

# **SUPPLEMENTARY PAPERS**

Committee PLANNING COMMITTEE

Date and Time of Meeting

WEDNESDAY, 11 NOVEMBER 2015, 2.30 PM

Please find attached Supplemental Papers for the above meeting.

Marie Rosenthal
Director Governance & Legal Services

Date: 11 November 2015

Contact: Kate Rees, 029 2087 2427, Kate.Rees@cardiff.gov.uk

9 Late Representations (Pages 1 - 32)



# LATE REPRESENTATIONS SCHEDULE PLANNING COMMITTEE – 11<sup>th</sup> NOVEMBER 2015

PAGE NO. 1	APPLICATION NO. 14/00851/DCO
ADDRESS:	FAIRWATER FARM, MICHAELSTON-Y-FEDW, OLD ST MELLONS
FROM:	Lead Petitioner: Joel Williams, on behalf of Keep Michaelston-Y-Fedw Rural Action Group
SUMMARY:	A copy of a petition which was sent to Newport Council and the Welsh Government relating to the proposed development. The petition is signed by more than 450 people  "We the undersigned strongly object to the proposal named
	below. We therefore urge the Welsh Government to "Call in" this application before it goes to Newport Planning Committee for consideration. Our main reasons for objection are:  *At paragraph 4.1 0.1, PPW describes planning policy towards the conservation of best and most versatile agricultural land (BMV land). Development control decisions should place considerable weight to the protection of such land because of its special importance, and development of such land should only be permitted after a rigorous process of justification. The land is considered to be BMV and therefore this land should be preserved and protected for future generations as its a finite resource  *There are alternative brown field sites available across the city, these sites should be used before any consideration Is taken to permit application like this on green field sites, even then BMV land should still be preserved as there are lesser grade green field sites according the the ALC report.  *PPW supports the view that when a site with BMV status is utilised for any other use than agriculture it Is seldom able to be returned to a BMV site. This application, if granted, would last for a period of 25yrs and therefore the ability for the site
	to be converted back to BMV is nigh on impossible."
REMARKS:	The advice of the Legal Officer is that "the petition is not addressed to Cardiff Council but is a petition requesting the Welsh Government to call in the application before it goes to Newport Planning Committee. As it does not relate to the application before Cardiff Council it cannot be accepted as a valid petition nor can the letters of objection sent to Newport as they are not relevant to the application under consideration by Cardiff Council."

Government considered the issue of BMV agricultural land
and did not call in the application. The application site
boundary was amended to remove the BMV land (which
was all within the Newport section of the site) from the
development. These issues are addressed in the Committee
Report.

PAGE NO. 1	APPLICATION NO. 14/00851/DCO	
ADDRESS:	FAIRWATER FARM, MICHAELSTON-Y-FEDW, OLD ST MELLONS	
FROM:	Head of Planning	
SUMMARY:	The Committee report relating to this application should be headed LOCAL MEMBER OBJECTION as Councillor Dianne Rees objects to the application in her role as Ward Councillor.	
REMARKS:	Councillor Dianne Rees's objections are listed in the Committee report at paragraph 7.2 – they are identical to those of the Old St Mellons Community Council.	

PAGE NO. 1	APPLICATION NO. 14/00851/DCO	
ADDRESS:	FAIRWATER FARM, MICHAELSTON-Y-FEDW, OLD ST MELLONS	
FROM:	Objector – "Keep Us Rural Limited"	
SUMMARY:	1. The cumulative impact of the development would be unacceptable – there are already 2 solar farms in the locality and two wind turbines which cause noise nuisance and adversely affect local businesses.	
	2. The location is not appropriate for a solar farm – the most appropriate locations are deserts where land quality and visual impact are low and there is sufficient sunlight. The manufacturing of photovoltaic panels consumes valuable resources and those resources should be put to best use worldwide. Global warming is a worldwide problem and solutions to the problem should be looked at on that basis. Panels should be fitted in the areas of the world where they can generate the maximum amount of electricity, and the UK is not the best area for them. Tidal energy generation is more appropriate in Wales - a tidal lagoon will shortly be constructed near Swansea and there are plans for more	

around Wales. In particular the one between Cardiff and Newport. will generate sufficient power for the whole of Wales by itself.

- 3. We do not need solar farms, we need land for crops that can feed the nation.
- 4. The development is not appropriate within the proposed Cardiff Green Belt. The Cardiff LDP is now in its advanced stages and is therefore a material consideration regarding this application. The whole point of a green belt is to prevent inappropriate development. Quoting the LDP documents -The purpose of a Green Belt is to: .....Protect the setting of the urban area. Land within a Green Belt should be protected for a longer period than the current development plan period. Retain land for agriculture, forestry, and related purposes. To maintain openness, development within a Green Belt must be strictly controlled. This area forms an important and valued backdrop to the city and development in this area would significantly impair this important backdrop to the city. The designation of a Green Belt with its strict policy to preserve the open nature of this land is the only tool available to prevent the long term deterioration of this visually prominent area which provides the strategic setting to the city and very much recognised by the public as being a key element which helps define the very nature of Cardiff. Within this area development which prejudices the open nature of this land will not be permitted. The proposed designated Green Belt is considered essential to protect the strategically significant rising land North of the M4 which is critical to the overall identity of Cardiff and much cherished by its residents. It should also be noted that existing policies are not sufficient to protect the open nature of this land. For the above reasons it is vital that the proposed green belt is protected.

## 5. Visual Impact

The area already has two working wind turbines and two existing solar farms. Everything already here imposes on the landscape and views. Walkers visiting the area have commented on the industrialisation of our landscape. The proposed solar panels north of the M4 will become a distraction at the very least for drivers using the M4. This can be seen on other Solar Panel sites along the M4. The great difference with the sites on the English stretch of the motorway is that they are situated on the south side and face away from the motorway. Panels located on the south side create no glint or glare for the motorists, and therefore no safety hazard. When placed on the north side of the motorway the panels face towards the motorway and a glare

hazard will be created. The developers and the solar panel manufacturer admit that 10% of sunlight will be reflected from these panels. The eventual cost in personal injury claims to Cardiff City Council for failing to take this into account could be very considerable.

