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LATE REPRESENTATIONS

Committee	PLANNING COMMITTEE
Date and Time of Meeting	WEDNESDAY, 16 JUNE 2021, 1.30 PM

Please see attached Late Representation Schedule received in respect of applications to
be determined at this Planning Committee

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LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 16th JUNE 2021

PAGE NO. 1	APPLICATION NO. 20/02175/MJR
ADDRESS:	GROUNDS OF LLANISHEN RESERVOIR, LISVANE ROAD, LISVANE, CARDIFF, CF14 0SA
FROM:	Head of Planning
SUMMARY:	<p>Following further discussion with the Council's Ecologist and the Agent, the following wording for Condition 26 (Green Infrastructure Mitigation Strategy) has been agreed:</p> <p>No development shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority (LPA) detailing the areas within the site where construction works may commence in advance of the written approval of a Green Infrastructure Mitigation Strategy (GIMS). No development shall commence on land outside of the area identified on the approved plan until a GIMS has been submitted to and approved in writing by the LPA. The GIMS shall include the following:</p> <ul style="list-style-type: none"> (i) Badgers: A plan to demonstrate that no members of the public will be allowed access within 30 metres of a badger sett. Details of the non-badger-proof fencing shall also be submitted for written approval; (ii) Lichens: A survey of the Lichen Communities on the stone pitching of Llanishen Reservoir to provide a baseline against which the operation and management of the site (post-development) can be monitored; (iii) Glow-Worms: a plan of habitats for Glow-worms together with details for their re-creation and enhancement; (iv) Amphibians: A Risk Assessment Method Statement to ensure protection of amphibians during clearance of all areas of suitable terrestrial amphibian habitat; (v) Reptiles: a plan of habitats for grass snakes and slow-worms together with details for their re-creation and enhancement; (vi) SINC Habitats: a plan detailing areas of SINC habitat losses together with details of compensatory habitat provision and a programme for their implementation; (vii) European Protection Species: details of the location, number, model and position of bat roosting features and the location and position of dormice nest boxes. <p>The development shall be carried out in accordance with the approved details prior to beneficial occupation. Reason: To protect and enhance the Green Infrastructure resource of the site, in accordance with Local Development Plan Policy (KP16 Green Infrastructure).</p> <p>It was also agreed that protection for nesting birds should appear as a standalone condition:</p> <p>41. NESTING BIRDS</p>

	No removal of hedgerows, trees, scrub or shrubs shall take place between 1st March and 15th August, unless it can be demonstrated to the Local Planning Authority's written satisfaction that there are no birds nesting in the vegetation to be removed immediately (48 hrs) before works commence. 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, in accordance with Local Development Plan Policies EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Habitats and Species).
REMARKS:	That Condition 26 be amended as agreed and Condition 41 be added.

PAGE NO. 1	APPLICATION NO. 20/02175/MJR
ADDRESS:	GROUNDS OF LLANISHEN RESERVOIR, LISVANE ROAD, LISVANE, CARDIFF, CF14 0SA
FROM:	Welsh Government
SUMMARY:	<p>The Welsh Ministers have been asked to make a screening direction under The Town and Country Planning Act 1990 and The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 as to whether or not the above project should be subject to Environmental Impact Assessment ("EIA"). Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("DMPWO") enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority ("LPA"). In exercising this authority on behalf of the Minister for Climate Change, Cardiff Council as LPA is directed, as of 10 June 2021, not to grant planning permission in respect of:</p> <p>(a) application no. 20/02175/MJR; or</p> <p>(b) any development of the same kind which is the subject of the application on any site which forms part of or includes the land to which the application relates. without the prior authorisation of the Welsh Ministers</p> <p>This direction is issued to enable further consideration to be given to whether or not the application should be subject to EIA. The Direction prevents the LPA only from granting planning permission; it does not prevent it from continuing to process or consult on the application. Neither does it prevent it from refusing planning permission.</p>

REMARKS:	<p>Noted. Amend Recommendation 1 to read:</p> <p>That SUBJECT to a requirement that no decision notice may be issued unless a written authorisation is received from the Welsh Ministers pursuant to its Direction dated 10 June 2021 made under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012:</p> <p>That planning permission be GRANTED subject to relevant parties entering into a binding legal agreement with the Council under the provisions of SECTION 106 of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless extended by the Council in writing, in respect of matters detailed in paragraph 9.3 of this report and subject to the following conditions:</p> <p>Refer also to paragraphs 1.28, 7.14 (vii), and 8.89</p>

