting details, and which shall clearly identify those ponds proposed as replacement Great Crested Newt breeding ponds as distinct from other wildlife ponds/attenuation basins
- f) detailed designs for any ecological 'hop-overs' shown on the Green Infrastructure Parameter Plan (drawing no R.0319\_17j-4) and as required by condition 72 (ADDITIONAL HOP OVERS) and which shall include the matters detailed in NRW's letter of 24/02/2017
- g) detailed designs, including planting and layout plans, for the min 10m wide buffer zone proposed around all watercourses, wetlands and ponds and the min 15m ecotone buffer to all retained woodland

A Detailed Green Infrastructure Management Strategy (DGIMS) for the delivery, and long-term management, maintenance and monitoring of the ecological, aboricultural, landscape, soil and open space and water resource other than privately owned, domestic gardens. The DGIMS shall accord with the approved SGIMS required to be submitted under condition 19, including any amendments to the SGIMS, and shall substantially accord

with the Green Infrastructure Strategy, the Dark Corridors plan (drawing no R.0319\_47) and the mitigation measures set out in the Environmental Statement (November 2014) and ES Addendum (November 2016). The DGIMS shall include, where applicable to that RM site: update surveys of potential reptile habitat and related



mitigation, update surveys of ponds with potential to support Great Crested Newts and related mitigation, update surveys required under parts i) and j) of this condition and any other pre-commencement surveys for that site required as part of the SGIMS; a detailed plan setting out habitats to be lost, enhanced, created and retained and an implementation programme; details of proposed green corridors (including detailed layout plans showing habitat composition and new and retained planting required to reach the size and scale of corridor proposed, cross sections, and a phasing plan for green corridor planting); details of the treatment of Green Infrastructure where it is severed by road infrastructure; a detailed schedule of habitat and species management and maintenance operations and their implementation/timing, including proposals for the management of buffer zones; proposals for species and habitat monitoring and a mechanism to address mitigation failures, proposals for reviews and updating of the DGIMP; proposals for the delivery and on-going management, maintenance and monitoring of the water resource, landscaped areas and open space; an implementation programme for the phasing and delivery of the detailed green infrastructure and a detailed compliance audit scheme;

- i) the Detailed Green Infrastructure Management Strategy shall include a Detailed Great Crested Newt Strategy, which shall include the matters identified in NRW's letter of 24/02/2017 which shall also demonstrate that the intended undergrounding of the overhead powerlines has been taken into consideration in the proposed development and mitigation
- j) the Detailed Green Infrastructure Management Strategy shall include Detailed Bat Mitigation Strategy which shall include the matters identified in NRW's letter of 24/02/2017
- k) A detailed lighting scheme and implementation plan to control light spillage to any 'dark corridors' and other 'sensitive receptors' identified in the approved SGIMS (under condition 19), including watercourses, ponds and wetlands. The scheme shall include details of the siting and type of lighting to be used, their technical specifications, contour plans showing light spillage and cross sections of green corridors where they intersect with roads, footpaths and cycle paths and adjacent properties, detailing green infrastructure and lighting proposals, and operational measures to ensure appropriate lighting, including the timing and extent of any dimming. The lighting shall be linked to a Central Management System to allow for phased dimming.

- l) Proposals for the identification and management/control/eradication of any invasive species identified on the reserved matters site.

The development and green infrastructure management shall be carried out in accordance with the approved details

Reason: To protect the Green Infrastructure resource, to maintain and improve the appearance of the area in the interests of visual amenity and to help reduce crime and disorder.



## PROMOTION OF BIODIVERSITY THROUGH DESIGN

16. Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site in compliance with condition 1 shall include:
- a) details of fences or other forms of enclosure which shall include opportunities to allow the free passage of hedgehogs and other wildlife. Any walls and or/ fences or other forms of enclosure shall be erected in accordance with the approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), those walls and/or fences or other means of enclosure shall be erected in accordance with the approved details and shall not thereafter be altered or removed without the prior written approval of the Local Planning Authority
  - b) Proposals to include new bird and bat roosting opportunities based upon the Town and Country Planning Association's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009' and the Bat Conservation Trust's 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010'
  - c) Details of planting to allow wildflowers to development on roadside verges, parks and other greenspaces.

The development shall be carried out in accordance with the approved details.

Reason: To promote biodiversity of the site through design.

## PART 3: CONDITIONS TO BE DISCHARGED

### 3A: Conditions to be discharged in respect of whole outline permission site

#### PHASING

17. Notwithstanding the provisions of condition 3, no reserved matter application shall be approved by the Local Planning Authority and no development shall take place, except for the highway and landscaping works that are the subject of conditions 26 - 34 and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), until a phasing schedule and plan for the whole outline permission site has been submitted to and approved in writing by the Local Planning Authority. The phasing schedule and plan shall accord with the conditions and Section 106 Agreement and triggers therein, and shall include details of the phasing of the following:
- a) development Phases, including the number of dwellings to be delivered in each phase

- b) each of the site accesses (junctions 1, 2, 3, 4, 5,12,13,14,15,16)
- c) off-site highway improvements
- d) the spine road and all other roads, junctions, footpaths, cycle paths and shared surfaces within the site
- e) the transport interchanges shown on the October 2016 Design and Access Statement Street Hierarchy Plan, bus priority measures (including bus gates and lanes) and public transport stops



- f) green corridors, landscaping, open space and play areas and other publicly accessible areas
- g) schools, district and local centres.

The green corridor(s) in each Phase shall be commenced prior to the occupation of the first residential reserved matters site in each Phase. The development shall be carried out in accordance with the approved phasing plan or in accordance with any modification to that phasing plan as may be agreed with the prior written approval of the Local Planning Authority.

Reason: To ensure the development is carried out in a comprehensive, sustainable and coherent manner.

#### DESIGN CODE

18. Notwithstanding the provisions of condition 3, no reserved matters application shall be submitted to the Local Planning Authority until a 'Neighbourhood Character, Key Spaces and Frontages Design Code' for the whole outline permission site has been submitted to and approved in writing by the Local Planning Authority. The Code shall establish principles and guidelines for the treatment of the built form and landscape at the key spaces and along the primary/important frontages shown on p. 76 of the Design and Access Statement (October 2016) and explain how the architecture, landscaping, street furniture, materials and colours will vary between each of the 5 neighbourhoods and 17 character areas presented on p 82 of the Design and Access Statement (October 2016). Details of the scope and form of the Code shall be submitted to and agreed in writing by the Local Planning Authority prior to the submission of the Code. The reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved Code unless otherwise approved at reserved matters stage.

Reason: To ensure good design.

#### STRATEGIC GREEN INFRASTRUCTURE MANAGEMENT STRATEGY

19. No reserved matters applications shall be approved by the Local Planning Authority and no development shall commence, except for the highway and landscaping works that are the subject of conditions 26 - 34 and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), until a Strategic Green Infrastructure Management Strategy (SGIMS) - for the whole outline permission site - for the delivery and on-going management, maintenance and monitoring of green infrastructure comprising the ecological, aboricultural, landscape, soil, open space, SUDS

and water resource, other than privately owned domestic gardens, for the whole outline permission site for the construction and operational phases and longer term (up to 30 years and beyond) has been submitted to and approved in writing by the Local Planning Authority. The SGIMS shall include details and an implementation programme for the following:

- a) outline proposals for the delivery of green corridors and dark corridors which shall include plans and outline details of habitat composition and layout, the location of new and retained planting



required to reach the size and scale of corridor set out in the Green Infrastructure PP (drawing no R.0319\_17j-4) and as required by condition 71 (ENHANCED GREEN CORRIDOR), and the phasing of that provision.

- b) outline proposals for the protection, creation, translocation, enhancement, management and maintenance of habitats, including woodlands; hedgerows and trees; neutral, marshy and semi-improved grassland; lowland fen; ponds; streams; wet ditches; highway trees/verges and road crossings, and other habitat providing foraging, community and breeding opportunities for protected species, including a description of the habitats to be managed and their desired condition, key indicators to show when the desired condition has been achieved, the management operations required to deliver and maintain their desired condition, and suitable protection zones to woodlands, wetlands, watercourses, ponds and other sensitive habitats, and an outline plan showing habitats to be lost, enhanced, created and retained. Specific reference shall be made to the management of the 30.7ha semi-natural/natural greenspace referred to in NRW's letter dated 24/02/2017
- c) strategies, including mitigation and enhancement measures, to be delivered for European and other protected species affected by the development, including bats, barn owls, other birds, reptiles, amphibians, invertebrates, and precautionary measures to avoid harm to previously undetected dormice and badgers
- d) a Final Overarching Great Crested Newt Conservation Strategy which shall address the matters set out in NRW's letter dated 24/02/2017 and also demonstrate that the intended undergrounding of the overhead powerlines has been taken into consideration in the proposed development and mitigation
- e) proposals for the delivery and on-going management, maintenance and monitoring of landscaped areas and open space, including semi natural multi-functional green space, recreational woodland, sports provision, play grounds, teenage/ older children facilities, orchards and structural landscaping
- f) appropriate scheduling and timing of management and maintenance operations for habitats, species, landscaped areas and open space
  
- g) proposals for habitat and species monitoring and for review of management operations, including the frequency and timing of any species and habitat re-surveys, pre-construction surveys, monitoring of the potential colonisation of badgers, and reviews and updating of the SGIMP, and proposals to address problems identified by the monitoring scheme and review of habitat management
- h) an outline site-wide lighting strategy to ensure green corridors, the 'dark corridors' shown on the Dark Corridors plan (drawing no



R.0319\_47) and other habitats for light sensitive species are appropriately illuminated and inform the detailed lighting strategy for each Reserved Matters site. The outline strategy shall set out broad lighting principles, including in respect of the siting and type of lighting linked to a Central Management System, times and extent of proposed light 'dimming', operational measures to deliver the appropriate lighting levels, and cross sections showing how 'dark corridors' can be achieved over road crossings

- i) as part of e) provide an assessment of provision for teen facilities within 1500m of the outline site boundary and proposals for a range of new facilities within the outline site to serve the new population.

The approved SGIMS, and any subsequent amendments, shall be implemented in accordance with the approved details and programme for implementation. The development and green infrastructure management shall be carried out in accordance with the approved details.

Reason: To protect and enhance the Green Infrastructure resource of the site, in accordance with policy KP16 of the Cardiff Local Development Plan.

#### ALLOTMENT STRATEGY

- 20. Notwithstanding the provisions of condition 3, an allotment strategy for the whole outline permission site shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters submitted in compliance with condition 1 shall accord with the approved strategy and the development shall be implemented in accordance with the approved details. Reason: To inform the provision of allotments on the outline site.

#### RESIDENTIAL TRAVEL PLAN

- 21. No part of the residential development hereby permitted shall be occupied until the submitted Interim Travel Plan (November 2014) has been progressed for the whole outline permission site, submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall set out proposals and targets to limit or reduce the number of single occupancy car journeys to and from the site, and to promote travel by sustainable modes. The Residential Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Residential Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the

Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Residential Travel Plan shall be submitted annually for a period 5 years beyond final occupation to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the first phase of development.

Reason: To encourage sustainable transport and effect modal shift to non-car modes.

#### TRAFFIC MONITORING AT SITE ACCESSES

- 22. Prior to beneficial occupation of the development, a traffic monitoring strategy



for the whole outline permission site shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the methodology to record full turning movements by mode at the site access junctions (junctions 1, 2, 3, 4, 5, 12, 13, 14, 15 and 16). The results of the traffic surveys shall be submitted to the Local Planning Authority annually from the date of the first traffic survey and to 5 years beyond final occupation. Reason: To allow full monitoring, reporting and assessment of the impact of the proposed development.

23. STRATEGIC SUSTAINABLE SURFACE WATER DRAINAGE MASTERPLAN  
Prior to the submission of any detailed surface water drainage scheme under condition 63, a strategic sustainable surface water drainage masterplan for the whole outline application site shall be submitted to and approved by the Local Planning Authority. The details shall show how the natural drainage catchments, the development Phases, the reserved matters sites and the flood flow paths relate to each other. The details shall take into consideration the interaction between natural drainage catchments and be designed to ensure that the necessary sustainable drainage network for each reserved matters site is in place prior to occupation of any building. Where a Phase of the development is constructed within part of a natural drainage catchment or straddles more than one drainage catchment, the sustainable drainage network for the entire catchment shall be constructed to accommodate this.  
Reason: To ensure that drainage from the development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and infrastructure with regard to flood risk.

24. STRATEGIC FOUL DRAINAGE MASTERPLAN  
No reserved matter application shall be approved by the Local Planning Authority until a strategic foul drainage masterplan for the whole outline permission site, accompanied by a foul drainage catchment plan and informed by a Hydraulic Modelling Assessment (HMA), have been submitted to and approved in writing by the Local Planning Authority. The submitted strategic foul drainage masterplan shall include details of the following:
- a) suitable points of connection for each foul drainage catchment to connect to the existing public sewerage system

- b) how each development phase within each drainage catchment will be effectively drained to the existing public sewerage system and demonstrate how each phase will accommodate and include a provision for foul drainage flows for all subsequent phases
- c) any improvement or reinforcement works required to the public sewerage system in order to accommodate the development
- d) an implementation programme, which shall take into consideration the phasing schedule and plan approved under condition 17 (PHASING).

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent discharge of condition applications. No building shall be occupied on any reserved matters site until the works, identified by the Hydraulic Modelling Assessments and through part C of this condition, have been completed on the



public sewerage system serving that reserved matters site.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained.

25. STRATEGIC POTABLE WATER SUPPLY MASTERPLAN

No reserved matter application shall be approved by the Local Planning Authority until a strategic potable water supply masterplan for the whole outline permission site, accompanied by ground levels based on Lidar information and informed by a Hydraulic Modelling Assessment (HMA), have been submitted to and approved in writing by the Local Planning Authority. The submitted strategic potable water supply masterplan shall include details of the following:

- a) suitable points of connection for each phase to the existing public water supply system
- b) how each development phase and reserved matters site can be served by a suitable potable water supply system and demonstrate how each phase will accommodate and include a provision for a water supply for all subsequent phases
- c) any improvement or reinforcement works required to the public water supply system in order to serve the development.
- d) an implementation programme, which shall take into consideration the phasing schedule and plan approved under condition 17 (PHASING).

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent discharge of condition applications. No building shall be occupied on any reserved matters site until the works, identified through the Hydraulic Modelling Assessment and through part C of this condition, have been completed on the public water supply system serving that reserved matters site.

Reason: To ensure an adequate water supply and to protect the integrity of the public water supply system.

**PART 3B: Conditions to be discharged in respect of specific works/ buildings/ land uses / areas**

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 1

26. Notwithstanding the provisions of drawing 'Llantrisant Road Junction / Crofft Y Genau Junction 1 (drawing no. W141304\_A01\_J1 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a) Tabled zebra crossing to be provided across Rhydlafer Drive, to provide access to the stepped path;
- b) Footway on the east side of Rhydlafer to be widened to 3 metres from the zebra crossing to the easternmost crossing at Junction 1 and converted to a shared use facility;
- c) Toucan crossing facilities to be provided on all arms of the junction;
- d) Safeguarding of a corridor of minimum width of 3.1 metres, to enable the provision of a northbound bus lane on Croft Y Genau Road set back 50 metres from the junction with the A4119 Llantrisant Road for a distance of at least 200 metres;
- e) Provision of the spine street section shown on p. 72 of the Design and



Access Statement (Oct 2016) to tie into Llantrisant Road from 'Junction 1' south along Crofft Y Genau Road to 'Junction 16'.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 2

27. Notwithstanding the provisions of drawing 'Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304\_A01\_J2 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a) All intersecting cycle tracks and crossings at the junction to be directly linked;
- b) Provision of dropped kerbs, in an appropriate location to minimise crossing distance for pedestrians at Ty-Gwyn;
- c) Safeguarding of land for the provision of a northbound bus lane on the site arm (southern) of the junction, set back 50 metres from the junction with the A4119 Llantrisant Road; and
- d) Provision of extended cycle feeder lanes to connect to the advanced stop line.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 3

28. Notwithstanding the provisions of drawing 'Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction 3 (drawing no. W141304\_A01\_J3 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a) Provision of a segregated 3m wide two way cycleway on all arms of the junction, including Llantrisant Road, site access arm and western side of Clos Parc Radyr to link to junctions 3 and 4, including informal crossing facilities at junction 4;
- b) All intersecting cycle tracks to be directly linked. This includes provision of signalised facilities located close to the desire lines;
- c) Provision of a northbound bus lane on the site arm (southern) of the junction, set back 50 metres from the junction with the A4119



Llantrisant Road; and

- d) Provision of extended cycle feeder lanes to connect the proposed bus lane with the advanced stop line.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### DETAILED HIGHWAY IMPROVEMENT WORKS - JUNCTIONS 4, 5, 6

29. Notwithstanding the provisions of drawing 'Clos Park Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304\_A01\_J4-5-6 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a) The spine street section shown on p.72 of the Design and Access Statement (October 2016) to be provided on the western side Clos Parc Radyr between and to link junctions 3 and 4;
- b) The shared use path on the eastern side of Clos Parc Radyr to be provided with minimum clear width of 3 metres throughout its length;
- c) Crossing facilities for cyclists to be provided at Junction 4 to ensure continuity of connections in all directions between spine road treatments and the shared use path on Clos Parc Radyr;
- d) Crossing facilities to be provided at Junction 5 to ensure cyclists can join shared use path on eastern side of Clos Parc Radyr; and

- e) Due to the close proximity of Junctions 5 and 6, these are to share a raised table junction, in accordance with the details approved for Junction 6.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### PENTREBANE RD BI-DIRECTIONAL CYCLE LANE SIGNALISED CROSS ROADS JUNCTION 11

30. Notwithstanding the provisions of drawing 'Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no W141304\_A01\_J11 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway works relating to the above junction and bidirectional cycle track shall take place until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include the following:

- a) The provision of a bidirectional cycle track of a minimum 3 metres width on the northern side of Pentrebane Road from its junction with



- Waterhall Road to development junction 13;
- b) Provision of toucan crossings on all arms of the Pentrebane Road and Waterhall Road junction; and
- c) Provision of a segregated cycling facility between Amethyst Road and the signalisation of the Pentrebane Road and Waterhall Road junction.

The development shall be implemented in accordance with the approved details. No dwellings in phase 2 shall be occupied until the approved details have been constructed.

Reason: To ensure the provision of satisfactory access to and from the site.

31. DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTIONS 12 AND 13
- Notwithstanding the provisions of drawing 'Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13' (drawing no. W141304\_A01\_J12-13 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:
- a) Provision of a bidirectional cycle track of a minimum 3m width on the northern side of Pentrebane Road from its junction with Ashcroft Crescent to junction 13;
  - b) Provision of Toucan crossings and dropped kerbs at Junction 12 to enable cyclists travelling on road on Beechley Drive to join and leave cycle track north of Pentrebane Road;

- c) Provision of crossing facilities at Junction 13 to enable cyclists to connect between the cycle track on northern side of Pentrebane Road described in a) above and the stopped up section of Pentrebane Rd west of the junction;
- d) Safeguarding of land for the provision of a southbound bus lane on the site arm (northern) of Junction 12, set back around 50m from the junction with Pentrebane Road.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

32. DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 14
- Notwithstanding the provisions of drawing 'Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14' (drawing no. W141304\_A01\_J14 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION) no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the



Local Planning Authority. The full engineering details shall include the following:

- a) A continuous cyclist and pedestrian link to Crofft Y Genau Road and across to St Brides Road;
- b) Cycling access to the junction of Crofft Y Genau Road and St Brides Road;
- c) Shared use link from stopped up section of Pentrebane Road to spine road to be provided with a minimum clear width of 3 metres;
- d) The site access north of Pentrebane Road does not show a continuous cycle route west to Crofft Y Genau Road. Cycling access needs to be provided to the junction of Crofft Y Genau Road and the site access; and
- e) an APNR traffic gate to time limit tidal flow access of traffic on Crofft-Y-Genau Road.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 15

33. Notwithstanding the provisions of drawing 'Crofft y Genau Road Southern Site Access Junction 15' (drawing no. W141304\_A01\_J15 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include details of an ANPR traffic

gate to time limit tidal flow access of traffic on Crofft-Y-Genau Road. The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 16

34. Notwithstanding the provisions of drawing 'Crofft y Genau Road Priority Access Flared for Bus Movements Junction 16' (drawing no. W141304\_A01\_J16 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.



## LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS

35. No development of the access and highway works that are the subject of conditions 26 - 34 shall take place nor any associated removal of trees and hedgerows, until there has been submitted to and approved in writing by the Local Planning Authority a landscaping scheme for those works. The scheme shall:
- a) include a tree assessment for that part of the site in accordance with BS 5837:2012 comprising an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan
  - b) include a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) for that part of the site that shall accord with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA 2009)
  - c) include details of proposed finished levels of the site in relation to the existing ground level, earthworks, hard surfacing materials, lighting, proposed and existing services above and below ground level, scaled planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods), topsoil and sub soil specification, tree pit sectional and plan views, planting and aftercare methodology.
  - d) demonstrate how planting shall be accommodated to avoid conflict with services.

The scheme shall be implemented in accordance with the approved details.  
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

## SCHOOL TRAVEL PLAN

36. Prior to the first beneficial use of any school, a School Travel Plan for that school shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from the site, and to promote travel by sustainable modes. The School Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The School Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the School Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that school to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the school.  
Reason: To encourage sustainable transport and effect modal shift to non-car modes.

## EMPLOYMENT TRAVEL PLAN



37. No part of the proposed employment development shall be occupied until an Employment Travel Plan has been progressed, submitted to and approved in writing by the Local Planning Authority in relation to that part of the employment development. The Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from that part of the site, and to promote travel by sustainable modes. The Employment Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Employment Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that part of the employment development to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the school.  
Reason: To encourage sustainable transport and effect modal shift to non-car modes.

38. RETAIL / COMMUNITY / HEALTHCARE USE EMPLOYEE TRAVEL PLAN  
No part of the proposed retail, community and healthcare development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority for the employees of that part of the retail, community and healthcare offer. The Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from that part of the site,

and to promote travel by sustainable modes. The Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually for a period of 5 years beyond final occupation to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation.

Reason: To encourage sustainable transport and effect modal shift to non-car modes.

39. RADYR GOLF COURSE INTERFACE STRATEGY  
Notwithstanding the provisions of condition 3 and within 12 months of the date of this permission, a 'Radyr Golf Course Interface Strategy' to respond to the conflict posed by errant golf balls shall be submitted to the Local Planning Authority for approval and no reserved matters application shall be submitted to the Local Planning Authority for approval in respect of any land falling within a 50m wide offset measured from the shared boundary between the outline permission site and Radyr Golf Course until a 'Radyr Golf Course Interface Strategy' has been approved in writing by the Local Planning Authority, in consultation with Radyr Golf Club. Notwithstanding the provisions of condition



- 3, the reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved strategy and shall be implemented as approved.  
Reason: To address the constraint of Radyr Golf Course, as required by Policy KP2(C) of the Cardiff Local Development Plan.
40. LISTED BUILDINGS PENTREBANE FARM  
Within 3 months of the date of this outline permission, a full building condition survey of the three Grade II listed buildings at Pentrebane Farm (comprising the north wall of the former walled garden - Cadw ref 13924, a large barn – Cadw ref 13925 and the farmhouse itself – Cadw ref 82247) shall be undertaken in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. A report of the findings of the assessment, and a full schedule of interim repairs proposed until full refurbishment takes place and an implementation programme shall be submitted to the by the Local Planning Authority for approval within 6 months of the date of this permission. The schedule of repairs considered reasonably necessary to ensure the proper preservation of the building shall be implemented in accordance with the approved details and implementation programme.  
Reason: The condition of each of these buildings has been recently re-assessed as 'very bad' within the Cadw Building at Risk (BAR) Survey undertaken in November 2015, leading them to be classified as 'At Risk', linked to a lack of proactive maintenance and repairs over a long period and the vacancy of the farmhouse itself.
41. HISTORIC FARM BUILDING RECORDING  
Prior to the commencement of any development works to, or demolition, re-use or conversion of the undesignated historic farm buildings at Halfwrt, Pen Down, Maes-y-Lech and Ty-Gwn, and Pentrebane Cottages, a programme of building recording shall be undertaken in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. A report of the recording and its findings, together with written evidence that a copy has been accepted into the National Monuments Record Wales, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the undesignated historic farm buildings.  
Reason: To promote the understanding of the heritage of the area.
42. HISTORIC FARM BUILDING INTERPRETATION  
Any ruinous structures relating to the historic farms identified in condition 41 (HISTORIC FARM BUILDING RECORDING) which are to be retained in situ within public open space shall be identified within on-site interpretation boards or other installations, the details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved interpretation shall be installed on site prior to the beneficial occupation of any residential development on the reserved matters site in which those assets are located.  
Reason: To promote the understanding of the heritage of the area.
43. INTEPRETATION OF UNDESIGNATED ARCHAEOLOGY  
Details of the proposed preservation in situ of two limekiln sites (02879s, and 01429s), identified in the Environmental Statement (November 2014), including details to promote their access and interpretation by the public, shall be



submitted to and approved in writing by the Local Planning Authority. Thereafter, an explanation of the history and significance of those assets shall be set out within interpretation installations, which shall be erected in situ prior to the beneficial occupation of any residential development on the reserved matters site in which those assets are located. Reason: To promote the understanding of the heritage of the area.

#### DISTRICT CENTRE DESIGN CODE

44. Notwithstanding the provisions of condition 3, no reserved matters application shall be submitted in respect of any land on which the District Centre is proposed until a design code for the District Centre has been submitted to and approved in writing by the Local Planning Authority. Details of the scope of the design code shall be submitted to and agreed in writing by the Local Planning Authority prior to the submission of the design code. The reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved design code. Reason: To ensure good design.

### **PART 3C: Conditions to be discharged in respect of each RM site**

45. **POWER LINES AND PYLONS AND HIGH PRESSURE GAS PIPES**  
No reserved matters shall be approved by the Local Planning Authority until a statement outlining the proposed treatment of any existing high pressure gas pipes, and power lines and pylons that cross that reserved matter site has been submitted to the Local Planning Authority. The submitted details shall include details of any proposals for any alternative routes or treatment, together with a timetable for the outlined works. The Applicant shall thereafter update the Local Planning Authority of any material changes to the Applicant's intentions prior to and during the construction phase.  
Reason: In the interest of visual amenity and to allow the reserved matters details to be appropriately assessed.

#### ENERGY STRATEGY

46. No reserved matters application shall be approved by the Local Planning Authority until an energy strategy for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include an assessment of the financial viability and technical feasibility of incorporating renewable and low carbon technologies, including energy supply systems. The development shall be implemented in accordance with the approved details.  
Reason: To promote sustainable development.

#### PUBLIC ART

47. No reserved matters application shall be approved by the Local Planning



Authority until a until a scheme, maintenance schedule and timetable for the provision of public art on that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The public art strategy for Coed y Gof Recreational Woodland shall include proposals for the sculpture trail proposed in the Design and Access Statement (October 2016). The development shall be implemented in accordance with the approved details and the public art shall be maintained in accordance with the approved details.  
Reason: In the interests of creating a quality and legible built environment.

#### TREES

48. No reserved matters application shall be approved by the Local Planning Authority and no development or site clearance on that Reserved Matters site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a tree assessment in accordance with BS 5837:2012 for that Reserved Matters site. The tree assessment shall include:
- a) an Arboricultural Impact Assessment (AIA);
  - b) a plan showing the hedgerows and trees to be retained, removed, relocated and planted;
  - c) an Arboricultural Method Statement (AMS) setting out the methodology that shall be used to prevent loss of or damage to retained trees. The AMS shall include details of on-site monitoring of tree protection and tree condition that shall be carried out for at least two years after its completion; and
  - d) a Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

The development shall be carried out in full conformity with the approved AIA, AMS and TPP unless modifications to the approved AIA, AMS and TPP are agreed in writing by the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to protect the aboricultural and ecological resource.

#### SOILS

49. No reserved matters application shall be approved by the Local Planning Authority and no development or site clearance on that Reserved Matters site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) for that Reserved Matters site that shall accord with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA 2009). The development shall be carried out in full conformity with the approved SRP unless modifications to the SRP are agreed in writing by the Local Planning Authority.  
Reason: To ensure the successful delivery of green infrastructure proposals.

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

50. Prior to the commencement of any site clearance, construction works or





- highways during the construction period, with particular consideration given to the protection of the Ty-Du Moor SSSI. Details shall include a minimum of one months base-line data demonstrating the pre-construction water quality on any watercourses on site and a Silt Management Plan including emergency / contingency plans in the event of pollution
- k) foul drainage strategy for the construction phase

- l) a Green Infrastructure Construction Protection Strategy (GICPS) detailing measures for the protection of the ecological (habitats & protected species), aboricultural, landscape, soil, open space, water and SuDs resource during clearance and construction, and mitigation measures, including those existing elements proposed for retention and translocation, and those proposed to be created or enhanced as part of the application. The GICPS shall comply with the approved Aboricultural Impact Assessment, Aboricultural Method Statement and Tree Protection Plan and the approved Soil Resource Survey and Soil Resource Plan for that site/ land and shall include but shall not be limited to:
- a plan showing green infrastructure to be lost, retained, enhanced, translocated and newly created and its phasing
  - a risk assessment of the potentially damaging activities
  - a plan showing protection zones for the ecological (habitats & protected species), aboricultural, landscape, soil, open space, water and SUDS resource (including culverts) for the construction phase, which shall include but not be limited to a min 10m wide protection zone alongside all wetlands, ponds and watercourses within and bordering the site, a min 15m wide protection zones from all retained woodland and retained woodland SINC's, and precautionary measures to avoid harm to previously undetected dormice and badgers
  - pre-construction checks
  - updated surveys prior to felling/pruning of trees or demolition of any trees and buildings with confirmed, or potential to support, barn owl nesting/roosting and bat roosts, proposed to be removed or at risk during the construction phase and other pre-commencement surveys required as part of the SGIMS approved under condition 19
  - updated surveys of ponds with potential to support Great

Crested Newts and potential reptile habitats prior to commencement of construction

- details of site clearance and construction methods and measures to be taken to minimize and mitigate the impact of any works
- phasing / timing of works and times when ecological supervision is required
- a lighting scheme, including measures to reduce light spillage from construction onto key habitats and corridors, which shall include the matters set out in NRW's letter of 24/02/17.

m) List of on-site contacts and their responsibilities and arrangements for liaison between site manager, principle contractor, ecologist, arboriculturist, soil scientist, landscape architect or other related professionals during the course of construction, and ecological site inductions for contractors working on site. Arrangements shall include details of what contracts should do in the event protected species are encountered during the course of development.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full throughout the construction period.

Reason: To manage the impacts of construction on that Reserved Matters site in the interests of highway safety, and protection of the environment and public amenity.

#### GROUND GAS ASSESSMENT AND MITIGATION MEASURES

51. Prior to the commencement of development on each reserved matters site, a scheme to investigate and monitor that reserved matters site for the presence of gases being generated at that reserved matters site or on land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of that reserved matters site and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

Reason: To ensure that the safety of future occupiers is not prejudiced in



accordance with policy EN13 of the Cardiff Local Development Plan.

#### LAND CONTAMINATION A: RISK ASSESSMENT

52. Prior to the commencement of the development on each reserved matters site, an assessment of the nature and extent of contamination on land and controlled waters for that reserved matters site shall be submitted to and approved in writing by the Local Planning Authority. The assessment must be taken as an intrusive investigation to assess the extent, scale and nature of contamination which may be present. A report on the results of the investigation detailing the assessment of the potential risks and an appraisal of remedial options and justification for the preferred remedial option(s) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

#### LAND CONTAMINATION B: SUBMISSION OF REMEDIATION SCHEME AND VERIFICATION PLAN

53. Where the approved risk assessment report submitted under condition 52 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, prior to the commencement of development on each Reserved Matters site, a detailed remediation scheme and verification plan to bring that reserved matters site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

#### LAND CONTAMINATION C: UNDERTAKING OF REMEDIATION AND ISSUE OF VERIFICATION REPORT

54. Where the approved risk assessment report submitted under condition 52 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, the approved remediation scheme for that reserved matters site shall be implemented and completed in accordance with its terms prior to the occupation of any part of the development on that reserved matters site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the



completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

#### LAND CONTAMINATION D: POST REMEDIATION MONITORING REQUIREMENTS

55. Where the approved risk assessment report submitted under condition 52 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, a monitoring scheme to include monitoring the long-term effectiveness of the remediation over a period which shall be agreed in writing by the Local Planning Authority and the provision of reports on the same shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any approved building on that reserved matters site.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

#### IDENTIFICATION OF UNSUSPECTED CONTAMINATION

56. In the event that contamination is found at any time when carrying out the approved development on each Reserved Matters site that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale

for the above actions shall be submitted to the Local Planning Authority for approval in writing within 2 weeks of the discovery of any unsuspected contamination and shall be implemented in accordance with the approved timetable unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

57. **IMPORTED SOIL**  
Any topsoil (natural or manufactured), or subsoil, to be imported onto a Reserved Matters site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site shall be undertaken to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme which shall be agreed with in writing by the Local Planning Authority.  
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

58. **IMPORTED AGGREGATES**  
Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported onto each Reserved Matters site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site shall be undertaken to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority.  
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.



## ROAD TRAFFIC NOISE

59. No reserved matters application shall be approved by the Local Planning Authority until there has been submitted to and approved in writing by the Local Planning Authority a scheme for that reserved matters site that provides for all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] to be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night.

The details of the sound insulation and ventilation scheme, which shall include either active or passive means of ventilation, shall be submitted to and approved in writing by the Local Planning Authority. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to

provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected in accordance with policy EN13 of the Cardiff Local Development Plan.

## 60. NON-RESIDENTIAL PREMISES

No non-residential premises shall be occupied until the following details for that premises have been submitted to and approved in writing by the Local Planning Authority:

- a) proposed hours for the arrival, departure, loading and unloading of delivery vehicles
- b) proposed hours that any member of the public shall be admitted to or allowed to remain on the premises
- c) proposed hours that any sales of hot food for consumption off the premises shall take place from the premises
- d) a scheme for sound insulation of any room where amplified music will be played at any time
- e) a scheme of sound insulation works to the floors/ceiling and/or party wall structure between any retail/commercial unit and adjoining residential unit
- f) a scheme for the provision and maintenance of extract ventilation equipment for the mechanical extraction of all fumes from the food preparation areas in any premises which is to involve the preparation and cooking of hot food at any time. The scheme shall include, but shall not be limited to, details of: the point that fumes shall be mechanically extracted to, details of the equipment, de-odorising filter and chimney.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order), the development shall be carried out, operated and maintained in accordance with the approved details and, in respect of kitchen extraction



equipment, shall be maintained in accordance with the manufacturer's guidelines.

Reason: To ensure the amenities of occupiers of other premises are protected in accordance with policy EN13 of the Cardiff Local Development Plan.

