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AGENDA

Committee	PLANNING COMMITTEE
Date and Time of Meeting	WEDNESDAY, 26 OCTOBER 2016, 2.30 PM
Venue	COMMITTEE ROOM 4 - COUNTY HALL
Membership	Councillor Michael (Chair) Councillors Manzoor Ahmed, Ali Ahmed, Burfoot, Gordon, Hudson, Hunt, Robson and Lynda Thorne

1 APOLOGIES

2 MINUTES

To approve as a correct record the minutes of the meeting held on 28 September 2016 – to follow

3 DECLARATION OF INTEREST

To be made at the commencement of the agenda item in question, in accordance with the Members Code of Conduct

4 PETITIONS

Petitions have been received in relation to the following applications in accordance with Committee Meeting Procedural Rule 14.2. The petitioners have been advised of their right to speak and the applicants/agents of their right to reply:

1. Application no, 15/01953/MJR, Creigau Quarry, Heol Pant-Y-Gored, Creigau.
2. Application no, 16/02224/MJR, Land of Church Road and North and South of Bridge Road, Old St Mellons

5 DEVELOPMENT CONTROL APPLICATIONS

The schedule of development control applications has been circulated separately

- 5a Creigau Quarry, Heol Pant-Y-Gored, Creigau (*Pages 1 - 128*)
- 5b 8 The Retreat, Penylan (*Pages 129 - 152*)
- 5c Former Llanrumney Housing Depot, Mount Pleasant Lane, Llanrumney (*Pages 153 - 180*)
- 5d Land Off Willowbrook Drive, St Mellons (*Pages 181 - 194*)
- 5e Land at Trefasor Crescent and Willowbrook Drive, St Mellons (*Pages 195 - 210*)
- 5f Land East of Church Road and North and South of Bridge Road, Old St Mellons (*Pages 211 - 216*)
- 6 **DATE OF NEXT MEETING - 9 November 2016**

Davina Fiore

Director Governance & Legal Services

Date: Thursday, 20 October 2016

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

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

**LOCAL MEMBER OBJECTION/ AM OBJECTION/ PETITIONS/WELSH
GOVERNMENT CALL IN REQUEST**

COMMITTEE DATE: 26/10/2016

APPLICATION No. **15/01953/MJR** APPLICATION DATE: 04/08/2015

ED: **CREIGAU/ST FAGANS**

APP: TYPE: Full Planning Permission

APPLICANT: Tarmac Trading Ltd

LOCATION: CREIGIAU QUARRY, HEOL PANT-Y-GORED, CREIGIAU,
CARDIFF, CF15 9NF

PROPOSAL: SOUTH EAST EXTENSION OF CREIGIAU QUARRY AND
EXTRACTION OF A PROPORTION OF REMAINING RESERVES
WITHIN THE EXISTING QUARRY AS A PHASED
DEVELOPMENT PROGRAMME INVOLVING THE EXTRACTION
OF SOME 12.78M TONES OF LIMESTONE; THE
CONSTRUCTION OF A LANDSCAPE SCREEN BUND AROUND
THE EASTERN AND SOUTH EASTERN MARGINS OF THE
EXTENSION AREA; USE OF MOBILE CRUSHING AND
SCREENING PLANT TO PROCESS LIMESTONE FROM THE
EXISTING QUARRY AND EXTENSION SITE; USE OF EXISTING
QUARRY ACCESS ROAD AND ENTRANCE ONTO HEOL PANT
Y GORED; AND IMPLEMENTATION OF A COMPREHENSIVE
RESTORATION SCHEME FOR THE APPLICATION SITE TO
ESTABLISH AMENITY GRASSLAND, WOODLAND AND NATURE
CONSERVATION USES

RECOMMENDATION 1 : That, 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 otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 9.2 to 9.4 of this report, and having taken the Environmental Information into consideration, planning permission be **GRANTED** subject to the following conditions:

A: General Limitations

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall at all times be carried out strictly in accordance with the description of the development contained in the plans and documents submitted with the application received on 4th August 2015, and supported

by further information submitted on 26th April 2016, 27th May 2016 and 30th June 2016, except as provided for in the following conditions.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and for the avoidance of doubt as to the nature of the development hereby permitted.

3. Unless otherwise agreed in writing with the Mineral Planning Authority, planning permission for the winning and working of minerals or the depositing of mineral waste within the site shall cease no later than 21 02 2047.
Reason: To allow the re-assessment of the impact of the quarry once the development hereby permitted has been substantially completed, to ensure restoration of the site at the earliest opportunity and to avoid doubt as to the extent of the development hereby permitted.
4. Following the expiry of the mineral permissions all extraction, processing and stockpiling of minerals within the site shall cease.
Reason: To allow the re-assessment of the impact of the quarry once the development hereby permitted has been substantially completed, to ensure restoration of the site at the earliest opportunity and to avoid doubt as to the extent of the development hereby permitted.
5. No later than 12 months following the expiry of the planning permissions, or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and Mineral Planning Authority, all plant, machinery and structures shall be dismantled and removed from the site.
Reason: To allow the re-assessment of the impact of the quarry once the development hereby permitted has been substantially completed, to ensure restoration of the site at the earliest opportunity and to avoid doubt as to the extent of the development hereby permitted.
6. No later than 12 months following the expiry of the mineral permissions or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and Mineral Planning Authority, the sale and transportation of any residual stocks from the site shall cease.
Reason: To allow the re-assessment of the impact of the quarry once the development hereby permitted has been substantially completed, to ensure restoration of the site at the earliest opportunity and to avoid doubt as to the extent of the development hereby permitted.
7. The quantity of mineral or other material leaving the site shall not exceed 400,000 tonnes in any period of 12 consecutive months.
Reason: In order to limit the environmental impact of the operations hereby permitted, particularly in terms of traffic flow.
8. From the date of this permission the operator shall maintain records of monthly output and shall make them available in confidence to the Mineral Planning Authority at any time upon request.
Reason: In order that the Mineral Planning Authority can monitor the output

of the site.