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ADDRESS:	GROUNDS OF LLANISHEN RESERVOIR, LISVANE ROAD, LISVANE, CARDIFF, CF14 0SA
FROM:	Agent
SUMMARY:	<p>The following amended plans have been submitted:</p> <p>(i) Updated highway sections to reflect amended access design showing 2m footway instead of 3m shared footway/cycleway;</p> <p>(ii) "Draft" removed from Masterplan</p>
REMARKS:	<p>Amend the relevant parts of Condition 2 (Approved Plans and Documents) as follows:</p> <p>(ii) DCWW 761-01 Feb 2020 – Llanishen and Lisvane Masterplan</p> <p>(xxv) LIS-ARC-XX-070-DR-C-0012 Revision P01 – Access Road Cross Sections – Sheet 1 of 2;</p> <p>(xxvi) LIS-ARC-XX-070-DR-C-0013 Revision P01 – Access Road Cross Sections – Sheet 2 of 2;</p>

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ADDRESS:	GROUNDS OF LLANISHEN RESERVOIR, LISVANE ROAD, LISVANE, CARDIFF, CF14 0SA
FROM:	Natural Resources Wales
SUMMARY:	<p>1. They make the following comments on the additional information and amended plans received in May 2021 (Arboricultural Method Statement, dated May 2021, Landscape and Ecological Management Plan, dated 30 April 2021 and Potential Ecological Impacts of Woodland Management Strategy and Compensatory Tree Planting, May 2021):</p> <p>(i) They note and welcome the submission of the documents titled: <i>Potential Ecological of Woodland Management Strategy</i> and, '<i>Potential Ecological Impacts of Compensatory Tree Planting</i>', following discussions with the LA's Ecologist and Tree Officer;</p> <p>(ii) A management plan is included in Appendix 1 to the Woodland Management Strategy. They note the management prescriptions are general in nature and therefore advise that the Management Plan is amended to include more detail, for example:</p> <ul style="list-style-type: none"> • The plan sets out desired condition of the habitats concerned, e.g. hedgerows are managed to a minimum width of approx. 2m and height of 3m to increase biodiversity. • Hedgerow trees – which trees species will be used and which traditional methods will be used. • The density at which standard trees will be planted. • The size of coppice coupes. They advise a maximum size of 0.3-0.5ha is coppiced at any one time and on a 15-20 year rotation, as per the Dormouse Conservation Handbook. <p>(iii) They advise that the language used within the management plan is amended to ensure the management actions within the plan are enforceable. They advise that "could/should" is replaced with "shall/will" e.g. under hedge creation - they note the plan states "a length of hedge <u>could</u> be planted." We advise this is amended to, a length of hedge <u>will</u> be planted.</p> <p>(iv) They are satisfied this could be secured through planning condition or, alternatively if the</p>