- 6. Residents living along Began Road will have their current rural view of a field replaced with a view of the rear of the panels. Some residents will have the solar panels adjacent to their boundary hedgerow. This area is currently considered by all residents and visitors to the area as being of outstanding beauty. Many residents of Newport and Cardiff collect wild blackberries here and enjoy the views and walks that the area provides. The roads and lanes around the area are popular with walkers, runners, cyclists and horse riders. Industrialisation of the countryside in the form of solar panels, will lead to a reduction in countryside pursuits as the area becomes less attractive. The approach to Cefn Mably Farm Park, currently a thriving rural business, will be blighted by the industrial look of the solar farm. It is likely that potential visitors will go elsewhere to enjoy similar venues out of the area.
- 7. The development may not be temporary as the cost of removing the apparatus would be considerable and the company responsible for the development may not be financially stable. We cannot find reference to EEW Eco Energy World Ltd, a Cyprus based company, being correctly registered with the required Producer Compliance Scheme (PCS) under European law. Also, a number of companies associated with EEW Eco Energy Worlds Ltd appear to be in serious financial difficulty with some being wound up and some in liquidation. One such company, Eco Energy World UK Ltd recently changed its name to Maylight Ltd and went into liquidation days later owing UK companies nearly two hundred thousand pounds. The temporary nature of this application must be in doubt. No company or individual has undertaken nor demonstrated its ability to take full financial responsibility as required by law for the future dismantling and decommissioning of this technical installation. Nor is it apparent that the ecological disposal of the solar panels and infrastructure as required by law has been arranged and paid for under a registered PCS. In the absence of such arrangements who will assume responsibility to remove this potentially dangerous structure in the future? The absence of proper arrangements to dispose of the equipment after any 25 year permission is granted renders the installation permanent in its nature and that in itself goes against the temporary facet of the permission sought by virtue of the application. Even if a financial package were offered by the

applicant for restitution of the site the seemingly unstable financial foundations of other associated companies would suggest any covenant on the part of the applicant might be questionable and unreliable.

- 8. Regarding flood risk, the original report, carried out by FMW consultancy in Feb. 2014, and the 'revised' report submitted by Eco Energy World in March 2015, have serious flaws. The revised report consists entirely of material (lifted word for word) from the original submission by FMW consultancy, with merely a few words and paragraphs missing. None of the maps have been altered to account for the new site plan of the reduced installation. The table, containing geological data, like runoff coefficients have not been updated to account for the new soil conditions. The development is now restricted to lower grade land and consequently poorer soils with lower permeability. The 'revised' flood risk report should be dismissed. The original report is more credible but it too has a number of significant shortcomings. No mention is made of TAN 15, section 6, 7.7 flooding and sewerage, which states that contamination of flood water will have catastrophic effects on public health. The original flood risk assessment did not take account of the existence of two main trunk sewers serving the Rhymney Valley below the proposed site. Necessary changes were made to the site layout but no one thought of the knock-on effects for the flood risk assessment. To this date both the original and the 'revised' report state: '3.11 No sewers are present at the site...'. The original report also inadequately addresses the issue of increased run-off from the site as it uses an idealised situation with even drainage from panels and does not take account of the slope of the land. Rivulets will form parallel to the array and will deepen as water flows down the slope towards Began Road, the lowest point in the flood plain. When climate change and more intense and more frequent storms are added into the mix it is not difficult to predict an increased flood risk for the area. The amended proposal for this site deals with a modified geography, and therefore must have appropriately amended drainage strategy. Α major contributing factor to the 2014 floods in the West Country poor farming practices, in particular poor soil management. This issue is relevant to any solar installation on agricultural land, because placing solar panels into fields makes soil management impossible for the life time of the installation. (A photograph is included which shows a car stuck in flood water on Began Road in 2000).
- 9. Regarding grid connections, a recurring theme in recent applications, including this one, is the claim by developers

that alternative grid connections are unavailable and therefore their site has to be given precedence. To counter the claim that grid connections are unavailable we have reviewed recent applications to Newport City Council for solar farms - this demonstrates that there has been no shortage of grid connections across the Newport area and we are confident that the same would apply to Cardiff. In any case we believe that a grid connection can be made available anywhere a developer would like, but at a cost.

10. Newport City Council required that sequential tests were carried out to ensure that alternative brownfield sites or lower grade agricultural land was unavailable. This process is important to ensure that good quality land is only used for solar farms if alternative sites are unavailable. Cardiff City Council have not required such tests, we have to ask why? Is it because they have no regard to preserving good quality land or perhaps they believe that Planning Policy Wales should be ignored? In order to prove that poorer grade land is unavailable further survey effort will be required. There are many potential sites available. One such site is located on Capital Business Park, comprising established factory units and a current very large factory development with a good grid connection utilised by an existing wind turbine which could perfectly accommodate roof mounted solar panels. The site is south facing with no residential housing to consider. It faces the sea and has no negative visual impact receptors. This brownfield site is also served by a good highway infrastructure This is just one identified potential site that has failed to be assessed and there are many more.

# **REMARKS:**

- 1. There are no other large renewable energy developments visible from the application site. The nearest such development within the Cardiff boundary is the wind turbine at Wentloog Avenue more than 4.5km from the application site. There are currently no other "solar farms" within Cardiff. Newport Council have considered the cumulative impact of the development with regard to other renewable energy developments in their administrative area.
- 2. The Welsh Government believes that solar farms can be appropriate in Wales and in their March 2015 Research Service document "Solar Farms in Wales" state that "he industry is particularly prevalent in South Wales due to the relatively high radiation levels typical of the area..." and list the advantages of solar farms, which include "Reduction in the reliance on overseas fossil fuel imports; Reduction in carbon emissions (for every 5 MW installed, solar farms are

estimated to save 2,150 tonnes of CO2; Creation of local green jobs; Reversible land use; Potential for dual purpose usage with grazing possible between rows; Can support biodiversity simultaneously if managed well by allowing small animals access to otherwise fenced off land and wildflower meadows around the Maintenance is minimal due to no moving parts; There is no by-product or waste generated, except during manufacturing or dismantling." Also, the Swansea tidal lagoon will not by itself produce enough power to cater for future energy needs and it is far from certain that a tidal lagoon could be installed between Cardiff and Newport – issues such as the impact on European designated sites of wildlife importance would have to be addressed. Furthermore, such a major project would be unlikely to be built before the end of the operational life of the proposed solar farm.