#### FLOODLIGHTING SCHEME

61. No floodlighting shall be installed on any reserved matters site until a floodlighting scheme for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to beneficial use of the approved floodlighting.

Reason: To protect residential amenity and to avoid disturbance to other sensitive receptors in accordance with policies KP16, KP18 and EN7 of the Cardiff Local Development Plan.

#### ARCHAEOLOGY

62. No reserved matters application shall be approved by the Local Planning Authority and no development on any Reserved Matters site shall take place prior to the implementation of a programme of archaeological work for that reserved matters site in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.

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 in accordance with policy EN9 of the Cardiff Local Development Plan.

#### DETAILED SURFACE WATER DRAINAGE SCHEME

63. No reserved matters application shall be approved by the Local Planning Authority and no development shall commence on any reserved matters site until a scheme for the disposal of surface water for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority.

The sustainable drainage scheme shall:

- a) incorporate sustainable drainage principles and indicate how the development will comply with the requirements of Section 8.3 of TAN 15
- b) provide information about the design storm return, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution to the receiving infrastructure;
- c) assess the performance of the proposed surface water drainage system in relation to the impact of a 1 in 100 year return period storm and climate change allowance of +30%
- d) demonstrate that surface water runoff from any impermeable surfaces within the proposed development shall be attenuated to greenfield rates
- e) demonstrate consideration given to and the assessment of the impact of phasing of the development in relation to the Strategic

Sustainable Surface Water Drainage Masterplan submitted in discharge of condition 23, including the interaction between adjoining drainage catchments and demonstrate that the necessary sustainable drainage network for each reserved matters site will be provided to enable the development of that reserved matters site

- f) demonstrate that appropriate control and mitigation measures are employed to prevent surface water and land drainage run off to properties/land within and adjoining the site or from land adjoining the site, and any associated nuisance, contamination, pollution, silting, flooding and subsidence issues
  
- g) in respect of f) above, particular consideration shall be given to proposals to demonstrate no adverse hydrological effects (including increased/reduced water quantity, reduced quality and/or changes to existing drainage routes) to the Ty Du Moor SSI via the Nant Dowlais, wetland SINC's, marshy grassland, ponds and watercourses
- h) include details of locations, plans, cross sections, proposed ground levels and depths of attenuation facilities (including surface and sub-surface), along with their exceedance flow routes and proposed method of on-site management
- i) include drainage models of all attenuated drainage systems to prove viability and demonstrate that all exceedance flows do not cause surface water flooding to existing or proposed properties or other adverse hydrological effects to sensitive ecological habitats, including wetlands, watercourses and ponds. The mdx files shall be forwarded to the Local Planning Authority for verification and approval
- j) include details of all watercourses as determined by Section 72 of the Land Drainage Act 1991 and an assessment of how they will be impacted by the development. Those details shall include any existing culverted sections of watercourses and any proposals for the diversion, culverting or in-filling of watercourses within the reserved matters site and associated flood risk management measures
- k) include a timetable for its implementation
- l) provide a surface water drainage management and maintenance plan of the development which shall include the arrangements for adoption by any public body, statutory undertaker or private management company and any other arrangements to secure the operation of the drainage system throughout its lifetime, details of maintenance responsibility and a detailed maintenance schedule. The submitted details clearly show who is responsible for each element of drainage and shall include the approach to safety of all ponds and SUDs features for the general public.
- m) details submitted as part of l, shall include proposals for the maintenance of a culvert and channel near Fairwater Leisure Centre



that are assessed in the application as being the cause of localised flooding within Zone B of the Development Advice Maps.

- n) demonstrate the protection of open and culverted sections of the existing watercourse during and after construction.

The above will take the form of a Hydrological Impact Assessment, including an assessment of the development in a hydrological and hydrogeological context of the development and conform to the hierarchical approach for the principles of storm water drainage strategy for the development. The assessments shall be carried out in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority and the results of the assessments shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the detailed surface water drainage scheme

has been implemented in accordance with the approved details, and the scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. The scheme shall demonstrate that post-development flows from the site replicate pre-development flows. Reason: To ensure that drainage from the development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and infrastructure with regard to flood risk.

#### DETAILED FOUL DRAINAGE SCHEME

- 64. No reserved matter application shall be approved by the Local Planning Authority until a detailed foul drainage scheme for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall provide for the disposal of foul flows and shall accord with the approved strategic foul drainage masterplan submitted under condition 24. No building on that reserved matters site shall be occupied until the detailed foul drainage scheme has been completed in accordance with the approved details and until the necessary reinforcement works, identified by the Hydraulic Modelling Assessment and through part C of condition 24 (Strategic Foul Drainage Masterplan), have been completed on the public sewerage system serving that reserved matters site. The scheme shall be constructed in full.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained.

#### DETAILED POTABLE WATER SCHEME

- 65. No reserved matters application shall be approved by the Local Planning Authority until a scheme for the improvement and / or extension of the potable water supply system to serve that reserved matters site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the approved Strategic Potable Water Supply Masterplan submitted under condition 25 (Strategic Potable Water Supply Masterplan). No building on that reserved matters site shall be occupied until the scheme has been implemented in accordance with the approved details and until the necessary improvement works, identified by the Hydraulic Modelling



Assessment and through part C of condition 25 (Strategic Potable Water Supply Masterplan), have been completed on the water supply system serving that reserved matters site.

Reason: To ensure an adequate water supply and to protect the integrity of the public water supply system.

#### **PART 4 : COMPLIANCE CONDITIONS**

##### **RETAIL USES**

66. The A1, A2 and A3 retail floorspace hereby permitted shall not exceed 19,900 sq m (gross) and shall be located in the District and Local Centres identified on the Land Use Parameter Plan. No individual Class A1/A2/A3 unit shall exceed 500 sq m (gross) except for the 2 no. foodstores located in the District Centre which shall be up to 5,000sq m gross in total and the foodstore located in Local Centre (4) (North) which shall be up to 1,500 sq m gross.

Reason: In order to safeguard the retail vitality and viability of existing designated centres and to ensure the proposed units are commensurate to the scale, role and function of the designated centre in the interests of forming a planned centre which reinforces a sense of place.

##### **SCHOOL SITE SIZES**

67. Notwithstanding the provisions of condition 3, each of the three primary schools shall have a minimum site size of 19,928sq m and the secondary school shall have a minimum site size of 70,247m<sup>2</sup>.

Reason: To reflect the Council's preferred strategy for schools provision and new Planning Obligations SPG.

##### **FULL ENGINEERING DETAILS FOR EACH JUNCTION**

68. Notwithstanding the provisions of condition 3, the details to be submitted in relation to junctions 1, 2, 3, 4, 5, 11, 12, 13, 14, 15 and 16 under conditions 26 – 34 shall include the following full engineering details as required:

- a) Reduction of speed limit to 30 mph on Llantrisant Road and Croffy Y Genau Road with details of appropriate signage scheme;
- b) CCTV camera infrastructure at junctions and between junctions;
- c) Accessible and safely located maintenance bays for equipment, including signals;
- d) Appropriate and accessible locations for cabinets;
- e) Provision of fibre infrastructure along the length of the site frontage (to Crofft Y Genau);
- f) Bus lane enforcement ANPR infrastructure for any bus lanes;
- g) Detection loops;
- h) Incorporation of UTC, SCOOT MOVA, following agreements with Cardiff Council;
- i) Street lighting linked to a Central Management System to allow



- phased dimming;
- j) Variable Message Sign (VMS) and associated infrastructure on Llantrisant Road;
- k) Clear and uncongested access to any crossings and push buttons for all users;
- l) Bus stops facilities, including details of existing stops, new stops and any proposed relocations. Bus stop locations shall be agreed with Cardiff Council in consultation with bus operators.

Reason: To make provision for satisfactory access and to ensure effective pedestrian, cycle and vehicular links to the wider strategic site and to allow the phased dimming of street lights.

69. **KEY PEDESTRIAN / CYCLING / HORSE RIDING ROUTE**  
 Notwithstanding the provisions of condition 3 and unless otherwise approved at reserved matters stage, the key pedestrian / cycling / horse riding route shown on the Access Parameter Plan (drawing ref R.0319\_17j-3) shall include a separate path for horses of a min width of 2m and a min 3m shared path for pedestrians/ cyclists.

Reason: To promote sustainable travel and to protect the amenities and safety of users.

70. **ECOTONE**  
 Notwithstanding the provisions of condition 3, a minimum 15m wide buffer shall extend along the length of all retained woodland which shall be designed as an 'ecotone' and no development within it shall be permitted except for soft landscaping and footpaths and cycle paths, unless otherwise approved at Reserved Matters stage.

Reason: To protect the arboricultural and ecological resource of the site.

71. **ENHANCED GREEN CORRIDOR**  
 Notwithstanding the provisions of condition 3, a minimum 60m wide green corridor shall be provided between Halfwrt and Coed y Trenches which shall include, within the 60m, provision of new woodland and a 15m eco-tone buffer to each side of the woodland (as measured from tree trunks). No development within it shall be permitted except for soft landscaping and footpaths and cycle paths, unless otherwise agreed at Reserved Matters stage.

Reason: To retain satisfactory ecological connectivity and avoidance of habitat fragmentation.

72. **ADDITIONAL HOP OVERS**  
 Notwithstanding the provisions of condition 3, additional hop overs shall be provided where the eastern access road intersects eastern 'limb' of green infrastructure connectivity running North South and between Coed y Gof and the Former Llantrisant Branch Line, as indicated in the drawing attached to the comments of the Council's Ecologist dated 05/01/17.

Reason: To retain satisfactory ecological connectivity and avoidance of habitat fragmentation.

### PITCH SIZES

73. Notwithstanding the provisions of condition 3, adult size pitches shall be at least 100m x 64m plus 3m run off (giving an overall size for each pitch of 106m x 70m) and mini pitches shall be at least 55m x 37m plus 3m run off (giving an overall size for each pitch of 61m x 43m with run off), unless otherwise approved through reserved matters applications.

Reason: To ensure an acceptable provision of public open space.

### PUBLIC OPEN SPACE PROVISION

74. Notwithstanding the provisions of condition 3, the development shall accord with the POS Provision Plan (drawing no R.0319\_45A) subject to:
- a) the provision of an additional play area which shall be provided in the 'Phase 3 area' shown on the Indicative Phasing Plan (drawing no R.0319\_51) to the south of the disused railway line
  - b) the 'formal sports provision' identified on the POS Provision Plan on land to the south of the application site of pp 14/02188MJR providing a level and well-drained open space of a minimum 70m x 60m (excluding eco-tone provision) to be used as active recreation open space, including as a kick about area.
  - c) the precise location and dimensions of the destination play areas, teen facilities and play areas (LEAPs) being fixed at RM stage
  - d) the implementation of the outcome of the assessment of provision for teen facilities within 1500m of the outline site boundary, required under condition 19 (STRATEGIC GREEN INFRASTRUCTURE MANAGEMENT STRATEGY), and proposals for a range of new facilities within the outline site to serve the new population.

Reason: To ensure an acceptable provision of on-site open space.

### PLANT NOISE

75. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed 10dB below the existing background noise level at any time when measured and corrected in accordance with BS 4142: 1997(or any British Standard amending or superseding that standard).

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

### RADYR FARM WIND TURBINE

76. Details submitted in discharge of condition 59 (ROAD TRAFFIC NOISE) in respect of any land within the outline application site north of Llantrisant Road shall also take into account the siting of the wind turbine at Radyr Farm and ensure that any future residential properties approved on land within the outline application site north of Llantrisant Road would be suitably sited and attenuated from the noise from the wind turbine such that they would not prejudice the ability of the owners of the turbine from complying with condition 2 of planning permission 07/01380w. Notwithstanding the provisions of condition 3, details submitted in relation to the reserved matters submitted to



the Local Planning Authority in compliance with condition 1 in respect of land north of Llantrisant Road shall accord with the approved scheme including any buffer zone restricting development approved as part of the approved noise scheme.

Reason: To ensure the amenities of future occupiers are protected.

#### LANDSCAPE IMPLEMENTATION

77. In relation to any landscaping scheme approved in discharge of conditions 15 (LANDSCAPE SCHEME FOR EACH RESERVED MATTERS SITE) and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), any trees, plants or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

#### NESTING BIRDS

78. No removal of hedgerows, trees, scrub or shrubs shall take place between 1st March and 15th August inclusive unless otherwise approved in writing by the Local Planning Authority.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

#### SITES OF IMPORTANCE FOR NATURE CONSERVATION

79. No materials, waste, arisings or plant shall be stored or operated within any SINC, or be allowed to fall, be washed or blown into them except for those parts of the SINC that are to be developed as part of this permission.

Reason: To protect the features of interest for nature conservation for which the SINC has been designated.

#### PROVISION OF ROAD BEFORE OCCUPATION OF DWELLINGS/BUILDINGS

80. No dwelling or building shall be occupied until that part of the road and footpath which provides access to it from the existing highway and all surface water drainage works for the said road have been laid out, constructed and completed up to base course level and lit in accordance with the approved plans. The roads and footpaths shall be constructed to surface level prior to the occupation of the last dwelling or building served by that road, unless otherwise

agreed in writing by the Local Planning Authority.

Reason: To ensure an orderly form of development and to make provision for satisfactory access to the dwelling by the future occupants.

#### HSE ADVICE

81. Notwithstanding the provisions of condition 3, no development shall take place in contravention of Health and Safety Executive (HSE) advice in respect of the three high pressure gas pipelines that cross the site dated 29/04/15 and any subsequent advice provided by the HSE prior to the determination of reserved matters.

Reason: In the interests of health and safety.

#### WALES AND WEST UTILITIES APPARATUS

82. Notwithstanding the provisions of condition 3, no buildings shall be built within the Wales and West Utilities recommended Building Proximity Distances of the following pipelines shown on the Land Use parameter plan (drawing no R.0319\_17j-2):

- 7m either side of the outer edge of the High Pressure Pipeline ref 1561 - Nantgarw/Pentrebane [p2](HS013)
- 15m either side of the outer edge of the High Pressure Pipeline ref 1565 – Pentrebane/St Athan [p1] (HS0330)
- 15m either side of the outer edge of the High Pressure Pipeline ref 2684 – Pentrebane to Dyffryn

Reason: In the interests of health and safety, and to minimise risk to the pipeline.

#### 132kv OVERHEAD POWERLINE

83. Notwithstanding the stated intention to underground the 132kv overhead cable in the future, no buildings shall be built within 10m of any steel lattice pylon pertaining to the 132kv overhead cable and a minimum statutory clearance of 6.6m shall be maintained at all times between the nearest overhead line conductor and any part of a building.

Reason: In the interests of health and safety, and to minimise risk to the apparatus.

#### BUILDING OUTSIDE SETTLEMENT BOUNDARY

84. Notwithstanding the provisions of condition 3, no building shall be constructed to the south of Pentrebane Road beyond the settlement boundary identified on the Local Development Plan Proposals Map.

Reason: For the avoidance of doubt.

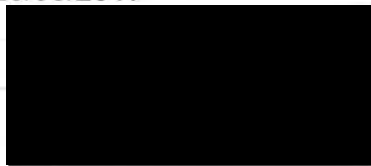
**IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.**

**All policies and proposals in the Development Plan which are relevant to this decision are listed in the report on the Application.**

**IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.**



Dated: 20/03/2017



**James Clemence**  
**HEAD OF PLANNING**  
County Hall, Cardiff, CF10 4UW

**It should also be noted :**

1. CONSTRUCTION SITE NOISE

To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.

Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

2. RADON GAS PROTECTION

This development falls within a radon affected area and may require basic radon protective measures, as recommended for the purposes of the Building Regulations 2010.

3. CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the following rests with the developer:

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being

contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable

land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

4. That the Developer be advised that records indicate a history of and potential for subsurface voids in the area and that they should be fully aware of this in relation to their responsibilities regarding the safe development and occupancy of the site. For the avoidance of doubt, the responsibility for the safe development and occupancy of the site rests with the developer.
5. That the developer be advised that the City of Cardiff Council will not permit the stopping up of any watercourses. Any obstruction to the flow, in accordance with Section 23 of the Land Drainage Act 1991, will require ordinary watercourse consent that is determined with a statutory 2 month determination period and would only be considered where appropriate. The City of Cardiff Council has adopted an anti-culverting policy. The Council will not permit the building over of culverts; culverts will only be allowed for access purposes. It is recommended that landowners and developer contact the City of Cardiff Council to discuss proposals in order to determine if such consent is required.
6. That the developer be advised of the advice from NRW dated 26/02/15, 07/12/16 and 10/02/17 including:
  - advice in relation to European Protected Species – Where an EPS is present, and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a licence issued by Natural Resources Wales (NRW). The Applicant must seek an EPS licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon EPS. Please note, the granting of planning permission does not negate the need to obtain a licence.
  - Both the Nant Dowlais and River Ely are classed as main river watercourses therefore any works within 7 metres or new outfalls will require the consent of NRW as stated in the Water Resources Act 1991
  - the responsibility for the maintenance of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.
  - Duties of care and guidance in relation to the management of waste and materials, including controlled waste
  - Request for updates on the programme of works and timetable
  - Their Planning Advice Note for further advice and guidance, including



advice on regulatory requirements outside of the Town and Country Planning process including environmental permits and exemptions; pollution prevention measures; water resources; and waste management matters.

7. That the developer be advised of the advice of 16/11/16 from Wales and West Utilities, forwarded to the Agent, advising that their apparatus may be at risk during construction works and that the developer should contact WWU directly to discuss their requirements, noting that should diversion works be required these will be fully chargeable.
8. That the developer be advised of the advice from Parks Services dated 15/02/17 in respect of the design of Destination or Larger Play Areas.
9. That the developer be advised that the litter bin specifications for adopted land are as follows:  
*Free standing litter bins:*
  - Black with Council logo, and the lettering "Litter/Sbwriel" in gold
  - 120 litre capacity
  - Include ash tray/ stub plate
  - Heavy duty polythene plastic with hinge slam shut door (self-locking) and hex/t-bar key
  - Drip space and fixing holes for bolting to the floor
  - Approximately 100 litre plastic liner with outside handles*Post mounted litter bins:*
  - Black with Council logo in gold
  - 50 litre capacity
  - Hooded with cigarette stub plate
  - Release drop-out and click back with triangular key mechanism
  - Drip holes
  - Secured to post with band wire kit.
10. The highway works conditions and any other development related works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.
11. The grant of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way. No works to PROW footpaths that cross the site shall be undertaken a legal order has been applied for by the developer and confirmed by the Local Highway Authority. In the event that the legal orders are not confirmed, the existing path alignments shall be retained.
12. Sustainable Drainage is defined as per the definition contained in Schedule 3 of the Flood and Water Management Act 2010:



"Sustainable drainage" means managing rainwater (including snow and other precipitation) with the aim of— (a) reducing damage from flooding, (b) improving water quality, (c) protecting and improving the environment, (d) protecting health and safety, and (e) ensuring the stability and durability of drainage systems."

13. That the Developer be advised that prior to the commencement of development, the Developer must notify the local planning authority of the commencement of development, and must display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.
14. That the Developer be advised of the advice from the Council's Tree Officer dated 15/11/16 regarding a provisional planting palette to inform reserved matters details.
15. That the Developer be advised of the advice from South Wales Police Design Out Crime Officer, dated 21/11/2016.
16. The highway works conditions and any other development related works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.

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# ACCESS

## R.0319\_17j-3

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The Access Parameter Plan identifies the main movement corridors within which primary vehicular routes and primary pedestrian/cycle routes are to be constructed. Land within any movement corridor not occupied by a primary vehicular and/or pedestrian/cycle route may be developed for any purpose for which any zone abutting or overlapping with that corridor may be developed.

### KEY PEDESTRIAN/CYCLE ROUTE

A shared pedestrian/cyclepath will be provided along the alignment shown and shall not be less than 3m. Additional pedestrian and cycle movement corridors within the application site and linking to existing surrounding development will also be provided (but shall not be limited to) the areas shown on the Access Parameter Plan.

### STRATEGIC CYCLING ROUTE

A segregated two way cyclepath will be provided along the alignment shown and shall not be less than 3m.

### PRIMARY HIGHWAY CORRIDOR

A highway corridor with a maximum width of 20m will be located within the zone shown. Cycle provision separate to the carriageway will be included within this corridor.

### ZONE RESERVED FOR RAPID TRANSPORT

Along this route provision for stops and associated supporting facilities will be required to be accommodated (e.g. cycle parking, toilets etc). The future design must ensure the rapid transport does not create a barrier to movement across the site and between facilities.

### STRATEGIC BUS ROUTE

A bus only route will be provided along the alignment of the rapid transport corridor before the LRT is delivered. This will provide express public transport at an early stage.

### CROFFT-Y-GENAU ROAD TREATMENT

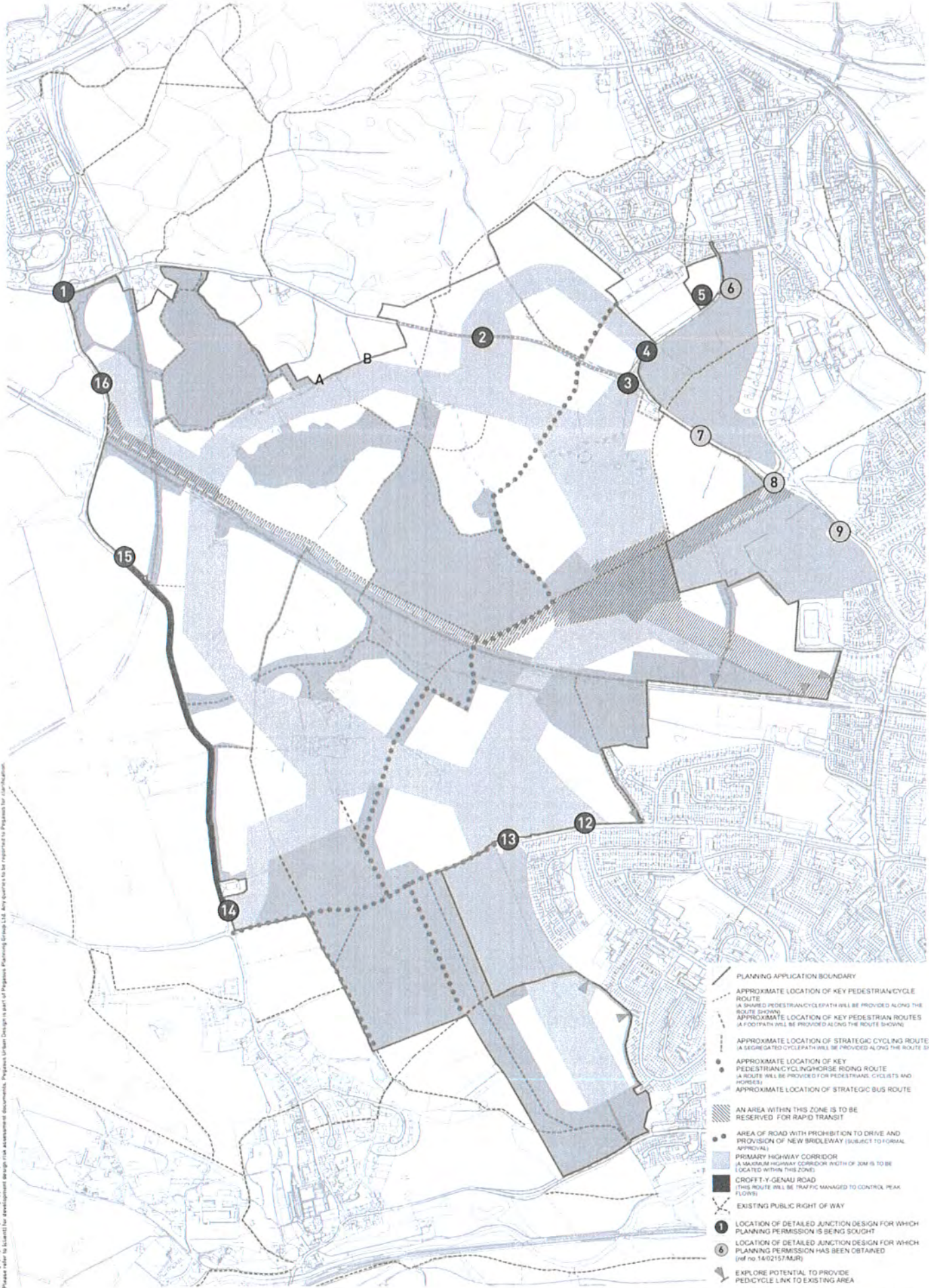
A Traffic Management system will operate along Crofft-Y-Genau Road where sensors and signs will control the direction of traffic flow along this route in response to demand.

### POTENTIAL ACCESS TO GOITRE FACH FARM SITE

A vehicular link will be made between the site and the Goitre Fach Farm site to the north west between points A and B on the plan. Cycle provision separate to the vehicular carriageway will be provided as part of this link.



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PLASDŴR, NORTH WEST CARDIFF -  
**ACCESS PARAMETER PLAN**

Date: 18th October 2016 | Scale: 1:10,000 (BA3, 1:5000 @A1) | drwg: R.0319\_17\_3 | Client: Redrow Homes (South Wales) |





## Rowlands, Ceiri

---

**From:** Rob Elias <[REDACTED]>  
**Sent:** 22 May 2021 11:39  
**To:** Planning  
**Cc:** Mark B; Goldsworthy, Marcus J; Deborah Stephens; Perry Latham  
**Subject:** FW: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

**Importance:** High

Victoria, Ceiri,

Please see below formal response from Cardiff Airport in relation to : Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose.

Ceiri – As discussed and agreed, a slightly delayed submission due to the need to gather all the information, including specialist input in relation to Wildlife Hazard Management.

I can confirm that we have reviewed the planning application and have the following comments, observations and a separate report produced by Birdstrike Management Limited (BML) on behalf of Cardiff Airport:

**1 – Aerodrome Physical Safeguarding/Obstacle Limitation Surfaces (OLS's)** - From an aerodrome physical safeguarding perspective, and based upon our assessment against regulatory Aerodrome safeguarded OLS's in conjunction with the information detailed in document '*JCD0064-004-I-210511-Parameter plan – Land Use & Storey Heights*', the buildings would not penetrate our OLS's and therefore, if this application were to be approved, we would be content with this aspect of the development.

**2 – National Air Traffic Services (NATS) Safeguarding** – I have engaged with NATS, who have confirmed that their safeguarding team have reviewed the planning application again and have no concerns.

**3 – Wildlife Hazard Management/Birdstrike Hazard Safeguarding** – Please see attached report of a specialist assessment conducted by Birdstrike Management Limited (BML) on behalf of Cardiff Airport, which details the issues, concerns and mitigations in relation to this application. If this application were to be approved, Cardiff Airport request that conditions be applied to the planning consent in order to fully address the mitigations detailed within the attached report.

**4 - Car Parking** - Planning history within the vicinity of the site demonstrates the site's proximity to the airport make car parking uses commercially attractive. We therefore request that in the event of the approval of this application, a condition be imposed which restricts any associated car parking numbers for the site and to be used only in association with the proposed development and not as a standalone parking facility. It will also aim to ensure that car dependency is reduced and sustainable transport promoted.

Please contact the undersigned for any questions relating to the above responses.

Thank you

**Rob Elias**

Head of Airfield Operations  
Pennaeth Gweithrediadau Maes Glanïo

[REDACTED]

[REDACTED]

Ambition | Safe & secure | Pride | Innovative | Respect | Efficiency | Service

Confidentiality Note: This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.

**From:** Vale of Glamorgan Council Development Services [<mailto:Planning@valeofglamorgan.gov.uk>]

**Sent:** 26 April 2021 11:23

**To:** CWL Safe Guarding <[REDACTED]>

**Subject:** Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please find attached a letter regarding a planning application submitted to the Vale of Glamorgan Council. If this is a consultation letter, please respond to this consultation through the link provided in the attached letter. Please note that your comments may be made available online for interested persons to view.



Commercial and in Confidence


## Cardiff Airport

### Safeguarding Assessment for Planning Application 2019/00871/OUT (CR)

May 2021

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	NAME	DATE
WRITTEN BY:	Darren Hall	18/05/2021
CHECKED BY:	Phil Mountain	18/05/2021
FILE NAME	Cardiff Airport Safeguarding Assessment 2019/00871/OUT (CR)	
VERSION AND ISSUE DATE:	Final Report	19/05/2021



**BIRDSTRIKE**  
MANAGEMENT Ltd.



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## The Application

This is a hybrid application comprising of an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B, Planning Application No. 2019/00871/OUT (CR) on land at Model Farm, Port Road, Rhoose.

The site lies adjacent to the eastern corner of the airfield, approximately 245 metres from the Runway 30 threshold at Cardiff Airport (CWL).

## The Current Site

The site comprises heavily improved agricultural land divided by managed hedgerows and is designated as a 'Mosaic' landscape acknowledging the blocks of small woodland and small wooded valleys of Whitelands Brook and Bullhouse Brook. A farmhouse and a complex of mainly large agricultural buildings used for livestock and the storage of machinery are located in the northern part of the site.

Cardiff Airport dominates the landscape immediately to the west of the application site, comprising of managed open grassland, areas of hard standing and built environments.

## Stages of Development

### Construction Stage

The construction stage of a development of this nature will include largescale earthworks, including the clearance of vegetation and the movement of topsoil, which has the potential to increase the birdstrike risk at CWL by providing ephemeral feeding opportunities for hazardous birds<sup>1</sup> by exposing an exploitable invertebrate food source.

This stage of works also has the potential to disturb existing populations of hazardous birds such as corvids (members of the crow family) and Wood Pigeons that may frequent the existing woodland. As such, disturbance during this initial stage may displace birds which may lead to an increase in the birdstrike risk. It is noted that the Ecology Surveys Report only references small bird species, however, reference to wildlife control logs evidence healthy populations of corvids and other hazardous arboreal avian species in proximity to the airport.

Due to the movement of heavy plant, or due to temporary profiling of the site, there may be occasions during wet weather, where ponding occurs, providing drinking/bathing attractants for birds.

When the site is fully operational the human and heavy plant presence may be enough to deter birds from the area. However, during non-operational times, when the area is quiet birds can exploit this to

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<sup>1</sup> Large and / or flocking species capable of causing damage of aircraft.



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feed and roost, therefore, the site is likely to be attractive hazardous birds at different times of the day potentially providing fluctuations in birdstrike risk.

In addition, a busy construction site will need to have an effective house-keeping policy in operation to ensure that all waste, including putrescible (food) waste, is responsibly disposed of in fully lidded bins to ensure that scavenging species of bird are not attracted to the site.

**The application should include condition that a construction phase Bird Hazard Management Plan (BHMP) is provided, detailing what mitigation measures will be in place, to ensure there is no increased risk of birdstrike at CWL. The plan should include threshold numbers of target species (that will initiate mitigation) and failure criteria to assure the efficacy of the plan. Such a plan will need to be delivered and overseen by trained on-site staff, in close cooperation with CWL.**

### **The Built Environment**

'Design Principle 5' and 'Illustrative Site Sections', contained within the 'Design Brief', provide details of the building design. The proposals include 12 industrial units of varying sizes with the largest having a floorspace of approximately 18,000m<sup>2</sup>, all of which are shown to have a shallow-pitch roof design. Most of the units will be of a one or two-storey design, along with two units at the north-west corner of site which will have four or five storeys.

During construction of such large buildings, it is common for a steel framed structure to be erected which can attract hazardous species including (but not limited to) Feral Pigeons, corvids and Starlings as frameworks offer safe areas to loaf (rest during the day) and roost at night, thereby potentially causing flightlines to and from the site.

It is encouraging that the roof design supplied in the 'Illustrative Site Sections' appears to be of a shallow-pitched type as these are less attractive to hazardous birds than flat-roofs where the design provides a highly attractive habitat for hazardous birds, particularly 'large' gulls who will look to utilise these areas for loafing, roosting, and breeding purposes. However, birds may still attempt to exploit these roofs, as they provide safety and warmth, ideal for loafing, breeding, and roosting. Although breeding on a shallow-pitched roof can be more problematic, when compared to flat-roofs, it is still possible, particularly with species such as Herring and Lesser Black-backed Gulls, that can anchor nests on protrusions or against vents etc.

**Therefore, to approve this section of the development, an in perpetuity BHMP will be required to ensure that roofs on this site do not attract and support breeding and roosting hazardous birds.**



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## Landscaping

The document titled 'Biodiversity Management Strategy' states that:

*[The approach to landscape and nature conservation within the development area has been to retain and enhance key features as far as possible.]*

Proposals within the 'Biodiversity Management Strategy' and as detailed in 'Design Principle 3 – the Green Infrastructure Strategy' include the creation of new areas of woodland and hedgerow which are intended to be added to the existing vegetation on the site for the 'long term provision and maintenance of biodiversity' including tree/shrub species which will 'maintain autumn fruit for birds and mammals'.

Increasing the provision of attractants for hazardous birds should be avoided in proximity to the airport, to align with aerodrome safeguarding objectives and industry best practice guidance.

**It will be important to ensure that the planting palette and spacings are selected and designed to reduce the potential for new woodland planting to attract and support significant populations of hazardous arboreal species such as corvids, pigeons and wintering thrushes.**

There are also several areas through the site which are labelled as 'wild bird cover and seed crop'. Any areas where seed may be available on this site would have the potential to attract hazardous birds, particularly Wood Pigeons and Corvids which may, in turn, create hazardous flightlines over the airfield.

**These proposals represent 'irresponsible development' in the context of air safety and should be omitted from the plan.**

Furthermore, it is intended for new planting to connect to existing areas of woodland and hedges creating wildlife/ecology corridors throughout the site which will have the potential to increase the population, and associated movements, of hazardous birds in this area.

**Assurances will need to be obtained from the developer that any development of wildlife corridors are designed to be parallel to the airport; thereby minimising the potential to draw hazardous birds closer to the critical airspace of the airport.**

Drawing number ECO01271-002 provides details of Proposed Additional Mitigation and Wildlife Enhancement, highlighting several ecological areas including two sections of grassland managed specifically to attract Skylarks, a small (non-hazardous) grassland species which frequents airfields throughout the UK who adopt a long grass policy (LGP)<sup>2</sup> for flight-safety purposes. By maintaining the grassland at a height of between 150 – 200mm, hazardous species such as corvids, gulls and waders are deterred, as they prefer shorter swards. Therefore, this aspect of the development should not increase the birdstrike risk at CWL, as long as the maintenance programme put in place to maintain the grassland in line with the broad LGP objectives.

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<sup>2</sup> T. Brough and C. J. Bridgman (1980) An Evaluation of Long Grass as a Bird Deterrent on British Airfields, Journal of Applied Ecology, Vol. 17, No. 2 (Aug., 1980), pp. 243-253

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Amenity planting throughout the development should ideally include only small trees with open canopies such as *Acer* species, with any smaller plants / shrubs being non-berry/fruit bearing species such as *Acorus* and *Alchemilla*. Proposed amenity grassland should be maintained in line with that of LGP to reduce its attractiveness to hazardous species.