B: Access, Traffic and Protection of Highway

9. Except in the case of emergency the sole means of access to the site shall be as shown on the submitted plan C59--00062; for the purposes of this permission “emergency” shall mean any circumstances in which the operator has reasonable cause for apprehending injury to persons or serious damage to property, such circumstances to be notified in writing to the Mineral Planning authority within 2 working days.
Reason: In the interests of highway safety and the amenity of surrounding areas.
10. Details of the design and location of a wheel wash facility shall be submitted to the Mineral Planning Authority for approval within 1 month of the date of resumption of quarrying. The submitted details shall include a timescale for the installation of the wheel wash, and following approval of the details, the wheel wash shall be installed in accordance with the approved timescale. Thereafter, no HGV’s shall leave the Site unless their wheels have been cleaned in the wheel wash.
Reason: To reduce the risk of dust nuisance in the vicinity of the site and thereby lessen the environmental impact of the operation.
11. No HGV accessing or leaving the site shall travel via Station Road, Creigiau in perpetuity or unless otherwise agreed in writing by the Mineral Planning Authority.
Reason: In the interests of highway safety and the amenity of surrounding areas.
12. Within 3 months of a substantive commencement of operations (defined as an output of 50,000 tonnes over a six month period), details of improvements to the existing access to the site shall be submitted to the Local Planning Authority for approval. The scheme shall comprise the construction of a traffic island at the entrance to the site in order to deter/prevent vehicles from turning right out of the site and left into the site. The approved scheme shall be implemented in accordance with the timetable set out in the agreed scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing the site.
13. Within 6 months of the date of this planning permission a site management plan shall be submitted to, and approved in writing by the Mineral Planning Authority. The approved plan shall be adhered to whilst the quarry is in operation. The plan shall provide for:
 - a. The parking of vehicles of site operatives and visitors, together with areas for the parking of HGVs within the quarry site area.
 - b. Areas for the offloading of plant and equipment, which shall be within the quarry site area.
 - c. Location of the quarry weighbridge and site office.

- d. Identification of the route that HGVs will take when accessing/egressing the quarry, i.e. avoiding Station Road, Creigiau in order to comply with the existing weight restriction that is present on the adjacent bridge/s, with confirmation of the route that the movement of plant will take, i.e. abnormal loads.

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.

C: Hours of Operation

14. Except in the case of emergencies, or unless the Mineral Planning Authority has previously agreed otherwise in writing, no operations other than those associated with the water pumping, servicing, environmental monitoring, maintenance and testing of plant or machinery or other similar work shall be carried out except between the hours of:-
- (a) 06.00 – 21.00 Mondays to Fridays for quarrying and processing operations;
 - (b) 07.00 – 18.00 for sales; and
 - (c) 07.00 – 13.00 on Saturdays for quarrying and processing operations and sales.

No operations shall take place on Sundays or Bank Holidays.

Reason: To protect the amenity of nearby residential areas.

15. Except in the case of Emergency, blasting operations shall only be carried out between 10:00 – 14:00 Monday – Friday, and not at any time on Saturdays, Sundays or Bank/ Public holidays.

Reason: To protect the amenity of nearby residential areas.

D: Quarry Development

16. Mineral extraction shall proceed in a phased manner and, unless otherwise agreed in writing by the Mineral Planning Authority, development shall take place in accordance with the description of the development contained in the Planning Application Statement dated 3rd August 2015 and plan ref numbers:

- Application Site Plan ref 407/00088/00264/01A
- Year 1 Development ref C059-00065
- Year 10 Development ref C059-00066
- Year 20 Development ref C059-00067
- Final Development ref C059-00068
- Sections ref C059-00069
- Quarry Restoration Concept – Aerial ref A08749/4.01v3
- Concept Restoration Concept ref A08749/4.02v3

Reason: To facilitate future landscaping and restoration works, to control the height and form of quarry faces in the interests of public safety and amenity, to ensure an orderly programme of working, and generally to protect the amenity of nearby residential areas.

17. Final Development. The quarry shall be developed to achieve but not exceed the approved limits of excavation shown on plan C059-00068. In the event that a substantive recommencement of operations (output of 50,000 tonnes over a six month period) has not occurred within 5 years of the date of determination, updated quarry development plans shall be submitted to the Mineral Planning Authority showing any changes to the anticipated quarrying programme for the remainder of period up to expiry of this planning consent.

Reason: To facilitate future landscaping and restoration works, to control the height and form of quarry faces in the interests of public safety and amenity, to ensure an orderly programme of working, and generally to protect the amenity of nearby residential areas.