- 3. The land on which this solar farm is proposed to be installed is low quality agricultural land. The Welsh Government has raised no objections to the development on the grounds of loss of land for growing crops. It will still be possible to graze sheep on the land while the solar panels are in place.
- 4. Unlike previous development plans, the LDP does not carry any weight until it has been approved as "sound" by the Welsh Government Inspector. It cannot be a material consideration in this case. Furthermore, the issue of the proposed Green Belt is one which has not been resolved and is still under consideration by the Inspector. Green Belt considerations are set out in the Committee Report (paragraph 8.4).
- 5. Visual impact is addressed in the Committee Report. The wind turbines and solar farms mentioned by the objector are not visible from this site and are within Newport. Drivers on the M4 will not be able to see the panels other than through as very narrow gap between the earth bund and the adjacent woodland, and the Welsh Government Transport department have raised no concerns. If it is the case that 10% of sunlight will be reflected from the panels, this will be lower than bare soil, which typically reflects 17% of light, and well below fresh snow, which reflects around 80% of the light falling on it.
- 6. Private views across someone else's land cannot be protected by the planning system. Additional landscaping will be undertaken by the developer, which will help to screen the panels. The area does not have any official designation as an "area of beauty" and it was not included in

the "Special Landscape Area" designation in the deposit Unitary Development Plan. The site is seen from Began Road against the backdrop of the motorway embankment – it does not have the character of an isolated, "deeply rural" area. Cefn Mably Farm Park is in Newport and any impact on it will have been considered by Newport Council in their determination of their application relating development. It is unlikely that people would choose not to visit the farm park because there were solar panels on land close to one of the routes to it.

- 7. It would not be reasonable to refuse planning permission on the grounds that a company might go out of business in the future. Also, as mentioned by the objector, issues of decommissioning and waste disposal are covered by European law therefore this is not a material planning consideration.
- 8. Natural Resources Wales and Dwr Cymru Welsh Water have no objections with regard to flood risk or the impact of the development on sewers in the area. In order to ensure that the surface water drainage system is installed satisfactorily, condition 10 is proposed. This is in line with a condition already imposed by Newport Council. Amending the plans – to reduce the application site area and to provide an open strip of land following the line of the sewer - has not affected this requirement. Dwr Cymru Welsh Water will not permit any surface water/land drainage to connect directly or indirectly with the public sewerage system therefore there can be no detrimental impact on the sewerage system and no effects on public health. The amended plan allows for a maintenance strip for Dwr Cymru Welsh Water apparatus.
- 9. The argument that this may be the only available grid connection is not being used as justification for approval of this application. Furthermore, the location of the grid connection is in Newport and this issue will have been considered by Newport Council in their determination of the application submitted to them.
- 10. In Wales there is no requirement in National Planning Policy for solar farms to be subject to sequential tests for site selection, although in Planning Policy Wales (July 2014) there is a preference for the use of previously-developed or brownfield land rather than greenfield land for all development and a requirement to seek to conserve the "best and most versatile" agricultural land. Given that none of the land within the Cardiff section of this proposal is "best and most versatile" agricultural land, that the part of the

development within Cardiff is only a small part of the development as a whole (the larger part having now been granted planning permission by Newport Council) and that national planning policy states that "other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported" (TAN 8 para. 3.15) it is not considered necessary to require a "sequential test". The fact that there might be other sites within Cardiff that would be suitable for the installation of solar panels is irrelevant in this case - the Council must determine whether this particular site is suitable on its own merits for the proposed development. A sequential test was submitted to Newport because Newport has a policy in its Local Development Plan 2011 - 2026 (Adopted January 2015) which states that "large scale proposals may be more appropriately sited outside of the settlement boundary if no appropriate brown field sites exist".

RWATER FARM, MICHAELSTON-Y-FEDW, OLD ST LONS  ector – "Keep Us Rural Limited"  A copy of our petition to Newport Council of 570 atures, 466 that were from people with Cardiff post es, has been submitted. Will the lead petitioner be wed to address the Cardiff Planning Committee?	
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2. The letters of objection that were sent to Newport City Council regarding the application have been forwarded. The documents contain 112 objection letters from 106 people. Some of the letters refer to the original application, but we were assured by Newport Planning Department that all objections would be taken into account, and they were true to their word. It would not have been reasonable for people to have objected each time the application was revised. We expect the same courtesy from Cardiff. Cardiff closed the application to public responses on 22 <sup>nd</sup> May 2014. Since it has not been possible to object to this application for nearly 18 months, it would be appropriate for you to report the number of responses sent to Newport and the reasons for objections contained within the letters. We ask that you include full details in your late representation report and that you explain the responses in your presentation to committee.	
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## **REMARKS:**

- 1. This issue is addressed in another late representation relating to the petition, which gives the Legal Officer's advice regarding this issue.
- 2. The facility for submitting objections via the website was closed in May 2014. No amended plans have been submitted to Cardiff since that time which alter the application site as relating to Cardiff the amendment that was submitted comprised a reduction in the extent of the site which affected only land within Newport, therefore the application was not re-advertised by Cardiff as there would be no different impact on residents within Cardiff. A further amendment, removing a strip of panels from the development to allow a maintenance strip for a Dwr Cymru Welsh Water sewer, does affect the Cardiff section of the development but was not considered to be a material alteration that might affect any Cardiff residents therefore was not advertised.