**The landscaping scheme for this development has the potential to increase birdstrike risk at CWL (see comments on planting palette above). As such, an agreement on the landscaping scheme will need to be reached.**

### **Sustainable Urban Drainage (SuDs) and Other Drainage**

The Design and Access Statement Part 2, as contained in the Planning Application Details for 2019/00871/OUT, states that:

*[the existing topography provide the opportunity to create a SuDS and drainage solution along the southern boundary of the site with enhanced ecological qualities].*

Standard S5 – Biodiversity in 'Sustainable Drainage Assessment Part 1' also states:

*[Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.*

- *The design of the surface water management system should maximise biodiversity benefits.]*

**Increasing biodiversity through the proposed SuDS, or any open areas of standing water, should be avoided, due to the potential to attract hazardous species, including Mallard, feral geese, and Grey Heron, which may increase the birdstrike risk.**

There are at least three relatively large SuDS attenuation ponds proposed. These should ideally be replaced with underground storage otherwise effective mitigation, such as proofing, along with a robust maintenance program, must be in place to prevent birds from accessing these areas.

Swales and combined ecology/drainage corridors are planned throughout the site. Swales, as with any other SuDS ponds, have the potential to attract and support hazardous birds if they hold open water for any substantial amount of time.

*[The proposed attenuation SuDS structures (storage tanks, basins) will be sized to store runoff from the 1 in 100 annual probability rainfall events including a 30% increase in rainfall intensity in order to allow for climate change and will comply with local bird strike mitigation and drain down time requirements.]*

For any area where open water maybe present on site at any time, the drain-down times, even after a 1 in 100 annual rainfall event, should be so that they drain down completely within 48 hours or this should be seen as a failure of the system due to the attractant it creates for hazardous birds. However, figures shown in Appendix F – Micro Drainage Source Control Storage Volume Calculations in



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'Sustainable Drainage Assessment Part 1' appear to show that after extreme storm events it could take up to 96 hours for standing water to fully drain-down.

**Assurances should be sought from the developer that draw-down times for flood events are no longer than <96 hours, to prevent the presence of longer-term wetland attractants for hazardous wetland species.**

Only an indicative SuDS maintenance plan is included in the documents, 'Table 7: Illustrative Maintenance Schedule', with an agreed maintenance programme yet to be agreed. This should be requested by CWL for their approval.

**To ensure that SuDS remain fully effective, a robust, in perpetuity, maintenance programme should be in place.**

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The site design proposes an area of 'wetland habitat creation'. Wet woodland, at a suitable distance from the airport can, to some extent, be managed to deter large waterfowl species from being attracted. However, these sites can still attract and support the smaller waterfowl species such as Mallard which then have the potential to increase the birdstrike risk at CWL due to these birds' movements onto, or over, the airfield. The trees within this habitat can also support colonies of large waterbirds such as Grey Heron, therefore, this habitat would not be recommended at this location.

### **Street Lighting**

Traditional street lighting is proposed on the development.

**At this location all installed street lighting should be fitted with bird proof spikes along the top section of the unit with it being important to note that this should include both the lighting head and full length of the arm.**

### **Post Construction**

**The applicant should show a commitment to the long-term wildlife hazard management mitigation discussed above, with the development and implementation of a temporary BHMP for the construction phase of the development and in perpetuity BHMP's for the built environment, landscaping and SuDS aimed at reducing the wildlife attractants to as low as practically possible in agreement, and ongoing consultation, with CWL.**

### **Conclusion**

Without appropriate mitigation this development has the potential to increase the birdstrike risk at Cardiff Airport through the provision of ephemeral attractions resulting from the construction phase of the project and potentially permanent / seasonal attractants resulting from both the proposed built and natural environments.

However, as long as the applicant addresses the issues identified in this assessment, and provides the necessary mitigation, summarised below, then it will be possible to ensure that Planning Application



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2019/00871/OUT (CR) does not have the potential to significantly increase the birdstrike risk at Cardiff Airport in line with aerodrome safeguarding objectives.

### **Mitigation**

- The application should include condition that a construction phase Bird Hazard Management Plan (BHMP) is provided, detailing what mitigation measures will be in place, to ensure there is no increased risk of birdstrike at CWL. The plan should include threshold numbers of target species (that will initiate mitigation) and failure criteria to assure the efficacy of the plan. Such a plan will need to be delivered and overseen by trained on-site staff, in close cooperation with CWL.
- An in perpetuity BHMP will be required to ensure that roofs on this site do not attract and support breeding and roosting hazardous birds.
- It will be important to ensure that the landscaping planting palette and spacings are selected and designed to reduce the potential for new woodland planting to attract and support significant populations of hazardous arboreal species such as corvids, pigeons and wintering thrushes.
- 'Wild bird cover and seed crop' planting should be omitted from the plan, as its aims conflict with those of aerodrome safeguarding.
- Assurances will need to be obtained from the developer that any development of wildlife corridors are designed to be parallel to the airport; thereby minimising the potential to draw hazardous birds closer to the critical airspace of the airport.
- Increasing biodiversity through the proposed SuDS, or any open areas of standing water, should be avoided, due to the potential to attract hazardous species, including Mallard, feral geese, and Grey Heron, which may increase the birdstrike risk.
- Assurances should be sought from the developer that draw-down times for flood events are no longer than <96 hours, to prevent the presence of longer-term wetland attractants for hazardous wetland species.
- To ensure that SuDS remain fully effective, a robust, in perpetuity, maintenance programme should be in place.
- At this location all installed street lighting should be fitted with bird proof spikes along the top section of the unit with it being important to note that this should include both the lighting head and full length of the arm.

### **Summary**

In order to ensure that the application does not have the potential to significantly increase the birdstrike risk at CWL the applicant should commit to the long-term wildlife hazard management mitigation discussed above, with the development and implementation of a temporary BHMP for the construction phase of the development and in perpetuity BHMP's for the built environment, landscaping and SuDS aimed at reducing the wildlife attractants to as low as reasonably practicable in agreement, and in ongoing consultation, with CWL.

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## Disclaimer

Birdstrike Management Ltd. hereby excludes all liability for any claim, loss, demands or damages of any kind whatsoever (whether such claims, loss, demands or damages were foreseeable, known or otherwise) arising out of or in connection with the preparation of any technical or scientific report, including without limitation, indirect or consequential loss or damage; loss of actual or anticipated profits (including loss of profits on contracts); loss of revenue; loss of business; loss of opportunity; loss of anticipated savings; loss of goodwill; loss of reputation; loss of damage to or corruption of data; loss of use of money or otherwise, and whether or not advised of the possibility of such claim, loss demand or damages and whether arising in tort (including negligence), contract or otherwise. This statement does not affect your statutory rights.

Nothing in this disclaimer excludes or limits Birdstrike Management Ltd.'s liability for: (a) death or personal injury caused by Birdstrike Management Ltd.'s negligence (or that of its employees, agents or directors); or (b) the tort of deceit; [or (c) any breach of the obligations implied by Sale of Goods Act 1979 or Supply of Goods and Services Act 1982 (including those relating to the title, fitness for purpose and satisfactory quality of goods);] or (d) any liability which may not be limited or excluded by law (e) fraud or fraudulent misrepresentation.

The parties agree that any matters are governed by English law and irrevocably submit to the non-exclusive jurisdiction of the English courts.





Our Ref: A113720/PW  
Date: 14 October 2019

**Mr Ceiri Rowlands**  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
Vale of Glamorgan  
CF63 4RT

Dear Mr Rowlands,

**REPRESENTATIONS ON BEHALF OF WELSH GOVERNMENT  
LAND AT MODEL FARM, PORT ROAD, RHOOSE  
APPLICATION REF: 2019/00871/OUT**

WYG write on behalf of the Welsh Government in respect of the above application. Our client is supportive of the principle of the development but wish the following comments to be taken into consideration in the determination of the planning application.

**Rail Link**

We note that LDP Policy MG10 requires the provision of sustainable transport infrastructure and the supporting text (para 6.57(d)) clarifies that for the Cardiff Airport Gateway Development Zone requirements will include, "*Sustainable transport infrastructure including consideration of a route for a potential rail link to Cardiff Airport across the site to ensure the development does not compromise future proposals to enhance sustainable access to the airport.*" We note that the application submission remains silent on this and the Indicative Concept Masterplan does not appear to make any provision for a dedicated rail link. Consideration of a route for a potential rail link clearly has not been given.

Our client accepts that delivery of the rail link could not be justified by the business park development alone. However, the Masterplan should respect the future prospect of achieving this link and safeguard the principle of an appropriate route through the site which could be referred to in an enforceable planning condition and ultimately delivered through any reserved matters application(s). Failure to safeguard this now will mean the potential to achieve such a link will be lost forever.

A similar position has been considered in Cardiff recently. Policy T9 of the Cardiff LDP seeks to facilitate LRT / tram / bus connectivity (with no definitive routes known) and states:

" *Where the alignment of a future route which is likely to form part of a 'Metro' network falls within any part of a development site, the Council will, through the development management process, seek either to secure provision of the necessary infrastructure as part of the development, or otherwise, safeguard the land and space required to accommodate the route and potential mode options in the future. This will include requiring a development to be designed in a way which does not prejudice the future development of the 'Metro' route and would enable it to be incorporated within the development at a later date.*"

(underlining added)







Subsequent applications include that at North West Cardiff (now know as "Plas Dwr"), permitted in March 2017 under reference 14/002733/MJR (attached). That outline permission included the following condition:

**"RAPID TRANSIT CORRIDOR / METRO**

*7. Details in relation to the reserved matter ACCESS submitted to the Local Planning Authority in compliance with condition 1 shall include:*

- a) details, including layout and cross sections, of the 'Express Bus Priority Route' shown on p. 70 of the Design and Access Statement (October 2016)*
- b) details, including layout and cross sections, of the zone to be provided and reserved for Rapid Transit, shown on the Access Parameter Plan (drawing no R.0319\_17j-3), including details of the 'Safeguarded Alternative Tram Train Alignment' (shown on p.70 of the Design and Access Statement (October 2016) and demonstrating how this will not prejudice proposed green and movement corridors. The zone to be provided for Rapid Transit shown on the Access parameter plan shall be extended to include the 'safeguarded route for metro within the site' set out on the LDP Schematic Framework for strategic site C.*

*The development shall be carried out in accordance with the approved details."*

We attach the relevant access parameter plan referred to in part (b) of the condition which shows a zone to be reserved for rapid transit options. Your attention is drawn to the text on page 1 which confirms that "A bus only route will be provided along the alignment of the rapid transport corridor before the LRT is delivered. This will provide express public transport at an early stage."

Accordingly, it is clear that Cardiff Council did not have a precise corridor alignment at the time of LDP preparation or at the time of outline planning approval. The lack of detail at these stages did not prevent safeguarding of route options through the site and, wisely, the allowance of such routes to be used for alternative measures in the meantime (in the case of Plas Dwr the alternative use was a strategic bus route, but walking/cycling/ecology could equally be appropriate interim uses). Fundamentally, the safeguarding of route options in the absence of a definitive alignment were not seen to be inimical to the grant of a beneficial planning permission.

Accordingly, our client objects to the application in its current form due to the absence of route safeguarding option(s) for a potential future rail link.

### **Active Travel**

We also note that the Preliminary Spine Road Alignment plans include a footway to the north and a footway/cycleway to the south of the carriageway. The definition of "access" at Article 2 of the Development Management Procedure Order includes reference to cyclists and pedestrians, to and within the site, circulation routes "and how these fit into the surrounding access network". The 'Access and Movement' parameters plan show three points of pedestrian connection into the site, but no appropriate existing pedestrian facilities currently exist at two of these points (the exception being Porthkerry Road).

Furthermore, no commitments are given to off-site improvements beyond commitments that "Off-site mitigation will be discussed" or such facilities "will be considered". Opportunities for active travel and connectivity should be seized, in line with LDP Policy MG16 which refers to walking and cycling proposals at A4050 Port Road to Cardiff Airport (as well as the sustainable transport infrastructure required by Policy MG10).

Our client seeks reassurance that active travel routes within the site will be secured and will appropriately link into existing or proposed off-site infrastructure, secured by Grampian condition or planning obligation, as required.



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## Conclusion

In conclusion our client:

1. supports the principle of the development proposed;
2. urges that the application be amended such that the future prospect of achieving a direct rail link is safeguarded through the site;
3. suggests that cyclists and pedestrian circulation routes to and within the site, and detail as to how these fit into the surrounding access network is provided, as required by the DMPO where 'access' is unreserved;
4. seeks greater clarity of the proposed off-site active travel proposals and mitigation associated with the proposal.

Yours sincerely



Peter Waldren  
**Director**  
For and on behalf of WYG

Encl.

cc John Karseras, Welsh Government



Application No: **14/02733/MJR**

## **PERMISSION FOR DEVELOPMENT**

To:  
Mr G Williams  
Nathaniel Lichfield & Partners  
Helmont House  
Churchill Way  
Cardiff  
CF10 2HE

**Town and Country Planning Act 1990 (As Amended)**  
**Town and Country Planning (Development Management Procedure) (Wales) Order**  
**2012**

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WHEREAS you submitted an application for Outline Planning Permission received on 21/11/2014 for:

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED APART FROM STRATEGIC ACCESS JUNCTIONS FOR RESIDENTIAL-LED MIXED USE DEVELOPMENT, TO BE DEVELOPED IN PHASES, INCLUDING PREPARATORY WORKS AS NECESSARY INCLUDING DEMOLITION AND RE-GRADING OF SITE LEVELS; UP TO 5,970 RESIDENTIAL UNITS (USE CLASS C3, INCLUDING AFFORDABLE HOMES); 3 NO. LOCAL CENTRES PROVIDING RESIDENTIAL UNITS, CONVENIENCE SHOPS AND FACILITIES/SERVICES (INCLUDING UP TO 7,900 SQ M IN USE CLASSES A1-A3) AND 1NO. DISTRICT CENTRE PROVIDING RESIDENTIAL UNITS, UP TO 12,000 SQ M IN USE CLASSES A1-A3 INCLUDING UP TO TWO FOOD STORES (UP TO 5,000 SQ M GROSS) WITH ASSOCIATED PARKING, UP TO 15,500 SQ M OF USE CLASS B1(A), B1(B) AND B1(C); PROVISION OF UP TO 5,100 SQ M OF COMMUNITY AND HEALTHCARE FACILITIES ACROSS THE DISTRICT AND LOCAL CENTRES (USE CLASSES D1 AND D2); PROVISION FOR 3NO. PRIMARY SCHOOLS AND 1NO. SECONDARY SCHOOL; OPEN SPACE INCLUDING ALLOTMENTS; PARKS; NATURAL AND SEMI NATURAL GREEN SPACE; AMENITY GREEN SPACES; FACILITIES FOR CHILDREN AND YOUNG PEOPLE; OUTDOOR SPORTS PROVISION INCLUDING PLAYING PITCHES; ASSOCIATED INFRASTRUCTURE AND ENGINEERING WORKS INCLUDING NEW VEHICULAR ACCESSES, IMPROVEMENT WORKS TO THE EXISTING HIGHWAY NETWORK, NEW ROADS, FOOTPATHS/CYCLEWAYS, A RESERVED STRATEGIC TRANSPORT CORRIDOR; UP TO 1 NO. ELECTRICITY PRIMARY-SUBSTATION AND LANDSCAPING WORKS (INCLUDING SUDS). at NORTH WEST CARDIFF (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with the application and plans submitted therewith, subject to compliance with the conditions specified hereunder:



## **PART 1 RESERVED MATTERS AND PLANS**

### **RESERVED MATTERS AND TIME LIMIT**

1. A. Prior to the commencement of development on any Reserved Matters site, details of the layout, scale and appearance of the buildings, access (except for the detailed highway improvement works that are the subject of conditions 26 - 34) and landscaping (hereinafter called "the reserved matters") for that Reserved Matters site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.  
B. Application for approval of the first Reserved Matters site shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for approval of all other reserved matters sites shall be made to the Local Planning Authority before the expiration of twenty years from the date of this permission.  
C. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons: A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. B and C. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

### **APPLICATION PLANS AND DOCUMENTS**

2. This consent relates to the following plans and documents attached to and forming part of this planning application:

#### Plans:

- a) Planning Application Boundary (drawing no. R.0319\_17j-1)
- b) Land Use Parameter Plan (drawing no. R.0319\_17j-2) and supporting text
- c) Access Parameter Plan (drawing no. R.0319\_17j-3) and supporting text
- d) Green Infrastructure Parameter Plan (drawing no. R.0319\_17j-4) and supporting text
- e) Density Parameter Plan (drawing no. R.0319\_17j-5)
- f) Demolition Parameter Plan (drawing no. R.0319\_17j-6)
- g) Scale Parameter Plan (drawing no. R.0319\_17j-7) and supporting text
- h) Illustrative Masterplan (drawing no. R.0319\_8j)
- i) POS Provision Plan (drawing no. R.0319-45A)
- j) Indicative Phasing Plan (drawing no. R.0319\_51)
- k) Complete Overview (drawing no. W141304\_A01 Rev J)
- l) Llantrisant Road Junction / Crofft Y Genau Junction 1 (drawing no. W141304\_A01\_J1 Rev J)
- m) Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304\_A01\_J2 Rev J)
- n) Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction

- 3 (drawing no. W141304\_A01\_J3 Rev J)
- o) Clos Park Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304\_A01\_J4-5-6 Rev J)
- p) Llantrisant Road North Priority Site Access Junction 7 (drawing no. W141304\_A01\_J7 Rev J)
- q) Llantrisant Road / Heol Isaf Signalised Crossroads Junction 8 (drawing no. W141304\_A01\_J8 Rev J)
- r) Llantrisant Road South Mini Roundabout Access Junction 9 (drawing no. W141304\_A01\_J9 Rev J)
- s) Llantrisant Road BBC Bus Lane Junction 10 (drawing no. W141304\_A01\_J10 Rev J)
- t) Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no. W141304\_A01\_J11 Rev J)
- u) Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13 (drawing no. W141304\_A01\_J12-13 Rev J)
- v) Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14 (drawing no. W141304\_A01\_J14 Rev J)
- w) Crofft y Genau Road Southern Site Access Junction 15 (drawing no. W141304\_A01\_J15 Rev J)
- x) Crofft y Genau Road Priority Access Flared for Bus Movements Junction 16 (drawing no. W141304\_A01\_J16 Rev J)
- y) Residential Development Slope Analysis (drawing no. SK057 C2)
- z) Preliminary Earthworks Depths Mixed Use Development, Schools, Playing Fields and Primary Road Corridors (drawing no. SK058 C2)

#### Documents

- a) Revised application form (including Certificate B and Agricultural Holdings Certificate) dated 31/10/16
- b) NLP Covering Letter dated 9 December 2014
- c) NLP Covering Letter dated 31 October 2016
- d) Flood Risk Statement for Plasdwr (13 October 2014)
- e) Retail Statement (November 2014)
- f) Planning Statement (November 2014)
- g) Planning Statement Addendum (31 Oct 2016)
- h) revised Design and Access Statement (R.0319\_30D Oct 2016);
- i) Environmental Statement (November 2014)
- j) Environmental Statement Addendum (Nov 2016);
- k) Environmental Statement Non-Technical Summary (November 2016)
- l) Revised Green Infrastructure Strategy (Oct 2016);
- m) Great Crested Newt Conservation Strategy (C\_EDP1027\_87a\_170117)

Reason : For the avoidance of doubt.



RESERVED MATTERS AND DISCHARGE OF CONDITION PLANS AND DOCUMENTS

3. Subject to the provisions of conditions 5 (ACCESS TO RADYR FARM), 14 (USEABLE SPORTS PITCHES), 17 (PHASING), 18 (DESIGN CODE), 20 (ALLOTMENT STRATEGY), 26 - 34 relating to DETAILED HIGHWAY IMPROVEMENT WORKS, 39 (RADYR GOLF COURSE INTERFACE STRATEGY), 44 (DISTRICT CENTRE DESIGN CODE), 67 (SCHOOL SITE SIZES), 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), 69 (KEY PEDESTRIAN / CYCLING/ HORSE RIDING ROUTE), 70 (ECOTONE), 71 (ENHANCED GREEN CORRIDOR), 72 (ADDITIONAL HOP OVERS), 73 (PITCH SIZES), 74 (PUBLIC OPENSPACE PROVISION), 76 (RADYR FARM WIND TURBINE), 81 (HSE ADVICE), 82 (WALES AND WEST UTILITIES APPARATUS), 84 (BUILDING OUTSIDE SETTLEMENT BOUNDARY), the development shall accord with the following approved plans and documents:

- a) Planning Application Boundary (drawing no. R.0319\_17j-1)
- b) Land Use Parameter Plan (drawing no. R.0319\_17j-2) and supporting text
- c) Access Parameter Plan (drawing no. R.0319\_17j-3) and supporting text
- d) Green Infrastructure Parameter Plan (drawing no. R.0319\_17j-4) and supporting text
- e) Density Parameter Plan (drawing no. R.0319\_17j-5)
- f) Demolition Parameter Plan (drawing no. R.0319\_17j-6)
- g) Scale Parameter Plan (drawing no. R.0319\_17j-7) and supporting text
- h) Pentrebane Farm: Refined Design Principles (Environmental Statement November 2014, para C3.44)
- i) the Spine and Llantrisant Road street sections shown on pp. 72 - 73 of the Design and Access Statement (October 2016)

and shall be in substantial accordance with the following approved plans and documents:

- j) Llantrisant Road Junction / Crofft Y Genau Junction 1 (drawing no. W141304\_A01\_J1 Rev J)
- k) Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304\_A01\_J2 Rev J)
- l) Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction 3 (drawing no. W141304\_A01\_J3 Rev J)
- m) Clos Park Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304\_A01\_J4-5-6 Rev J)
- n) Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no. W141304\_A01\_J11 Rev J)
- o) Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13 (drawing no. W141304\_A01\_J12-13 Rev J)



- p) Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14 (drawing no. W141304\_A01\_J14 Rev J)
- q) Crofft y Genau Road Southern Site Access Junction 15 (drawing no. W141304\_A01\_J15 Rev J)
- r) Crofft y Genau Road Priority Access Flared for Bus Movements Junction 16 (drawing no. W141304\_A01\_J16 Rev J)
- s) POS Provision Plan (drawing no. R.0319-45A)
- t) Environmental Statement (November 2014)
- u) Environmental Statement Addendum (Nov 2016);
- v) Revised Green Infrastructure Strategy (Oct 2016);
- w) Great Crested Newt Conservation Strategy (C\_EDP1027\_87a\_170117)

and shall be in broad accordance with the following approved plans and documents:

- x) Illustrative Masterplan (drawing no. R.0319\_8j)
- y) revised Design and Access Statement (R.0319\_30D Oct 2016)

unless otherwise approved through subsequent discharge of condition and reserved matters applications. Reason: To retain control of the development and given the information has been used to assess the development.

**PART 2: CONDITIONS REQUIRING DETAILS TO BE SUBMITTED AS PART OF THE DISCHARGE OF CONDITION 1**  
**ACCESS WITHIN THE SITE**

4. Details in relation to the reserved matter ACCESS submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include:

- a) details showing the position and form of construction of all junctions, roads, verges, cycle paths, footpaths, bridleways, shared paths and shared surfaces, including any PROW diversions, and the method of disposal of all surface water drainage therefrom
- b) details of 'safe zones' within any proposed shared spaces to protect vulnerable users
- c) the position of street lighting linked to a Central Management System
- d) bus stops and associated facilities
- e) bus priority measures, including any bus lanes and bus gates
- f) where amphibian activity is envisaged, road and junction design measures to ensure that Great Crested Newts and other protected amphibians are not harmed, including use of inset/ dropped kerbs, offset gully pots, amphibian friendly underpasses and/ or amphibian ladders in gully pots
- g) details of and an implementation programme for any temporary access required to ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction, where construction is complete and along PROWs including details of any proposed diversions
- h) details of land to be provided and safeguarded for pedestrian / cycle links to existing areas, shown on the Access parameter plan



(drawing no R.0319\_17k-3) and a strategy for their delivery  
The development shall be carried out in accordance with the approved details, condition 80 (PROVISION OF ROAD BEFORE OCCUPATION OF DWELLINGS) and the phasing details approved under condition 17 (PHASING).

Reason: To make provision for satisfactory access and to allow the phased dimming of street lights to protect light sensitive species on the site.

#### ACCESS TO RADYR FARM

5. Notwithstanding the provisions of condition 3, details in relation to the reserved matter ACCESS, submitted to the Local Planning Authority in compliance with condition 1, shall include details to demonstrate that the legal right of way to Radyr Farm from Llantrisant Road shall be maintained in perpetuity. The development shall be carried out in accordance with the approved details.

Reason: To maintain vehicular access to Radyr Farm.

#### ACCESS TO THE REMAINDER OF SITE C

6. Details in relation to the reserved matter ACCESS, submitted to the Local Planning Authority in compliance with condition 1 for any reserved matters site that adjoins the boundary of the remainder of Strategic Site C shall include details to secure pedestrian, cycle and vehicular access up to the boundary of the outline permission site to serve development beyond the boundary and a strategy for their delivery. The submitted details shall demonstrate how the access will not prejudice the proposed green and movement corridors. The development shall be carried out in accordance with the approved details.

Reason: To make provision for effective pedestrian, cycle and vehicular links to the wider strategic site and future expansion areas identified in the Cardiff Local Development Plan.

#### RAPID TRANSIT CORRIDOR / METRO

7. Details in relation to the reserved matter ACCESS submitted to the Local Planning Authority in compliance with condition 1 shall include:

- a) details, including layout and cross sections, of the 'Express Bus Priority Route' shown on p. 70 of the Design and Access Statement (October 2016)
- b) details, including layout and cross sections, of the zone to be provided and reserved for Rapid Transit, shown on the Access Parameter Plan (drawing no R.0319\_17j-3), including details of the 'Safeguarded Alternative Tram Train Alignment' (shown on p.70 of the Design and Access Statement (October 2016) and demonstrating how this will not prejudice proposed green and movement corridors. The zone to be provided for Rapid Transit shown on the Access parameter plan shall be extended to include the 'safeguarded route for metro within the site' set out on the LDP Schematic Framework for strategic site C

The development shall be carried out in accordance with the approved details.

Reason: To safeguard options for the future delivery of the 'Metro' within the

site, in accordance with policies KP2(C) and T9 of the Cardiff Local Transport Plan.

#### CAR PARKING

8. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details for the parking of vehicles. The details shall include, but not be limited to, a strategy and implementation programme for the provision, management, monitoring and control of car parking for any and all non-residential land uses proposed within that reserved matters site. The development shall be implemented in accordance with the approved details and no dwelling or building shall be occupied until the approved parking facilities serving it have been provided. The approved parking shall be retained thereafter and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic circulating within and passing the site.

#### CYCLE AND MOTORCYCLE PARKING

9. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details for the provision of secure cycle and motorcycle parking spaces. No building shall be occupied until the approved cycle or motorcycle parking serving it has been provided and the cycle and motorcycle parking shall be retained in perpetuity and shall not be used for any other purpose. For the avoidance of doubt, cycle parking will not be required to be provided for any dwellings with garages and motorcycle parking will not be required to be provided for dwellings.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

#### LOADING AND UNLOADING OF VEHICLES

10. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details of facilities for the loading and unloading of vehicles serving any and all non-residential buildings and a Servicing Management Plan. The development shall be implemented in accordance with the application details and no non-residential building shall be occupied until the approved loading/unloading facilities serving it have been provided. The approved details shall be thereafter maintained and retained.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site.



#### ADOPTABLE AREAS PLAN

11. Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site in compliance with condition 1 shall include a plan showing the following:
- a) adoptable highway
  - b) open space maintained by management company
  - c) any private drives maintained by management company where public right of access is maintained
  - d) any other categories pertaining to management arrangements.

The development shall be implemented in accordance with the approved details.

Reason: To help clarify and inform the management arrangements for the site.

#### REFUSE

12. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include the following:

- a) details of facilities for the storage of refuse containers for each house and flat, and collection points for refuse collection vehicles
- b) vehicle tracking plan(s) which shall demonstrate via swept path analysis that the Council's largest refuse collection vehicle is able to reach within 25m of all dwellings, and enter and exit all roads (including shared surfaces) in a forward gear and that the turning heads are of sufficient size. Where private drives are identified and access for the Council's refuse collection is not suitable, details of collection arrangements must be submitted to and agreed by the Local Planning Authority in writing
- c) details of facilities for the storage of refuse containers for any and all non-residential buildings and vehicle tracking plans(s) and which shall demonstrate via swept path analysis that they can be serviced by the Council's largest refuse collection vehicle
- d) details showing the location of litter bins and - for those litter bins that are proposed on adopted land and/or which are to be emptied and maintained by the Council – details of their design and specifications

No dwelling or building shall be occupied until the approved refuse facilities and arrangements serving it have been provided. The approved refuse facilities shall thereafter be retained for future use.

Reason: To secure an orderly form of development, to protect the amenities of the area and because refuse collection vehicles are not permitted to reverse down any roads and must be able to reach within 25m of all dwellings in order for crews to empty bins.

#### FLOOR AND GROUND LEVELS

13. Details in relation to the reserved matters submitted to the Local Planning

Authority for any reserved matters site in compliance with condition 1 shall include:

- a) details and a plan(s) showing proposed finished floor levels of each dwelling and building, and existing and proposed ground levels in relation to a fixed datum
- b) a plan showing proposed gradients of all streets, cycleways and footpaths and shared surfaces in full compliance with DfT Inclusive Mobility Guide and Manual for Streets 1 & 2, except where it can be demonstrated that there is a suitable, alternative route available.

The development shall be carried out in accordance with the approved details.

Reason: To enable assessment of the relative heights of existing and proposed ground/floor levels and access requirements.

#### USEABLE SPORTS PITCHES

14. Notwithstanding the provisions of condition 3, details in relation to the reserved matters submitted to the Local Planning Authority in compliance with condition 1 in respect of any reserved matters site including sports pitches shall include:

- a) details showing the number and size of sports pitches, taking into consideration the provisions of condition 73 (PITCH SIZES)
- b) details showing the location and design of changing facilities for the adult sized pitches or satisfactory alternative provision
- c) a scheme to provide for level and well-drained pitches.

The development shall be implemented in accordance with the approved details prior to the use of the pitches and the drainage scheme shall be retained and maintained for the lifetime of the development.

Reason: To ensure the sports pitches are appropriately drained and useable.

#### LANDSCAPE SCHEME FOR EACH RESERVED MATTERS SITE

15. Details in relation to the reserved matter LANDSCAPING submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include the following details and an implementation programme:



- a) hard landscape works which shall include: means of enclosure and retaining structures; vehicle, cycle and pedestrian access and circulation areas; hard surfacing materials; position of external lighting including street lights; minor artefacts and structures (e.g. litter bins, seating and other furniture, play equipment and signs); proposed and existing functional services above and below ground (eg. drainage, power, communications cables)
- b) a landscaping scheme which shall include: proposed finished levels and contours, scaled planting plans/ written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate; top soil and subsoil specifications, tree pit sections and plan views showing root available soil volume, planting and aftercare methodology, proposals for remediation work in the event that any element of the landscaping fails
- c) details of public open space provision, in accordance with the provisions of condition 74 (PUBLIC OPEN SPACE PROVISION)
- d) details, where applicable, of allotment provision, as proposed under condition 20 (ALLOTMENT STRATEGY)
- e) details, where applicable, of existing and proposed ponds, attenuation basins and water features, which shall include detailed plans and cross sections of proposed features and respective landscaping, planting and lighting details, and which shall clearly identify those ponds proposed as replacement Great Crested Newt breeding ponds as distinct from other wildlife ponds/attenuation basins
- f) detailed designs for any ecological 'hop-overs' shown on the Green Infrastructure Parameter Plan (drawing no R.0319\_17j-4) and as required by condition 72 (ADDITIONAL HOP OVERS) and which shall include the matters detailed in NRW's letter of 24/02/2017
- g) detailed designs, including planting and layout plans, for the min 10m wide buffer zone proposed around all watercourses, wetlands and ponds and the min 15m ecotone buffer to all retained woodland

A Detailed Green Infrastructure Management Strategy (DGIMS) for the delivery, and long-term management, maintenance and monitoring of the ecological, aboricultural, landscape, soil and open space and water resource other than privately owned, domestic gardens. The DGIMS shall accord with the approved SGIMS required to be submitted under condition 19, including any amendments to the SGIMS, and shall substantially accord

with the Green Infrastructure Strategy, the Dark Corridors plan (drawing no R.0319\_47) and the mitigation measures set out in the Environmental Statement (November 2014) and ES Addendum (November 2016). The DGIMS shall include, where applicable to that RM site: update surveys of potential reptile habitat and related



mitigation, update surveys of ponds with potential to support Great Crested Newts and related mitigation, update surveys required under parts i) and j) of this condition and any other pre-commencement surveys for that site required as part of the SGIMS; a detailed plan setting out habitats to be lost, enhanced, created and retained and an implementation programme; details of proposed green corridors (including detailed layout plans showing habitat composition and new and retained planting required to reach the size and scale of corridor proposed, cross sections, and a phasing plan for green corridor planting); details of the treatment of Green Infrastructure where it is severed by road infrastructure; a detailed schedule of habitat and species management and maintenance operations and their implementation/timing, including proposals for the management of buffer zones; proposals for species and habitat monitoring and a mechanism to address mitigation failures, proposals for reviews and updating of the DGIMP; proposals for the delivery and on-going management, maintenance and monitoring of the water resource, landscaped areas and open space; an implementation programme for the phasing and delivery of the detailed green infrastructure and a detailed compliance audit scheme;

- i) the Detailed Green Infrastructure Management Strategy shall include a Detailed Great Crested Newt Strategy, which shall include the matters identified in NRW's letter of 24/02/2017 which shall also demonstrate that the intended undergrounding of the overhead powerlines has been taken into consideration in the proposed development and mitigation
- j) the Detailed Green Infrastructure Management Strategy shall include Detailed Bat Mitigation Strategy which shall include the matters identified in NRW's letter of 24/02/2017
- k) A detailed lighting scheme and implementation plan to control light spillage to any 'dark corridors' and other 'sensitive receptors' identified in the approved SGIMS (under condition 19), including watercourses, ponds and wetlands. The scheme shall include details of the siting and type of lighting to be used, their technical specifications, contour plans showing light spillage and cross sections of green corridors where they intersect with roads, footpaths and cycle paths and adjacent properties, detailing green infrastructure and lighting proposals, and operational measures to ensure appropriate lighting, including the timing and extent of any dimming. The lighting shall be linked to a Central Management System to allow for phased dimming.

- l) Proposals for the identification and management/control/eradication of any invasive species identified on the reserved matters site.

The development and green infrastructure management shall be carried out in accordance with the approved details

Reason: To protect the Green Infrastructure resource, to maintain and improve the appearance of the area in the interests of visual amenity and to help reduce crime and disorder.