E: Environmental Protection

Noise

18. Except for temporary operations, the daytime free-field equivalent continuous noise level, LAeq,1hr, due to operations at the site shall not exceed the relevant criterion limit specified in Schedule 1 at each nominated dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Schedule 1 Noise Criteria Limits

Location	07.00 – 19.00 Criterion, LAeq,1hr	06.00 – 07.00 Criterion, LAeq,1hr	19.00 – 21.00 Criterion, LAeq, hr
Location 1 – Creigiau Farm/Parc Y-Fro	44	42	42
Location 2 – Castle Close/The Terrace	47	42	42
Location 3 - Heol Pant y Gored	48	42	42
Location 4 – Maesteg House	42	42	42
Location 5 – Pentyrch Primary School/Bronllwyn	46	42	42
Location 6 - Heol Gam	45	42	42
Location 7 - Brynglas	50	42	42
Location 8 - Heol Pant Gored	50	42	42

Reason: To protect the amenity of nearby residents and users of nearby land and premises from the effects of excessive or intrusive noise from quarrying operations.

19. The free-field equivalent continuous noise level, LAeq,1hr, due to

temporary operations such as site preparation/maintenance, soils and overburden handling and bund construction operations shall not exceed 67dB at any existing noise-sensitive property in the vicinity of the site. The duration of such temporary operations shall not exceed a total of 8-weeks in any working year where the suggested noise limit for routine operations is likely to be exceeded

Reason: To protect the amenity of nearby residents and users of nearby land and premises from the effects of excessive or intrusive noise from quarrying operations.

20. Noise monitoring shall be undertaken, at the locations set out in Schedule 1 of condition 18 upon a resumption of quarrying operations; once in the year following a resumption of operations, and thereafter at frequencies to be agreed with the Mineral Planning Authority. The results of monitoring shall be submitted to the Mineral Planning Authority within two months of the monitoring survey and shall confirm any action which is to be taken to remedy any noise levels exceeding the limits set out in condition 18 above. In the event of noise levels exceeding the specified limits, or in the event of a noise complaint which leads to additional noise mitigation measures, then further noise monitoring shall be undertaken within three months of that event to assess the success of the remedial action.

Reason: To protect the amenity of nearby residents and users of nearby land and premises from the effects of excessive or intrusive noise from quarrying operations.

F: Blast Vibration

21. Blasting shall be undertaken in such a manner to ensure that ground vibration at residential type buildings, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (PPV) of 6mms^{-1} in 95% of all blasts measured over any continuous six month period, and no single blast shall exceed a PPV of 10mms^{-1} . The measurement is to be taken at or near the foundations of any residential type vibration sensitive building in the vicinity of the quarry existing at the date of this consent.

Reason: To limit blasting operations so as to protect the amenities of local residents and users of surrounding land or premises from the impact of excessive noise, air blast, ground vibration, dust and flying debris, to give reasonable warning of blasting operations in the interests of public safety and amenity, to ensure the satisfactory planning of the surrounding area, and to ensure the assimilation of the quarry into the area at minimum social and environmental cost.

22. Blast monitoring shall be undertaken during the Year 1 development phase to establish the feasibility of ensuring that ground vibration does not exceed a peak particle velocity (PPV) of 50mms^{-1} per second in 99.9% of blasts when measured at the agricultural buildings south of Ty'n y Coed Road (Pentyrch Boarding Kennels).

Reason: To limit blasting operations so as to protect the amenities of local residents and users of surrounding land or premises from the impact of

excessive noise, air blast, ground vibration, dust and flying debris, to give reasonable warning of blasting operations in the interests of public safety and amenity, to ensure the satisfactory planning of the surrounding area, and to ensure the assimilation of the quarry into the area at minimum social and environmental cost.

23. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts.
Reason: To limit blasting operations so as to protect the amenities of local residents and users of surrounding land or premises from the impact of excessive noise, air blast, ground vibration, dust and flying debris, to give reasonable warning of blasting operations in the interests of public safety and amenity, to ensure the satisfactory planning of the surrounding area, and to ensure the assimilation of the quarry into the area at minimum social and environmental cost.
24. Each individual blast shall be monitored by the Operators, to include provision for recording the details and location of the monitoring station; the location of the blast holes within the Quarry Site; weather conditions; specification of the blast in terms of MIC; and total charge weight. Records of blast monitoring shall be made available to the Mineral Planning Authority upon request. In the event that monitoring indicates that the vibration levels set out in condition 22 above have been exceeded, then the Operator shall inform the Mineral Planning Authority within two working days, with written confirmation of the steps to be taken to ensure future compliance with condition 22.
Reason: To limit blasting operations so as to protect the amenities of local residents and users of surrounding land or premises from the impact of excessive noise, air blast, ground vibration, dust and flying debris, to give reasonable warning of blasting operations in the interests of public safety and amenity, to ensure the satisfactory planning of the surrounding area, and to ensure the assimilation of the quarry into the area at minimum social and environmental cost.
25. Blasting times shall be clearly advertised at the Quarry, and an audible warning shall be sounded prior to any blasting operations taking place, and shall be sounded again immediately after blasting has finished.
Reason: To limit blasting operations so as to protect the amenities of local residents and users of surrounding land or premises from the impact of excessive noise, air blast, ground vibration, dust and flying debris, to give reasonable warning of blasting operations in the interests of public safety and amenity, to ensure the satisfactory planning of the surrounding area, and to ensure the assimilation of the quarry into the area at minimum social and environmental cost.
26. There shall be no secondary breakage of stone by the use of explosives.
Reason: To limit blasting operations so as to protect the amenities of local residents and users of surrounding land or premises from the impact of excessive noise, air blast, ground vibration, dust and flying debris, to give reasonable warning of blasting operations in the interests of public safety

and amenity, to ensure the satisfactory planning of the surrounding area, and to ensure the assimilation of the quarry into the area at minimum social and environmental cost.