All the representations received in response to the advertisement of this application are reported in the Committee Report. The letters that "Keep Us Rural Limited" have forwarded were all sent to Newport Council and relate to the application that they have determined. The letters were taken into consideration by Newport Council and a summary of their contents follows:

The Newport officers' report to their Planning Committee included the following section in relation to the representations which they received:

# 6. REPRESENTATIONS

# 6.1 NEIGHBOURS:

All properties within 100m of the application site (and residents who had commented on the original application) were consulted (87 properties), a site notice displayed and a press notice published in South Wales Argus. 1 letter of support . 106 Letters of objection were received on the following grounds:

- Why give good agricultural land currently growing crops and needed, according to your new LDP, to feed an increasing population in Newport. Bringing in replacement food from outside the area negates any benefit from green energy.
- Green energy projects are having a cumulative impact on this community. We already have two solar farms and two wind turbines. Enough is enough.
- Access to the proposed site is via a route not suited to heavy plant traffic. There are several single pas-

- sage only stretches and we already have coaches each school day going back and forth to the Farm Park opposite my house and on the same route as this application.
- Drivers on the M4 could be distracted by the solar panels and any reflection from them is likely to cause accidents.
- The generation of green power should not be on green field sites. The whole point of green energy is to preserve our valuable countryside and the ecological balance. These projects should be directed on to brown field sites in SE Wales.
- the proposal is not part of the local development and believes that all applications should be considered as part of the local development plan unless other material considerations indicate
- The proposal is so large and the solar panels when viewed will affect the openness of the area
- The proposal is for temporary structures 25 years is not temporary
- will cause soil erosion in heavy rainfall resulting in flooding.
- whilst not in the green belt, the land is agricultural land and would be out of character with the area, the panels should be placed on brown field land /roof spaces such as school roofs.
- people have bought houses in the countryside, which will be taken away from them if development goes ahead
- impact upon habitats and local wildlife
- maintenance of the panels will impact upon residents
- the proposal is so large that it will dominate the visual impact of the area
- the panels are large as is the proposed fence which will affect the openness of the area
- fire risk concerned about emergency services being able to access the site.
- development is proposed on a green belt which should be kept free of such developments.
- the proposal does not provide the social/economic benefits to the local community
- significant traffic problems during construction
- screening would not be effective for many years
- application appears to be on land where previous applications for golf courses have been attempted.
- solar panel dumping ground
- it will destroy the amenity value of the area
- no returns for the disruption and destruction of the area that will be caused

- the local scenery is an asset that should be protected
- fields should be used for growing crops and grazing
- the development is out of character with the area
- the site is within best most versatile land which should be reserved for agriculture
- distraction of road users (M4) due to the reflection, glint from the panels
- access to the site is not well suited to heavy plant
- no objection to solar farms per se but should be more suitably located
- green fields should be protected for local generations
- set a precedent for other sites to be used
- impact upon the heritage aspects of the area
- concern about recycling as panels have to be disposed of and will cause irreversible damage to the countryside
- reflection and glare from panels will affect local residents be able to use gardens in safety
- concerned that heavy rainfall will cause soil erosion increase risks to flooding in the area
- increase traffic resulting in safety risks
- the panels would cause noise affecting residents opportunity to enjoy a peaceful countryside
- concern about health risks as many solar panels contain chemicals which could cause damage to the local environment including the water supply
- panels are close to properties and would impact upon privacy as workman maintain the panels-as a former residents of Michaelston Y Fedw and new visitor over 50 years there has been a progressive attrition of rural qualities introduction of pylons, major roads, three renewable energy development 2 turbines and solar farm
- if the development is allowed in would be a further step along the road towards converting the area from rural and agriculture to urban fringe
- affect the views from footpaths
- cumulative impact of industrialisation
- unsightly provision of cctv cameras
- concern about depreciation of property values
- development which does not preserve the countryside should not permitted
- no consultation with residents
- impact upon the natural drainage of the area
- Fairwater Farm has been used for growing food crops for years, this is what farming is meant to be about.
- Neighbouring farm owners have been approached by energy firms and despite difficult times do not want to

- go down this route
- permission has been granted for a golf course and hotel which has not yet been built.
- If this land is tainted in this way it will be lost for future generations.
- Request a Public meeting.
- Concern about the impact upon public rights of way, query the future of these in this area.
- Concern that due to the lifetime of the development, their usefulness could be superseded by other technologies.
- Reliance is upon the developer to maintain and clear the site. What if it is sold foreign companies would be responsible for the maintenance and clearance.
- Partly proposed on north facing slopes, how will this work? -land will only be possible for grazing purposes.
- noise and visibility from the transmitting station.
- How does it connect to St Mellons.
- Refer to an appeal decision in England which was dismissed due to visual impact.
- My family currently enjoy from our home is one of a beautiful rural aspect made up of ancient woodlands, a patchwork of fields and hedgerows sloping upwards towards the M4 motorway. As the assessment states, this view is highly sensitive and a change from this rural aspect to a built environment, that this development will resemble, will not, as the assessment concludes only be "moderately adverse" to my amenity and enjoyment of the landscape. We will have to look at this view every day for the next 25years, in complete contrast to those which we now enjoy, and which were instrumental in our decision to buy the property in 1999.
- All of the photographs were taken during the month of June, at the height of summer when all of the trees and hedgerows which are almost exclusively deciduous, were in full bloom. The hedgerows are in this state for no more than four months of the year, for the remainder of the time they are bare and would offer little or no screening value for the development. As the proposal makes great issue of the fact that hedgerows will be bolstered by the planting of 'native' species of shrubs and trees then they too will be bare for most of the year and therefore offer little or no screening value. The solar panels are 3m high, elevated further where the land rises up, how on earth can new planting mature in time in order to screen the view, by the time the trees have matured the 25 years

- will be at an end. The majority of the other photographs were taken from a long distance away, again at the height of summer making the visual impact seem less intrusive than it is for those of us living close to the development and who have to live with its effects for the entire 25 years, day in day out.
- loss for 25 years of high grade arable farming land which, has for generations produced an abundance of crops. This production should surely be promoted in order to reduce the import of such crops and the reduction in our carbon footprint.
- The Newport Development Plans policy on Renewable energy also states that "development of such schemes will only be encouraged where this is for the specific benefit of the rural economy." Again I see no benefit for the local rural economy. It also states that such schemes will only be granted if "no significant adverse effects on the environment and the amenities of local residents by the scale and appearance of the development." Well looking out over 45 hectares of grey slabs where there was once green fields is in my opinion more than 'significant'
- At odds with national policy a scheme of this scale cannot be viewed as minimising environmental impacts.
- safety of users of the highway.
- Concerned about the inclination of the council to enforce landscaping schemes based on previous performance.
- loss or privacy from CCTV cameras.
- reduce separation between Newport and Cardiff
- Concerned about effects on health from high voltage power lines
- Challenge aspects of the transport statement and consider that HGV will not easily manoeuvre around the proposed access route which in some instances comprises narrower lanes than stated. Happy to demonstrate movements of a HGV if required.