## PROMOTION OF BIODIVERSITY THROUGH DESIGN

16. Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site in compliance with condition 1 shall include:
- a) details of fences or other forms of enclosure which shall include opportunities to allow the free passage of hedgehogs and other wildlife. Any walls and or/ fences or other forms of enclosure shall be erected in accordance with the approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), those walls and/or fences or other means of enclosure shall be erected in accordance with the approved details and shall not thereafter be altered or removed without the prior written approval of the Local Planning Authority
  - b) Proposals to include new bird and bat roosting opportunities based upon the Town and Country Planning Association's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009' and the Bat Conservation Trust's 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010'
  - c) Details of planting to allow wildflowers to development on roadside verges, parks and other greenspaces.

The development shall be carried out in accordance with the approved details.

Reason: To promote biodiversity of the site through design.

## PART 3: CONDITIONS TO BE DISCHARGED

### 3A: Conditions to be discharged in respect of whole outline permission site

#### PHASING

17. Notwithstanding the provisions of condition 3, no reserved matter application shall be approved by the Local Planning Authority and no development shall take place, except for the highway and landscaping works that are the subject of conditions 26 - 34 and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), until a phasing schedule and plan for the whole outline permission site has been submitted to and approved in writing by the Local Planning Authority. The phasing schedule and plan shall accord with the conditions and Section 106 Agreement and triggers therein, and shall include details of the phasing of the following:
- a) development Phases, including the number of dwellings to be delivered in each phase

- b) each of the site accesses (junctions 1, 2, 3, 4, 5,12,13,14,15,16)
- c) off-site highway improvements
- d) the spine road and all other roads, junctions, footpaths, cycle paths and shared surfaces within the site
- e) the transport interchanges shown on the October 2016 Design and Access Statement Street Hierarchy Plan, bus priority measures (including bus gates and lanes) and public transport stops



- f) green corridors, landscaping, open space and play areas and other publicly accessible areas
- g) schools, district and local centres.

The green corridor(s) in each Phase shall be commenced prior to the occupation of the first residential reserved matters site in each Phase. The development shall be carried out in accordance with the approved phasing plan or in accordance with any modification to that phasing plan as may be agreed with the prior written approval of the Local Planning Authority.

Reason: To ensure the development is carried out in a comprehensive, sustainable and coherent manner.

#### DESIGN CODE

18. Notwithstanding the provisions of condition 3, no reserved matters application shall be submitted to the Local Planning Authority until a 'Neighbourhood Character, Key Spaces and Frontages Design Code' for the whole outline permission site has been submitted to and approved in writing by the Local Planning Authority. The Code shall establish principles and guidelines for the treatment of the built form and landscape at the key spaces and along the primary/important frontages shown on p. 76 of the Design and Access Statement (October 2016) and explain how the architecture, landscaping, street furniture, materials and colours will vary between each of the 5 neighbourhoods and 17 character areas presented on p 82 of the Design and Access Statement (October 2016). Details of the scope and form of the Code shall be submitted to and agreed in writing by the Local Planning Authority prior to the submission of the Code. The reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved Code unless otherwise approved at reserved matters stage.

Reason: To ensure good design.

#### STRATEGIC GREEN INFRASTRUCTURE MANAGEMENT STRATEGY

19. No reserved matters applications shall be approved by the Local Planning Authority and no development shall commence, except for the highway and landscaping works that are the subject of conditions 26 - 34 and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), until a Strategic Green Infrastructure Management Strategy (SGIMS) - for the whole outline permission site - for the delivery and on-going management, maintenance and monitoring of green infrastructure comprising the ecological, aboricultural, landscape, soil, open space, SUDS

and water resource, other than privately owned domestic gardens, for the whole outline permission site for the construction and operational phases and longer term (up to 30 years and beyond) has been submitted to and approved in writing by the Local Planning Authority. The SGIMS shall include details and an implementation programme for the following:

- a) outline proposals for the delivery of green corridors and dark corridors which shall include plans and outline details of habitat composition and layout, the location of new and retained planting



required to reach the size and scale of corridor set out in the Green Infrastructure PP (drawing no R.0319\_17j-4) and as required by condition 71 (ENHANCED GREEN CORRIDOR), and the phasing of that provision.

- b) outline proposals for the protection, creation, translocation, enhancement, management and maintenance of habitats, including woodlands; hedgerows and trees; neutral, marshy and semi-improved grassland; lowland fen; ponds; streams; wet ditches; highway trees/verges and road crossings, and other habitat providing foraging, community and breeding opportunities for protected species, including a description of the habitats to be managed and their desired condition, key indicators to show when the desired condition has been achieved, the management operations required to deliver and maintain their desired condition, and suitable protection zones to woodlands, wetlands, watercourses, ponds and other sensitive habitats, and an outline plan showing habitats to be lost, enhanced, created and retained. Specific reference shall be made to the management of the 30.7ha semi-natural/natural greenspace referred to in NRW's letter dated 24/02/2017
- c) strategies, including mitigation and enhancement measures, to be delivered for European and other protected species affected by the development, including bats, barn owls, other birds, reptiles, amphibians, invertebrates, and precautionary measures to avoid harm to previously undetected dormice and badgers
- d) a Final Overarching Great Crested Newt Conservation Strategy which shall address the matters set out in NRW's letter dated 24/02/2017 and also demonstrate that the intended undergrounding of the overhead powerlines has been taken into consideration in the proposed development and mitigation
- e) proposals for the delivery and on-going management, maintenance and monitoring of landscaped areas and open space, including semi natural multi-functional green space, recreational woodland, sports provision, play grounds, teenage/ older children facilities, orchards and structural landscaping
- f) appropriate scheduling and timing of management and maintenance operations for habitats, species, landscaped areas and open space
  
- g) proposals for habitat and species monitoring and for review of management operations, including the frequency and timing of any species and habitat re-surveys, pre-construction surveys, monitoring of the potential colonisation of badgers, and reviews and updating of the SGIMP, and proposals to address problems identified by the monitoring scheme and review of habitat management
- h) an outline site-wide lighting strategy to ensure green corridors, the 'dark corridors' shown on the Dark Corridors plan (drawing no



R.0319\_47) and other habitats for light sensitive species are appropriately illuminated and inform the detailed lighting strategy for each Reserved Matters site. The outline strategy shall set out broad lighting principles, including in respect of the siting and type of lighting linked to a Central Management System, times and extent of proposed light 'dimming', operational measures to deliver the appropriate lighting levels, and cross sections showing how 'dark corridors' can be achieved over road crossings

- i) as part of e) provide an assessment of provision for teen facilities within 1500m of the outline site boundary and proposals for a range of new facilities within the outline site to serve the new population.

The approved SGIMS, and any subsequent amendments, shall be implemented in accordance with the approved details and programme for implementation. The development and green infrastructure management shall be carried out in accordance with the approved details.

Reason: To protect and enhance the Green Infrastructure resource of the site, in accordance with policy KP16 of the Cardiff Local Development Plan.

#### ALLOTMENT STRATEGY

- 20. Notwithstanding the provisions of condition 3, an allotment strategy for the whole outline permission site shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters submitted in compliance with condition 1 shall accord with the approved strategy and the development shall be implemented in accordance with the approved details. Reason: To inform the provision of allotments on the outline site.

#### RESIDENTIAL TRAVEL PLAN

- 21. No part of the residential development hereby permitted shall be occupied until the submitted Interim Travel Plan (November 2014) has been progressed for the whole outline permission site, submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall set out proposals and targets to limit or reduce the number of single occupancy car journeys to and from the site, and to promote travel by sustainable modes. The Residential Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Residential Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the

Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Residential Travel Plan shall be submitted annually for a period 5 years beyond final occupation to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the first phase of development.

Reason: To encourage sustainable transport and effect modal shift to non-car modes.

#### TRAFFIC MONITORING AT SITE ACCESSES

- 22. Prior to beneficial occupation of the development, a traffic monitoring strategy



for the whole outline permission site shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the methodology to record full turning movements by mode at the site access junctions (junctions 1, 2, 3, 4, 5, 12, 13, 14, 15 and 16). The results of the traffic surveys shall be submitted to the Local Planning Authority annually from the date of the first traffic survey and to 5 years beyond final occupation. Reason: To allow full monitoring, reporting and assessment of the impact of the proposed development.

23. STRATEGIC SUSTAINABLE SURFACE WATER DRAINAGE MASTERPLAN  
Prior to the submission of any detailed surface water drainage scheme under condition 63, a strategic sustainable surface water drainage masterplan for the whole outline application site shall be submitted to and approved by the Local Planning Authority. The details shall show how the natural drainage catchments, the development Phases, the reserved matters sites and the flood flow paths relate to each other. The details shall take into consideration the interaction between natural drainage catchments and be designed to ensure that the necessary sustainable drainage network for each reserved matters site is in place prior to occupation of any building. Where a Phase of the development is constructed within part of a natural drainage catchment or straddles more than one drainage catchment, the sustainable drainage network for the entire catchment shall be constructed to accommodate this.  
Reason: To ensure that drainage from the development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and infrastructure with regard to flood risk.

24. STRATEGIC FOUL DRAINAGE MASTERPLAN  
No reserved matter application shall be approved by the Local Planning Authority until a strategic foul drainage masterplan for the whole outline permission site, accompanied by a foul drainage catchment plan and informed by a Hydraulic Modelling Assessment (HMA), have been submitted to and approved in writing by the Local Planning Authority. The submitted strategic foul drainage masterplan shall include details of the following:
- a) suitable points of connection for each foul drainage catchment to connect to the existing public sewerage system

- b) how each development phase within each drainage catchment will be effectively drained to the existing public sewerage system and demonstrate how each phase will accommodate and include a provision for foul drainage flows for all subsequent phases
- c) any improvement or reinforcement works required to the public sewerage system in order to accommodate the development
- d) an implementation programme, which shall take into consideration the phasing schedule and plan approved under condition 17 (PHASING).

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent discharge of condition applications. No building shall be occupied on any reserved matters site until the works, identified by the Hydraulic Modelling Assessments and through part C of this condition, have been completed on the



public sewerage system serving that reserved matters site.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained.

25. STRATEGIC POTABLE WATER SUPPLY MASTERPLAN

No reserved matter application shall be approved by the Local Planning Authority until a strategic potable water supply masterplan for the whole outline permission site, accompanied by ground levels based on Lidar information and informed by a Hydraulic Modelling Assessment (HMA), have been submitted to and approved in writing by the Local Planning Authority. The submitted strategic potable water supply masterplan shall include details of the following:

- a) suitable points of connection for each phase to the existing public water supply system
- b) how each development phase and reserved matters site can be served by a suitable potable water supply system and demonstrate how each phase will accommodate and include a provision for a water supply for all subsequent phases
- c) any improvement or reinforcement works required to the public water supply system in order to serve the development.
- d) an implementation programme, which shall take into consideration the phasing schedule and plan approved under condition 17 (PHASING).

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent discharge of condition applications. No building shall be occupied on any reserved matters site until the works, identified through the Hydraulic Modelling Assessment and through part C of this condition, have been completed on the public water supply system serving that reserved matters site.

Reason: To ensure an adequate water supply and to protect the integrity of the public water supply system.

**PART 3B: Conditions to be discharged in respect of specific works/ buildings/ land uses / areas**

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 1

26. Notwithstanding the provisions of drawing 'Llantrisant Road Junction / Croft Y Genau Junction 1 (drawing no. W141304\_A01\_J1 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a) Tabled zebra crossing to be provided across Rhydlafar Drive, to provide access to the stepped path;
- b) Footway on the east side of Rhydlafar to be widened to 3 metres from the zebra crossing to the easternmost crossing at Junction 1 and converted to a shared use facility;
- c) Toucan crossing facilities to be provided on all arms of the junction;
- d) Safeguarding of a corridor of minimum width of 3.1 metres, to enable the provision of a northbound bus lane on Croft Y Genau Road set back 50 metres from the junction with the A4119 Llantrisant Road for a distance of at least 200 metres;
- e) Provision of the spine street section shown on p. 72 of the Design and



Access Statement (Oct 2016) to tie into Llantrisant Road from 'Junction 1' south along Crofft Y Genau Road to 'Junction 16'.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 2

27. Notwithstanding the provisions of drawing 'Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304\_A01\_J2 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a) All intersecting cycle tracks and crossings at the junction to be directly linked;
- b) Provision of dropped kerbs, in an appropriate location to minimise crossing distance for pedestrians at Ty-Gwyn;
- c) Safeguarding of land for the provision of a northbound bus lane on the site arm (southern) of the junction, set back 50 metres from the junction with the A4119 Llantrisant Road; and
- d) Provision of extended cycle feeder lanes to connect to the advanced stop line.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 3

28. Notwithstanding the provisions of drawing 'Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction 3 (drawing no. W141304\_A01\_J3 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a) Provision of a segregated 3m wide two way cycleway on all arms of the junction, including Llantrisant Road, site access arm and western side of Clos Parc Radyr to link to junctions 3 and 4, including informal crossing facilities at junction 4;
- b) All intersecting cycle tracks to be directly linked. This includes provision of signalised facilities located close to the desire lines;
- c) Provision of a northbound bus lane on the site arm (southern) of the junction, set back 50 metres from the junction with the A4119



Llantrisant Road; and

- d) Provision of extended cycle feeder lanes to connect the proposed bus lane with the advanced stop line.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### DETAILED HIGHWAY IMPROVEMENT WORKS - JUNCTIONS 4, 5, 6

29. Notwithstanding the provisions of drawing 'Clos Parc Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304\_A01\_J4-5-6 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a) The spine street section shown on p.72 of the Design and Access Statement (October 2016) to be provided on the western side Clos Parc Radyr between and to link junctions 3 and 4;
- b) The shared use path on the eastern side of Clos Parc Radyr to be provided with minimum clear width of 3 metres throughout its length;
- c) Crossing facilities for cyclists to be provided at Junction 4 to ensure continuity of connections in all directions between spine road treatments and the shared use path on Clos Parc Radyr;
- d) Crossing facilities to be provided at Junction 5 to ensure cyclists can join shared use path on eastern side of Clos Parc Radyr; and

- e) Due to the close proximity of Junctions 5 and 6, these are to share a raised table junction, in accordance with the details approved for Junction 6.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

#### PENTREBANE RD BI-DIRECTIONAL CYCLE LANE SIGNALISED CROSS ROADS JUNCTION 11

30. Notwithstanding the provisions of drawing 'Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no W141304\_A01\_J11 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway works relating to the above junction and bidirectional cycle track shall take place until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include the following:

- a) The provision of a bidirectional cycle track of a minimum 3 metres width on the northern side of Pentrebane Road from its junction with



- Waterhall Road to development junction 13;
- b) Provision of toucan crossings on all arms of the Pentrebane Road and Waterhall Road junction; and
- c) Provision of a segregated cycling facility between Amethyst Road and the signalisation of the Pentrebane Road and Waterhall Road junction.

The development shall be implemented in accordance with the approved details. No dwellings in phase 2 shall be occupied until the approved details have been constructed.

Reason: To ensure the provision of satisfactory access to and from the site.

31. DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTIONS 12 AND 13 Notwithstanding the provisions of drawing 'Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13' (drawing no. W141304\_A01\_J12-13 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:
- a) Provision of a bidirectional cycle track of a minimum 3m width on the northern side of Pentrebane Road from its junction with Ashcroft Crescent to junction 13;
  - b) Provision of Toucan crossings and dropped kerbs at Junction 12 to enable cyclists travelling on road on Beechley Drive to join and leave cycle track north of Pentrebane Road;

- c) Provision of crossing facilities at Junction 13 to enable cyclists to connect between the cycle track on northern side of Pentrebane Road described in a) above and the stopped up section of Pentrebane Rd west of the junction;
- d) Safeguarding of land for the provision of a southbound bus lane on the site arm (northern) of Junction 12, set back around 50m from the junction with Pentrebane Road.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

32. DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 14 Notwithstanding the provisions of drawing 'Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14' (drawing no. W141304\_A01\_J14 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION) no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the



Local Planning Authority. The full engineering details shall include the following:

- a) A continuous cyclist and pedestrian link to Crofft Y Genau Road and across to St Brides Road;
- b) Cycling access to the junction of Crofft Y Genau Road and St Brides Road;
- c) Shared use link from stopped up section of Pentrebane Road to spine road to be provided with a minimum clear width of 3 metres;
- d) The site access north of Pentrebane Road does not show a continuous cycle route west to Crofft Y Genau Road. Cycling access needs to be provided to the junction of Crofft Y Genau Road and the site access; and
- e) an ANPR traffic gate to time limit tidal flow access of traffic on Crofft-Y-Genau Road.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

33. DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 15
- Notwithstanding the provisions of drawing 'Crofft y Genau Road Southern Site Access Junction 15' (drawing no. W141304\_A01\_J15 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include details of an ANPR traffic

gate to time limit tidal flow access of traffic on Crofft-Y-Genau Road. The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

34. DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 16
- Notwithstanding the provisions of drawing 'Crofft y Genau Road Priority Access Flared for Bus Movements Junction 16' (drawing no. W141304\_A01\_J16 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition 17 (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.



LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS

35. No development of the access and highway works that are the subject of conditions 26 - 34 shall take place nor any associated removal of trees and hedgerows, until there has been submitted to and approved in writing by the Local Planning Authority a landscaping scheme for those works. The scheme shall:
- a) include a tree assessment for that part of the site in accordance with BS 5837:2012 comprising an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan
  - b) include a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) for that part of the site that shall accord with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA 2009)
  - c) include details of proposed finished levels of the site in relation to the existing ground level, earthworks, hard surfacing materials, lighting, proposed and existing services above and below ground level, scaled planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods), topsoil and sub soil specification, tree pit sectional and plan views, planting and aftercare methodology.
  - d) demonstrate how planting shall be accommodated to avoid conflict with services.

The scheme shall be implemented in accordance with the approved details.  
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

SCHOOL TRAVEL PLAN

36. Prior to the first beneficial use of any school, a School Travel Plan for that school shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from the site, and to promote travel by sustainable modes. The School Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The School Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the School Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that school to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the school.  
Reason: To encourage sustainable transport and effect modal shift to non-car modes.

EMPLOYMENT TRAVEL PLAN



37. No part of the proposed employment development shall be occupied until an Employment Travel Plan has been progressed, submitted to and approved in writing by the Local Planning Authority in relation to that part of the employment development. The Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from that part of the site, and to promote travel by sustainable modes. The Employment Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Employment Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that part of the employment development to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the school.  
Reason: To encourage sustainable transport and effect modal shift to non-car modes.

38. RETAIL / COMMUNITY / HEALTHCARE USE EMPLOYEE TRAVEL PLAN  
No part of the proposed retail, community and healthcare development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority for the employees of that part of the retail, community and healthcare offer. The Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from that part of the site,

and to promote travel by sustainable modes. The Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually for a period of 5 years beyond final occupation to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation.

Reason: To encourage sustainable transport and effect modal shift to non-car modes.

39. RADYR GOLF COURSE INTERFACE STRATEGY  
Notwithstanding the provisions of condition 3 and within 12 months of the date of this permission, a 'Radyr Golf Course Interface Strategy' to respond to the conflict posed by errant golf balls shall be submitted to the Local Planning Authority for approval and no reserved matters application shall be submitted to the Local Planning Authority for approval in respect of any land falling within a 50m wide offset measured from the shared boundary between the outline permission site and Radyr Golf Course until a 'Radyr Golf Course Interface Strategy' has been approved in writing by the Local Planning Authority, in consultation with Radyr Golf Club. Notwithstanding the provisions of condition



3, the reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved strategy and shall be implemented as approved.  
Reason: To address the constraint of Radyr Golf Course, as required by Policy KP2(C) of the Cardiff Local Development Plan.

#### LISTED BUILDINGS PENTREBANE FARM

40. Within 3 months of the date of this outline permission, a full building condition survey of the three Grade II listed buildings at Pentrebane Farm (comprising the north wall of the former walled garden - Cadw ref 13924, a large barn – Cadw ref 13925 and the farmhouse itself – Cadw ref 82247) shall be undertaken in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. A report of the findings of the assessment, and a full schedule of interim repairs proposed until full refurbishment takes place and an implementation programme shall be submitted to the by the Local Planning Authority for approval within 6 months of the date of this permission. The schedule of repairs considered reasonably necessary to ensure the proper preservation of the building shall be implemented in accordance with the approved details and implementation programme.

Reason: The condition of each of these buildings has been recently re-assessed as 'very bad' within the Cadw Building at Risk (BAR) Survey undertaken in November 2015, leading them to be classified as 'At Risk', linked to a lack of proactive maintenance and repairs over a long period and the vacancy of the farmhouse itself.

#### HISTORIC FARM BUILDING RECORDING

41. Prior to the commencement of any development works to, or demolition, re-use or conversion of the undesignated historic farm buildings at Halfwrt, Pen Down, Maes-y-Lech and Ty-Gwn, and Pentrebane Cottages, a programme of building recording shall be undertaken in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. A report of the recording and its findings, together with written evidence that a copy has been accepted into the National Monuments Record Wales, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the undesignated historic farm buildings.

Reason: To promote the understanding of the heritage of the area.

#### HISTORIC FARM BUILDING INTERPRETATION

42. Any ruinous structures relating to the historic farms identified in condition 41 (HISTORIC FARM BUILDING RECORDING) which are to be retained in situ within public open space shall be identified within on-site interpretation boards or other installations, the details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved interpretation shall be installed on site prior to the beneficial occupation of any residential development on the reserved matters site in which those assets are located.

Reason: To promote the understanding of the heritage of the area.

#### INTEPRETATION OF UNDESIGNATED ARCHAEOLOGY

43. Details of the proposed preservation in situ of two limekiln sites (02879s, and 01429s), identified in the Environmental Statement (November 2014), including details to promote their access and interpretation by the public, shall be



submitted to and approved in writing by the Local Planning Authority. Thereafter, an explanation of the history and significance of those assets shall be set out within interpretation installations, which shall be erected in situ prior to the beneficial occupation of any residential development on the reserved matters site in which those assets are located. Reason: To promote the understanding of the heritage of the area.

**DISTRICT CENTRE DESIGN CODE**

44. Notwithstanding the provisions of condition 3, no reserved matters application shall be submitted in respect of any land on which the District Centre is proposed until a design code for the District Centre has been submitted to and approved in writing by the Local Planning Authority. Details of the scope of the design code shall be submitted to and agreed in writing by the Local Planning Authority prior to the submission of the design code. The reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved design code. Reason: To ensure good design.

**PART 3C: Conditions to be discharged in respect of each RM site**

45. **POWER LINES AND PYLONS AND HIGH PRESSURE GAS PIPES**  
No reserved matters shall be approved by the Local Planning Authority until a statement outlining the proposed treatment of any existing high pressure gas pipes, and power lines and pylons that cross that reserved matter site has been submitted to the Local Planning Authority. The submitted details shall include details of any proposals for any alternative routes or treatment, together with a timetable for the outlined works. The Applicant shall thereafter update the Local Planning Authority of any material changes to the Applicant's intentions prior to and during the construction phase.  
Reason: In the interest of visual amenity and to allow the reserved matters details to be appropriately assessed.

**ENERGY STRATEGY**

46. No reserved matters application shall be approved by the Local Planning Authority until an energy strategy for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include an assessment of the financial viability and technical feasibility of incorporating renewable and low carbon technologies, including energy supply systems. The development shall be implemented in accordance with the approve details.  
Reason: To promote sustainable development.

**PUBLIC ART**

47. No reserved matters application shall be approved by the Local Planning



Authority until a until a scheme, maintenance schedule and timetable for the provision of public art on that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The public art strategy for Coed y Gof Recreational Woodland shall include proposals for the sculpture trail proposed in the Design and Access Statement (October 2016). The development shall be implemented in accordance with the approved details and the public art shall be maintained in accordance with the approved details.  
Reason: In the interests of creating a quality and legible built environment.

#### TREES

48. No reserved matters application shall be approved by the Local Planning Authority and no development or site clearance on that Reserved Matters site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a tree assessment in accordance with BS 5837:2012 for that Reserved Matters site. The tree assessment shall include:
- a) an Arboricultural Impact Assessment (AIA);
  - b) a plan showing the hedgerows and trees to be retained, removed, relocated and planted;
  - c) an Arboricultural Method Statement (AMS) setting out the methodology that shall be used to prevent loss of or damage to retained trees. The AMS shall include details of on-site monitoring of tree protection and tree condition that shall be carried out for at least two years after its completion; and
  - d) a Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

The development shall be carried out in full conformity with the approved AIA, AMS and TPP unless modifications to the approved AIA, AMS and TPP are agreed in writing by the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to protect the aboricultural and ecological resource.

#### SOILS

49. No reserved matters application shall be approved by the Local Planning Authority and no development or site clearance on that Reserved Matters site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) for that Reserved Matters site that shall accord with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA 2009). The development shall be carried out in full conformity with the approved SRP unless modifications to the SRP are agreed in writing by the Local Planning Authority.  
Reason: To ensure the successful delivery of green infrastructure proposals.

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

50. Prior to the commencement of any site clearance, construction works or





- highways during the construction period, with particular consideration given to the protection of the Ty-Du Moor SSSI. Details shall include a minimum of one months base-line data demonstrating the pre-construction water quality on any watercourses on site and a Silt Management Plan including emergency / contingency plans in the event of pollution
- k) foul drainage strategy for the construction phase

- l) a Green Infrastructure Construction Protection Strategy (GICPS) detailing measures for the protection of the ecological (habitats & protected species), aboricultural, landscape, soil, open space, water and SuDs resource during clearance and construction, and mitigation measures, including those existing elements proposed for retention and translocation, and those proposed to be created or enhanced as part of the application. The GICPS shall comply with the approved Aboricultural Impact Assessment, Aboricultural Method Statement and Tree Protection Plan and the approved Soil Resource Survey and Soil Resource Plan for that site/ land and shall include but shall not be limited to:
- a plan showing green infrastructure to be lost, retained, enhanced, translocated and newly created and its phasing
  - a risk assessment of the potentially damaging activities
  - a plan showing protection zones for the ecological (habitats & protected species), aboricultural, landscape, soil, open space, water and SUDS resource (including culverts) for the construction phase, which shall include but not be limited to a min 10m wide protection zone alongside all wetlands, ponds and watercourses within and bordering the site, a min 15m wide protection zones from all retained woodland and retained woodland SINC's, and precautionary measures to avoid harm to previously undetected dormice and badgers
  - pre-construction checks
  - updated surveys prior to felling/pruning of trees or demolition of any trees and buildings with confirmed, or potential to support, barn owl nesting/roosting and bat roosts, proposed to be removed or at risk during the construction phase and other pre-commencement surveys required as part of the SGIMS approved under condition 19
  - updated surveys of ponds with potential to support Great



Crested Newts and potential reptile habitats prior to commencement of construction

- details of site clearance and construction methods and measures to be taken to minimize and mitigate the impact of any works
- phasing / timing of works and times when ecological supervision is required
- a lighting scheme, including measures to reduce light spillage from construction onto key habitats and corridors, which shall include the matters set out in NRW's letter of 24/02/17.

m) List of on-site contacts and their responsibilities and arrangements for liaison between site manager, principle contractor, ecologist, arboriculturist, soil scientist, landscape architect or other related professionals during the course of construction, and ecological site inductions for contractors working on site. Arrangements shall include details of what contracts should do in the event protected species are encountered during the course of development.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full throughout the construction period.

Reason: To manage the impacts of construction on that Reserved Matters site in the interests of highway safety, and protection of the environment and public amenity.

#### GROUND GAS ASSESSMENT AND MITIGATION MEASURES

51. Prior to the commencement of development on each reserved matters site, a scheme to investigate and monitor that reserved matters site for the presence of gases being generated at that reserved matters site or on land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of that reserved matters site and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

Reason: To ensure that the safety of future occupiers is not prejudiced in



accordance with policy EN13 of the Cardiff Local Development Plan.

#### LAND CONTAMINATION A: RISK ASSESSMENT

52. Prior to the commencement of the development on each reserved matters site, an assessment of the nature and extent of contamination on land and controlled waters for that reserved matters site shall be submitted to and approved in writing by the Local Planning Authority. The assessment must be taken as an intrusive investigation to assess the extent, scale and nature of contamination which may be present. A report on the results of the investigation detailing the assessment of the potential risks and an appraisal of remedial options and justification for the preferred remedial option(s) shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

#### LAND CONTAMINATION B: SUBMISSION OF REMEDIATION SCHEME AND VERIFICATION PLAN

53. Where the approved risk assessment report submitted under condition 52 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, prior to the commencement of development on each Reserved Matters site, a detailed remediation scheme and verification plan to bring that reserved matters site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.  
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

#### LAND CONTAMINATION C: UNDERTAKING OF REMEDIATION AND ISSUE OF VERIFICATION REPORT

54. Where the approved risk assessment report submitted under condition 52 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, the approved remediation scheme for that reserved matters site shall be implemented and completed in accordance with its terms prior to the occupation of any part of the development on that reserved matters site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the



completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

#### LAND CONTAMINATION D: POST REMEDIATION MONITORING REQUIREMENTS

55. Where the approved risk assessment report submitted under condition 52 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, a monitoring scheme to include monitoring the long-term effectiveness of the remediation over a period which shall be agreed in writing by the Local Planning Authority and the provision of reports on the same shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any approved building on that reserved matters site.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

#### IDENTIFICATION OF UNSUSPECTED CONTAMINATION

56. In the event that contamination is found at any time when carrying out the approved development on each Reserved Matters site that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place, unless otherwise agreed in writing by the Local Planning Authority, until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale



for the above actions shall be submitted to the Local Planning Authority for approval in writing within 2 weeks of the discovery of any unsuspected contamination and shall be implemented in accordance with the approved timetable unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

57. **IMPORTED SOIL**  
Any topsoil (natural or manufactured), or subsoil, to be imported onto a Reserved Matters site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site shall be undertaken to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme which shall be agreed with in writing by the Local Planning Authority.  
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

58. **IMPORTED AGGREGATES**  
Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported onto each Reserved Matters site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site shall be undertaken to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority.  
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.



#### ROAD TRAFFIC NOISE

59. No reserved matters application shall be approved by the Local Planning Authority until there has been submitted to and approved in writing by the Local Planning Authority a scheme for that reserved matters site that provides for all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] to be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night.

The details of the sound insulation and ventilation scheme, which shall include either active or passive means of ventilation, shall be submitted to and approved in writing by the Local Planning Authority. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to

provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected in accordance with policy EN13 of the Cardiff Local Development Plan.

#### 60. NON-RESIDENTIAL PREMISES

No non-residential premises shall be occupied until the following details for that premises have been submitted to and approved in writing by the Local Planning Authority:

- a) proposed hours for the arrival, departure, loading and unloading of delivery vehicles
- b) proposed hours that any member of the public shall be admitted to or allowed to remain on the premises
- c) proposed hours that any sales of hot food for consumption off the premises shall take place from the premises
- d) a scheme for sound insulation of any room where amplified music will be played at any time
- e) a scheme of sound insulation works to the floors/ceiling and/or party wall structure between any retail/commercial unit and adjoining residential unit
- f) a scheme for the provision and maintenance of extract ventilation equipment for the mechanical extraction of all fumes from the food preparation areas in any premises which is to involve the preparation and cooking of hot food at any time. The scheme shall include, but shall not be limited to, details of: the point that fumes shall be mechanically extracted to, details of the equipment, de-odorising filter and chimney.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order), the development shall be carried out, operated and maintained in accordance with the approved details and, in respect of kitchen extraction



equipment, shall be maintained in accordance with the manufacturer's guidelines.

Reason: To ensure the amenities of occupiers of other premises are protected in accordance with policy EN13 of the Cardiff Local Development Plan.

#### FLOODLIGHTING SCHEME

61. No floodlighting shall be installed on any reserved matters site until a floodlighting scheme for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to beneficial use of the approved floodlighting.

Reason: To protect residential amenity and to avoid disturbance to other sensitive receptors in accordance with policies KP16, KP18 and EN7 of the Cardiff Local Development Plan.

#### ARCHAEOLOGY

62. No reserved matters application shall be approved by the Local Planning Authority and no development on any Reserved Matters site shall take place prior to the implementation of a programme of archaeological work for that reserved matters site in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.

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 in accordance with policy EN9 of the Cardiff Local Development Plan.

#### DETAILED SURFACE WATER DRAINAGE SCHEME

63. No reserved matters application shall be approved by the Local Planning Authority and no development shall commence on any reserved matters site until a scheme for the disposal of surface water for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority.

The sustainable drainage scheme shall:

- a) incorporate sustainable drainage principles and indicate how the development will comply with the requirements of Section 8.3 of TAN 15
- b) provide information about the design storm return, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution to the receiving infrastructure;
- c) assess the performance of the proposed surface water drainage system in relation to the impact of a 1 in 100 year return period storm and climate change allowance of +30%
- d) demonstrate that surface water runoff from any impermeable surfaces within the proposed development shall be attenuated to greenfield rates
- e) demonstrate consideration given to and the assessment of the impact of phasing of the development in relation to the Strategic



- Sustainable Surface Water Drainage Masterplan submitted in discharge of condition 23, including the interaction between adjoining drainage catchments and demonstrate that the necessary sustainable drainage network for each reserved matters site will be provided to enable the development of that reserved matters site
- f) demonstrate that appropriate control and mitigation measures are employed to prevent surface water and land drainage run off to properties/land within and adjoining the site or from land adjoining the site, and any associated nuisance, contamination, pollution, silting, flooding and subsidence issues
  - g) in respect of f) above, particular consideration shall be given to proposals to demonstrate no adverse hydrological effects (including increased/reduced water quantity, reduced quality and/or changes to existing drainage routes) to the Ty Du Moor SSI via the Nant Dowlais, wetland SINC, marshy grassland, ponds and watercourses
  - h) include details of locations, plans, cross sections, proposed ground levels and depths of attenuation facilities (including surface and sub-surface), along with their exceedance flow routes and proposed method of on-site management
  - i) include drainage models of all attenuated drainage systems to prove viability and demonstrate that all exceedance flows do not cause surface water flooding to existing or proposed properties or other adverse hydrological effects to sensitive ecological habitats, including wetlands, watercourses and ponds. The mdx files shall be forwarded to the Local Planning Authority for verification and approval
  - j) include details of all watercourses as determined by Section 72 of the Land Drainage Act 1991 and an assessment of how they will be impacted by the development. Those details shall include any existing culverted sections of watercourses and any proposals for the diversion, culverting or in-filling of watercourses within the reserved matters site and associated flood risk management measures
  - k) include a timetable for its implementation
  - l) provide a surface water drainage management and maintenance plan of the development which shall include the arrangements for adoption by any public body, statutory undertaker or private management company and any other arrangements to secure the operation of the drainage system throughout its lifetime, details of maintenance responsibility and a detailed maintenance schedule. The submitted details clearly show who is responsible for each element of drainage and shall include the approach to safety of all ponds and SUDs features for the general public.
  - m) details submitted as part of l, shall include proposals for the maintenance of a culvert and channel near Fairwater Leisure Centre



that are assessed in the application as being the cause of localised flooding within Zone B of the Development Advice Maps.