G: Dust

27. The best practicable means shall be used to restrict the generation of dust within the Site, and shall include provision for haul roads and access roads to be watered during dry weather to lay any surface dust.
Reason: To reduce the risk of dust nuisance in the vicinity of the quarry and thereby to lessen the environmental impact of the proposals.
28. At all times during the carrying out of operations, a water bowser or similar equipment shall be available on site, and be used to minimise the emission of dust from haul roads within the Site.
Reason: To reduce the risk of dust nuisance in the vicinity of the quarry and thereby to lessen the environmental impact of the proposals.
29. Measures shall be taken to minimise dust emissions from quarrying operations, in accordance with the following protocol:
- (a) The contact details of the person responsible for air quality and dust issues shall be displayed at the site entrance;
 - (b) All dust and air quality complaints shall be recorded and the cause(s) identified and appropriate measures shall be implemented as soon practicable. These records together with measures undertaken should be available to the Mineral Planning Authority on request;
 - (c) Carry out regular off-site inspection of nearby receptors (including roads) to monitor dust emissions from the quarry. The frequency of this monitoring shall be increased when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions. This monitoring should be recorded and be available to the Mineral Planning Authority on request;
 - (d) Within 3 months of the date of this planning permission a scheme for Particulate monitoring shall be submitted for the approval of the Mineral Planning Authority. The scheme shall make provision for Particulate monitoring at a location to be defined in the scheme both prior to / concurrently with the recommencement of quarrying operations, and at a defined point following the implementation of the full quarrying and processing operations. The scheme shall be implemented as approved.
 - (e) Ensure that machinery and dust causing activities are located away from receptors, as far as possible;
 - (f) Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation;
 - (g) All chutes and conveyors shall be enclosed;
 - (h) Carry out regular inspections of on-site haul roads for integrity and instigate necessary repairs to the surface as soon as reasonably practicable;
 - (i) No HGV's shall leave the site unless their wheels have been cleaned in the wheel wash approved in accordance with condition 10 above;

- (j) Soils and overburden shall not be handled during extreme dry conditions unless the working areas are first dampened down;
- (k) Drilling of shot holes shall be undertaken using drilling rigs fitted with a suitable dust collection system;
- (l) Site roads within the quarry shall be dampened down as appropriate, in accordance with the requirement of Conditions 27 and 28;
- (m) The site entrance road shall be maintained by use of a road sweeper which shall operate as required to maintain the surface of the road free of mud and other detritus;
- (n) All lorries, once loaded, shall be sheeted prior to leaving the site, with the exception of any load carrying plus 75mm size stone;
- (o) The speed of haulage vehicles at the site will be restricted to 10mph;
- (p) All site vehicles will be fitted with upswept exhausts and radiator fan shields;
- (q) Lorries will be loaded so as to avoid spillages;
- (r) All site traffic will be kept to the designated haul routes;
- (s) Any plant spillages will be cleared to avoid accumulations; and
- (t) Drop heights will be minimised at loading and discharge points.

Reason: To reduce the risk of dust nuisance in the vicinity of the quarry and thereby to lessen the environmental impact of the proposals.

30. Within 12 months of the date of this permission, a Drainage Scheme detailing measures to be undertaken to ensure that drainage to and from the area adjoining the site is not interrupted or rendered less effective and that the pollution of watercourses is prevented shall be submitted to and approved by the Mineral Planning Authority; after the date of its approval, the Drainage Scheme shall be implemented and maintained throughout the duration of mineral extraction operations at the quarry, and shall be varied only with the prior written approval of the Mineral Planning Authority; the submitted scheme shall include details of settling ponds and tanks as appropriate and a programme for their implementation. The scheme shall draw upon the principles of the Surface Water and Drainage Assessment produced as Appendix 9.2 to the Environmental Statement accompanying the application (August 2015).

Reason: To protect against the pollution of water-courses and water resources in the interests of the amenity of the surrounding area.

31. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe-work shall be located above ground and protected from accidental damage. Details and layout of these installations to be submitted and approved by the Mineral Planning Authority prior to construction.

Reason: To protect against the pollution of water-courses and water

resources in the interests of the amenity of the surrounding area.

32. Measures shall be taken to minimise the risk of groundwater pollution from quarrying operations, in accordance with the following protocol:
- (a) All fuel and chemicals should be stored in bunded areas in accordance with current Natural Resources Wales (formerly the Environment Agency) guidelines.
 - (b) Drip trays should be appropriately placed under all immobile plant using fuel.
 - (c) All refuelling activities should be undertaken, using appropriate care and attention and in accordance with the correct procedures. Details of incident reporting and waste management procedures to be available to the Mineral Planning Authority on request.
 - (d) An incident reporting procedure should be maintained for reporting all site incidents, including pollution events. Suitable emergency responses should also be in place in the event of an incident and shall be available to the Mineral Planning Authority on request.
 - (e) Appropriate spill kits or other means of controlling accidental spills should be made available on site. Adequate training in the use of such equipment should also be provided.
 - (f) A maintenance and inspection programme should be followed in order to check the condition of site equipment and provide early warning of any potential leaks or spills.
 - (g) Suitable waste management procedures should be followed to prevent surface pollution resulting from any waste products, fuel containers, chemical drums etc.
 - (h) During site restoration all hazardous plant and equipment should be removed from the quarry.
 - (i) The use of herbicides and other related chemicals should be restricted both during quarry working and post restoration. Chemical applications should be made at appropriate times, in suitable quantities, so to avoid sub surface contamination.

Reason: To protect against the pollution of water-courses and water resources in the interests of the amenity of the surrounding area.