PAGE NO. 30	APPLICATION NO. 14/1338/DCO		
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION		
	ROAD, LLANDAFF NORTH		
FROM:	Case Officer		
SUMMARY:	Amendments to the following conditions are required:  (i) Delete 8 (duplication of 7); (ii) Amend 13 to read "and tabling of the uncontrolled pedestrian crossing on Station Road adjacent to the Chamberlain Road junction";  (iii) Amend 25 to read "08:00 and 22:00"		
REMARKS:	Noted		

PAGE NO. 30	APPLICATION NO. 14/1338/DCO		
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION		
	ROAD, LLANDAFF NORTH		
FROM:	Case Officer		
SUMMARY:	Add condition to confirm the proposed finished floor level of the development, to ensure that the site remains flood free during the 1 in 1000 year event and therefore compliant with A1.15 of Technical Advice Note 15. Refer to Natural Resources Wales' comments in paragraphs 6.4 and 6.5.		
REMARKS:	Add Condition 33: The ground finished floor level of the development hereby approved shall be 20.10 metres AOD. Reason: To ensure the development remains flood free during the 1 in 1000 year event in accordance with Technical Advice Note 15: Development and Flood Risk.		

PAGE NO. 30	APPLICATION NO. 14/1338/DCO	
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION	
	ROAD, LLANDAFF NORTH	
FROM:	Case Officer	
SUMMARY:	The following comments in support of the application have been received from the occupiers of 28, 32 Radyr Court Close, 5 and 17 Radyr Road, 2 Roberts Villas and 43 Ty Mawr Road, 23, 68 and 103 College Road, 19 Bridge Road and one unaddressed comment	
	<ul> <li>(i) Will benefit the community and local area;</li> <li>(ii) Will bring back competition;</li> <li>(iii) Accessible meaning people can walk to the shop;</li> <li>(iv) There are enough houses and flats in the area;</li> <li>(v) Will provide jobs;</li> </ul>	
	(ví) Will improve amenities;	
REMARKS:	Noted	

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ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION	
	ROAD, LLANDAFF NORTH	
FROM:	Case Officer	
SUMMARY:	The following concerns have been expressed by the occupiers of 47 Hilton Place, Llandaff North, 68 Clarbeston Road, 6 and 19 Andrews Road, 1 and 21 Chamberlain Road, 5 Maplewood Avenue, 18, 36 and 43 Station Road, 19 and 58 College Road	
	<ul> <li>(i) Charter Vehicle Hire – their location;</li> <li>(ii) Opening Hours;</li> <li>(iii) Security at night;</li> <li>(iv) Lighting pollution including that from security lights;</li> <li>(v) Deliveries times moving on and off site;</li> <li>(vi) Increased traffic;</li> <li>(vii) Closure of pineapple and skittle alley;</li> <li>(viii) Height of building is unclear;</li> <li>(ix) Noise pollution;</li> <li>(x) Requests landscaping or a set back to the frontage;</li> <li>(xi) Requests community funding via a S106 e.g. to primary school, skateboard park, road improvements;</li> </ul>	

	(xiii) Ha (xiv) Tra (xv) Re (xvi) Co (xvii) Ina (xviii) If n (xix) Gra (xxi) A c (xxi) A c (xxii) Imp (xxiii) Imp (xxiii) Imp (xxiv) Mo (xxv) Wa	ck house – a listed building; rm to local businesses; offic pollution; quests permit parking for Andrews Road; mmunity impact; dequate parking; ot Lidl then alternative may be more harmful; ey finish to building is unattractive; say road; erossing near the shop is required; bact upon property values; bact upon new houses access on Andrews Road; re disabled parking is required; oiting restrictions required to station road; ondscaping is required
REMARKS:	rem catio of A  (ii) See (iii) Note (iv) See (v) See (vi) Refe (vii) Refe (viii) The (ix) Refe (xi) It is butio (xii) Loc (xiii) Bus side (xiv) It is una (xv) Suff site justi (xvi) It is com (xvii) Refe (xviii) This (xix) The stor grey (xx) Note cond	rter Hire vehicles will be able to park within the aining James and Jenkins site opposite the applian site and in their existing compound at the rear indrews Road; Condition 21; ed; Conditions 24 and 25; condition 22; er to paragraphs 8.30 – 8.33; er to paragraphs 8.43(i); plans are scaled. Refer to paragraph 1.4; er to condition 23; er to conditions 19 and 20; not considered that a community facilities contrion would meet the necessary legal tests; k House is not a statutory or locally listed building; iness competition is not a relevant planning contration; not considered that traffic pollution would be so ecceptable as to justify a reason for refusal; icient parking is provided within the application therefore Andrew Road residents' parking is not fiable under this application; not considered there would be an unacceptable imunity impact; er to paragraph 5.1; application must be determined on its merits; building has been amended to include natural ite, glazing, cedar cladding and a smaller area of or cladding; ed, however improvements are proposed. See dition 13; condition 13;

(xxii)	Property values are not a planning consideration;
(xxiii)	See (xxii);
(xxiv)	See paragraph 5.1;
(xxv)	See condition 13;
(xxvi)	See conditions 19 and 20.