- n) demonstrate the protection of open and culverted sections of the existing watercourse during and after construction.

The above will take the form of a Hydrological Impact Assessment, including an assessment of the development in a hydrological and hydrogeological context of the development and conform to the hierarchical approach for the principles of storm water drainage strategy for the development. The assessments shall be carried out in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority and the results of the assessments shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the detailed surface water drainage scheme

has been implemented in accordance with the approved details, and the scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. The scheme shall demonstrate that post-development flows from the site replicate pre-development flows.

Reason: To ensure that drainage from the development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and infrastructure with regard to flood risk.

#### DETAILED FOUL DRAINAGE SCHEME

- 64. No reserved matter application shall be approved by the Local Planning Authority until a detailed foul drainage scheme for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall provide for the disposal of foul flows and shall accord with the approved strategic foul drainage masterplan submitted under condition 24. No building on that reserved matters site shall be occupied until the detailed foul drainage scheme has been completed in accordance with the approved details and until the necessary reinforcement works, identified by the Hydraulic Modelling Assessment and through part C of condition 24 (Strategic Foul Drainage Masterplan), have been completed on the public sewerage system serving that reserved matters site. The scheme shall be constructed in full.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained.

#### DETAILED POTABLE WATER SCHEME

- 65. No reserved matters application shall be approved by the Local Planning Authority until a scheme for the improvement and / or extension of the potable water supply system to serve that reserved matters site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the approved Strategic Potable Water Supply Masterplan submitted under condition 25 (Strategic Potable Water Supply Masterplan). No building on that reserved matters site shall be occupied until the scheme has been implemented in accordance with the approved details and until the necessary improvement works, identified by the Hydraulic Modelling

Assessment and through part C of condition 25 (Strategic Potable Water Supply Masterplan), have been completed on the water supply system serving that reserved matters site.

Reason: To ensure an adequate water supply and to protect the integrity of the public water supply system.

#### **PART 4 : COMPLIANCE CONDITIONS**

##### **RETAIL USES**

66. The A1, A2 and A3 retail floorspace hereby permitted shall not exceed 19,900 sq m (gross) and shall be located in the District and Local Centres identified on the Land Use Parameter Plan. No individual Class A1/A2/A3 unit shall exceed 500 sq m (gross) except for the 2 no. foodstores located in the District Centre which shall be up to 5,000sq m gross in total and the foodstore located in Local Centre (4) (North) which shall be up to 1,500 sq m gross.

Reason: In order to safeguard the retail vitality and viability of existing designated centres and to ensure the proposed units are commensurate to the scale, role and function of the designated centre in the interests of forming a planned centre which reinforces a sense of place.

##### **SCHOOL SITE SIZES**

67. Notwithstanding the provisions of condition 3, each of the three primary schools shall have a minimum site size of 19,928sq m and the secondary school shall have a minimum site size of 70,247m<sup>2</sup>.

Reason: To reflect the Council's preferred strategy for schools provision and new Planning Obligations SPG.

##### **FULL ENGINEERING DETAILS FOR EACH JUNCTION**

68. Notwithstanding the provisions of condition 3, the details to be submitted in relation to junctions 1, 2, 3, 4, 5, 11, 12, 13, 14, 15 and 16 under conditions 26 – 34 shall include the following full engineering details as required:

- a) Reduction of speed limit to 30 mph on Llantrisant Road and Croffy Y Genau Road with details of appropriate signage scheme;
- b) CCTV camera infrastructure at junctions and between junctions;
- c) Accessible and safely located maintenance bays for equipment, including signals;
- d) Appropriate and accessible locations for cabinets;
- e) Provision of fibre infrastructure along the length of the site frontage (to Crofft Y Genau);
- f) Bus lane enforcement ANPR infrastructure for any bus lanes;
- g) Detection loops;
- h) Incorporation of UTC, SCOOT MOVA, following agreements with Cardiff Council;
- i) Street lighting linked to a Central Management System to allow



- phased dimming;
- j) Variable Message Sign (VMS) and associated infrastructure on Llantrisant Road;
- k) Clear and uncongested access to any crossings and push buttons for all users;
- l) Bus stops facilities, including details of existing stops, new stops and any proposed relocations. Bus stop locations shall be agreed with Cardiff Council in consultation with bus operators.

Reason: To make provision for satisfactory access and to ensure effective pedestrian, cycle and vehicular links to the wider strategic site and to allow the phased dimming of street lights.

69. **KEY PEDESTRIAN / CYCLING / HORSE RIDING ROUTE**  
 Notwithstanding the provisions of condition 3 and unless otherwise approved at reserved matters stage, the key pedestrian / cycling / horse riding route shown on the Access Parameter Plan (drawing ref R.0319\_17j-3) shall include a separate path for horses of a min width of 2m and a min 3m shared path for pedestrians/ cyclists.

Reason: To promote sustainable travel and to protect the amenities and safety of users.

70. **ECOTONE**  
 Notwithstanding the provisions of condition 3, a minimum 15m wide buffer shall extend along the length of all retained woodland which shall be designed as an 'ecotone' and no development within it shall be permitted except for soft landscaping and footpaths and cycle paths, unless otherwise approved at Reserved Matters stage.

Reason: To protect the arboricultural and ecological resource of the site.

71. **ENHANCED GREEN CORRIDOR**  
 Notwithstanding the provisions of condition 3, a minimum 60m wide green corridor shall be provided between Halfwrt and Coed y Trenches which shall include, within the 60m, provision of new woodland and a 15m eco-tone buffer to each side of the woodland (as measured from tree trunks). No development within it shall be permitted except for soft landscaping and footpaths and cycle paths, unless otherwise agreed at Reserved Matters stage.

Reason: To retain satisfactory ecological connectivity and avoidance of habitat fragmentation.

72. **ADDITIONAL HOP OVERS**  
 Notwithstanding the provisions of condition 3, additional hop overs shall be provided where the eastern access road intersects eastern 'limb' of green infrastructure connectivity running North South and between Coed y Gof and the Former Llantrisant Branch Line, as indicated in the drawing attached to the comments of the Council's Ecologist dated 05/01/17.

Reason: To retain satisfactory ecological connectivity and avoidance of habitat fragmentation.

### PITCH SIZES

73. Notwithstanding the provisions of condition 3, adult size pitches shall be at least 100m x 64m plus 3m run off (giving an overall size for each pitch of 106m x 70m) and mini pitches shall be at least 55m x 37m plus 3m run off (giving an overall size for each pitch of 61m x 43m with run off), unless otherwise approved through reserved matters applications.  
Reason: To ensure an acceptable provision of public open space.

### PUBLIC OPEN SPACE PROVISION

74. Notwithstanding the provisions of condition 3, the development shall accord with the POS Provision Plan (drawing no R.0319\_45A) subject to:
- a) the provision of an additional play area which shall be provided in the 'Phase 3 area' shown on the Indicative Phasing Plan (drawing no R.0319\_51) to the south of the disused railway line
  - b) the 'formal sports provision' identified on the POS Provision Plan on land to the south of the application site of pp 14/02188MJR providing a level and well-drained open space of a minimum 70m x 60m (excluding eco-tone provision) to be used as active recreation open space, including as a kick about area.
  - c) the precise location and dimensions of the destination play areas, teen facilities and play areas (LEAPs) being fixed at RM stage
  - d) the implementation of the outcome of the assessment of provision for teen facilities within 1500m of the outline site boundary, required under condition 19 (STRATEGIC GREEN INFRASTRUCTURE MANAGEMENT STRATEGY), and proposals for a range of new facilities within the outline site to serve the new population.
- Reason: To ensure an acceptable provision of on-site open space.

### PLANT NOISE

75. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed 10dB below the existing background noise level at any time when measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard).  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

### RADYR FARM WIND TURBINE

76. Details submitted in discharge of condition 59 (ROAD TRAFFIC NOISE) in respect of any land within the outline application site north of Llantrisant Road shall also take into account the siting of the wind turbine at Radyr Farm and ensure that any future residential properties approved on land within the outline application site north of Llantrisant Road would be suitably sited and attenuated from the noise from the wind turbine such that they would not prejudice the ability of the owners of the turbine from complying with condition 2 of planning permission 07/01380w. Notwithstanding the provisions of condition 3, details submitted in relation to the reserved matters submitted to



the Local Planning Authority in compliance with condition 1 in respect of land north of Llantrisant Road shall accord with the approved scheme including any buffer zone restricting development approved as part of the approved noise scheme.

Reason: To ensure the amenities of future occupiers are protected.

#### LANDSCAPE IMPLEMENTATION

77. In relation to any landscaping scheme approved in discharge of conditions 15 (LANDSCAPE SCHEME FOR EACH RESERVED MATTERS SITE) and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), any trees, plants or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

#### NESTING BIRDS

78. No removal of hedgerows, trees, scrub or shrubs shall take place between 1st March and 15th August inclusive unless otherwise approved in writing by the Local Planning Authority.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

#### SITES OF IMPORTANCE FOR NATURE CONSERVATION

79. No materials, waste, arisings or plant shall be stored or operated within any SINC, or be allowed to fall, be washed or blown into them except for those parts of the SINC that are to be developed as part of this permission.

Reason: To protect the features of interest for nature conservation for which the SINC has been designated.

#### PROVISION OF ROAD BEFORE OCCUPATION OF DWELLINGS/BUILDINGS

80. No dwelling or building shall be occupied until that part of the road and footpath which provides access to it from the existing highway and all surface water drainage works for the said road have been laid out, constructed and completed up to base course level and lit in accordance with the approved plans. The roads and footpaths shall be constructed to surface level prior to the occupation of the last dwelling or building served by that road, unless otherwise



agreed in writing by the Local Planning Authority.

Reason: To ensure an orderly form of development and to make provision for satisfactory access to the dwelling by the future occupants.

#### HSE ADVICE

81. Notwithstanding the provisions of condition 3, no development shall take place in contravention of Health and Safety Executive (HSE) advice in respect of the three high pressure gas pipelines that cross the site dated 29/04/15 and any subsequent advice provided by the HSE prior to the determination of reserved matters.

Reason: In the interests of health and safety.

#### WALES AND WEST UTILITIES APPARATUS

82. Notwithstanding the provisions of condition 3, no buildings shall be built within the Wales and West Utilities recommended Building Proximity Distances of the following pipelines shown on the Land Use parameter plan (drawing no R.0319\_17j-2):

- 7m either side of the outer edge of the High Pressure Pipeline ref 1561 - Nantgarw/Pentrebane [p2](HS013)
- 15m either side of the outer edge of the High Pressure Pipeline ref 1565 – Pentrebane/St Athan [p1] (HS0330)
- 15m either side of the outer edge of the High Pressure Pipeline ref 2684 – Pentrebane to Dyffryn

Reason: In the interests of health and safety, and to minimise risk to the pipeline.

#### 132kv OVERHEAD POWERLINE

83. Notwithstanding the stated intention to underground the 132kv overhead cable in the future, no buildings shall be built within 10m of any steel lattice pylon pertaining to the 132kv overhead cable and a minimum statutory clearance of 6.6m shall be maintained at all times between the nearest overhead line conductor and any part of a building.

Reason: In the interests of health and safety, and to minimise risk to the apparatus.

#### BUILDING OUTSIDE SETTLEMENT BOUNDARY

84. Notwithstanding the provisions of condition 3, no building shall be constructed to the south of Pentrebane Road beyond the settlement boundary identified on the Local Development Plan Proposals Map.

Reason: For the avoidance of doubt.

**IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.**

**All policies and proposals in the Development Plan which are relevant to this decision are listed in the report on the Application.**

**IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.**

Dated: 20/03/2017

  
**James Clemence**  
**HEAD OF PLANNING**  
County Hall, Cardiff, CF10 4UW

**It should also be noted :**

1. **CONSTRUCTION SITE NOISE**  
To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.
2. **RADON GAS PROTECTION**  
This development falls within a radon affected area and may require basic radon protective measures, as recommended for the purposes of the Building Regulations 2010.
3. **CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE**  
The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the following rests with the developer:
  - (i) determining the extent and effects of such constraints;
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
    - Unprocessed / unsorted demolition wastes.
    - Any materials originating from a site confirmed as being



contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable

land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

4. That the Developer be advised that records indicate a history of and potential for subsurface voids in the area and that they should be fully aware of this in relation to their responsibilities regarding the safe development and occupancy of the site. For the avoidance of doubt, the responsibility for the safe development and occupancy of the site rests with the developer.
5. That the developer be advised that the City of Cardiff Council will not permit the stopping up of any watercourses. Any obstruction to the flow, in accordance with Section 23 of the Land Drainage Act 1991, will require ordinary watercourse consent that is determined with a statutory 2 month determination period and would only be considered where appropriate. The City of Cardiff Council has adopted an anti-culverting policy. The Council will not permit the building over of culverts; culverts will only be allowed for access purposes. It is recommended that landowners and developer contact the City of Cardiff Council to discuss proposals in order to determine if such consent is required.
6. That the developer be advised of the advice from NRW dated 26/02/15, 07/12/16 and 10/02/17 including:
  - advice in relation to European Protected Species – Where an EPS is present, and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a licence issued by Natural Resources Wales (NRW). The Applicant must seek an EPS licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon EPS. Please note, the granting of planning permission does not negate the need to obtain a licence.
  - Both the Nant Dowlais and River Ely are classed as main river watercourses therefore any works within 7 metres or new outfalls will require the consent of NRW as stated in the Water Resources Act 1991
  - the responsibility for the maintenance of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.
  - Duties of care and guidance in relation to the management of waste and materials, including controlled waste
  - Request for updates on the programme of works and timetable
  - Their Planning Advice Note for further advice and guidance, including



advice on regulatory requirements outside of the Town and Country Planning process including environmental permits and exemptions; pollution prevention measures; water resources; and waste management matters.

7. That the developer be advised of the advice of 16/11/16 from Wales and West Utilities, forwarded to the Agent, advising that their apparatus may be at risk during construction works and that the developer should contact WWU directly to discuss their requirements, noting that should diversion works be required these will be fully chargeable.
8. That the developer be advised of the advice from Parks Services dated 15/02/17 in respect of the design of Destination or Larger Play Areas.
9. That the developer be advised that the litter bin specifications for adopted land are as follows:  
*Free standing litter bins:*
  - Black with Council logo, and the lettering "Litter/Sbwriel" in gold
  - 120 litre capacity
  - Include ash tray/ stub plate
  - Heavy duty polythene plastic with hinge slam shut door (self-locking) and hex/t-bar key
  - Drip space and fixing holes for bolting to the floor
  - Approximately 100 litre plastic liner with outside handles*Post mounted litter bins:*
  - Black with Council logo in gold
  - 50 litre capacity
  - Hooded with cigarette stub plate
  - Release drop-out and click back with triangular key mechanism
  - Drip holes
  - Secured to post with band wire kit.
10. The highway works conditions and any other development related works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.
11. The grant of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way. No works to PROW footpaths that cross the site shall be undertaken a legal order has been applied for by the developer and confirmed by the Local Highway Authority. In the event that the legal orders are not confirmed, the existing path alignments shall be retained.
12. Sustainable Drainage is defined as per the definition contained in Schedule 3 of the Flood and Water Management Act 2010:

"Sustainable drainage" means managing rainwater (including snow and other precipitation) with the aim of— (a) reducing damage from flooding, (b) improving water quality, (c) protecting and improving the environment, (d) protecting health and safety, and (e) ensuring the stability and durability of drainage systems."

13. That the Developer be advised that prior to the commencement of development, the Developer must notify the local planning authority of the commencement of development, and must display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.
14. That the Developer be advised of the advice from the Council's Tree Officer dated 15/11/16 regarding a provisional planting palette to inform reserved matters details.
15. That the Developer be advised of the advice from South Wales Police Design Out Crime Officer, dated 21/11/2016.
16. The highway works conditions and any other development related works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.

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# ACCESS

## R.0319\_17j-3

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The Access Parameter Plan identifies the main movement corridors within which primary vehicular routes and primary pedestrian/cycle routes are to be constructed. Land within any movement corridor not occupied by a primary vehicular and/or pedestrian/cycle route may be developed for any purpose for which any zone abutting or overlapping with that corridor may be developed.

### KEY PEDESTRIAN/CYCLE ROUTE

A shared pedestrian/cyclepath will be provided along the alignment shown and shall not be less than 3m. Additional pedestrian and cycle movement corridors within the application site and linking to existing surrounding development will also be provided (but shall not be limited to) the areas shown on the Access Parameter Plan.

### STRATEGIC CYCLING ROUTE

A segregated two way cyclepath will be provided along the alignment shown and shall not be less than 3m.

### PRIMARY HIGHWAY CORRIDOR

A highway corridor with a maximum width of 20m will be located within the zone shown. Cycle provision separate to the carriageway will be included within this corridor.

### ZONE RESERVED FOR RAPID TRANSPORT

Along this route provision for stops and associated supporting facilities will be required to be accommodated (e.g. cycle parking, toilets etc). The future design must ensure the rapid transport does not create a barrier to movement across the site and between facilities.

### STRATEGIC BUS ROUTE

A bus only route will be provided along the alignment of the rapid transport corridor before the LRT is delivered. This will provide express public transport at an early stage.

### CROFFT-Y-GENAU ROAD TREATMENT

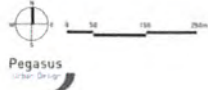
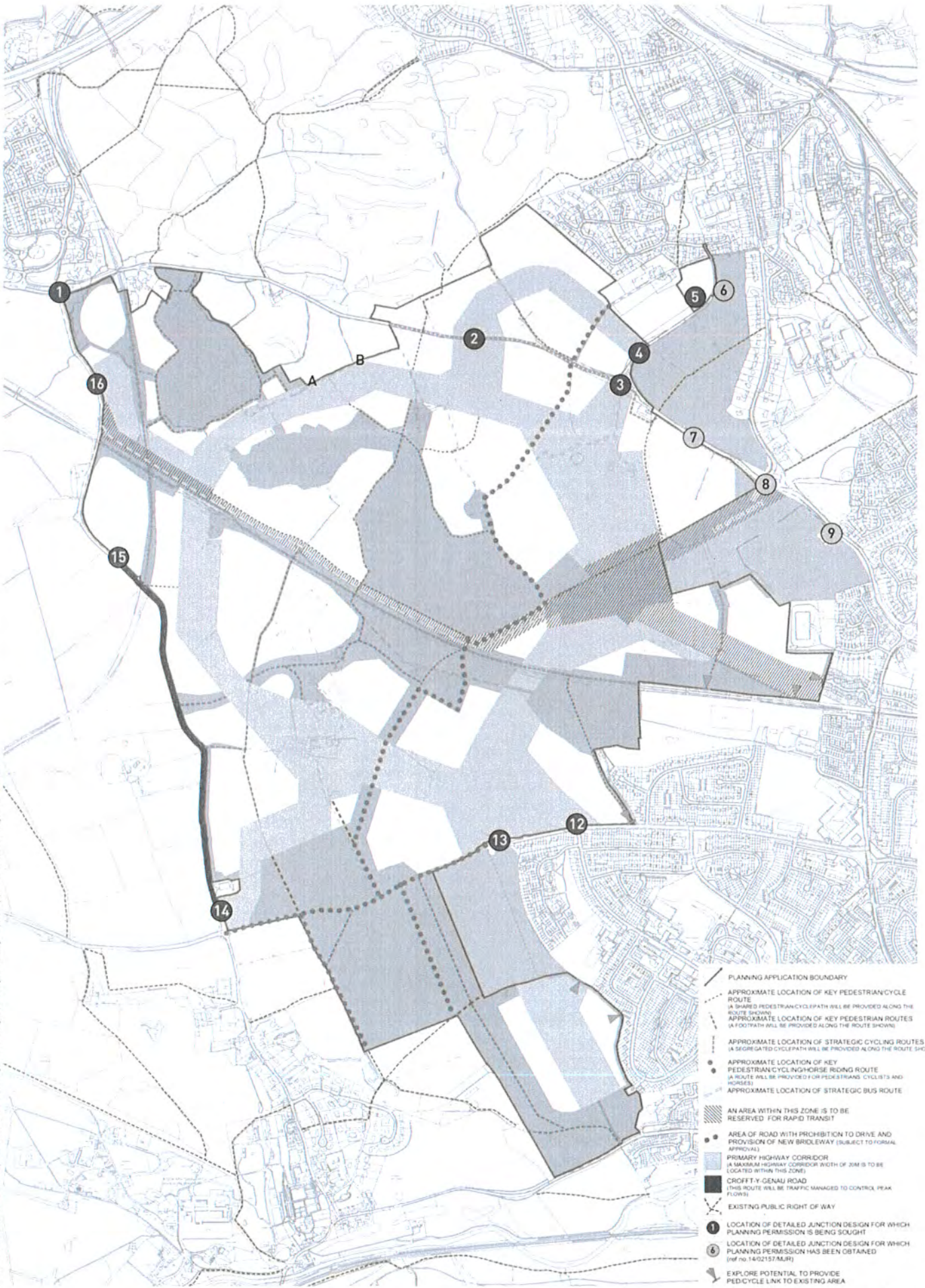
A Traffic Management system will operate along Crofft-Y-Genau Road where sensors and signs will control the direction of traffic flow along this route in response to demand.

### POTENTIAL ACCESS TO GOITRE FACH FARM SITE

A vehicular link will be made between the site and the Goitre Fach Farm site to the north west between points A and B on the plan. Cycle provision separate to the vehicular carriageway will be provided as part of this link.



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Pegasus  
Urban Design

Date: 18th October 2016 | Scale: 1:10,000 (BA3, 1:5000 (BA1)) | Drawing: R.0319\_17\_3 | Client: Redrow Homes [South Wales] | Team: EJT/KM/AV

P.338

PLASDWR, NORTH WEST CARDIFF -  
**ACCESS PARAMETER PLAN**



PLASDWR  
Cardiff's Garden City





Mr Ceiri Rowlands  
The Vale of Glamorgan Council  
Dock Office, Barry Docks  
Vale of Glamorgan  
CF63 4RT

Reference: Land at Model Farm, Port Road, Rhoose

Application Ref: 2019/00871/OUT

Date: 27 November 2019

Dear Mr Rowlands,

In consideration of the above planning application we make the following comments, which we trust are helpful.

LDP Policy MG10 requires the provision of sustainable transport infrastructure and for the Cardiff Airport Development Zone requires “...consideration of a route for a potential rail link to Cardiff Airport across the site to ensure the development does not compromise future proposals to enhance sustainable access proposals to the airport.”

In 2016, Transport for Wales commissioned a review of rail connection options in this area for potential further consideration. The shortlisted options include a rail spur to the airport terminal from the east with a new Cardiff Airport Station. Whilst the shortlisted options have not yet been developed, Transport for Wales is currently undertaking extendibility assessments to determine future phases of the Metro including new rail links, stations, interchanges, addressing bottlenecks and improving service frequency.

Very recently, we have also been working with the Welsh Government and local authorities (including the Vale of Glamorgan Council) to develop an understanding of future transport requirements across the region. This early work has so far identified the Vale of Glamorgan Corridor (Barry – Rhoose – Llantwit Major) as a priority corridor demonstrating significant challenges. These include limited access to employment, healthcare and education

opportunities, social exclusion risk for the older generation, the presence of Enterprise zones, an International Gateway at Cardiff Airport, and at least 10 strategic development sites along the corridor.

We are now engaging with other developers, such as at Plasdwr in North West Cardiff to safeguard corridors of land for potential future Metro links. Given the above, we are of the view that as a minimum, the Outline Planning Application for the Land at Model Farm should safeguard a future rail corridor and station site between the existing line and Cardiff Airport Terminal.

To aid developers in safeguarding appropriate corridors, Transport for Wales is currently preparing a Developer's Guide for publication in 2020 that will clarify expectations in respect of corridor widths, track geometry, clearances, and the position of typical alignments (e.g. parallel highway and cycleways), crossings and operational/ maintenance considerations.

#### **Active Travel Connections**

We would like to see the site developed in such a way as to promote greater permeability by active travel modes, including the introduction of a larger number of access points for both pedestrians and cyclists into the estate from Port Road to the North, and sufficient crossing points to facilitate safe and convenient movement across the central spine road.

The spine road corridor and access roads should include provision for active travel through either:

- a) the inclusion of a footway of a width greater than the minimum identified in the Welsh Government's Active Travel Design Standards on one side, and on the other side a shared-use route for pedestrians and cyclists of sufficient width to meet the standards in the design guidance; or
- b) provision of a footway of appropriate width on both sides of the carriageway with provision for cyclists within the carriageway that is separated from general traffic (i.e. by light segregation or a kerblin).

An assessment should be undertaken to understand the condition of the active travel routes (particularly the pedestrian routes) leading from the development to the surrounding area, in line with the audit tools contained within the Active



Travel Act Design Guidance. This should be undertaken to determine whether the routes are suitable for active travel or not, and to help identify whether any enhancements may be required with a contribution from the development.

There is a potential opportunity to provide access between:

- c) existing communities at Rhoose, Rhoose Point and Font-Y-Gary and the development site, to increase local access to employment opportunities;
- d) the development site and Rhoose Cardiff International Airport Rail Station, to extend and integrate active travel connectivity; or
- e) the development site and Porthkerry park, to increase access to green space and improve the wellbeing offer to staff and visitors.

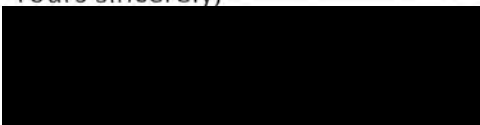
The Indicative Concept Masterplan should recognise the existing active travel route which connects Rhoose railway station to the development site (VALE-RH-C0010 as shown on the Council's Existing Route Map here:

<https://www.valeofglamorgan.gov.uk/Documents/Our%20Council/consultation/Active-Travel/WG-INMs/Rhoose-Cycling-A3-Landscape.pdf>. This presents an opportunity to encourage sustainable transport access to the site and to enhance that route to make it more attractive to users of the business park.

Active travel route VALE-PROP-RH-P020 is planned to run along the frontage of the development on Port Road. We anticipate this route could reasonably be accommodated within the works for the site by setting back the boundary of the development. As a minimum we would expect to see a corridor identified for the development of the route in future together with a financial contribution to its future implementation. We would like to see consideration to upgrading active travel route VALE-INM-RH-C0040 to ensure it exceeds the Welsh Government's Active Travel Design Guidance standards.

We would be pleased to engage with you and/or the applicant to discuss these matters further.

Yours sincerely,



Geoff Ogden (Consultancy and Corporate Services Director)



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Mr Ceiri Rowlands  
The Vale of Glamorgan Council  
Dock Office, Barry Docks  
Vale of Glamorgan  
CF63 4RT

Reference: Land at Model Farm, Port Road, Rhoose  
Application Ref: 2019/00871/OUT

Date: 04 March 2021

Dear Mr Rowlands

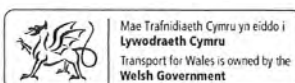
In respect of outline planning application 2019/00871/OUT for a business park development on land at Model Farm (Port Road, Rhoose) a representation was made by WYG on 14 October 2019 on behalf of the Welsh Government to the Vale of Glamorgan Council. The representation confirmed the Welsh Government's support in principle for the development but noted that a route for a potential rail link to Cardiff Airport had not been identified in the Indicative Concept Masterplan, potentially preventing the ability to achieve a rail link to the airport in the future.

Transport for Wales (TfW) has been asked by the Welsh Government to identify the most suitable corridor for a rapid transit link to the airport and therefore to identify the area(s) of land that should be safeguarded, and engage with you in this regard. The corridor must be of a suitable width for a rail solution, should this be selected in future as the preferred transport mode for the rapid transit link.

The attached plans identify a suitable rapid transit corridor, which is acceptable to both TfW and the Welsh Government.

1. Route Safeguarding Corridor – Consultation Zone
2. Indicative area to safeguard

In relation to the development site, the corridor follows the south-western boundary, alongside Porthkerry Road, and includes a suitable area for a potential intermediate station to serve the business park. This land will need to be safeguarded.



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Your attention is drawn to an additional area of the development land that would also need to be safeguarded to allow for approximately 1500 square metres of parking at the adjacent hotel to be relocated away from the rapid transit corridor.

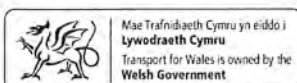
The rationale for safeguarding this particular rapid transit corridor is that it will:

- Provide sufficient land for a rapid transit shuttle service that can connect to Vale of Glamorgan line rail services via a new interchange to the east of Rhoose
- Allow the airport and surrounding Gateway Development Zone to be served but without the need to divert rail services away from communities along the Vale of Glamorgan line
- Minimise the extent of land required by following the development site boundary
- Allow for an intermediate station to serve the business park, which is accessible from an existing public highway rather than through the development site

The corridor cannot be provided on the opposite side of Porthkerry Road to the development, due to the presence of the airport's fuel farm.

Land for an intermediate station is included at a location approximately 800 metres south west of the airport passenger terminal in order to provide direct connectivity between the rapid transit service and the business park. This would also mean that service users from the business park would not need to enter airport property in order to access the service.

As there is no current funding commitment to develop a scheme at this time, it is requested that the corridor and associated land for an intermediate station and hotel parking relocation should currently be safeguarded for at least 10 years.



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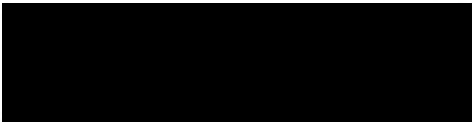
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The mechanism for transfer of land will need to be agreed directly with the Welsh Government.

On this basis, and subject to the indicated land being safeguarded, I have been asked to confirm that the Welsh Government would be willing to withdraw its previous objection to this planning application based on the absence of route safeguarding option(s) for a potential future rail link.

Yours sincerely



Geoff Ogden  
Consultancy & Corporate Services Director

Attached:

1. Route Safeguarding Corridor – Consultation Zone
2. Indicative area to safeguard



# Route safeguarding corridor – consultation zone

Indicative location of terminus station at Cardiff Airport subject to future site masterplanning.

Maes Awyr Caerdydd / Cardiff Airport

P.345

Rhoose / Y Rhws

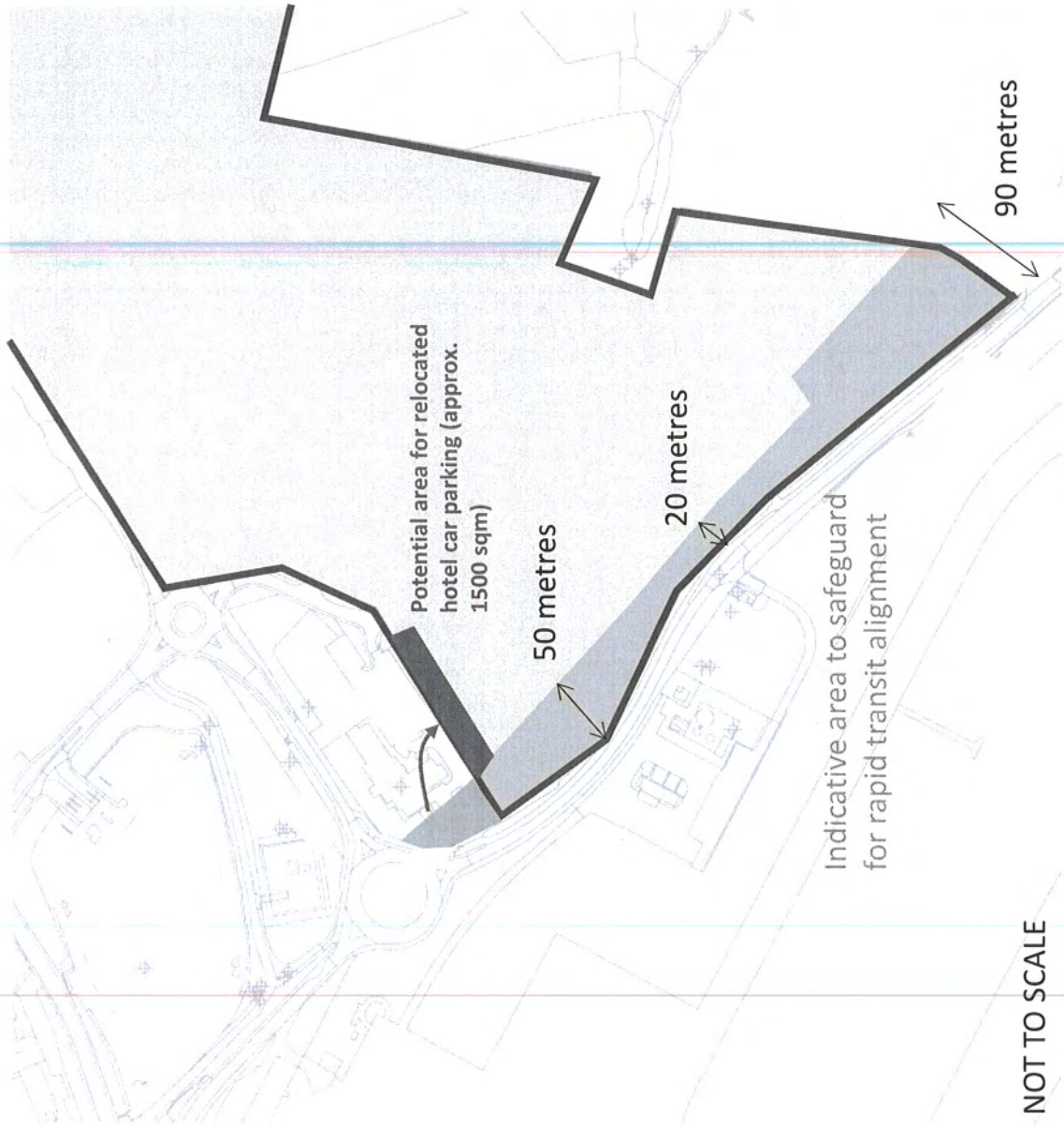
### KEY

- Indicative station boundaries
- Indicative rapid transit corridor
- Indicative road access to new station, subject to development site masterplanning.

Scale 1:2500 | Contains OS data © Crown copyright and database right 2020









## CONSULTATION RESPONSE: COUNTRYSIDE AND ENVIRONMENT (ECOLOGY)

To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Development Services  Countryside and Economic Projects.
FAO	Mr. Ceiri Rowlands		Ms Erica Dixon
Date / Dyddiad:	7 January 2020	Tel / Ffôn:	(01446) 704855
Your Ref / Eich Cyf:	2019/00871/OUT	My Ref / Fy Cyf:	
Location	Land at Model Farm, Port Road, Rhoose		
Proposal	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.		

<b>ECOLOGY RESPONSE</b>	
<input type="checkbox"/> No comment	<input type="checkbox"/> Notes for applicant
<input checked="" type="checkbox"/> Object (holding objection)	<input type="checkbox"/> Request for further information
<input type="checkbox"/> Object and recommend refusal	<input type="checkbox"/> Recommend planning conditions

### **Summary**

#### Holding objection

We object to this application at the current time for the following reason(s)

Negative impact on priority / protected species with insufficient mitigation / compensation proposals required to demonstrate no net loss and enhancement.