	<p>applicant wishes, submitted prior to determination of application.</p> <p>(v) They consider the tree planting has been considered carefully in relation to the SSSI.</p> <p>2. They make the following comments on the conditions:</p> <p>(i) Condition 2 (Approved Plans and Documents) – should include reference to the Draft Landscape and Ecological Management Plan (LEMP);</p> <p>(ii) Condition 7 (Construction Environmental Management Plan) – they are content with the wording;</p> <p>(iii) Condition 16 (Footpath Details) – this builds on the CEMP condition and addresses their concerns regarding the sensitivity of the features so close to the footpaths;</p> <p>(iv) Condition 27 (External Lighting (Operational Phase)) – they are content with the wording;</p> <p>(v) Condition 28 (Landscape Ecological Management Plan) – they recommend the following amendments to their recommended condition (suggested amendments underlined together with re-ordering of Roman numerals):</p> <p>Prior to beneficial use, a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the site’s landscape and ecological features for the lifetime of the development shall be submitted to and approved by the Local Planning Authority. The LEMP shall be a living document and shall include, but not be limited to, details of:</p> <p>(i) Objectives for management of the site, including the maintenance and enhancement of <u>existing woodland and</u> the features of the SSSIs;</p> <p>(ii) Existing and proposed habitats, landscape, environmental and ecological features;</p> <p>(iii) <u>The baseline condition of the features in (ii), and the expected condition of these features;</u></p> <p>(iv) Scheduling and timings of activities;</p> <p>(v) Short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features <u>by a suitably qualified ecologist</u> to deliver and maintain the <u>expected</u> condition;</p> <p>(vi) Replacement measures in the event that any landscape or environmental features die, be removed or become seriously damaged or diseased;</p>
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	<ul style="list-style-type: none"> (vii) Management and maintenance responsibilities; (viii) Timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed and the adaptive management principles and process to be used under the plan; (ix) A commitment to ongoing monitoring of the SSSI features for the lifetime of the development, with adaptability built in to increase or reduce the intensity of the survey, by agreement under the LEMP, dependant on the results and condition of the SSSI features; (x) A commitment to follow best practice for the fungi monitoring regime (i.e. 5-6 times per year between late August (to catch <i>Hygrocybe intermedia</i> and <i>Entoloma</i> spp) and early December). DNA studies to be considered as an additional approach; (xi) Monitoring of the impacts of recreation and dog walking on the SSSI i.e. surveys of dog walking and compliance, surveys of soil for nutrient content, undertaken at appropriate timescales; (xii) That in assessing risks from the site uses to the SSSI special interest, the precautionary principle will be used when considering the need for action to safeguard the special interest. (xiii) Actions to be taken if the SSSI is demonstrated to be becoming less favourable; (xiv) A commitment that maintaining the special interest will take precedence over recreation, and recreation will be curtailed if it is necessary. <p>Reason: To ensure the satisfactory long-term management of the site's landscape and ecological features in accordance with Local Development Plan Policies EN5 (Designated Sites) and EN6 (Ecological Networks and Features of Importance for Biodiversity).</p> <ul style="list-style-type: none"> (vi) Condition 30 (Seasonal Closure of Lisvane Reservoir) – they support this as a standalone condition
REMARKS:	<ul style="list-style-type: none"> (i) Amend Condition 2 to delete references to Woodland Management Plans from the list of approved documents – 2(xviii) and 2(xix) (the agent suggests including this within the LEMP and this is supported); (ii) Condition 2 does not refer to the LEMP as it is not yet an approved document. This document will be submitted and approved under condition 28;

	(iii) Condition 28 – amendments agreed together with specific reference to the requirement for Woodland Management as underlined above in 2(v) and sub section (i).
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ADDRESS:	GROUNDS OF LLANISHEN RESERVOIR, LISVANE ROAD, LISVANE, CARDIFF, CF14 0SA
FROM:	Head of Planning
SUMMARY:	<p>This planning application has been considered against the provisions of the Human Rights Act 1998, including Article 8 (respect for private and family life and home) and Article 1 (the right to peaceful enjoyment of property) of the European Convention on Human Rights. A planning decision must strike a fair balance between public interest associated with the development of the land and interference with private rights.</p> <p>An opportunity has been given through the Council's development plan process to make representations on the planning policies and, through the planning application process, to make representations on the specific development proposals and full consideration has been given to comments as set out in the committee report.</p> <p>In arriving at the recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests as expressed through third party representations, the Local Development plan and all material planning considerations.</p>
REMARKS:	Noted. Amend paragraph 8.95 to read "The rights of the occupiers of the site and third parties under the Human Rights Act 1998 have been considered..."

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ADDRESS:	GROUNDS OF LLANISHEN RESERVOIR, LISVANE ROAD, LISVANE, CARDIFF, CF14 0SA
FROM:	Head of Planning
SUMMARY:	In order to safeguard residential amenity and facilitate evening watersports activities when daylight and weather

	<p>conditions allow, it is recommended that condition 3 is amended to specify that the café/restaurant closes to members of the public at 1800 hours, though the visitor centre can remain open after this to allow access to changing facilities and equipment storage. Private group bookings in the café/restaurant would still be permitted until 2300 hours.</p>
<p>REMARKS:</p>	<p>Amend Condition 3 to read:</p> <p>3 (Café/Restaurant Opening Hours):</p> <p>With the exception of private group bookings, members of the public shall only be admitted to or allowed to remain in the visitor centre's café/restaurant between the hours of 0800 and 1800 on any day. Any private group bookings shall cease by 2300 hours.</p> <p>Reason: To ensure that the amenities of the occupiers of the nearby residential properties are protected in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).</p>

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