PAGE NO. 30	APPLICATION NO. 14/1338/DCO	
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION	
	ROAD, LLANDAFF NORTH	
FROM:	Case Officer	
SUMMARY:	Comments supporting the application but opposing the loss of the Pineapple Pub skittle alley and beer garden have been submitted by the occupiers of 16, 53 Station Road, 50 Ty Mawr Road, 21 Copleston Road.	
REMARKS:	See paragraph 8.43(i)	

PAGE NO. 30	APPLICATION NO. 14/1338/DCO
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION
	ROAD, LLANDAFF NORTH
FROM:	Craig Williams MP
SUMMARY:	Requests that the Committee carries out a site visit following representations made in the committee report regarding the loss of the beer garden/skittle alley at the Pineapple Pub.
REMARKS:	Noted

PAGE NO. 30	APPLICATION NO. 14/1338/DCO
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION
	ROAD, LLANDAFF NORTH
FROM:	Paul Ford, 40 Chamberlain Road, Llandaff North
SUMMARY:	Requests clarification from the Council on its plans to accommodate the extra goods and customer traffic in the area, particularly in relation to the joint entrance into the Lidl site for both goods and customer vehicles. The amended plan appears to be a completely new plan and does not answer any of his previous objections.
REMARKS:	The Operational Manager, Transportation, has assessed the access and parking arrangements for the site and considered the impact on traffic in the locality. He has no objection to the application. See paragraphs 5.1 – 5.7 and 8.30 – 8.33.

PAGE NO. 30	APPLICATION NO. 14/1338/DCO
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION ROAD, LLANDAFF NORTH
FROM:	Paul Ford, Llandaff North Resident
SUMMARY:	<ul> <li>(i) His documentation on the application has been ignored by the planning department;</li> <li>(ii) Concerned that the application will jeopardise the well-being of resident's safety and residential status;</li> <li>(iii) Access to the new store is for both goods vehicles and customer cars. This is fraught with danger. Especially as the turning area for the vehicles is surrounded by car spaces. Are they going to supply customers with high vis jackets for the customers to walk to the store? There is going to be issue with the larger vehicles entering the area when another vehicle is occupying the one loading bay. There is going to be issues with noise from the refrigerated trailers that are in the yard or waiting in the road to enter the yard;</li> <li>(iv) It is mentioned in the Council planning report that the traffic in Station Road is greatly reduced since J&amp;J closed their workshops, Charter Hire office and main car showroom. Please be advised, it hasn't. Its only</li> </ul>

- since the final plans were submitted at the beginning of October that the majority of the Charter Hire vehicles have been tucked into the old J&J buildings off of the main road. Every day cars are parked along the length of Station Road. Mostly on the side of the planned building as the other side is reserved for residents. Charter Vehicle vehicles are parked in Station Road for collection by Customers and are then left on Station Road when the hire is completed. Where is Charter going to keep all of these vehicles once planning has been granted?
- Of course there will also be the other vehicles (v) delivering to the store that don't want to use the loading bay. Bread, milk and the daily fresh goods. They will do as they do at other stores. Park up on the pavement to unload. As they do at the CO-OP and the at The Railway and Pineapple pubs (for alcohol of course) He is not complaining but stating the facts. Absolutely no point in covering up any issues. Pavement parking and the such like leads him then to our cyclists who use Station Road on their way to and from work. He has seen many near misses when he takes the grandchildren to school. Caused by oversize vehicles parking in the bays or just on the road. Bikes swerve out to pass and near misses occur.
- (vi) School children use the village shops for their provisions including The Garage Shop, Bobbies Store, Lewes Cafe and the COOP. He fears for their safety with the extra traffic that is going to be generated by this proposal. They will probably use the new store to shop in. Sensible hey!! But not good for the shops in the village;
- (vii) Then there is the wonderful 7.5 ton railway bridge. The warning signs are at the roundabout at The Old Cow and Snuffers building and also at the entrance to the bridge at the Whitchurch end. (That's the one that hasn't been cleaned since 1997!!) Very few drivers abide by the weight limit because nobody polices it. Fact that can be proven every day. He believes the reason it is ignored is because there are no alternative routes at the banned area. The 7.5 ton limit should be at the end of Church Road and at the Old Cow and Snuffers building. That then gives the drivers the option of choosing the alternative.
- (viii) Then there is the issue of overflow car and commercial vehicle parking in the surrounding streets. Chamberlain Road, Hilton Place, Hazlehurst Road, Hawthorn Road, Belle Vue Crescent, Tymawr Road, West Road, Station Car Park. All will be used

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	(ix) (x) (xi)	more and more with the extra traffic this proposal will bring. These roads are narrow and crowded and made for resident parking not turning traffic. There are 3 schools in the local area within the streets mentioned.  He is told that planning permission for 400+ houses has been given for the BBC site. Ouch!! Try driving into/out of town on a weekday in the rush hours. Soon to be with another 1600 cars per day on their residents route.  He requests the opportunity to meet the Planning Committee to put over his concerns about what he thinks Llandaff North is all about as it is and what this proposal will do to the "village" when it is passed. The petition that was posted in James and Jenkins and discounted it as it contained signatures from all over Cardiff. Strangely enough it also contained his name and address.  He requests that Members consider the planning report carefully and look what supermarkets have done in Member's areas. He feels that the for and against written in plain English give far more information than the jargon in the official reports.
REMARKS:	(i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix) (x)	The representations have not been ignored; all representations have been included in Section 7 of the report; The impact upon residential amenity is covered in paragraphs 8.34 – 8.37; The Operational Manager, Transportation, has considered the access and parking arrangements and has no objection to the proposals (paragraphs 5.1 – 5.7); Vehicles associated with the existing use will be parked on the remaining site opposite the application site and the vehicle compound to the rear of Andrews Road; Concerns regarding highway safety are noted. Condition 13 would require highway improvement works in the interests of pedestrian safety; See (v); Noted. This bridge is to the north of the Station Road local centre and the onus is on delivery vehicles to comply with weight restrictions; See (iv); Each application must be determined on its own planning merits. See also transportation comments in paragraphs 5.1 – 5.7; Noted. Members have received his request;

(xi)	No petition from James and Jenkins has been received;
(xii)	Noted.