#### **Detailed Comments**

These comments are made with respect to the documents submitted in support of the outline application, in particular:

- *Preliminary Ecological Appraisal, Version A, May 2019 by RPS*
- *Model Farm, Ecological Surveys Report, Revision A, October 2019*
- *NRW consultation responses (latest version 12/12/19)*

We note that NRW have no significant concerns although a licence will be required for the bat roosts; NRW have recommended the inclusion of several conditions to secure protection measures for European Protected Species.

We have concerns regarding the status of breeding birds on site. Although the survey appears to have been carried out to nationally accepted standards, there remains a high proportion of "probable" records within the results. We would expect, over the course of 3 surveys for the probable records to be confirmed as breeding or non-breeding (or failed breeding attempt). This information is required to inform future compensation/mitigation measures and must be addressed prior to determination. The results are particularly relevant to the ground-nesting birds, as the vegetation-nesting birds can be adequately compensated for through landscape planting.

The development proposals will need to demonstrate enhancement for biodiversity on the site. At the current time, there are no secure proposed enhancements. There are enhancements suggested for farmland birds, however, it is unclear as to how or where this can be delivered. We understand that the retained farmland fields will not be retained long term after construction. Therefore it appears as though the proposed mitigation is not deliverable. We would suggest that compensation / mitigation for birds is discussed further with the Vale of Glamorgan regarding the transferred land. If this option is to be pursued, then a commuted sum will need to be agreed for the ongoing management and monitoring.

We welcome the plans to extend the retained woodland, however this is not appropriate to compensate for loss of hedgerows as hedgerows are a priority habitat and any net loss would be counter to the Supplementary Planning Guidance. The hedgerows must be replaced at a minimum of 1.5:1 (gain:loss).

The development will result in the loss of a waterbody, again a priority habitat and as such, there will be a requirement for its replacement. This must be integral to the supporting information for the application, including details of location, size and construction details.

We welcome proposals for bird boxes in the woodland, however, we would recommend that the boxes are not attached to ash trees.

We note that the proposed drainage features are situated on land to be transferred to Local Authority ownership. We recommend that the applicant discuss this further with the Drainage and Engineering team of the Vale of Glamorgan Council. Please liaise with Clive Moon.

### ***Recommendations***

- 1) Address the issue of farmland / ground nesting birds on site, including confirming breeding status or alternatively providing secured breeding habitat for a minimum of 10 years post development.



- 2) Provide details of replacement waterbodies
- 3) Provide details (including location, species composition) of replacement hedgerow.
- 4) Do not erect bird boxes on ash trees
- 5) Replacement habitat for ground nesting birds – need to address issue of land ownership, responsibility for the management, and the means to secure compensation measures
- 6) Liaise with Clive Moon regarding drainage / SUDS features.

***Conclusion***

At the current time there are issues that need to be resolved, therefore the local authority is not currently in a position to determine this application. The above issues must be addressed prior to determination.



**CONSULTATION RESPONSE:  
COUNTRYSIDE AND ENVIRONMENT (ECOLOGY)**



To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Development Services  Countryside and Economic Projects.
FAO	Ceiri Rowlands		Mr Colin Cheesman
Date / Dyddiad:	11 <sup>th</sup> January 2021	Tel / Ffôn:	(01446) 704855 0780 3713587
Your Ref / Eich Cyf:	2019/00871/OUT	My Ref / Fy Cyf:	
Location	Land at Model Farm, Port Road, Rhoose		
Proposal	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.		

<b>ECOLOGY RESPONSE</b>	
<input type="checkbox"/> No comment	<input type="checkbox"/> Notes for applicant
<input type="checkbox"/> Object (holding objection)	<input checked="" type="checkbox"/> Request for further information
<input type="checkbox"/> Object and recommend refusal	<input type="checkbox"/> Recommend planning conditions
	<input type="checkbox"/> Approve

**Summary**

Current status: Outline Planning Permission sought

Previous status:

**Comments**

These observations update and supersede those of my predecessor, Erica Dixon, dated 7<sup>th</sup> January 2020.

They also refer to: *Proposed Additional Mitigation and Wildlife Enhancement Drawing Number - ECO01271-002 revision A - dated November 2020*

This follows further discussions with the applicant and their agents.

In January 2020 there were concerns over the impacts on priority and protected species and a holding objection was asked for.

There remain concerns over some protected species but through the introduction of planning conditions they can be dealt with in the detailed planning stages.

### **Bats**

In particular, and despite the approach of NRW in terms of limiting their interaction to licensing activity, the loss of the farm buildings through demolition, the routing of the 'Spine Corridor Road' close to boundaries with high bat counts from the transect survey (Bat Activity Transects Results October 2019, drawing 5A, dated October 2019), the limitation of the bat surveys to the development site rather than the whole land holding to the detriment of Lesser Horseshoe bats, *Rhinolopus hipposideros* as pointed out by Hawkeswood Ecology (correspondence dated 29/04/2020 & 24/10/2019) and the lack of a lighting plan, albeit that this is an outline application, are a cause of concern.

The mitigation suggested relies on a range of Schwegler boxes affixed to trees and the incorporation of roosting cavities and tubes into new buildings without the identification of those buildings or their locations. Experience of such sites elsewhere indicates that development will be phased as demand for plots arises. Therefore the applicant is asked to determine which building locations will be required to incorporate the features and that it be a condition in determining reserved matters when planning permission for those buildings is sought. How effective will the mitigation be if these plots remain unoccupied for several years?

In addition an overall lighting plan should be submitted to the LPA so that the effects on bats and other nocturnal animals can be determined. This will also be a requirement within the phases of development of the site for each unit proposed where there will be a need to reduce light pollution and maintain dark corridors.

In determining the route of the Spine Corridor Road ensure the absolute minimal loss of hedgerows, which could then be allowed to mature, and siting low impact timed lighting on the opposite side of the highway away from designated dark corridors.

Depending on timescales, consider undertaking a bat survey of the entire area of land in the ownership of L & G to properly assess the impacts of the development for foraging and to assist in the transfer of management for the allocated extension. This would focus on the unsurveyed area and not repeat the previous surveys.

### **Farmland Birds**

There is concern over the impact of this development on farmland bird's especially ground-nesting birds.

The additional mitigation and enhancement submitted by the applicant after discussions on the ground is helpful in addressing these concerns. It addresses the location of where the mitigations and enhancements will take place and their nature in addition to those already suggested previously.

It is noted that they are entirely within that area that is suggested to come into the curtilage of Porthkerry Country Park. In order to be effective then management must be relevant to those farmland species for whom the mitigation is intended over a significant period of time. The management of the 'allocated extension' area will need to be agreed in detail and its funding resolved as it is not the role of publicly funded and managed land to compensate for the ecological impacts of development.



### Hedgerow loss

The last response raised the concern that there would be losses of hedgerows which it was proposed to compensate through additional planting especially to increase woodlands and existing boundaries. This was not thought appropriate.

Although an extensive survey for Hazel Dormouse, *Mucadinus avellanarius*, was undertaken, no records were found though the general impression of the site was that it could hold dormice.

The opportunity to create more suitable habitat through planting predominantly hazel in adding to existing woodlands and hedgerows will be beneficial.

In addition the additional mitigation and enhancement submitted by the applicant includes a number of new hedgerows. If the applicant can quantify the additional area of planting, the length of new hedgerows and the length of hedgerows to be lost in the development then a final judgement can be made.

### Waterbody

The application results in the loss of an agricultural waterbody that does not hold Great-crested Newts. The proposal to have three SUDS attenuation areas/swales will create a number of wet, marshy areas as part of the water management of the development. This presents the opportunity to deliver habitat of a more diverse nature than the existing water body which will have a greater impact for biodiversity.

The previous recommendations were:

Recommendation	Current Situation
1) Address the issue of farmland / ground nesting birds on site, including confirming breeding status or alternatively providing secured breeding habitat for a minimum of 10 years post development.	A proposal for management of the transfer land to mitigate for farmland birds has been agreed. However a 10 year costed plan has not been formulated and will be required ahead of any transfer.
2) Provide details of replacement waterbodies	Completed. Details of any planting to be resolved at the detailed application stage.
3) Provide details (including location, species composition) of replacement hedgerow.	New hedgerow and scrub/coppice planting in revised plan. Quantities need to be confirmed before resolution.
4) Do not erect bird boxes on ash trees	The advice still stands
5) Replacement habitat for ground nesting birds – need to address issue of land ownership, responsibility for the management, and the means to secure compensation measures	Duplicates Recommendation 1. Need for costed plan.
6) Liaise with Clive Moon regarding drainage / SUDS features.	Unknown



## **Conclusion**

### Further Information required

1. Consider undertaking a bat survey of the rest of the land in L & G ownership to capture the Lesser Horseshoe bat interest and to assist in the future management of land.
2. Quantify the area of scrub/coppice to be planted, the length of hedgerows to be lost and the length of hedgerows to be planted to allow a final assessment.
3. Outline planting and management of the three SUDS swales/attenuation ponds.
4. Contingencies for bat mitigation if units that would have contained mitigation features are not bought forward early in the site development.

### To be conditioned

1. A Bat mitigation strategy detailing the locations of all the mitigation measures and identifying the building location sites for roost cavities and tubes so that they can be dealt with under reserved matters when proposals come forward. It should also identify a network of dark corridors and be linked to 2. below.
2. An overall lighting strategy for the development for the 'common' areas including the Spine Corridor Road to be able to assess impacts on bats and other nocturnal mammals.

### To be agreed

1. A 10 year management plan with costings for the land proposed to be transferred to Porthkerry Country Park to be agreed between the applicant and the Countryside Section of the Council.

## **RELEVANT POLICIES FOR INFORMATION**

### **MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES.**

Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation and geological features can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development conserves and where possible enhances biodiversity

### **MD9 – PROMOTING BIODIVERSITY**

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.



## **CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017**

Known as the Conservation of Habitats and Species Regulations 2017 “Habitats Regulations” transpose the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) instrument transposes the into UK law. The Directive is the means by which the European Union meets its obligations under the Bern Convention. The most vulnerable and rarest of species internationally (in the European context) are afforded protection under this legislation. The species listed on Schedule 2 of the Habitats Regulations are termed “European Protected Species” and are afforded the highest levels of protection and command strict licensing requirements for any works which may affect them. The species include all British bats, Otter, Dormouse and Great Crested Newt. They are fully protected against disturbance, killing, injury or taking. In addition any site regarded as their “breeding site or resting place” is also protected. It is generally regarded that the site is protected whether the animals are present or not.

The Habitats Regulations clearly outline the role of Planning Authorities in the implementation of the Habitats and Birds Directives; by stating [Section 10]

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Further, some species, specifically those listed on Schedule 1 of the Act are afforded extra levels of protection to include:

- Protection from disturbance whilst it is nest building; or, is at or near a nest with eggs or young, or disturb the dependant young of such a bird.

There are exemptions from this basic protection for, for example: sale, control of pest species and sporting eg. game birds outside of the close season.

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This protects badgers from killing, injury and taking; or attempting to kill, injure or take. Badger setts are also afforded protection and it is an offence to:

- Damage a badger sett or any part of it
- Destroy a badger sett
- Obstruct access to any entrance of a badger sett
- Disturb a badger when it is occupying a badger sett

Development which will destroy or disturb a badger sett (within 30m) is subject to licensing. The licensing body is NRW. However, badgers are considered a species protected under UK legislation (see PPW) and are therefore a material consideration during the planning decision.



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Section 6 of the Environment Act requires all that public authorities "***must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions***". The intention of this duty is to ensure biodiversity becomes an integral part of decision making in public authorities.

Welsh Government, with consultation with NRW must prepare and publish a list of habitats and species which, in their opinion, are of principal importance for maintaining and enhancing biodiversity in Wales ("Section 7 list"). Public bodies must take all reasonable steps to maintain and enhance the living organisms and types of habitat on this list. At the current time, this list directly replaces the list created under the now defunct Section 42 of the Natural Environment of Rural Communities (NERC) Act 2006 (Habitats and Species of Principal Importance for Conservation in Wales).

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Section 6.3.5 – any step in the planning or implementation of a development likely to affect a European Protected Species could be subject to a licence to permit or the survey or implement the proposal are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions.

## **PLANNING POLICY WALES (EDITION 10, DECEMBER 2018)**

Planning Policy Wales, Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities.

Particular reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise our their functions.

Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning 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 and to ensure that the range and population of the species is sustained. (Section 6.4.22)

Paragraph 6.4.23 outlines the process whereby European Protected Species are considered in Planning.

## **VALE OF GLAMORGAN COUNCIL - SUPPLEMENTARY PLANNING GUIDANCE**

Supplementary Planning Guidance – Biodiversity and Development

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This case confirmed that local planning authorities must apply the same three tests as Natural England (in Wales, CCW) when deciding whether to grant planning permission when one or more of the European protected species offences under the Habitats Regulations may be committed.

This judgment clarifies a legal duty which was already in existence although many planning authorities were not applying it correctly. His Honour Judge Waksman QC, in the High Court in June 2010, handed down this ruling in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council concerning a development with a bat roost. **This judgment makes it clear that the local planning authority must apply the “3 tests” when determining a planning application.**

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**CONSULTATION RESPONSE:  
COUNTRYSIDE AND ENVIRONMENT (ECOLOGY)**



To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Development Services  Countryside and Economic Projects.
FAO	Ceiri Rowlands		Mr Colin Cheesman
Date / Dyddiad:	20 <sup>th</sup> May 2021	Tel / Ffôn:	(01446) 704855 07514 623147
Your Ref / Eich Cyf:	2019/00871/OUT	My Ref / Fy Cyf:	
Location	Land at Model Farm, Port Road, Rhoose		
Proposal	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.		

<b>ECOLOGY RESPONSE</b>	
<input type="checkbox"/> No comment	<input type="checkbox"/> Notes for applicant
<input checked="" type="checkbox"/> Object (holding objection)	<input checked="" type="checkbox"/> Request for further information
<input type="checkbox"/> Object and recommend refusal	<input type="checkbox"/> Recommend planning conditions
	<input type="checkbox"/> Approve

**Summary**

Current status: Outline application

Previous status:

**Comments**

These comments update those of the 11<sup>th</sup> January 2021.

**Issues still unresolved**

**Bat mitigation**

There appears to have been no response to the issue raised in my previous response, namely that if the mitigation is a series of bat boxes and features incorporated into new buildings then what are the timings for the erection of the new buildings to compensate in a timely fashion as mitigation. As pointed out such developments tend to have a phased and drawn out development period that may well not provide a



smooth and direct mitigation. The only other option is the erection of a standalone bat mitigation building.

### **Farmland Birds**

To emphasise that the management of land indicated as arable on the plans that falls within the transfer portion will be managed primarily for farmland birds rather than agricultural production. This will be factored into any agreement between the applicant and the Council.

### **New or Arising Issues**

#### **Hedgerows**

In the previous response details were asked of the lengths of hedgerow creation and restoration.

The SPG for Biodiversity and Development in the vale of Glamorgan states in the section under Mitigation (paragraph 10.5.6) that the ratio is 1: 1.5 or 50% above the amount/length of habitat lost.

For hedgerows the loss is stated at 1,420 metres whilst the new hedgerow planting is 1,240 metres with an additional 583 metres of hedgerow improvement.

Even with these figures they are short of the minimum target 2,130 metres required as a minimum in the SPG.

The applicant is asked to look at further options for hedgerow planting and/or restoration.

### **Conclusion**

Because the issue of phasing of bat mitigation has yet to be resolved and that the proposed hedgerow creation and restoration falls below the minimum target set in the Biodiversity and Development SPG then a holding objection is maintained until further information is provided.

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## **RELEVANT POLICIES FOR INFORMATION**

### **MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES.**

Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
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3. Appropriate and proportionate mitigation and compensation measures can be provided; and
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### **MD9 – PROMOTING BIODIVERSITY**

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
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## **ANNEX 1 – SUPPORTING INFORMATION (Legislation, planning policy and case law)**

### **CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017**

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**CONSULTATION RESPONSE:  
COUNTRYSIDE AND ENVIRONMENT (ECOLOGY)**



To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Development Services  Countryside and Economic Projects.
FAO	Ceiri Rowlands		Mr Colin Cheesman
Date / Dyddiad:	14 <sup>th</sup> June 2021	Tel / Ffôn:	(01446) 704855 07514 623147
Your Ref / Eich Cyf:	2019/00871/OUT	My Ref / Fy Cyf:	
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Proposal	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.		

<b>ECOLOGY RESPONSE</b>	
<input type="checkbox"/> No comment	<input checked="" type="checkbox"/> Notes for applicant
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**Summary**

Current status: Outline Planning Application submitted

Previous status:

**Comments**

Supplementary comments

**Preliminary Ecological Appraisal**

The applicant employed RPS Group to undertake a Preliminary Ecological Assessment (PEA) dated the 18<sup>th</sup> June 2018.

A Proposed Additional Mitigation and Wildlife Enhancement Plan was submitted in November 2020.

An addendum containing a Proposed Wildlife and Mitigation Strategy on the 15<sup>th</sup> December 2010

A Hedgerow, Scrub and Woodland Management Plan was submitted in June 2021.

The original PEA conformed to the standard set out by the Chartered Institute for Ecology and Environmental Management, 'Guidelines for Preliminary Ecological Appraisal' Second edition, December 2017.

Both the previous County Ecologist and myself do/did not regard the PEA as deficient though both of us have raised issues that have resulted in both further surveys and amendments to the plans.

This will continue to be an iterative process as this is an outline application and further details will be worked through as the development moves forward and the concomitant biodiversity mitigations and enhancements.

### **Rare species**

A number of rare species have been recorded on site but none of these has any protection in law through either the Wildlife and Countryside Act 1981 (as amended) nor in the Section 6 species list of the Environment (Wales) Act 2016. In reviewing the application, it has been our view that such species are unlikely to be adversely affected by the development.

#### *Platycis minutus*

A beetle found in and around rotting wood, mainly beech, birch and oak, in woodland and parkland settings. 46 records in Wales with 30 since 2000 in 20 hectads. (Aderyn)

#### *Platyrhinus resinosus* – Resin Weevil

Nationally scarce but increasing in range and abundance recently. Associated with the fungus *Daldinia concentrica* found growing on Ash and some other broadleaved trees. 21 records in Wales with 18 since 2000 in 18 hectads (Aderyn)

#### *Pluteus aurantiorugosus* – Flame Shield mushroom

A wood rotting fungus that occurs on stumps and buried logs of broadleaved trees principally elm and ash. 13 records in Wales in 9 hectads, all since 2000. (Aderyn)

#### *Perenniporia ochroleuca*

A small polypore (bract) fungus that is normally found on blackthorn, hawthorn and oak. 7 records in Wales in three tetrads all since 2006 (Aderyn). The Kew Lost and Found Project (2014 – 2020) added 96 records in the UK including 6 in Wales at 5 separate locations.

All of these species are principally woodland species and the existing woodlands are not affected by the development close to Port Road but within the area to be managed for nature conservation by Porthkerry County Park.

### **Hedgerows**

The applicants have now provided a table listing the losses of hedgerow at 2.04 km. and a length of 3.01 km of new hedgerows and 0.3km of hedgerows to be restored through additional planting. Therefore, the target set out in the Biodiversity and Development SPG has been met. The applicants also propose to plant 1.5 hectare of hazel dominated scrub, 1 hectare of scrub and 2.5 hectares of new broadleaved woodland planting.



### *Conclusion*

THE PEA and supporting documents are to the standards set out by CIEEM.

Rare Species – none have statutory protection, and most are confined to the woodlands which are unaffected by the development.

The applicant has met the requirements in the Biodiversity and Development SPG for the compensation by length of lost hedgerows.

## **RELEVANT POLICIES FOR INFORMATION**

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## **THE PROTECTION OF BADGERS ACT 1992**

This protects badgers from killing, injury and taking; or attempting to kill, injure or take. Badger setts are also afforded protection and it is an offence to:

- Damage a badger sett or any part of it
- Destroy a badger sett
- Obstruct access to any entrance of a badger sett
- Disturb a badger when it is occupying a badger sett

Development which will destroy or disturb a badger sett (within 30m) is subject to licensing. The licensing body is NRW. However, badgers are considered a species protected under UK legislation (see PPW) and are therefore a material consideration during the planning decision.



## **ENVIRONMENT (WALES) ACT 2016**

The Environment (Wales) Act became law in March 2016 and replaces the earlier Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales' resources to be managed in a more proactive, sustainable and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Governments wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities.

Section 6 of the Environment Act requires all that public authorities "***must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions***". The intention of this duty is to ensure biodiversity becomes an integral part of decision making in public authorities.

Welsh Government, with consultation with NRW must prepare and publish a list of habitats and species which, in their opinion, are of principal importance for maintaining and enhancing biodiversity in Wales ("Section 7 list"). Public bodies must take all reasonable steps to maintain and enhance the living organisms and types of habitat on this list. At the current time, this list directly replaces the list created under the now defunct Section 42 of the Natural Environment of Rural Communities (NERC) Act 2006 (Habitats and Species of Principal Importance for Conservation in Wales).

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Section 6.2.1 – the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

Section 6.2.2 – It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

Section 6.3.5 – any step in the planning or implementation of a development likely to affect a European Protected Species could be subject to a licence to permit or the survey or implement the proposal are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions.

## **PLANNING POLICY WALES (EDITION 10, DECEMBER 2018)**

Planning Policy Wales, Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities.

Particular reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or



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harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22)

Paragraph 6.4.23 outlines the process whereby European Protected Species are considered in Planning.

---

## **VALE OF GLAMORGAN COUNCIL - SUPPLEMENTARY PLANNING GUIDANCE**

Supplementary Planning Guidance – Biodiversity and Development

### **WOOLLEY RULING**

This case confirmed that local planning authorities must apply the same three tests as Natural England (in Wales, CCW) when deciding whether to grant planning permission when one or more of the European protected species offences under the Habitats Regulations may be committed.

This judgment clarifies a legal duty which was already in existence although many planning authorities were not applying it correctly. His Honour Judge Waksman QC, in the High Court in June 2010, handed down this ruling in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council concerning a development with a bat roost. **This judgment makes it clear that the local planning authority must apply the “3 tests” when determining a planning application.**

### **MORGE CASE (SUPREME COURT CASE 19 JANUARY 2011)**

The case gives clarification to deliberate disturbance and to the interpretation of “damage or destruction of a breeding site or resting place”. It also gives guidance on how LPA should discharge their duties with respect to the Habitats Directive.

### **CORNWALL RULING**

**Judgement that a planning authority had acted unlawfully by granting planning permission without sufficient information on flora and fauna.**

Sometimes planning authorities grant planning permission before some or all ecological surveys have been carried out, making ecological surveys a planning condition, or Section 106 Agreement, under the Town and Country Planning Act 1990.

For development that requires an Environmental Impact Assessment this practice was subject to judicial review proceedings in the High Court and it was determined that the planning authority had acted unlawfully by granting planning permission without sufficient information on flora and fauna (known as the Cornwall Ruling because the planning authority in this case was Cornwall County Council). Requiring surveys as a condition of the Section 106 Agreement was not sufficient, as this would exclude the consultation process that is required under the Town and Country Planning (EIA) Regulations (1999).

**From:** [Cheesman, Colin R](#)  
**To:** [Rowlands, Ceiri](#)  
**Subject:** Council's Ecology Comments\_201900871OUT  
**Date:** 17 February 2023 17:18:22  
**Attachments:** [Council's Ecology Comments\\_201900871OUT.doc](#)

---

Hi Ceiri

Thank you for asking me to review the latest PEA - ECO02103 Model Farm Preliminary Ecological Appraisal (PEA) B - February 2023

Apart from an amendment in respect of bat flight paths being identified as 'dark corridors' and the need to reflect this in subsequent applications for individual sites, then the rest of the PEA is satisfactory.

Let me know if I can be of any further assistance.

Many thanks  
Colin

Colin Cheesman  
County Ecologist / Colegydd Sirol  
Regeneration and Planning / Adfywio a Chynllunio  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704855 (not manned / heb staff ar hyn o bryd)  
mob / sym: 07514 623147  
e-mail / e-bost: [REDACTED]

[REDACTED] *you really need to.*  
*Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)  
[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

**CONSULTATION RESPONSE:  
COUNTRYSIDE AND ENVIRONMENT (ECOLOGY)**



To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Countryside Services  Planning Section
FAO	Ceiri Rowlands		Mr Colin Cheesman
Date / Dyddiad:	17 <sup>th</sup> February 2023	Tel / Ffôn:	(01446) 704855 07514 623147
Your Ref / Eich Cyf:	2019/00871/OUT	My Ref / Fy Cyf:	
Location	Land at Model Farm, Port Road, Rhoose		
Proposal			

ECOLOGY RESPONSE	
<input type="checkbox"/> No comment	<input checked="" type="checkbox"/> Notes for applicant
<input type="checkbox"/> Object (holding objection)	<input type="checkbox"/> Request for further information
<input type="checkbox"/> Object and recommend refusal	<input type="checkbox"/> Recommend planning conditions
	<input checked="" type="checkbox"/> Approve

**Summary**

Current status: Outline planning application submitted

Previous status:

**Comments**

Following my email of the 7<sup>th</sup> February 2023 the applicant has ammended the PEA to cover the points that I raised.

These are principally changes to Table 5.1 to ensure the completeness of the mitigation measures required for a range of species recorded on site or using the site.

I would only make one addition. Under Bats it would be useful to mention that flight lines will need to be 'designated' as dark corridors and subsequent planning applications for developing individual sites will require lighting plans that respect these flight lines.

The rest of the Species Management Objectives are fine

**Conclusion**

Amend bat flight lines to include 'dark corridors' and to be aware that future proposal must respect these through Ligting Strategies/Plans.



## **RELEVANT POLICIES FOR INFORMATION**

### **MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES.**

Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

1. The need for the development clearly outweighs the nature conservation value of the site;
2. Adverse impacts on nature conservation and geological features can be avoided;
3. Appropriate and proportionate mitigation and compensation measures can be provided; and
4. The development conserves and where possible enhances biodiversity

### **MD9 – PROMOTING BIODIVERSITY**

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

## **ANNEX 1 – SUPPORTING INFORMATION (Legislation, planning policy and case law)**

### **CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017**

Known as the Conservation of Habitats and Species Regulations 2017 “Habitats Regulations” transpose the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) instrument transposes the into UK law. The Directive is the means by which the European Union meets its obligations under the [Bern Convention](#). The most vulnerable and rarest of species internationally (in the European context) are afforded protection under this legislation. The species listed on Schedule 2 of the Habitats Regulations are termed “European Protected Species” and are afforded the highest levels of protection and command strict licensing requirements for any works which may affect them. The species include all British bats, Otter, Dormouse and Great Crested Newt. They are fully protected against disturbance, killing, injury or taking. In addition, any site regarded as their “breeding site or resting place” is also protected. It is generally regarded that the site is protected whether the animals are present or not.

The Habitats Regulations clearly outline the role of Planning Authorities in the implementation of the Habitats and Birds Directives; by stating [Section 10]

*10.— (1) .....a competent authority must take such steps in the exercise of their functions as they consider appropriate to secure the objective in paragraph (3), so far as lies within their powers.*

*(3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive (measures to maintain the population of bird species).*

#### ***Habitats Regulations Licensing***

Where works will affect an EPS, then the developer must seek a derogation (licence) prior to undertaking the works. The licence can only be issue once the “3 tests” are satisfied, that is:

- Test 1 – the purposes of “preserving public health or safety, or for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- Test 2 – there must be “no satisfactory alternative”; and
- Test 3 – the derogation is “not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

Licences are issued by Natural Resources Wales (NRW), with NRW assessing Test 3, and the LPA assessing tests 1 & 2 (where proposals are not subject to planning, then NRW alone will assess all three tests). Where Planning regulations apply, the NRW will only issue a licence after determination of the planning application. Planners failing to do so will be in breach of the Habitats Regulations (see also Case Law, Morge Case and Woolley Ruling below).

## **WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

The WCA protects the UK's most vulnerable and rare species as outlined below.

Section 1 – breeding birds. The basic protection afforded to all birds is:

- Protection from killing, injury or taking of any wild bird
- Protection from taking, damaging or destroying the nest of any wild bird
- Protection from taking or destroying the egg of any wild bird

Further, some species, specifically those listed on Schedule 1 of the Act are afforded extra levels of protection to include:

- Protection from disturbance whilst it is nest building; or is at or near a nest with eggs or young or disturb the dependant young of such a bird.

There are exemptions from this basic protection for, for example: sale, control of pest species and sporting e.g., game birds outside of the close season.

Section 9 (Schedule 5) - protected animals (other than birds) All animals listed on Schedule 5 are protected against killing, injury or taking. Any structure/place used for shelter or protection is protected against damage, destruction or obstructing access to. And it is an offence to disturb an animal whilst using such a structure / place. Some species are afforded "Part Protection" meaning that they enjoy only some of the protection outlined above – e.g., the animals may be protected, but not their structure used for shelter/protection (such as slow worm).

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Supplementary Planning Guidance – Biodiversity and Development

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## Rowlands, Ceiri

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**From:** Cheesman, Colin R  
**Sent:** 07 February 2023 15:24  
**To:** Rowlands, Ceiri  
**Subject:** RE: 2019/00871/OUT - Land at Model Farm, Port Road, Rhoose - Ecology Data

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Ceiri

Let me know if you want this in a formal note.

I have read through the updated PEA from RPS (ECO02103 Model Farm).

It has now included all the recent biodiversity records since 2019 that have been lodged with SEWBRcC.

Several species are now recorded on site notably Brown Hare, Badger, Slow Worm, Linnet, Peregrine Falcon, Spotted Flycatcher, Starling and Yellowhammer.

The PEA refers to the locations and habitat preferences of these species. Some, such as badger, are users of a large area of landscape that will include the development areas close to the road. Many are not found in the development area and even where they are the change in management of the Ecological Mitigation Area should make it more attractive to these and other species.

Table 5 needs to reflect more closely the Parameter Plan produced by RPS (JCD0064-006). For example, the more relaxed and time managed management of the hedgerows in the Ecological Mitigation Area will have beneficial impacts for bats, dormice, invertebrates and hedgehogs. Similarly, the sacrificial arable area will benefit the Brown Hare, Breeding Birds and wintering flocks of birds.

My understanding is that after the provision of access works each development location will be treated as a new development within the planning system and require environmental assessment, prevention and/or mitigation and the provision of biodiversity enhancements.

The demolition of the farmhouse and barns will require a Protected Species Licence from Natural Resources Wales because of the bat roosts.

If there is anything further I can help with then do let me know.

Many thanks  
Colin

---

**From:** Rowlands, Ceiri <cerowlands@valeofglamorgan.gov.uk>  
**Sent:** 03 February 2023 10:01  
**To:** Cheesman, Colin R <crcheesman@valeofglamorgan.gov.uk>  
**Subject:** YML/FW: 2019/00871/OUT - Land at Model Farm, Port Road, Rhoose - Ecology Data

Hi Colin,

The applicant has produced the attached further to the recent review/ conversation. There are a number of new records on or near to the site, as was probably to be expected. I've had a quick look and as well as brown hare, there



has been sight of otter, slow worm, and several birds. If we are to discuss the PND maybe we can have a quick chat about it at the same time. Have a good weekend.

Thanks,

Ceiri

---

**Oddi wrth:** Darren Parker <[Darren.Parker@rpsgroup.com](mailto:Darren.Parker@rpsgroup.com)>  
**Anfonwyd:** 02 February 2023 16:41  
**At:** Rowlands, Ceiri <[cerowlands@valeofglamorgan.gov.uk](mailto:cerowlands@valeofglamorgan.gov.uk)>  
**Copi/Cc:** Robinson, Ian <[IRobinson@valeofglamorgan.gov.uk](mailto:IRobinson@valeofglamorgan.gov.uk)>  
**Pwnc:** 2019/00871/OUT - Land at Model Farm, Port Road, Rhoose - Ecology Data

Ceiri,

This revised PEA makes reference to surveys having been completed rather than recommending them. There is also reference to the additional measures agreed with the LPA at 2021 as well as the original biodiversity mitigation strategy (2019).

Updates include a feasibility review for an artificial sett creation (to be conditioned) and low intensity grassland management along a proportion of the field margins for brown hare.

If you have any queries I will obtain a response from the ecologist.

Regards,

Darren

**Darren Parker**

Operations Director  
RPS | Consulting UK & Ireland  
2 Callaghan Square  
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CF10 5AZ, United Kingdom  
**T** +44 2920 668 662  
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[REDACTED]

---

**From:** Dig (Shared Mailbox) <Dig2@wwutilities.co.uk>  
**Sent:** 26 April 2021 13:40  
**To:** Planning  
**Subject:** RE: Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

---

Good afternoon,

Wales & West Utilities plans should now be obtained from LSBUD (<https://www.linesearchbeforeudig.co.uk/>).

If you are working on behalf of a utility company, local authority or contractor working on behalf of a local authority and would still like to continue receiving asset information directly from WWU's Plant Protection Team, an administration fee of £45.00 + VAT will now be applicable.

If you would like to proceed with your request, please let us know whether you will be paying by card or cheque and we will process your request.

**Please note that your request will not be processed until we receive payment.**

Regards

Scott Johnson  
Plant Protection  
Wales & West Utilities Ltd  
Wales & West House  
Spooner Close  
Coedkernew  
Newport  
NP10 8FZ

Telephone – 02920 278912

E-mail – [scott.johnson@wwutilities.co.uk](mailto:scott.johnson@wwutilities.co.uk)

Our privacy notice can be found on our website (<http://www.wwutilities.co.uk/legal/>) or a paper copy can be provided to you on your request. This sets out how we will collect and use information about you.

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**From:** Vale of Glamorgan Council Development Services <[Planning@valeofglamorgan.gov.uk](mailto:Planning@valeofglamorgan.gov.uk)>

**Sent:** 26 April 2021 11:22

**To:** Andrew Wason <[Andrew.Wason@wwutilities.co.uk](mailto:Andrew.Wason@wwutilities.co.uk)>

**Subject:** Planning Application Consultation 2019/00871/OUT Land at Model Farm, Port Road, Rhoose

---

[Caution: This email has been sent from outside Wales & West Utilities]

Please find attached a letter regarding a planning application submitted to the Vale of Glamorgan Council. If this is a consultation letter, please respond to this consultation through the link provided in the attached letter. Please note that your comments may be made available online for interested persons to view.