33. Settlement ponds at the site shall be regularly emptied and maintained so as to keep them in good and effective order, and the discharge of waste, oil or other pollutant to any settlement pond, ditch, stream, watercourse or other culvert is not permitted. A record of any maintenance work or emptying of settlement ponds to be kept and shall be made available to the Mineral Planning Authority on request.

Reason: To protect against the pollution of water-courses and water resources in the interests of the amenity of the surrounding area.

34. Prior to installation of the boreholes at locations BH1, BH2 and BH3 details of their location and construction should be submitted for the approval of the Mineral Planning Authority.

Reason: To ensure quarrying operations do not adversely affect the quality of quantity of groundwater supplies in the surrounding area.

35. The water management, monitoring, reporting, mitigation and contingency activities set out in the Water Environment Protection Scheme for Creigiau Quarry (Report reference: 6319 v4.1 dated July 2015) shall be carried out as submitted with provision for a review of the scheme with the Mineral Planning Authority at intervals not exceeding 5 years. The scheme must be implemented to the satisfaction of the mineral planning authority.
Reason: To ensure quarrying operations do not adversely affect the quality of quantity of groundwater supplies in the surrounding area.
36. The baseline monitoring defined in the Water Environment Protection Scheme for Creigiau Quarry (Report reference: 6319 v4.1 dated July 2015) shall be undertaken 12 months prior to the commencement of dewatering operations.
Reason: To ensure quarrying operations do not adversely affect the quality of quantity of groundwater supplies in the surrounding area.

I: Ecology

37. The Quarry Development scheme should be implemented in accordance with Section 7.8 of the 'Environmental Statement Volume 1 Creigiau Quarry Extension and Consolidation Application' prepared by SLR Consulting Limited, dated 3 August 2015, and 'Creigiau Quarry – Extension and Consolidation. Draft European Protected Species Licence Method Statement in respect of Hazel Dormouse' Version 1, dated May 2016 or any subsequent amendment to this Licence.
Reason: To ensure delivery of ecological mitigation
38. Within 12 months of the date of this consent or prior to a resumption of quarrying, whichever is the later, a detailed long-term Habitat Management and Monitoring Scheme shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent amendments to the approved Habitat Management and Monitoring Scheme shall be agreed in writing with the Local Planning Authority. The approved Habitat Management and Monitoring Scheme is to be implemented as agreed.
Reason: To ensure favourable management of existing, retained and new habitats on site, which is consistent with the needs of the protected species associated with the development.
39. Within 12 months of the date of consent or prior to a resumption of quarrying, whichever is the later, an Invasive Plant Species Survey shall be undertaken to verify that the baseline study has not changed in respect the distribution of Schedule 9 plant species. The findings of the survey shall be used to ensure that any vegetation removal associated with quarry development is compliant with the provision of the Wildlife and Countryside Act 1981 (as amended in April 2010).
Reason: To monitor, protect and enhance features of ecological importance.
40. Any clearance of trees and scrub shall only take place outside the main bird nesting season of February to August or whilst under the supervision of a

suitably qualified ecologist, to minimise the risk of accidental destruction or disturbance of nests, eggs, and nestlings.

Reason: To monitor, protect and enhance features of ecological importance.

41. During operational periods of quarry development that take place within the bird breeding season, a cliff nesting bird survey shall be conducted to determine the status and location of cliff nesting birds, in particular peregrine falcon. Where nest site(s) are identified, a 100m buffer area (or such other margin as may be deemed appropriate by a qualified ornithologist) shall be implemented until such a time that an ornithologist confirms nesting has ended and any young have fully fledged.

Reason: To monitor, protect and enhance features of ecological importance.

42. Prior to the installation of lighting at the quarry, a 'lighting plan shall be submitted for the approval of the Mineral Planning Authority. The plan shall include measures to monitor lux levels as part of a need to minimise light pollution and minimise ecological impacts, particularly on bats. The scheme shall be implemented as agreed.

Reason: To monitor, protect and enhance features of ecological importance.

43. Within 12 months of the date of consent or prior to a resumption of quarrying, whichever is the later a Reptile Mitigation Strategy setting out a procedure for the clearance of known or potential reptile habitats shall be submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall be implemented as approved.

Reason: To monitor, protect and enhance features of ecological importance.

44. Within 12 months of the date of this permission, a Tree Protection Scheme for the identification and protection of all trees and hedgerows on the boundary of the site shall be submitted to and approved by the Mineral Planning Authority; the approved Tree Protection Scheme shall be implemented within six months of the date of approval and shall be maintained for the duration of mineral extraction operations at the quarry.

Reason: To ensure the proper landscaping of the area and the protection of existing important woodland in the interests of visual amenity.

45. Not later than three months before carrying out the stripping, relocation, storage and treatment of topsoil, subsoil, other soil forming material and overburden from any part of the site, a Soil and Overburden Storage Scheme shall be submitted for the approval of the Mineral Planning Authority; after the date of its approval all operations shall be carried out only in accordance with the approved Soil and Overburden Storage Scheme or such variation thereof as may be approved in writing by the Mineral Planning Authority; unless the Mineral Planning Authority should otherwise require, the Soil and Overburden Storage Scheme shall include the following provisions:-

- (a) A Soil Resource Plan (SRP) to ensure that soil functionality is not adversely affected;
- (b) Phasing details to identify individual areas to be stripped of soil or overburden as one operation;
- (b) Topsoil and other surface materials to be kept physically separated in mounds;
- (c) The mounds created to have regard to assisting in screening exposed quarry faces or plant where necessary;
- (d) All trees and vegetation cleared in the course of operations hereby permitted to be removed from the site and not to be burned or buried on the site;
- (e) All overburden and topsoil to be removed and stored from any phase identified under (a) above to be excavated as one operation prior to excavation commencing in that area;
- (f) Any mound visible from outside the quarry to be grassed on completion of storage;
- (g) All topsoil and overburden to be used to facilitate restoration and landscaping works in any part of the quarry, and not to be removed from the quarry or otherwise disposed of ; and
- (h) The Mineral Planning Authority to be notified at least 2 working days prior to the commencement of any operations or works which require excavation of soil.