PAGE NO. 30	APPLICATION NO. 14/1338/DCO
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION
	ROAD, LLANDAFF NORTH
FROM:	Applicant
SUMMARY:	Letter addressed to Committee Members stating:
	<ul> <li>(i) Application has been live for some time. The design of the building has been the main issue;</li> <li>(ii) To illustrate the path of negotiations with officers, she encloses a plan which shows how the design has evolved over the life of the application; with</li> </ul>
	this showing marked changes from the more 'standard' design that was initially submitted.  (iii) She hopes that Members can appreciate how hard they have worked to appease Officers and show that this is not 'just another Lidl store'. With the proposed store being the final one currently planned in Cardiff, they understand the importance of delivering something a little unique
	in Llandaff North; which is why they are proposing a design that is so bespoke that there isn't another like it across the UK. They are excited with their proposals and hope that Members agree.
	(iv) Officers at Cardiff Council have worked with them throughout to achieve a design that befits this location and Lidl/James & Jenkins would like to express gratitude for the way in which the application has been handled.
	(v) A redevelopment of this partly vacant site into a new Lidl store would meet an identified retail need within Llandaff North, along with the provision of up to 40 new local jobs and since the application is acceptable in highways, retail and now design terms, they kindly request that Members support the positive recommendation put forward by Officers.
REMARKS:	Noted

PAGE NO. 30	APPLICATION NO. 14/1338/DCO
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION ROAD, LLANDAFF NORTH
FROM:	Lifestyle Express, Station Road
SUMMARY:	Applicant has misled the public by suggesting community will benefit from up to 8 employment opportunities. Net effect will be loss of local businesses and local jobs. Also concerned at flow of traffic on a busy main road and residential parking will be negatively affected. An impartial independent review of traffic flow is required. Development will result in overspill parking of existing vehicles and vans in the residential area causing further problems.
REMARKS:	The concerns regarding employment opportunities are noted. However, the application must be determined on its planning merits. It is not the role of planning to protect the interests of one business over another. The existing use will cease on the site should development proceed. Parking for the existing user will continue on the remaining premises opposite the application site and at the existing vehicle compound to the rear of Andrews Road.

PAGE NO. 30	APPLICATION NO. 14/1338/DCO
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION ROAD, LLANDAFF NORTH
FROM:	Occupier on Station Road
SUMMARY:	Concerned at parking, currently very difficult to park in the vicinity. Concerned that there will be no chance to park for residents if development goes ahead. Requests that plans have adequate parking. Also concerned at light pollution. Their flat is opposite which will bring unwanted light through the night. Their amenities should be protected. He opposes the development.
REMARKS:	Noted. Refer to paragraphs 5.1 and condition 10 for parking, and paragraphs 8.34 and 8.35 and conditions 24 and 25 in respect of lighting.

PAGE NO. 30	APPLICATION NO. 14/1338/DCO
ADDRESS:	JAMES & JENKINS GARAGES LTD, 27-37 STATION
	ROAD, LLANDAFF NORTH
FROM:	Operational Manager, Environment (Noise & Air)
SUMMARY:	Confirms their agreement to conditions 21, 24, 25 and 26. Requests minor amendments to the following conditions:  22. Deliveries shall only be taken at or dispatched from the site between the hours of 07:30 and 21:00 Monday to Saturday and 10:00 and 1600 on Sundays. Reason: To ensure that deliveries, loading and unloading do not cause unreasonable nuisance to neighbours.  23. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 10dB(A) at any residential property when measured and corrected in accordance with BS:4142(2014).  Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
REMARKS:	Amend conditions 22 and 23 accordingly.

PAGE NO. 68	APPLICATION NO. 15/1163/MJR
ADDRESS:	CARDIFF METROPOLITAN UNIVERSITY CYNCOED
	CAMPUS, CYNCOED ROAD, CYNCOED, CARDIFF
FROM:	Councillor J Carter
SUMMARY:	Additional photographs of on street parking around the University Campus are submitted, for the attention of Committee Members.
	Additional requests are made in respect of the scheduled Committee site visit.
REMARKS:	The issue of existing on street parking is not material to the consideration of this application.
	The proposals have been considered by the Transportation Manager and the report refers to their findings.

	The photographs attached to Cllr Carter's email have been placed on file.
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PAGE NO. 84	APPLICATION NO. 15/01431/MJR
ADDRESS:	LAND NORTH OF DRUIDSTONE ROAD
FROM:	Councillor D Rees
SUMMARY:	Confirms that she wishes her original objections to remain on file. Concerning the amendments she comments as follows:  1. It is wholly unreasonable to expect comments on the amendments to be received within 10 days, particularly
	when there have been problems with the server unavailable for several days at a time.  2. The community council does not meet until the second Thursday of November after you have sent this information and is therefore unable to respond within ten days. This is not in accord with the Charter with the Community councils and Cardiff council and is reprehensible.  3. When was the time limit for responses to consultation reduced from 21 days to 10 days?  4. The proposals to limit damage to dormice and bats in the area are inadequate and will result in further reductions in their numbers.  5. Did the historical survey dig a trench close to the existing Druidstone Road? Evidence of roman artefacts have been found in other digs directly alongside the road which follows the path of the old roman road.  She declares an interest in that the site which is known locally as Bogod's field is near her house but does not share a boundary with it and she cannot see it from her property.
DEMARKS.	(i) A 10 day concultation powied on the additional inform
REMARKS:	(i) A 10 day consultation period on the additional information submitted is considered to be an acceptable time period for inviting further comments on the additional information.
	(ii) The comments regarding mitigation of dormice and bat impact are noted;
	(iii) Glamorgan Gwent Archaeological Trust are content with the findings of the field evaluation and have no

objection to the application. Refer to paragraph 6.4.

PAGE NO. 84	APPLICATION NO. 15/01431/MJR
ADDRESS:	LAND NORTH OF DRUIDSTONE ROAD
FROM:	Natural Resources Wales
SUMMARY:	They still have a number of outstanding concerns, primarily in relation to dormice. However, in principle they consider in this instance it should be possible to address them via the application of appropriate conditions and/or planning obligations attached to any permission the Authority is minded to grant. Providing the following issues are addressed through the implementation of appropriate conditions and/or obligations, they do not object to this proposal.
	They note the additional surveys found no evidence of roosting bats and the two trees previously identified to possibly support features suitable for roosting bats were assessed to have no greater than low potential for such use.
	The dormouse mitigation strategy states a habitat corridor at least 5m wide along Druidstone Road will maintain a connection between the woodland on the western side of the site and woodland and scrub habitats on the eastern and northern side of the site. However, this corridor will be severed by a 9.1m wide gap to facilitate the southern access road. Section 3.3.1 of the mitigation scheme states that significant artificial illumination at this point would deter dormice crossing the road and potentially isolate the 0.48ha of woodland in the west of the site from that in the north and east of the site. Thus, maintaining an unlit corridor along the southern boundary habitat will be material in maintaining a functional connection for dormice between the woodland on the western edge of the site and woodland along the eastern and northern edges of the site. However, the scheme does not set out what the lighting requirements for the development will be at the site access points. They therefore advise a condition to agree in writing before the start of works the precise design and layout of the access point on the southern boundary that ensures maintenance of suitable connectivity for dormouse. This should include details of lighting measures to demonstrate the crossing will remain
	unlit; details of the habitat within the corridor to include both existing and new plantings as appropriate; phasing of works.