This email transmission and any attachments to it are strictly confidential and are intended solely for the person or organisation to whom it is addressed. Its contents may contain legal professional or other privileged information. If

you are not the intended recipient, please notify us immediately and delete it, without retaining it, copying it, disclosing its contents to anyone or acting upon it. You must ensure that you have appropriate virus protection before you open or detach any documents from this transmission. We accept no responsibility for viruses. We may monitor replies to emails for operational or lawful business reasons. The views or opinions expressed in this email are the author's own and may not, unless expressly stated to the contrary, reflect the views or opinions of Wales & West Utilities Limited, its affiliates or subsidiaries. Unless expressly stated to the contrary, neither Wales & West Utilities Limited, its affiliates or subsidiaries, their respective directors, officers or employees make any representation about, or accept any liability for, the accuracy or completeness of such views or opinions. Wales & West Utilities Limited Registered office: Wales & West House, Spooner Close, Celtic Springs, Coedkernew, NEWPORT NP10 8FZ Registered in England and Wales No 5046791



Our Ref: VOG1421/JBHD

## ARCHAEOLOGICAL PLANNING



Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

Archaeological  
Planning

27<sup>th</sup> April 2021

FAO: Ceiri Rowlands

Dear Sir

**Re: Hybrid Application Comprising an Outline Application for the Demolition of Existing Buildings and Erection of 44.75ha Class B1/B2/B8 Business Park, Car Parking, Landscaping, Drainage Infrastructure, Ecological Mitigation and Ancillary Works (All Matters Reserved Aside From Access) Within Area A and a Full Application for Change of Use from Agricultural Land to Country Park (Use Class D2) within Area B: Land at Model Farm, Port Road, Rhoose. Pl.App.No.: 2019/00871/OUT.**

Thank you for consulting us regarding the amended details and description of this application: it remains the case that **the proposal will require archaeological mitigation.**

You will recall from our previous correspondence, most recently of 30<sup>th</sup> August 2019, that information in the Historic Environment Record shows that there are a number of archaeological and historic environment sites and findspots within the proposed development area. These range from findspots from Neolithic to modern date, and features of platforms related to buildings for agriculture, modern military features, including a crash site, and quarrying and transport. These are described in the supporting documentation in the archaeological desk based assessment (CGMS, July 2019). The impact upon these of the proposed development has been assessed and concluded that the mitigation can be by condition rather than pre-determination.

We understand that the amendments to the application include the updated description, and an addendum to the ES to update relevant sections. There are no updates envisaged for the historic environment, and therefore our response remains the same.

In order to mitigate and inform further investigation, therefore, our recommendation is for a condition to be attached to any consent granted by your Members; this will ensure the submission and implementation of a detailed written scheme of investigation for a programme of archaeological work to protect the historic environment and archaeological resource.

We envisage that this programme of work would include but not be limited to: geophysical survey, which may enable targeted fieldwork, which may include a strip, map and record of some areas if these cannot be excluded from a final

The Glamorgan-Gwent  
Archaeological Trust  
Limited

Heathfield House  
Heathfield  
Swansea  
SA1 6EL

Tel: (01792)655208  
[www.ggat.org.uk](http://www.ggat.org.uk)

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Registered charity  
No.505609



masterplan, and would also include an archaeological watching brief during groundworks required for the development, including any demolition, construction of roads and foundations, and services installation and any hard landscaping, 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 include provision for any hand excavation and sampling that may prove necessary, post-excavation recording and assessment; reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the 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.*

We also recommend that a note should be attached to the planning consent explaining that:

*The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" ([www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa)) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (<https://www.archaeologists.net/civicrm-contact-distance-search>) or an MCIfA level accredited Member.*

If you have any questions or require further advice on the matters covered in this letter, please do not hesitate to contact us.

Yours faithfully

*Judith Doyle*

Judith Doyle BA MBA MCIfA  
Stewardship Officer



[REDACTED]

---

**From:** Fryer, Warren D. <wfryer@westernpower.co.uk>  
**Sent:** 14 August 2019 09:20  
**To:** Planning  
**Subject:** Model Farm -FAO Ceri Rowlands

Hi MR Rowlands,

We have looked at the application for the proposed development at Model Farm, Port Road and have the following comments:-

- There is extensive 11kV network within the proposed development that will require diversion.
- There are LV supplies to buildings within the development and on the boundary of the development that will require attention.


We would expect the developer to contact us when they are in a position to progress the development to discuss the above.

Regards,

*Warren Fryer*

**Planner**  
Western Power Distribution  
Dyffryn Bach Terrace  
Church Village Depot  
Pontypridd  
CF38 1BN

☎ 01443 219161  
☎ 01443 494778  
✉ [wfryer@westernpower.co.uk](mailto:wfryer@westernpower.co.uk)

 *Think of the environment. Do you need to print this email?*

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Registered in England and Wales

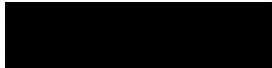
Registered number: 2366894 (South West) / 2366985 (South Wales) / 2366923 (East Midlands) / 3600574 (West Midlands)

Registered Office: Avonbank, Feeder Road, Bristol, BS2 0TB

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**From:** Fryer, Warren D. <wfryer@westernpower.co.uk>  
**Sent:** 15 March 2021 15:38  
**To:** Planning  
**Subject:** Land At Model Farm

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Mr Rowlands,

We have looked at the application for the proposed development at Model Farm, Port Road and have the following comments:-

- There is extensive 11kV network within the proposed development that will require diversion.
- There are LV supplies to buildings within the development and on the boundary of the development that will require attention.

We would expect the developer to contact us when they are in a position to progress the development to discuss the above.

Please do not hesitate to contact me if you require any further information.

Regards,

*Warren Fryer / Planner / Cardiff Construction*

Western Power Distribution | Church Village Depot | Duffryn Bach Terrace | Church Village | Pontypridd | CF38 1BN

☎ - Direct Dial: +44 (0)1443 219161 – Internal: 219161

☎ - Mobile: 07544 158211

✉ - Email: [wfryer@westernpower.co.uk](mailto:wfryer@westernpower.co.uk)

Team Support: Joshua Pamplin 01443 219010 [jpamplin@westernpower.co.uk](mailto:jpamplin@westernpower.co.uk)

Team Support: John Harley-Fox | 01443 219192 | [jfox@westernpower.co.uk](mailto:jfox@westernpower.co.uk)

Team Manager: David Roberts 01443 219045 [dtroberts@westernpower.co.uk](mailto:dtroberts@westernpower.co.uk)



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[REDACTED]

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**From:** Evans, Rhys T. <rtevens@westernpower.co.uk>  
**Sent:** 29 April 2021 11:45  
**To:** Planning  
**Cc:** Ivey, Kevin P.  
**Subject:** Your Ref: P/DC/CR/2019/00871/OUT

Dear Mrs Robinson

For reference, I have attached our GIS location map, showing Overhead LV = Solid Blue line 11kv overhead = Solid red 33kv overhead line = Solid green 132kv overhead line = Solid Purple.

We would state at present our immediate concerns are the close proximity of the development to our overhead lines, to ensure they comply with current ESQCR Regulations, statutory distances must be kept from any fixed objects as per GS6 guidance from the Health and Safety Executive.

Furthermore, if there are new sub-stations installed/required on site to feed the development, we would request as part of the new connections process, the freehold for these sites, to ensure we have full control for any future maintenance of the sub-stations.

The developer in the first instance, will need to make an application for a quotation directly with us, to divert any overhead and underground lines, which are affected by the development and for any new connections that are required.

I trust this clarifies everything.

Kind regards

Rhys Evans

Estates Specialist


Church Village

Tel: 01443 219036

Team Support: Kathryn Davies Tel: 01443 219044 email: Kmdavies@westernpower.co.uk

Team Manager: Paul Morgan Tel: 01443 219049 email: pmorgan@westernpower.co.uk



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Registered Office: Avonbank, Feeder Road, Bristol, BS2 0TB

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## Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2019/00871/OUT
Observations By:	Nigel Rees
Date:	10 <sup>th</sup> June 2021
Location:	Land at Model Farm, Port Road, Rhoose
Proposal:	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.
Case Officer:	Mr. Ceiri Rowlands

I refer to the planning application and have considered the highway implications in relation to the revised Transport Implementation Strategy and Access statement and associated plans:

### Transport Implementation Strategy.

- It has been suggested that a baseline mode share of existing movements be reduced by 30% taking account of the pandemic and future remote working. –  
As discussed a reduction of either 20% or 30% was agreed and to be modelled on those assumptions.  
After due consideration a figure of 20% is acceptable for modelling.
- Proposed PBPC trip generation or base mode shares & build out rate – no change.  
Agreed.
- Cardiff International Airport passenger numbers.  
Agreed, the statements that passenger growth will be adjusted if data is available or if not available adjusted for -5 years.



### Design Access statement and associated plans.

Internal road layout to be agreed through a reserved matters application, however initial comments on the block plan layout provided:

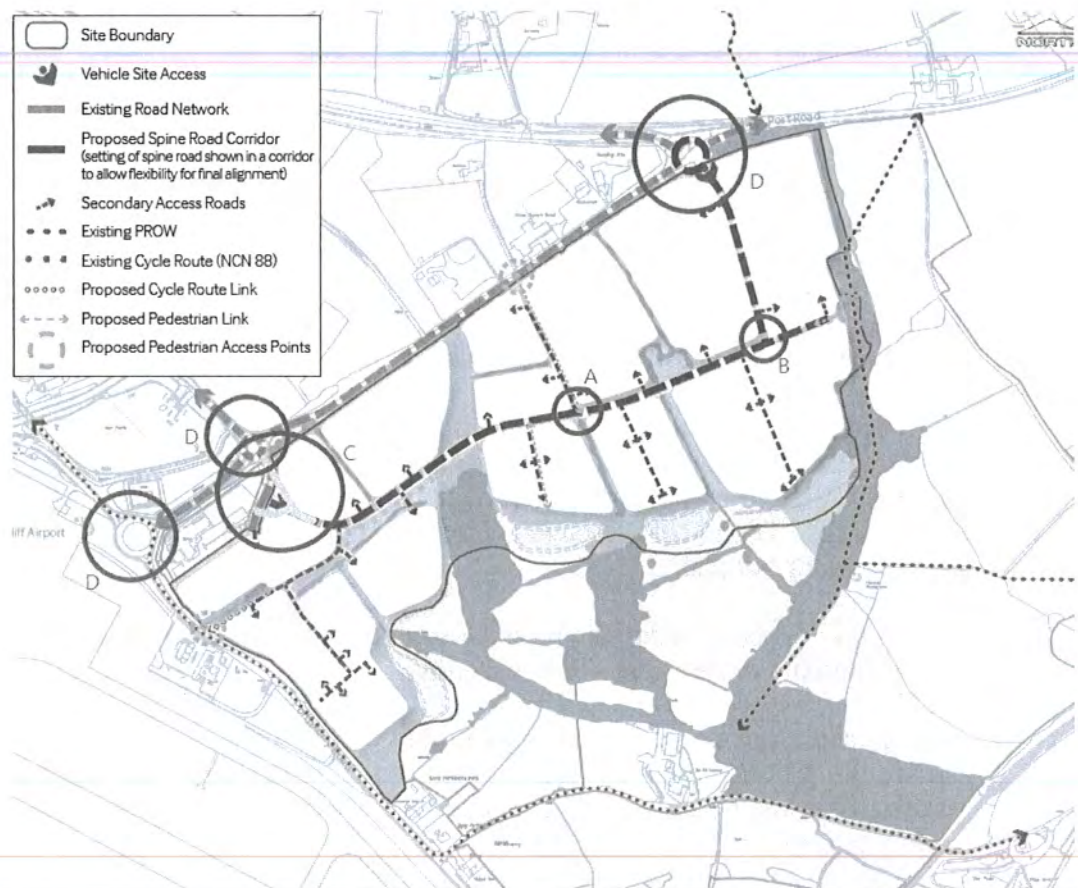
- All internal roads to be designed and constructed to an adoptable industrial & commercial estate standards for geometry and road construction makeup.  
Internal road widths to be 7.3m wide, carriageway widening at bends to 8m  
Junction kerb radii to be 15m.  
Carriageway gradients to be 1:12max.  
Junction spacing 80 same side and 40m opposite.  
Main internal access roads to be designed for 30mph design speeds, forward visibilities and alignment radii to be designed to suit. visibility splays at junctions: 'Y' dist to suit 30mph design speed with an 'X' dist of min 45. max 9.0m.  
Suitable turning heads at cul-de-sac, to be tracked for articulated vehicles.  
All roads to be cambered with a fall of 1:36.
  - Provide suitable active travel routes connections and routes through the development, to be either shared or segregated, type and dimensions to be agreed depending on current AT guidelines at the time.
  - Provide public transport facilities with bus laybys, stops and shelters.
  - Proposed pedestrian links and access points to be for shared use pedestrian and cycle to tie in with proposed shared surfaces throughout the development.
- A. Due to the nature of the development land parcel the access road has long straights which will promote high speeds, provide a roundabout at this location which will serve as a speed reducing feature and access to the side land parcels
- B. The highway alignment at this point shows a 90 degree bend which is not ideal, provide a roundabout at this location.

The access points to the development off the existing adopted highway take in three number existing roundabouts. The access application to be conditioned and dealt with separately from the internal road layout which will be dealt with under reserved matters.

Initial comments on the preliminary plans included within the design access statement showing the access details:



- C. The access shown at his location gives priority to the existing hotel, priority to be changed to give priority to the proposed development with a side access to the hotel with a possible ghost right hand turning lane depending on vehicle modelling flows.
- D. Existing roundabouts to be modelled and size and layout to be determined within the scope of the existing adopted highway and any land in the ownership of the applicant. To take account of footways/shared surfaces and verges and embankments supporting the highway.
- The drawings show the provision of 10m wide verge running along port Road fronting the site to be dedicated as highway verge to provide land provision to the VoGCC for future active travel routes.



Site plan Ref A

## Conditions

1. Notwithstanding the submitted plans, no works whatsoever shall commence on the development until full Engineering details of the proposed access roundabouts, access roads and associated works to the existing highway infrastructure have been submitted incorporating roundabout/highway design, vision splays, street signage, street lighting, surface water drainage strategy and any retaining structures retaining or adjacent to the highway / public open space have been submitted to and approved in writing by the Local Planning/Local Highway Authority. These details shall fully comply with the Design Manual for Roads and Bridges / Technical Directives / Local transport Notes/ Vale of Glamorgan Councils Standards for adoption.

Reason: - To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

2. No works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of any structures, drainage systems, street lighting, water culverts etc. abutting or within close proximity to the existing / proposed highway have been submitted to and approved by the Local Planning Authority.

Reason: - To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

3. Notwithstanding the submitted plans, no work shall commence on site until a full highway signing strategy has been submitted and approved in writing by the Local Planning/Local Highway Authority. These details shall fully comply with the Design Manual for Roads and Bridges / Technical Directives / Local transport Notes/ Vale of Glamorgan Councils Standards for adoption.

Reason: - To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

4. The applicant/developer will be required to enter into a legally binding agreement to secure the proper implementation of the proposed highway works, connections with the existing highway network and associated works which shall incorporate the appropriate bond and fees.

Reason: - To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

5. The provision of a Construction Management / Traffic Plan together with any Proposed Temporary Road Closures and other Temporary or Permanent Traffic Regulations required associated with the Development to be submitted to and approved by the Local Planning Authority prior to commencing any works. The Construction Management and Traffic Plan shall include measure of storage of materials and plant,



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parking of construction vehicles, control of mud and debris on site and information regarding deliveries to site including haulage routes and delivery times.

Reason: - In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network.

6. The Highway Authority will require at the developers expense to carry out prior to commencing any works a Condition Survey along agreed haulage route the extent to be agreed with The Councils Highway Network Manager which shall undertaken by a suitably qualified and experienced an independent Highway Maintenance Consultant to be approved by the Local Highway / Planning Authority.

Reason: - In the interest of highway / Public Safety

7. The Highway Authority will require at the developers expense a Second Condition Survey along agreed haulage route the extent to be agreed with The Councils Highway Network Manager to be undertaken by the approved independent Highway Maintenance Consultant on completion of the works or such time that the Highway Authority instruct.

Reason: - In the interest of highway / Public Safety

8. The Highway Authority will require at the developers expense to carry out any remedial works identified with the second condition survey or at any time during the works that the Highway Authority Considers necessary as direct result of the works.

Reason: - In the interest of highway / Public Safety.

9. From 7 January 2019, all new developments in Wales of more than 1 dwelling house or where the construction area is 100m<sup>2</sup> or more will require Sustainable Drainage Systems (SuDS) for surface water. This needs to be considered as part of the detailed design for the internal road with the potential use of block paving. These SuDS must be designed and built in accordance with standards published by Welsh Government and approved by the local authority acting in its role as a SuDS approval body (SAB). The SAB will then have the duty to adopt any compliant systems; serving multiple properties. Early discussions with the SAB is advised



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## Vale of Glamorgan Highway Authority Observation Sheet

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Planning Application Ref:	2019/00871/OUT
Observations By:	Nigel Rees
Date:	5 May 2020
Location:	Land at Model Farm, Port Road, Rhoose
Proposal:	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.
Case Officer:	Mr. Ceiri Rowlands

I refer to the above planning application and with regard to the Redacted JNY9624-06A Technical Note – 9<sup>th</sup> April 2020 and JNY9624-07B Access Strategy (002) – 2nd Feb 2020 a review has been undertaken by Steven Arthur, Mott MacDonalds considering the highway implications of the proposal. The review comments as follows:-

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### **Redacted JNY9624-06A Technical Note – 9<sup>th</sup> April 2020**

The Technical Note has been prepared in response to the initial Transport Assessment Review we (Mott MacDonald) undertook in October 2019. The note details the key items raised following the review and provides an appropriate comment and/or additional work in support of the response. The key items have been summarised below:

(Item 1) Personal Injury Accident Data - the note clarifies that due to data protection the Welsh Government will not release detailed information in relation

to road traffic collisions. Therefore, the concern raised in the TA review still stands, on the basis it cannot be concluded that there are no common contributory factors. However, it is acknowledged that this is through no fault of RPS. It is recommended that TVoGC provide RPS with the level of detail required for a full review. If this is not possible (due to data protection) then TVoGC should undertake their own review. Any road safety issues should be highlighted and mitigation measures agreed with RPS.

(Item 2) Model Share – the note confirms that the adjusted trip reduction has been applied to commuting trips only, which is considered appropriate.

(item 3) Car Parking Requirements – the note provides an initial estimate of parking numbers, estimated between 2,181-2,919 based on maximum parking standards. The estimate reinforces the need to keep parking levels below the maximum standard and based on the potential future zones. This is recognised and proposed in the Transport Assessment.

(Item 4) Highway Capacity Assessment of Sycamore Cross Junction – the note includes a technical section that summarises the assessment of Sycamore Cross junction using the software LINSIG. It is agreed that the impact on the junction as a result of the development is not considered to be significant. It is noted that the junction is forecast to be over capacity in 2026 and 2029 (PM). However, this is due in part to background traffic growth and not a direct consequence of the proposed development trips.

(Item 5) Phasing - the note includes a section on development build-out and phasing. This was not raised in the TA review, however, was discussed during a meeting between TVoGC, Legal & General (Strategic Land) Ltd and RPS on 21st October 2019. It is recommended that (although hypothetical) the phasing provides a good indication of the potential build-out programme and should be used to identify key milestones and agree planning obligations.

#### **JNY9624-07B Access Strategy (002) – 2nd Feb 2020**

The access strategy supports outline planning application for the proposed development at Model Farm, which forms part of the Cardiff Airport and Bro Tathan Enterprise Zone. The document seeks to demonstrate that an access strategy could be delivered for the entire enterprise zone based on known and emerging access improvements, with the purpose of informing the Model Farm planning application and sustainable transport planning obligations.

It is agreed that the access strategy is not definitive in setting out a full and detailed strategy for the enterprise zone, but it does consider the emerging access improvements in the area and the requirements for the enterprise zone, in the context of the likely build-out of the proposed development at Model Farm.

Although an initial consideration based on estimations and assumptions, the strategy is a comprehensive document and considers the transport demand for the enterprise zone, and committed transport improvement schemes (identifying



those both funded and unfunded). Vehicle movements for the enterprise zone have been estimated for the years 2021-2026, 2028, 2030 and 2040, identifying at which point transport improvements may be required. Table 12 in the strategy document summaries the trigger points for the transport infrastructure.

It is agreed that Table 12 provides an initial overview and timescale for the transport infrastructure needed to deliver and service the enterprise zone based on the existing growth aspirations. It is recommended that the Access Strategy (and Table 12) are used as a basis for discussions to agree sustainable transport obligations and highway improvements. It is also agreed that the focus should be on sustainable modes of transport to achieve a mode shift away from the private car.

### **Summary**

- The Technical Note provides additional information and/or clarification in relation to all of the items raised in the original TA review.
- In addition, the note provides a hypothetical build-out programme to inform the TA and Access Strategy.
- The Access Strategy considers the development of the wider enterprise zone in its entirety and sets-out indicative milestones for the delivery of key transport infrastructure.

It is concluded that the items raised in the TA review have been adequately addressed by the Technical Note. The Access Strategy provides an appropriate framework from which suitable planning obligations can be agreed, to deliver sustainable transport and highway improvements, along with the development of the Enterprise Zone.





## Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2019/00871/OUT
Observations By:	Nigel Rees
Date:	1 <sup>st</sup> December 2022
Location:	Land at Model Farm, Port Road, Rhoose
Proposal:	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.
Case Officer:	Mr. Ceiri Rowlands

I refer to the Transport Implementation Strategy Addendum (TIS-A, dated 18<sup>th</sup> November 2022).

The TIS-A has been prepared by the applicant due to the timescales since the original revised TIS (RPS Report Ref JNY9624-10A) was prepared and issued in 2020. The document review has been undertaken to review in particular:

- The relevance/recency of the traffic survey work that informed the revised TIAS.
- Post Covid-19 assumptions in light of observed trends.

On reviewing the updated traffic counts, it is noted that the Waycock Cross junction analysis have been based on only one day's count on 31<sup>st</sup> March 2022. Although a 7-day traffic count is required the Highway Authority will accept this one-day snapshot of the traffic flows to validate the original counts.

Considering all the updated traffic counts and assumptions made for home working, Cardiff International Airport passenger growth and increased train services to Rhoose, the highway Authority can confirm that the original TIS (RPS Report Ref JNY9624-10A) is still relevant.

The Highway Authority can confirm that there are no changes or amendments to the previous highway comments and conditions as dated 20<sup>th</sup> May 2021.

## Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2019/00871/OUT
Observations By:	Nigel Rees
Date:	10 <sup>th</sup> February 2022
Location:	Land at Model Farm, Port Road, Rhoose
Proposal:	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.
Case Officer:	Mr. Ceiri Rowlands

I refer to the planning application and have considered any revised information with regards to the highway implications and in conjunction with the Transport Implementation Strategy and Access statement and associated plans:

The highway Authority can confirm that there are no changes or amendments to the previous highway comments and conditions as dated 20<sup>th</sup> May 2021.

# Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2019/00871/OUT
Observations By:	Nigel Rees
Date:	20 <sup>th</sup> May 2021
Location:	Land at Model Farm, Port Road, Rhoose
Proposal:	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.
Case Officer:	Mr. Ceiri Rowlands

I refer to the planning application and have considered the highway implications in relation to the revised Transport Implementation Strategy and Access statement and associated plans:

### Transport Implementation Strategy.

- It has been suggested that a baseline mode share of existing movements be reduced by 30% taking account of the pandemic and future remote working. –  
As discussed a reduction of either 20% or 30% was agreed and to be modelled on those assumptions.  
After due consideration a figure of 20% is acceptable for modelling.
- Proposed PBPC trip generation or base mode shares & build out rate – no change.  
Agreed.
- Cardiff International Airport passenger numbers.  
Agreed, the statements that passenger growth will be adjusted if data is available or if not available adjusted for -5 years.
- Cardiff International Airport potential rail transport link - an indicated 15.8% mode share has been assumed based on figures relating to Birmingham & Luton airports.  
It is felt that this figure maybe too high as the comparison with these locations does not fit the same demographic characteristics to the Cardiff International Airport.

### Design Access statement and associated plans.

Internal road layout to be agreed through a reserved matters application, however initial comments on the block plan layout provided:



- All internal roads to be designed and constructed to an adoptable industrial & commercial estate standards for geometry and road construction makeup.  
Internal road widths to be 7.3m wide, carriageway widening at bends to 8m  
Junction kerb radii to be 15m.  
Carriageway gradients to be 1:12max.  
Junction spacing 80 same side and 40m opposite.  
Main internal access roads to be designed for 30mph design speeds, forward visibilities and alignment radii to be designed to suit. visibility splays at junctions: 'Y' dist to suit 30mph design speed with an 'X' dist of min 45. max 9.0m.  
Suitable turning heads at cul-de-sac, to be tracked for articulated vehicles.  
All roads to be cambered with a fall of 1:36.
  - Provide suitable active travel routes connections and routes through the development with 3.5m wide shared footway surfaces and suitable pedestrian/cycle crossings.
  - Provide public transport facilities with bus laybys, stops and shelters.
  - Proposed pedestrian links and access points to be for shared use pedestrian and cycle to tie in with proposed shared surfaces throughout the development.
- A. Due to the nature of the development land parcel the access road has long straights which will promote high speeds, provide a roundabout at this location which will serve as a speed reducing feature and access to the side land parcels
- B. The highway alignment at this point shows a 90 degree bend which is not ideal, provide a roundabout at this location.

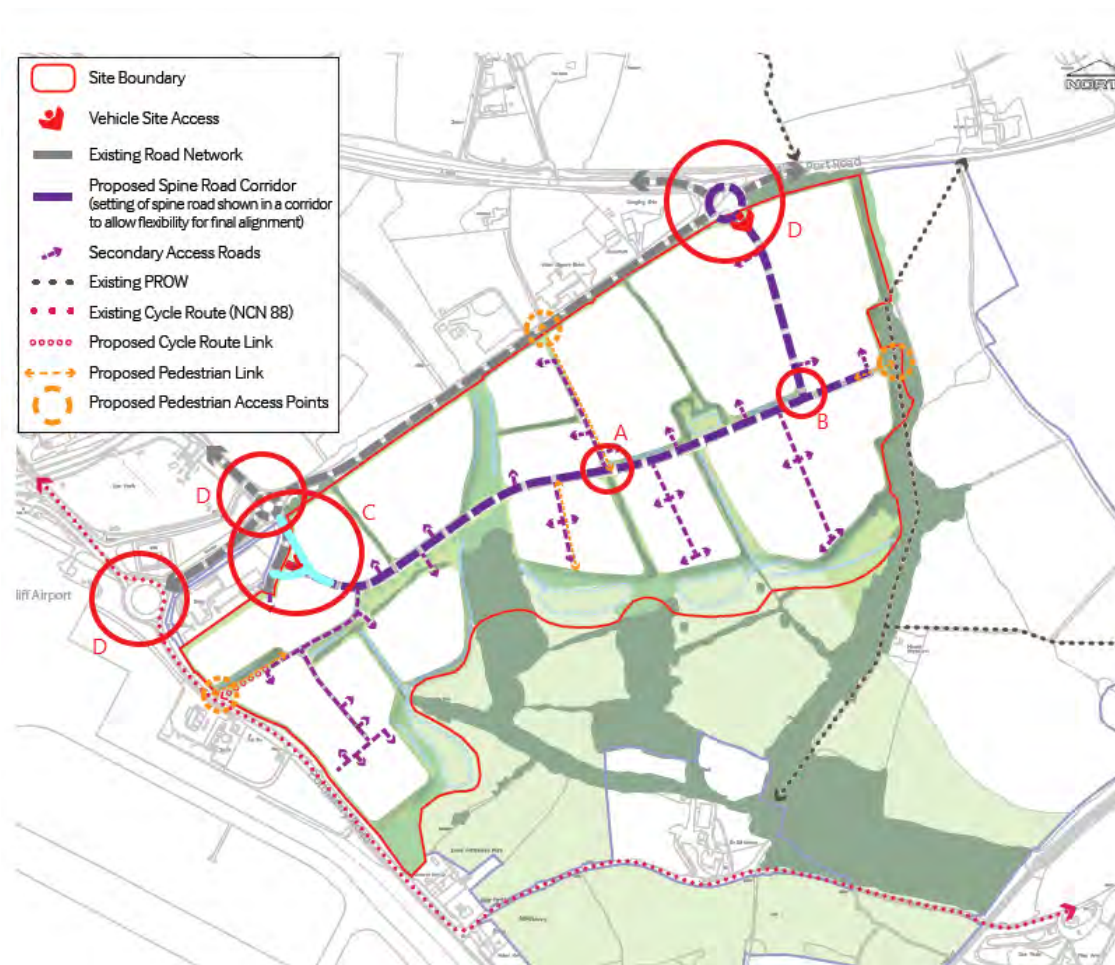
The access points to the development off the existing adopted highway take in three number existing roundabouts. The access application to be conditioned and dealt with separately from the internal road layout which will be dealt with under reserved matters.

Initial comments on the preliminary plans included within the design access statement showing the access details:

- C. The access shown at his location gives priority to the existing hotel, priority to be changed to give priority to the proposed development with a side access to the hotel with a possible ghost right hand turning lane depending on vehicle modelling flows.

D. Existing roundabouts to be modelled and size and layout to be determined within the scope of the existing adopted highway and any land in the ownership of the applicant. To take account of footways/shared surfaces and verges and embankments supporting the highway.

- The drawings show the provision of a 3m plus wide verge running along Port Road adjacent to the development. The highway Authority would look for the developer to provide a 3.5m wide shared footway from the roundabout on A4226 along Port Road to the roundabout on Porthkerry Road and along Porthkerry Road within the frontage of the proposed development, to provide active travel routes from the surrounding areas into the development. Existing footway/cycle facilities on A4226 to tie into proposed along Port Road.



Site plan Ref A

## Conditions

1. Notwithstanding the submitted plans, no works whatsoever shall commence on the development until full Engineering details of the proposed access roundabouts, access roads and associated works to the existing highway infrastructure have been submitted incorporating roundabout/highway design, vision splays, street signage, street lighting, surface water drainage strategy and any retaining structures retaining or adjacent to the highway / public open space have been submitted to and approved in writing by the Local Planning/Local Highway Authority. These details shall fully comply with the Design Manual for Roads and Bridges / Technical Directives / Local transport Notes/ Vale of Glamorgan Councils Standards for adoption.

Reason: - To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

2. No works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of any structures, drainage systems, street lighting, water culverts etc. abutting or within close proximity to the existing / proposed highway have been submitted to and approved by the Local Planning Authority.

Reason: - To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

3. Notwithstanding the submitted plans, no work shall commence on site until a full highway signing strategy has been submitted and approved in writing by the Local Planning/Local Highway Authority. These details shall fully comply with the Design Manual for Roads and Bridges / Technical Directives / Local transport Notes/ Vale of Glamorgan Councils Standards for adoption.

Reason: - To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

4. The applicant/developer will be required to enter into a legally binding agreement to secure the proper implementation of the proposed highway works, connections with the existing highway network and associated works which shall incorporate the appropriate bond and fees.

Reason: - To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

5. The provision of a Construction Management / Traffic Plan together with any Proposed Temporary Road Closures and other Temporary or Permanent Traffic Regulations required associated with the Development to be submitted to and approved by the Local Planning Authority prior to commencing any works. The Construction Management and Traffic Plan shall include measure of storage of materials and plant, parking of construction vehicles, control of mud and debris on site and information regarding deliveries to site including haulage routes and delivery times.



Reason: - In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network.

6. The Highway Authority will require at the developers expense to carry out prior to commencing any works a Condition Survey along agreed haulage route the extent to be agreed with The Councils Highway Network Manager which shall undertaken by a suitably qualified and experienced an independent Highway Maintenance Consultant to be approved by the Local Highway / Planning Authority.

Reason: - In the interest of highway / Public Safety

7. The Highway Authority will require at the developers expense a Second Condition Survey along agreed haulage route the extent to be agreed with The Councils Highway Network Manager to be undertaken by the approved independent Highway Maintenance Consultant on completion of the works or such time that the Highway Authority instruct.

Reason: - In the interest of highway / Public Safety

8. The Highway Authority will require at the developers expense to carry out any remedial works identified with the second condition survey or at any time during the works that the Highway Authority Considers necessary as direct result of the works.

Reason: - In the interest of highway / Public Safety.

9. From 7 January 2019, all new developments in Wales of more than 1 dwelling house or where the construction area is 100m<sup>2</sup> or more will require Sustainable Drainage Systems (SuDS) for surface water. This needs to be considered as part of the detailed design for the internal road with the potential use of block paving. These SuDS must be designed and built in accordance with standards published by Welsh Government and approved by the local authority acting in its role as a SuDS approval body (SAB). The SAB will then have the duty to adopt any compliant systems; serving multiple properties. Early discussions with the SAB is advised

## **Vale of Glamorgan Highway Authority Observation Sheet**

Planning Application Ref:	2019/00871/OUT
Observations By:	Nigel Rees
Date:	5 May 2020
Location:	Land at Model Farm, Port Road, Rhoose
Proposal:	Outline application comprising demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters reserved aside from access.
Case Officer:	Mr. Ceiri Rowlands

I refer to the above planning application and with regard to the Redacted JNY9624-06A Technical Note – 9<sup>th</sup> April 2020 and JNY9624-07B Access Strategy (002) – 2nd Feb 2020 a review has been undertaken by Steven Arthur, Mott MacDonalds considering the highway implications of the proposal. The review comments as follows:-

**Redacted JNY9624-06A Technical Note – 9<sup>th</sup> April 2020**

The Technical Note has been prepared in response to the initial Transport Assessment Review we (Mott MacDonald) undertook in October 2019. The note details the key items raised following the review and provides an appropriate comment and/or additional work in support of the response. The key items have been summarised below:

(Item 1) Personal Injury Accident Data - the note clarifies that due to data protection the Welsh Government will not release detailed information in relation to road traffic collisions. Therefore, the concern raised in the TA review still stands, on the basis it cannot be concluded that there are no common contributory factors. However, it is acknowledged that this is through no fault of RPS. It is recommended that TVoGC provide RPS with the level of detail required for a full review. If this is not possible (due to data protection) then TVoGC should undertake their own review. Any road safety issues should be highlighted and mitigation measures agreed with RPS.

(Item 2) Model Share – the note confirms that the adjusted trip reduction has been applied to commuting trips only, which is considered appropriate.

(item 3) Car Parking Requirements – the note provides an initial estimate of parking numbers, estimated between 2,181-2,919 based on maximum parking standards. The estimate reinforces the need to keep parking levels below the maximum standard and based on the potential future zones. This is recognised and proposed in the Transport Assessment.

(Item 4) Highway Capacity Assessment of Sycamore Cross Junction – the note includes a technical section that summarises the assessment of Sycamore Cross junction using the software LINSIG. It is agreed that the impact on the junction as a result of the development is not considered to be significant. It is noted that the junction is forecast to be over capacity in 2026 and 2029 (PM). However, this is due in part to background traffic growth and not a direct consequence of the proposed development trips.

(Item 5) Phasing - the note includes a section on development build-out and phasing. This was not raised in the TA review, however, was discussed during a meeting between TVoGC, Legal & General (Strategic Land) Ltd and RPS on 21st October 2019. It is recommended that (although hypothetical) the phasing provides a good indication of the potential build-out programme and should be used to identify key milestones and agree planning obligations.