Reason: To ensure the availability of adequate suitable material for the restoration of the quarry and for the eventual restoration of the remainder of the site.

46. Within 3 months of the date of this permission, a detailed Landscaping Scheme showing proposed landscape works (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) and any review of existing landscape works shall be submitted for the approval of the Mineral Planning Authority; after the date of its approval all operations shall be carried out in accordance with the approved Landscaping Scheme or such variation thereof as may be approved in writing by the Mineral Planning Authority; unless the Mineral Planning Authority should otherwise require, the Landscaping Scheme shall include the following:-

- (a) A landscaping implementation programme, including details of the advance landscaping in areas A shown on plan ref A040879 4-01v3 and A08749/4.02v3;
- (b) Scaled planting plans(including finished levels where appropriate) showing the landscape treatment of:
 - (i) the boundaries of the site;
 - (ii) the redundant quarry faces and areas, including appropriate timescales for implementation; and
 - (iii) stockpiles and soil, overburden and waste material storage areas.
- (c) Planting plans shall be based upon the details set out in Sections 6.0

and 7.0 of the Planning Application Statement (August 2015) supplemented by:

- (i) Schedules of plant species, sizes, numbers or densities;
- (ii) Scaled tree pit sectional and plan drawings;
- (iii) Planting methodology and post-planting aftercare methodology; and
- (iv) A topsoil and subsoil specification for all planting types.

Reason: To ensure the proper landscaping of the area and the protection of existing important woodland in the interests of visual amenity.

47. Any trees, plants, or hedgerows which die, are removed, become seriously damaged or diseased, or become (in the opinion of the Mineral Planning Authority) otherwise defective, throughout the duration of mineral extraction operations at the quarry shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Mineral Planning Authority gives written consent to any variation.
Reason: To ensure the proper landscaping of the area and the protection of existing important woodland in the interests of visual amenity.

K: Cultural Heritage

48. Prior to the commencement of any soil stripping in the currently undisturbed south eastern extension area of the Site, a scheme of historic environment mitigation shall be submitted for the approval of the Mineral Planning Authority setting out proposals for a rapid recording survey, to be carried out by a competent archaeological contractor, who should be present during soil stripping operations. The scheme shall make provision for any archaeological interest to be recorded and reported, and for contingency measures to be implemented in the event of identifying any currently unforeseen features of archaeological interest and the programme of work shall 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.

L: Restoration

49. Not later than 21.02 2045, or the expiry of six months following the permanent cessation of the winning and working of minerals, whichever is the sooner, the Operator shall submit for the written approval of the Mineral Planning Authority, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry. The final restoration scheme shall be based upon the Quarry Restoration Concept Plan ref A087949 4-02 v3.dwg dated 7th July 2015, and provide for the Site to be restored as a nature conservation bias, with restoration treatment of the benches and faces, and subject to ground conditions, the provision of ponds / ephemeral areas at the base of the restored quarry. The remainder

of the Quarry Site shall be cleared of all plant, machinery, buildings and apparatus in accordance with the requirements of Condition 5 The restoration scheme shall include details of the final re-profiling works for the Quarry Site, the soil /soil forming material profiles to be established; tree and shrub planting schedules; seeding, fencing and drainage; and a programme and timetable for the implementation of the works.

Reason: To ensure the proper and beneficial restoration of the quarry at the earliest practicable date once mineral extraction ceases, in the interests of visual amenity and the avoidance of dereliction.

50. The Detailed Restoration Scheme approved under Condition 49 above shall be implemented and completed within 5 years of its approval or such other period as may be approved in writing by the Mineral Planning Authority.

Reason: To ensure the proper and beneficial restoration of the quarry at the earliest practicable date once mineral extraction ceases, in the interests of visual amenity and the avoidance of dereliction.

51. An aftercare scheme for the Site, covering a period of 5 years, specifying such steps as may be necessary to bring the Site to a condition fit for the proposed after use shall be submitted for the approval of the Mineral Planning Authority not less than 6 months prior to the date at which it is expected that the restoration works will be completed.

Reason: To ensure the proper and beneficial restoration of the quarry at the earliest practicable date once mineral extraction ceases, in the interests of visual amenity and the avoidance of dereliction.

52. No materials from outside the quarry shall be deposited within the site without prior planning permission from the Mineral Planning Authority.

Reason: To prevent unlawful disposal of material at the site, and to ensure that the environmental effects if any from operations can be fully assessed.

RECOMMENDATION 2 : Where any species listed under Schedules 2 or 4 of The Conservation of Habitats and Species Regulations 2010 are present on the site, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Mineral Planning Authority. Reason: To ensure the protection of European Protected Species.

RECOMMENDATION 3 : That the developer take into consideration the advice provided by The Coal Authority in their letter dated 18th August 2015, Dwyr Cymru Welsh Water in their letter dated 25th August 2015 and NRW in their letters dated 1st September 2015 and 17th June 2016, all of which have been provided to the planning agent acting on behalf of the Applicant.