In the absence of being able to deliver lighting requirements to achieve an unlit habitat corridor along the southern boundary, including at the point that it is severed by the access road, they would advise that either the scheme is altered to include a single vehicular access off Began Road which would avoid severance of the southern boundary or alternatively that more habitat suitable for dormice is provided on the eastern side of the site.

They welcome the measures set out within section 4 'Mitigation and Compensation' of the dormouse mitigation scheme. However, there are aspects they have concerns with, and require further details. Should the Council be minded to grant consent, they advise a condition to agree in writing before the start of any works a revised scheme of mitigation for dormice. Notwithstanding the current submitted information, they note the revised mitigation scheme also includes the following:

- (i) They note from drawing number JER5878-MIT003 'Outline Lighting and Boundary Fence Plan'
  the intention to erect chain link fences along curtilage boundaries adjacent to the woodland edges.
  They would advise that more solid fences are
  used that will reduce potential light spill from external lighting that may be installed by residents
  which would be outside the control of the scheme.
- (ii) In addition they would advise that where suitable material is present, vegetation to be removed is translocated to areas of new planting in order to improve the establishment of habitat in these areas.
- (iii) A more detailed description of the existing hedgerow and woodland habitat along the southern edge of the site. Given the indication in the method statement that there is no discernible understorey, clarification should also be provided of what habitat (as currently exists on the ground) will remain within the proposed minimum 5m wide corridor to be retained.
- (iv) That the habitat corridor to be maintained along the southern boundary comprises dense, species diverse habitat. Appropriate measures to achieve this or information to demonstrate that this is the case should be included.
- (v) If planting and/or management of existing vegetation to be retained in the southern boundary is required, this should be undertaken in advance of site clearance. This should seek to allow vegetation within the retained 5m corridor to establish

prior to severance of the habitat across the south of the site.

As discussed above inappropriate lighting of the application site has the ability to render the habitat areas of little or no use to dormice and 'light sensitive' bat species. There is therefore a need to maintain dark habitats around the site including at road crossings. They advise a condition to agree before the start of works a lighting scheme, consistent with the requirements of both bats and dormice. This scheme should include details of the siting and type of lighting to be used, drawings setting out light spillage and any operational measures to ensure all woodland, scrub and hedgerows around the periphery of the site and the point where the access road severs the southern boundary are not illuminated and maintained as dark corridors. The scheme should address the construction and operational phase; include measures to monitor lux levels; and include remedial action to be undertaken where problems are identified by the monitoring scheme. Scheme to be implemented as agreed.

They note and welcome the principles of the management measures proposed within the dormouse mitigation scheme. They advise a condition to agree in writing before the start of works a long term Management Plan, consistent with the principles set out in 'Dormouse Mitigation Scheme. Land North of Druidstone', by RPS, dated October 2015, to ensure the favourable management of habitats for dormice on site. The plan should include but not exclusively confirmation of; the extent of management operations; appropriate scheduling and timing of activities; proposals for on-going review of management and remedial action to be undertaken where problems are identified by the dormouse monitoring scheme. Scheme to be implemented as agreed.

They welcome the monitoring proposed within Section 6 of the dormouse mitigation scheme. They advise that this is expanded further and clarification provided of the frequency and duration of monitoring. They advise a condition to agree in writing before the start of works a monitoring scheme for protected species. Monitoring should include the protected species themselves and the establishment of newly planted and managed habitats, including road crossings, and the use of such habitats. Should the monitoring show a decline in population distribution, remedial measures to be agreed in writing and implemented to the satisfaction of Cardiff County Council.

They also advise the applicant seeks a European Protected

	Species 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 dormice. Please note that the granting of planning permission does not negate the need to obtain a licence.  In conclusion, they still have some concerns, particularly with respect to maintaining functional connectivity for dormice between dormouse habitats across the site. However, in principle it should be possible to address these by the application of appropriate conditions or other agreement attached to any permission.
REMARKS:	Noted. The Council's Ecologist has considered NRW's comments and agrees with their conclusions and recommendations. It is therefore recommended that reason for refusal number 3 is deleted.

PAGE NO. 115	APPLICATION NO. 15/1753/MJR
ADDRESS:	PHOENIX INDUSTRIAL & ENGINEERING SUPPLIES, CLARENCE ROAD, BUTETOWN, CARDIFF
FROM:	Neighbour at 2 Hunter Street.
SUMMARY:	Objection received 6 <sup>th</sup> November 2015.
	The neighbour raises a number of concerns:
	<ul> <li>Impact on parking and traffic in the area as a result of inadequate on-site parking provision</li> </ul>
	<ul> <li>Lack of consideration of impact on amenity of 2 Hunter Street</li> </ul>
	Wishes to be kept informed of progress of application.
REMARKS:	See cttee report paras 8.13 to 8.16 in relation to parking and traffic impact.
	Paras 8.19 to 8.23 assess impact on neighbours' amenity, namely the new block of flats to the west, 1 Pomeroy Street to the SW, and Avondale Court to the east.
	It is not considered that the development will have a detrimental impact in terms of direct overlooking or overbearing impact on 2 Hunter Street to the south.
	Increased use of the rear lane as a result of the development is likely to be minimal as it will serve bike and bin stores only. The introduction of habitable room windows

will also provide a degree of surveillance of the lane.
The progress of the application (including details submitted to discharge conditions) can be followed on the Council website.