### **JNY9624-07B Access Strategy (002) – 2nd Feb 2020**

The access strategy supports outline planning application for the proposed development at Model Farm, which forms part of the Cardiff Airport and Bro Tathan Enterprise Zone. The document seeks to demonstrate that an access strategy could be delivered for the entire enterprise zone based on known and emerging access improvements, with the purpose of informing the Model Farm planning application and sustainable transport planning obligations.

It is agreed that the access strategy is not definitive in setting out a full and detailed strategy for the enterprise zone, but it does consider the emerging access improvements in the area and the requirements for the enterprise zone, in the context of the likely build-out of the proposed development at Model Farm.

Although an initial consideration based on estimations and assumptions, the strategy is a comprehensive document and considers the transport demand for the enterprise zone, and committed transport improvement schemes (identifying those both funded and unfunded). Vehicle movements for the enterprise zone have been estimated for the years 2021-2026, 2028, 2030 and 2040, identifying at which point transport improvements may be required. Table 12 in the strategy document summarises the trigger points for the transport infrastructure.

It is agreed that Table 12 provides an initial overview and timescale for the transport infrastructure needed to deliver and service the enterprise zone based on the existing growth aspirations. It is recommended that the Access Strategy (and Table 12) are used as a basis for discussions to agree sustainable transport obligations and highway improvements. It is also agreed that the focus should be on sustainable modes of transport to achieve a mode shift away from the private car.

### **Summary**



- The Technical Note provides additional information and/or clarification in relation to all of the items raised in the original TA review.
- In addition, the note provides a hypothetical build-out programme to inform the TA and Access Strategy.
- The Access Strategy considers the development of the wider enterprise zone in its entirety and sets-out indicative milestones for the delivery of key transport infrastructure.

It is concluded that the items raised in the TA review have been adequately addressed by the Technical Note. The Access Strategy provides an appropriate framework from which suitable planning obligations can be agreed, to deliver sustainable transport and highway improvements, along with the development of the Enterprise Zone.

[REDACTED]

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**From:** LANGSTONE, Myles <LANGSTONEM@parliament.uk>  
**Sent:** 13 July 2021 08:54  
**To:** Planning  
**Subject:** FW: Model Farm Planning Application

Dear Sir/Madam,

Please see the email below from Alun Cairns MP in relation to planning application 2019/00871/OUT which is due to be considered by the Planning Committee.

A number of concerns have been raised and Alun would be grateful if these could be considered and responded to.

Kind regards,  
Myles

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**From:** Alun Cairns <alun.cairns.mp@parliament.uk>  
**Date:** Wednesday, 7 July 2021 at 16:06  
**To:** Cabinet Responses <cabinetresponses@valeofglamorgan.gov.uk>  
**Cc:** "LANGSTONE, Myles" <LANGSTONEM@parliament.uk>  
**Subject:** Model Farm Planning Application

Dear Cabinet Member,

I am writing in relation to the planning application 2019/00871/OUT, which proposes a business park at Model Farm in Rhoose. I have been contacted by local residents who have raised a number of concerns, as set out below. I would be grateful if this could be shared with the Planning Department and the relevant officers.

Their concerns are primarily centred around the correct protocols being followed before planning is granted by the Vale Council. Therefore, the Council must have the full and complete survey details of the effects that such a development would have on the wildlife, insects, flora and fauna, and protected species such as horseshoe bats, skylarks and badgers, all of which are present on the farm.

My constituent explained that there are numerous cases where planning has been granted with the proviso that full surveys must be done before work commences. However, they state:

"This is not the correct procedure. As the Cornwall ruling cited that the planning authority acted unlawfully by granting planning permission without sufficient information on flora and fauna. This is relevant where a development requires an Environmental Impact Assessment. The Vale of Glamorgan Council did indeed request an EIA for this proposed development. Full detailed surveys have not been carried out. Model Farm is rich in wildlife, contains ancient woodland, is home to some protected species, yet the developers are giving scant regard to environment they are destroying."

I look forward to your response and appreciate the Planning Department looking into these concerns.

Kind regards,  
Alun

**Rt Hon Alun Cairns MP**  
**Vale of Glamorgan**

Unit 6, BSC 2, Hood Road, Barry, CF62 5QL  
t: 01446 748657

## Keep up to date with Alun - [Facebook](#) | [Twitter](#)

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## Rowlands, Ceiri

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**Subject:** FW: 2023-01-12 - Application number 2019/00871/OUT - consultation response AC62746 (A Cairns) to M Goldsworthy

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**From:** [REDACTED]  
**Sent:** 12 January 2023 10:32  
**To:** [REDACTED]  
**Subject:** Model Farm - Application number 2019/00871/OUT - consultation response AC62746

Dear Jaci/Angela

Please find below an email from Alun Cairns regarding Model Farm/ Newport City Council Freeport bid – can you please forward this on to the relevant officer? Many thanks, Louise

Dear Cabinet Member

I would like to write to the council supporting my constituent's email below and to raise the same objections and concerns. I appreciate that you may already have responded to my constituent regarding this matter, but I would like to add my voice to his concerns.

Kind regards



Rt Hon Alun Cairns MP  
MP for the Vale of Glamorgan  
☎ 01446 748657

Unit 6, BSC 2, Hood Road, Barry, CF62 5QL  
Email: [alun.cairns.mp@parliament.uk](mailto:alun.cairns.mp@parliament.uk)

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**From:** [REDACTED]  
**Sent:** 23 December 2022 17:05  
**To:** [REDACTED]  
**Subject:** Model Farm - Application number 2019/00871/OUT - consultation response

Dear Sirs,

**Model Farm/ Newport City Council Freeport bid – new material consideration.**

In response to Ceiri Rowlands letter of the 6<sup>th</sup> December 2022, regarding new information received on Transport, ecology and built heritage I would like to make the following points.

**VOG Planners have failed to inform the Planning Committee of a Freeport Bid at Cardiff Airport and how it could affect Model Farm. The Council are trying to sneak the Model Farm Planning application through, without giving the public the facts.**

**Legal and General and their agents RPS Consulting, must be aware of the Freeport bid, yet have not mentioned the implications in their latest transport assessment about future road capacity.**

I request that consideration of the Model Farm Planning application be postponed until the outcome of the bid for a Freeport in Wales is concluded by the UK Government.

A bid has been made by Newport City Council (hereafter referred to the 'NCC bid') under the UK Government's Freeport Programme in conjunction with the Welsh Government. The bid includes reference to Cardiff Airport being a site for one element of the bid. This is **a new material consideration** in determining the application for planning approval by Legal and General on Model Farm. **With so much uncertainty, as set out below, it is impossible for you to process the Model Farm application until the Freeport bidding process is concluded. If you continue to do so, ample grounds exist for further challenge and expense to the Council.**

It is disappointing that Planning Officers failed to include mention of the Freeport Bid in their report to the Planning Committee in October 2022, and we question the absence of any details of discussions that the Vale of Glamorgan Council's Planning function have had with the bidders.

The Vale of Glamorgan Council have provided planning reports to the Public, it's Planning Committee and Welsh Government that are potentially misleading and have excluded important facts and information.

It is my reasonable and legitimate expectation that this new material consideration prevents appropriate determination of the proposed Model Farm Industrial Estate for the following reasons :-

1. The NCC Freeport bid is not included in the Local Development Plan and the planning parameters applied to the Model Farm development would substantially change. Planners must have had discussions on this issue but have failed to report this in planning reports.
2. **The Leader of the Council and the Cabinet Member have allowed Planning Reports to be produced that keep the NCC Freeport Bid secret.**
3. The aim of the Freeport is to increase freight revenues at Cardiff Airport to be in excess of 50 per cent of total revenue. This means substantial extra traffic and road haulage movements which the Planning Reports need to take into account.
4. Legal and General and their agents RPS Consulting must be aware of the Freeport bid, and yet have not mentioned the implications in their latest transport assessment about future road capacity.
5. There are implications for additional traffic flows through the villages of **Bonvilston and St. Nicholas** that the latest transport update from RPS Consulting does not address, or provide any attempt at mitigation. There are already concerns being expressed in those communities about road noise and potential breaches of Environmental Law and this latest update fails to take account of the potential increases in traffic flows as a result of Model Farm and the potential Freeport development.
6. A new masterplan for Cardiff Airport would be required, as the current plans do not mention any Freeport plans, risks or ramifications. How much land would be required, and the location of such land.
7. The possibility of a Freeport at Cardiff Airport would have implications for other partners. Has the issue been discussed, for example, with **Barry Town Council**, who have expressed concerns about, and objected to the Model Farm application?
8. A new Freeport status which includes Cardiff Airport would require an Environmental Impact Assessment screening process. This is clearly a new material consideration which prevents determination.
9. As the Bidding process is private and all interested parties are not able to access the individual bids, this means that no interested parties – including the Vale of Glamorgan

Council – knows what the possible ramifications are on Employment, additional road traffic movements, active travel routes or indeed which land is intended to be used for the Freeport in the vicinity of the Airport. I believe that land at St Athan (Owned by Welsh Government) would be the most sensible location, where substantial brownfield land is currently available. Therefore, why would the bid developers want to purchase expensive development land from Legal and General? There is however a crucial issue that Planning Committee reports have not addressed in relation to the Freeport bid. There are very specific requirements about land use and availability within the bidding prospectus. The size of suitable sites for Freeport Status, their connectivity to other sites within the bid and their current use. The land intended to be used must have formed part of the original pre-application discussions with the UK Government and Newport City Council. That has resulted in a bid meeting the initial bidding requirements. The Vale of Glamorgan Council has remained silent on these matters.

10. There is uncertainty whether the Cardiff Airport arm's length Company could be included in any successful Freeport bid as questions will be asked within the planning process about financial viability, which is a key material consideration in such planning decisions. But nonetheless, there is a bid in place for Freeport status and associated activity for which the Vale of Glamorgan planning function must take into account. The Subject cannot be ignored and kept secret. How many meetings with developers, Welsh Government and other Local Planning Authorities have taken place to discuss the Freeport?
11. Approving the Model Farm application for B1/B2/B8 employment land would be contrary to Technical Advisory Note (TAN) 23 – Economic Development. The requirements of TAN 23 – as set out at paragraph 4.5.2 – is that 'persistent oversupply of employment land may cause harm where the planned land supply exceeds demand, so that allocated employment sites remain vacant for long periods and frustrate development for other land uses'. If you approve the Model Farm application, without knowing what the outcome of the Freeport bidding process is, it could result in a substantial oversupply of Employment Land. If you grant planning permission to the Model Farm development prior to the outcome of the Freeport Bid process you could enable the eviction of the farmer and then if the Freeport Bid in South-East Wales is unsuccessful, an act of agricultural vandalism would have been carried out unnecessarily.
12. Welsh Government have clearly stated, in regard to Freeport Bids, that 'We expect the relevant local authorities to have discussed the fit with relevant development plans and policies (and the potential use of place-based planning approaches referred to above) as part of compiling the application.' **When did Planning Officers discuss the NCC Freeport bid with developers, and why has this not been mentioned in Planning reports.**
13. There are technical reasons relating to the NCC Freeport bid, that without knowing the specific content of the bids, the public and other interested parties cannot effectively scrutinise implications. For example, the Bidding Prospectus for Freeport Status has critical statements about Planning, and the need for compliance with the following:-

For each relevant site successful applications should:

- a. explain the current planning status including status in relation to Future Wales and the local development plan
- b. explain the planning needs for the anticipated development
- c. detail how these development needs will be met, including what options have been considered
- d. explain the steps taken (or planned) to engage with local communities to consider how proposals will maintain and enhance where possible the quality of the locality within which the proposal is located



e. explain how any relevant requirements for environmental assessment will help to mitigate any adverse impacts and offer net positive environmental benefits. Applications can also usefully indicate whether any early engagement with key agencies has been undertaken as part of this

f. provide evidence of early discussions with planning authorities on the potential use of place-based planning tools

Each of these issues has a relevancy, and a requirement, that the means you cannot approve the Model Farm development without addressing the implications of having a Freeport located at Cardiff Airport.

I believe that there are many procedural weaknesses in the planning reports and supporting evidence, that would make the premature, unevidenced approval of the Model Farm planning application an inappropriate action by the Vale of Glamorgan Council until the outcome of the NCC Freeport bid is known.

I have a reasonable and legitimate expectation that you will now postpone further consideration of the Model Farm application and welcome confirmation of your agreement to this.

Ron Price

Sent from [Mail](#) for Windows

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8<sup>th</sup> March 2022

## 2019/00871/OUT – Land at Model Farm, Port Road, Rhoose Objection

The St Nicholas with Bonvilston Community Council reconsidered this planning application to develop 44.79ha of agricultural land at Model Farm at our meeting of March 7, 2022 and resolved to again object.

The proposal documents acknowledge that development at Model Farm will result in increase traffic volumes using the A4226 to Sycamore Cross, then onwards along the A48 through the villages of St Nicholas and Bonvilston.

Both villages already **suffer road noise levels that are harmful to the health and well-being of residents**, and increased traffic will make this worse. This problem has been recognised by the Welsh Government, and the Vale Council has been actioned, and has a duty to reduce the harm to residents of St Nicholas and Bonvilston from road noise.

It's been suggested that Officer recommendation for approval of this proposal, without first addressing the traffic and road noise issue along the A48, and reducing it to "safe levels", may be **unlawful**.

On the following pages, are the results of Environmental Noise Mapping from 2017. This mapping is now outdated, as the opening of the new (A4226) road in 2019, to replace Five Mile Lane, has greatly increased the number of heavy vehicles taking this route, and as a result the level of road noise, particularly in St Nicholas.

We have also included the Transport Assessment below that shows significant and unacceptable increases in traffic volumes projected to pass through St Nicholas, should the development proceed.

*Cllr Ian Perry*

For and on behalf of St Nicholas with Bonvilston Community Council

[REDACTED]

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**From:** Perry, Ian AN (CIlr)  
**Sent:** 17 October 2022 15:04  
**To:** Robinson, Ian  
**Cc:** Planning  
**Subject:** Land at Model Farm, Port Road, Rhoose

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I have a couple of concerns with the Final Report in relation to: Land at Model Farm, Port Road, Rhoose

The report states:

“...land in locations such as Barry docklands, Llandow, and those further afield are unlikely to be suitable for businesses in the aviation industry or those reliant on international connectivity, for example. It is employment opportunities arising from these sorts of sectors which the designation of the Enterprise Zone seeks to exploit.”

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This statement seems subjective – to be an opinion. Aerospace companies are operating successfully away from airports in Wales. For example:

- GE Aviation Wales (jet engines) – Nantgarw
- Nordam Europe – Blackwood
- Aerfin – Caerphilly
- STG Aerospace – Cwmbran
- British Airways Avionics Engineering – Pontyclun
- Safran Seats – Cwmbran
- Aermach – Newport
- BAE Systems – Usk
- Drone Tech Aerospace – Ffordd Pengam, Cardiff

Opinions must be clearly identified as opinion, and the source of opinions must be made clear in a Final Report on planning matters. As written, the statement does not appear to be supported by facts – and companies compete successfully internationally, without need of an airport adjacent to offices or warehouse to provide connectivity.

A further claim in the report is questionable:

“The proposed development therefore brings with it the potential for creation of high quality jobs, such that are in demand in the locality.”

Do we have an excess of people with the skills sought by the aviation industry living in the Vale of Glamorgan?

A 2015 report for the Vale Council by the BE Group talked about the gradual relocation of aerospace businesses to the Vale of Glamorgan. Can you confirm that the intention isn't to stimulate new businesses, but to relocate existing businesses? The report states, “its high profile position on the M4 and large sites mean that it would still be attractive to potential users.” The report mentions accessibility for workers from other parts of South Wales (Rhondda Cynon Taff



specifically). The site is some distance from the M4, and linked via the A4232 and Culverhouse Cross. Is there sufficient spare capacity on these roads and the A470?

Are you able to clarify/correct these matters ahead of the meeting of the Planning Committee?

Best regards,

**Ian**

Ian Perry  
Councillor  
Elected Member  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
mob / sym: 07927588943  
e-mail / e-bost: 

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re. **Drainage, flooding and foul sewage issues**

- the main sewer to Cog Moors frequently discharges into Barry Dock (175 times in 2020) also from CSOs at Rhoose Point (26) and Barry Town (40)
- Cog Moors sewage works is overloaded, it 'spills' untreated sewage frequently, not just under exceptional weather conditions but 70-90 times a year.

therefore the Env Statement should record the problems and supply assessments of

a) the environmental impacts from current and additional discharges and b) alternative on-site treatment or use of cess pits

Welsh Water have made their statistics public and disclose the performance of Cog Moors on request.

<https://www.dwrcymru.com/en/our-services/wastewater/combined-storm-overflow/valleys-and-south-east-wales>; Cog Moors STW - cais Rhyddid Gwybodaeth i Corff Adnoddau Naturiol Cymru - WhatDoTheyKnow

<b>Annual Spill Performance Data Cog Moors WwTW</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021 YTD</b>
<b>Spill Number</b>	59	90	77	74	34
<b>Duration of Spills (h)</b>	363.75	1113.25	844.5	845	483.5
<b>Data Completeness (%)</b>	93.55	99.94	98.03	98.17	99.77

CogMoors Overflows in 2020 Bathing Season (April-Sept)

	start	Duration hours	Spill litres/s	Total spill M-litres	Rain times	Rain depth	Comments
18/9 Jun	12:30	22:15	750	61	no data	no data	
28-Jun	12:15	10:45	..	1.2	..	..	
29-Jun	00:00	08:15	..	0.9	..	..	
08-Jul	03:30	03:15	550	4.7	18:00*-6:00	16.2mm	
27-Jul	12:45	01:00	500	1.8	04:00-16:00	17.0mm	follows 8.6mm 24-5 July
19-Aug	11:30	02:00	600	4.3	06:00-11:00	14.8mm	follows 4mm on 17th Aug.
25-Aug	05:45	06:30	850	20	01:00-06:00	26.2mm	follows quite dry week
27-Aug	19:30	24:15:00	950	83	11:00-15:00	32.6mm	} extended rainstorm with
28-Aug					21:00*-4:00	26.6mm	} second rainfall after 6 hours
30-Sep	16:15	01:30	550	3	08:00-15:00	21.8mm	follows 2.6mm on 26th Sept

\* rain started previous day

The ES has to consider the problems locally of adding foul sewage to the overloaded system that's by far non-compliant with the UWWT Regs. Receptors affected by additional sewage from this development would include Barry Bathing waters, Barry Dock water sports, Severn marine protected area. It should report on any moves to bring the sewerage system into compliance.

*Duty-of-Care over foul sewage waste* The developers cannot rely on the word of DCWW that they can accommodate the foul sewage generated on site, in view of the factual records on discharges of untreated sewage. They have a duty-of-care when they hand over their waste to a contractor, which they cannot fulfil via DCWW



unless they have plans to expand capacity of the main sewer and the STW or otherwise bring them into compliance within the development time frame

*Compliance with the Water Framework Directive* – the requirement to restore the Severn's good water quality status would be contradicted by the increased sewage overflows caused by the development.

*Bathing Water policy and regulations* require attainment of 'excellent' microbiological condition in waters used for bathing and immersion sports at times and places where there is significant number of users. The last official survey of usage by Environment Agency Wales about 2008 is quite out-of-date; the ES should report current usage.

The EIA Regs(Wales) 2017 require the issue to be addressed under the Schedule 4 s.5:

5. A description of the likely significant effects of the development on the environment resulting from, inter alia—

- (a) the construction and **existence of the development**, including, where relevant, demolition works;
- (b) the use of natural resources in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the **creation of nuisances and the disposal and recovery of waste**,
- (d) the **risks to human health**, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the **cumulation of effects** with other existing and/or approved projects, **taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected** or the use of natural resources;
- (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change.

*Dwr Cymru Welsh Water's assurances cannot be taken at face value.* Their previous response to the VoG shows a lack of candour. As scandalous levels of discharge of untreated sewage have come out publicly in recent months, the VoG Planning officers can no longer rely on DCWW statements, but require the ES to report data.

Here is DCWW's statement followed by points on the lack of candour:

*Cog Moors Treatment Works - I can advise we have made considerable investment at our asset and within the wider catchment over the past 15 years. This investment has included significant upgrades to the sewer network, pumping station, Combined Sewer Overflow and introduction of UV disinfection at the WwTW. We have also jointly invested in a sustainable drainage project with Cardiff City Council and NRW, Greener Grangetown, to sustainably reduce the amount of surface water entering our network. In instances where the treatment capacity at Cog Moors WwTW is exceeded during periods of heavy rainfall, the excess flows are initially passed to storage tanks and returned to treatment once the incoming flow drops. When all storage is utilised, storm water is passed to a UV treatment plant (during the bathing season) before being discharged to the Bristol Channel via a long sea outfall located at the southern limit of Severn Estuary marine conservation area. The WwTW and CSO operate within the conditions permitted by Natural Resources Wales (NRW) and the majority of flow from the catchment (treated and storm effluent) is discharged offshore in a highly dispersive environment, ensuring least impact on the coastline and Severn Estuary marine conservation area.*

# DCWW claim investment in UV treatment, yet that was as an urgent measure in the 2000s to comply with Bathing Water standards, as the shortage in capacity could not be made up quickly. It's never been made up since.



- # They turn off the UV Sept to March so the many users of the sea are subject to high bacterial and viral levels.
- # the plan was licensed to meet the 3-spills per bathing season limit, but it exceeds this by 2-3 times. Since immersion sports are now enjoyed year-round, the limit should be 3 spills per year.
- # they claim the 'Greener Grangetown' investment, but not how little surface water this kept out of the sewers (the area served is ~1-2% of the total urban area with combined sewers) and that such SuDS programmes are hardly progressing in the Cog Moors catchment
- # they don't admit the works discharge untreated sewage about 80 times a year. (Table above)
- # they don't admit that even the limit on untreated foul sewage spilling over the 3 weirs is met sometimes, when they accommodate the flow by discharging directly via Barry Storm overflow into Barry Dock
- # This means they meet the limit on the system's hydraulic capacity only by diverting flows into CSOs. At these times they are treating only 40% of the flow reaching Cog Moors.
- # they in effect admit the untreated flows would impact the *Severn Estuary marine conservation area*, when discharged close to it on the incoming tide.

The VoG's S.19 report on the 23 Dec 2020 storm showed that was not 'extreme', but only a 1-in-20yr storm. However, the main sewer stopped accepting run-off and flooded about 1km length of streets in lower Penarth/Cosmeston, implying the hydraulic capacity was exceeded.

DCWW say they plan for a more severe 1-in-30 yr storm, but don't explain their failure in the 1-in-20yr storm of 23 Dec. Moreover, their planning is for storms of the past decade or two, rather than the next decades of more intense storms. The Minister has said that the 1-in-50 year storm now occurs every few years, so Welsh Water's forward planning does not meet the 1 in 30yr storm either in principle or in practice.

#### **Flooding from storm-time run-off**

Attenuation ponds built in new developments to the VoG's current standards do not cope with peak rain-storms. The new car-parking at Llandough hospital built recently with holding tanks appears to have worsened the flooding of the East Brook; the officers haven't replied how much of the 47mm rainfall would the system have held back. Attenuation ponds were seen to overflow on 23 Dec 2020, as did that at the Culverhouse Cross HTV development.

As attenuation capacity will be too little, the Env Statemen has to include a flood consequences assessment to assess

- a) the size of floods expected, including allowance for climate change
- b) the consequences for receiving watercourses.

Surface water drainage in the Rhoose Point/eastern Rhoose area is beset with problems, so it cannot be presumed that any discharge via attenuation tanks to an adjacent water course will be permitted. The ES should therefore include an assessment of a new surface water discharge to the sea and whether it is feasible and/or necessary.

#### **Cannot be left to 'Reserved Matters'**

Welsh Guidance and case-law does not allow these Issues to be left to Conditions for approval as "Reserved Matters". They go to the viability of the development. Sewage and drainage are omitted from the list of possible reserved matters in Reg. 2 of the *Development Management Procedure (Wales) Order 2012*.

We are aware that the LPA is allowed one month from receipt of the application to decide if the "reserved matters" requested should be included in the outline application ([article 3\(2\)](#) of the DMPWO). However, there is no such limit on requiring extra information in the Env. Statement for EIA development.

The nearby Rhoose development has now learned they may need to fund a sewage pumping station costing ~£1 million. Run-off from land is trapped by the railway embankment and undermining it. Rainstorm water has been flooding the Rhoose Point ponds.

The Vale has to build in climate resilience into all developments under Welsh and VoG policies. The VoG as drainage authority needs to coordinate plans so they meet not only existing problems but also the increasingly severe rainstorms under climate change.

When developments fail to sort out wayleaves in advance, it can mean as in a recent case that sewage is carted away for many months, with the smell causing a “nuisance” to the community.



Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

26<sup>th</sup> May 2022

Dear Mr Rowlands,

**Application: 2019/00871/OUT**

**Proposal: Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and ... | Land at Model Farm, Port Road, Rhoose**

As the UK's leading woodland conservation charity, Coed Cadw (The Woodland Trust) aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. The Woodland Trust owns and cares for over 100 sites covering more than 2,800 hectares across Wales and we have 500,000 members and supporters across the whole of the UK.

**Impact to ancient woodland**

The Woodland Trust would like to lodge a **holding objection** to planning application 2019/00871/OUT on the basis of potential deterioration and detrimental impact to an area of Ancient Semi Natural Woodland (grid ref: ST077673) designated on Natural Resources Wales' Ancient Woodland Inventory (AWI)<sup>1</sup>. The Ancient Woodland Inventory places woodland into one of four categories:

- **Ancient Semi-Natural Woodland (ASNW)** – broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years
- **Plantation on Ancient Woodland Sites (PAWS)** – sites which are believed to have been continuously wooded for over 400 years and currently have a canopy cover of more than 50 percent non-native conifer tree species
- **Restored Ancient Woodland Sites (RAWS)** – woodlands which are predominately broadleaf now and are believed to have been continually wooded for over 400 years. These woodlands will have gone through a phase when canopy cover was more than 50% non-native conifer tree species and now have a canopy cover of more than 50 percent broadleaf.
- **Ancient Woodland Site of Unknown Category (AWSU)** – woodlands which may be ASNW, RAWS or PAWS. These areas are predominantly in transition and existing tree cover is described as 'shrubs', 'young trees', 'felled' or 'ground prepared for planting'

<sup>1</sup> <https://naturalresources.wales/guidance-and-advice/environmental-topics/woodland-management/woodlands-and-the-environment/ancient-woodland-inventory/?lang=en>



Ancient woodlands ecosystems, and the soils on which they have developed, are of special importance because of their long history of ecological and cultural continuity. This contributes to ancient woodland being one of the most diverse terrestrial habitats in the UK. By definition, ancient woods are irreplaceable and cannot be replaced by new planting. Therefore, the loss of ancient woodland represents a permanent loss of biodiversity.

All ancient woodlands come within the definition of priority woodland habitats listed in Section 7 of the Environment Act (Wales). The Environment Act places a duty on public authorities to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales and take all reasonable steps to maintain and enhance those species and habitats as listed in Section 7.

### **Planning Policy**

The Welsh Government recognises that areas of ancient woodland are declining and becoming increasingly fragmented and emphasises the importance of conserving ancient woodland and its value as a biodiversity resource through the publication of Planning Policy Wales version 11 (2021) (PPW 11).

In PPW 11, paragraph 6.4.26 states *“Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.”*

We would like to note that in a letter to local authorities and national park authorities across Wales (dated 7 July 2020), Julie James MS, Minister for Climate Change, stated the following in respect of planning and post Covid-19 recovery: *“It is my strongly held view that we must not sacrifice the principles of sustainable development and place making in the pursuit of economic recovery at any cost.”* We consider this a clear commitment from Welsh Government towards ensuring that future development in a post Covid-19 world respects and protects natural assets, such as ancient woods and trees.

The Council should also have regard for **Policies SP10 (Built and Natural Environment), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) and MD9 (Promoting Biodiversity)** of the **Vale of Glamorgan Local Development Plan 2011-2026** with respect to the protection of the natural environment.

### **Impacts to ancient woodland**

We are particularly concerned about the following impacts to the ancient woodland from the close proximity of a large-scale commercial development:

- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs public areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.

- Adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland.
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

When land use is changed to a more intensive use such as in this situation plant and animal populations are exposed to environmental impacts from outside of the woodland. In particular, the habitats will become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use.

### **Mitigation**

Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts. Potential mitigation approaches for the protection of ancient woodland can help ensure that development meets policy requirement and guidance. Such mitigation may include, but is not limited to, the following:

- Adhering to BS 5837:2012 to provide adequate tree and root protection.
- Measures to control noise, dust and other forms of water and airborne pollution.
- Sympathetic design and use of appropriate lighting to avoid light pollution.
- Producing and funding an access management plan for the woodland, and/or providing alternative natural greenspace to reduce additional visitor pressure.
- Retaining and enhancing natural habitats around ancient woodland to improve connectivity with the surrounding landscape.
- Introduction of sympathetic management for neglected woodlands or trees.
- Implementation of an appropriate monitoring plan to ensure that proposed measures are effective over the long term and accompanied by contingencies should any conservation objectives not be met.

This development should allow for a buffer zone of **at least 30 metres** to avoid root damage and to allow for the effect of pollution from the development. The council should ensure that it is satisfied the width of the proposed buffer is adequate to protect the adjacent ancient woodland. The buffer should be part-planted before construction commences on site. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer area does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

In addition, Natural Resources Wales has recently published standing advice<sup>2</sup> which outlines the potential impacts of development on ancient woodland, and also provides recommendations for their protection. We would like to refer the Council to this guidance for further information on how to ensure ancient woodland is appropriately protected from the impacts of development.

### **Veteran trees**

Veteran trees can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are

<sup>2</sup> [Natural Resources Wales / Advice to planning authorities considering proposals affecting ancient woodland](#)



irreplaceable habitats. A veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value.

Trees are susceptible to change caused by construction/development activity. As outlined in '*BS5837:2012 - Trees in relation to design, demolition and construction*' (the British Standard for ensuring development works in harmony with trees), construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.

While BS5837 guidelines state that trees should have a root protection area (RPA) of 12 times the stem diameter (capped at 15m), this guidance does recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. The applicant should ensure that any trees displaying veteran characteristics within or adjacent to the site are retained and afforded a suitable root protection area of 15 times the trunk diameter or 5 metres beyond the crown of the tree, whichever is greater. This view is supported by the Ancient Tree Forum.

#### **Conclusion**

The Trust wishes to lodge a **holding objection** to this planning application unless the applicant is able to provide the ancient woodland on-site with a larger buffer zone to ensure appropriate protection from the impacts of the development.

If you would like clarification on any of the points raised within this letter, then please contact us via [campaigning@woodlandtrust.org.uk](mailto:campaigning@woodlandtrust.org.uk)

Yours sincerely,

Nicole Hillier  
Campaigner – Woods Under Threat  
Woods Under Threat Team



## Comments from Cllr S Campbell

1.

Legal and Generals proposed development of Model Farm should not be granted permission.

As the local Councillor, I know how much residents are opposed to this. As a local resident, I am heavily opposed to this also.

Rhose is a village, and with most villages, we have very limited road infrastructure. In fact, there is only one road either side of the village. We have seen on many occasions due to road works, RTC's etc that we are cut off from our nearest town, Barry. Weycock Cross, even after sustaining vast improvements in recent year, struggles daily with the volume of traffic that travels from the rural Vale into Barry and beyond. The proposal from L&G gives a heavy emphasis on personal vehicle travel, and constantly through all the media associated with this proposed development, public transport is identified as being able to sustain a significant influx of new travellers which is not the case. We have a substandard public transport network in Rhose. Our buses are extremely unreliable and only service a third of the village. We have been promised over and over more frequent trains, but this has been pushed back again by Transport for Wales. Without an adequate public transport network, it is inevitable that more cars will be on the road; creating more traffic. Also, further vehicles on the road will erode the road surface quicker leading to increased public service costs by residents across the entire Vale.

Green initiatives are an ever developing area. The Vale of Glamorgan Council declared a climate emergency in 2019 and a nature emergency in 2021, and this development will actively increase the needs for these emergencies through the abolition of 100 acres of greenspace that local wildlife call home. 100 acres of green space is a significant area. Significant enough to not only change the lineage of the Jenkins family, but also the lives of thousands of Vale residents. The Well Being of Future Generations (Wales) Act 2015 requires the Vale of Glamorgan Council to think about the long term decisions; specifically focusing on the impact to future generations and how to tackle persistent problems such as climate change, however this seems to have been overlooked in the decision making process. We should be conserving green space areas, not granting planning to destroy them. This directly conflicts with our climate emergency pledges.

We have many brownfield sites across the Vale such as Bro Tathan and Llandow. Bro Tathan is sitting unoccupied and is currently for sale. This shows that if this industrial park was built it would not be occupied. It would be a massive expensive derelict smudge on the beautiful Vale landscape. At no point in this process has any business come forward and expressed an interest in being on this industrial park, so who will be the tenants? It has been shown time after time that there is no need for this development.

Over the past two years, we have seen a significant rise in the cost of materials and labour, and increased lead times of products. As these plans were submitted almost 3 years, I fully believe that an up-to-date costings must be produced by Legal and General to show how much the development would cost now, and the timescale for building. In the Development Viability Appraisal, it is forecasted over £6million loss in the first 8 years of this development. Given we are now in a cost of living crisis, as well as unprecedented financial times, can we afford to throw away £6million when we have residents who can't afford to put the heating on, or have a hot meal? Legal and General must provide a current financial forecasting for this development if they wish it to even be considered. Not doing so would show their lack of forethought and preparedness in their business endeavours.

It's spoken of in a lot of the documentation surrounding this development that it will be indirectly responsible for thousands of jobs. However, I suspect the majority of these jobs will not go to local

## 2.

residents. The businesses this development is hoping to attract are highly skilled specialised workers, which will already be employed by these companies. Therefore, this is just a job relocation not creation. With this influx of new workers, the Vale housing crisis will surely increase, leading to more financial outlay by the Vale of Glamorgan Council and the potential of more greenspace building to keep up with demand.

This development should not just been seen a Rhoose issue. This will negatively affect everyone in the Vale on a daily basis.

I love the vastly green countryside that encapsulates our wonderful village. The fantastic wildlife and the beautiful fauna and flora. To grant permission for Model Farm to be concreted over would destroy that, not just for me and other residents, but for our children and their children. I want my daughter to grow up appreciating nature, not watching it be decimated.

[REDACTED]

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**From:** Hennessy, William (Cllr)  
**Sent:** 17 October 2022 06:58  
**To:** Rowlands, Ceiri  
**Subject:** My objection model Farm development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Cllr William Hennessy

I would like to put forward my objection to the proposed development of model Farm on the grounds that

1. It has been stated it is not financially viable proposal
2. It is situated in the wrong place
3. it will taking away good farming land
4. It is going to destroy wildlife habitation
5. It will destroy 2 viable local businesses
6. This all goes against all Welsh government policy.

These are some reasons why I personally believe this development should not go ahead at model Farm.

Cllr William Hennessy