RECOMMENDATION 4 : That the Applicant be advised 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)

and it is recommended that it is carried out either by a CfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member. The applicant also be advised that they should contact Glamorgan Gwent Archaeological Trust should any unknown archaeological finds or features of significance be encountered during any groundwork.

RECOMMENDATION 5 : That the Applicant be advised of the following advice in respect of Public Rights of Way:

- (i) Dedicating new rights of way – The landowner can dedicate new rights of way within their development site under Section 25 and Section 26 of the Highways Act 1980. The route created will need to have accessibility and good surface condition for the public to use and enjoy for the Highway Authority to consider adopting as part of the PRoW network. The landowner will need to liaise directly with the PRoW team for requirements.
- (ii) The granting of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way.
- (iii) Temporary Diversion/Stopping up orders can be applied for, to Cardiff Council, to allow works to be undertaken to prevent a danger to the public. This restriction is only temporary and the route must be reopened. These orders cannot be used in lieu of a permanent order and again the developer will be expected to pay the costs of producing and implementing the order.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This a full planning application for a south east extension of Creigiau Quarry and the consolidation of the current planning permissions at Creigiau Quarry into a single permission regulating quarrying, restoration and ancillary operations at the overall quarry site.
- 1.2 Planning permission already exists for quarrying to continue at Creigiau up to the end of 2042 and given this the quarry will re-open at some stage. The issues is thus whether quarrying resumes based upon the existing approved quarry development scheme or whether is resumes based upon the current planning application. In this respect it is important to note that the current planning application through revised development limits offers the opportunity to retain substantial areas of woodland which are currently approved for quarrying within the existing quarry permitted area
- 1.3 The application is accompanied by an Environmental Statement which assesses the environmental impact of the proposals. The preparation of the Environment Statement was informed by a Scoping Opinion issued by the Council on 14th February 2014.
- 1.4 The proposals reflect the objectives of the adopted Local Development Plan (LDP) which sets out a series of proposals relating to the future of Creigiau Quarry reflecting that parts of the quarry have now been designated as “Sites of Importance for Nature Conservation” (SINCs) based on the semi natural ancient woodland within the defined area and associated ground flora.
- 1.5 Policy M3: Quarry Closures and Extension Limits of the LDP seeks to secure

measures to prevent mineral working in these areas. The key mechanism for this is the identification in Policy M1: Mineral Limestone Reserves and Resources of land to the south east of the quarry as a “Preferred Area” for a quarry extension. The rationale is that this south eastern area is not affected by any landscape or ecological designations, and the promotion of quarrying in that area could be used as a basis for relinquishing the rights to quarry in the ancient woodland area. The loss of reserves in the ancient woodland area would then be offset by the release of compensatory reserves in the south east extension area.

- 1.6 This applicant states that the application seeks to deliver this LDP policy objective and to secure a position whereby when the quarry is re-opened, it will resume activities based upon a new, more environmentally sensitive quarry development scheme which avoids quarrying within the south west wooded ridgeline and which more generally minimises disturbance to other woodland areas within the existing quarry boundary.
- 1.7 This planning application also represents an opportunity to impose new planning conditions on the quarry which reflect modern standards and requirements,
- 1.8 Given this the application provides for:
 - (1) A revised quarry development scheme for the south west, north west and north east areas of the existing quarry. This revised scheme would ensure that with the exception of a small area of woodland in the southern are of the quarry outside the areas defined for protection in the LDP, there would be no quarrying within areas of the existing quarry defined as ancient woodland, and no quarrying with the substantial other areas of woodland within the south west, north west and north east areas of the quarry. The result would be the retention of some 4.26 hectares of ancient woodland and 3.8 hectares of other woodland, compared to the currently approved quarry development scheme which would result in the loss of 4.61 hectares of ancient woodland and 2.62 hectares of other woodland.
 - (2) A south east extension of the quarry into the defined LDP quarrying “Preferred Area”, where the reserves in the extension area would generally balance the reserves in the defined south west, north west and north east areas, and where, subject to an acceptable permission for the consolidation development, the voluntary relinquishment of reserves could be secured by a legal agreement.
- 1.9 The overall development scheme for the quarry makes provision for :
 - (1) The exclusion from the quarry development area of mature woodland within the current quarry boundary in the south west and north west areas set out for protection in the adopted LDP.
 - (2) The exclusion of other areas of mature woodland within the current quarry boundary in the west and north east areas, in order to minimise disturbance to established woodland and avoid any interference to ancient woodland.
 - (3) The construction of a screen bund around the eastern, south east and southern edge of the south east extension are, which would define and enclose the extension area and, via tree planting in the bund, would provide a linear landscape corridor between established woodland on the south west and north east sides of the bund;
 - (4) The recommencement of quarrying in the north eat area of the north quarry, at maximum distance from properties in Creigiau with a construction of a new

- access ramp to the north quarry year 1;
- (5) The use of a mobile crushing and screening plant to process the limestone, which would be relocated between the north and south quarry areas to meet operational requirements;
 - (6) The implementation of early restoration works on the upper areas of the existing east faces of the south quarry (years 2 to 3) with seeding and planting to create a green restored edge to the quarry;
 - (7) The phased development of faces and benches into the south east extension area (south quarry) working in tandem with quarrying in the north quarry (year 10 development) with quarrying in the north quarry to be completed by the end of the year 10 development sequence;
 - (8) The progressive backfill restoration of the north quarry concentrating initially on the east/north east area as a continuation of restoration works along the eastern edge of the quarry (year 20 development);
 - (9) Development of the south quarry to the defined south east limit providing a blend between “whitestone” and “brown stone” (year 20 development);
 - (10) The retention of the wooded knoll in the western area of the south quarry until the later stages of the year 20 development scheme, allowing restoration works along the eastern side of the quarry to progress and mature by the time distant views towards the eastern side of the quarry are exposed (year 20 development);
 - (11) Development of the quarry faces and benches to the west to the revised defined limits of quarrying which retain the woodland to the west and south west (final development);
 - (12) The extraction of a saleable reserve of some 12.8 million tonnes at an assumed rate of 400,000 tonnes per annum; and
 - (13) The progressive implementation of a comprehensive restoration strategy which will restore the site to an amenity/nature conservation after use with woodland planting and natural recolonization designed to integrate with retained woodland around the periphery of the quarry and, following the cessation of groundwater pumping, the creation of a lake in the north and south quarries which will further enhance the nature conservation value of the restored site.

2. **DESCRIPTION OF SITE**

- 2.1 Creigiau Quarry is a long established limestone quarry which lies to the east of the village of Creigiau, and west of the village of Pentyrch some 11 kilometres north west of Cardiff. The quarry already benefits from a planning permission issued in 1947 relating to the western and central areas of the quarry. Planning permissions for extensions to the original quarry were granted in 1953, 1956 and 1957. The quarry last worked in 2002.
- 2.2 The site area defined by the application site boundary is 40.9 hectares in extent, of which the proposed extraction area, including the proposed south east extension area is 26.05 hectares. This is virtually identical to the currently permitted extraction area in the existing quarry of 26.21 hectares which includes the woodland areas proposed for surrender along the south west and western edges of the existing quarry.

- 2.3 The south east extension area comprises agricultural land used for pasture, with isolated remnant mature trees and intermittent field boundaries. The development would result in the loss of some 6.5 hectares of agricultural land of Grade 3b (Moderate) quality. This is not identified as best and most versatile quality land (Grades 1, 2 and 3a) and in planning policy terms limited weight is afforded to the loss of land of such relatively poor quality. The land falls gently from between 140 metres AOD and 132 metres AOD along the southern boundary of the current south quarry, to 116 metres AOD along the southern boundary of the extension site.
- 2.4 The significant ecological sensitives affecting the site comprise two Sites of Importance for Nature Conservation (SINC's_ that partially lie within the site. These comprise Coed-y-Creigiau SINC and Ffynnon Dwym Wood SINC and have been selected on the basis of the semi-natural woodland habitats that are present. These cover 15% of the overall application area. Public Rights of Way (PROW) run along the western, northern boundaries of the quarry and on the eastern side two footpaths protrude into the application site some 20 metres and 50 metres into the site boundary and then end. In addition to this there is also a remnant length of a footpath within the quarry which does not link with other rights of way and does not exist on the ground since the route comprises historical quarry faces and benches.
- 2.5 There are no significant heritage assets identified within the proposed extension to the quarry. Craig-y-Parc Historic Park and Garden lies approximately 600 metres to the south east of the application boundary
- 2.6 Access to the quarry is via an existing internal road which runs from a junction onto Heol Pant-y-Gored/Station Road.
- 2.7 Permitted reserves in the current quarry are, including those present within the above mentioned south west, north west and north east areas of the quarry amount to approximately 11.16 million tonnes. The reserves of limestone proposed for extraction via the consolidation/extension development scheme amount to some 12.78 million tonnes. The consolidation development would thus add reserves of some 1.62 million tonnes, which would equate to some 4 years additional life at an output of 400,000 tonnes per annum. At this rate of output the development would continue for an overall period of some 32 years, compared to the remaining 27 year timescale of the current planning permission (which runs to 21st February 2042).

3. **RELEVANT SITE HISTORY**

Site History

- 3.1 S.7875 – Interim Development Order (IDO) permission for use of land for quarrying covering the western and central areas of the quarry issued 9th April 1947.
- 3.2 CR.1959, CR.3986 and CR.3645 – Planning permissions for extensions to the original quarry were granted on 7th October 1953, 3rd October 1956 and 8th February 1957.

- 3.3 56/93/0730 – In accordance with Section 22 of the Planning and Compensation Act 1991 a schedule of updated planning conditions for the original IDO area was issued by the former Mid Glamorgan County Council on 25th April 1994. This introduced a comprehensive set of modern operating conditions for the original IDO part of the quarry.
- 3.4 97/0401W – In accordance with Section 96 of the Environment Act a schedule of updated planning conditions for the remaining part of the quarry covered by the 1953, 1956 and 1957 planning permissions was issued by the Council on 18th September 1997. This exercise of a “Review of Old Mining Permissions” is commonly referred to a “ROMP Review” and introduced a comprehensive set of modern operating conditions for the remaining part of the quarry covered by the 1953, 1956 and 1957 planning permissions.
- 3.5 In summary therefore there are four original planning permissions, and two updated schedules of conditions relating to the original IDO area and the remainder of the quarry covered by the ROMP review. Both updated schedules of conditions impose an end date of quarrying of 21st February 2042.
- 3.6 IDO and ROMP reviews are required to be undertaken at periodic intervals, conventionally 15 years, to ensure that all conditions are kept up to date to reflect new working practices and legislation. Given this an IDO and ROMP review is currently overdue. However, the Council has formally agreed with Tarmac that this review can be delayed and held in abeyance pending the outcome of the current consolidation/extension application, which if approved would serve the same effect of the IDO/ROMP Review and introduce a single set of updated conditions for the whole quarry.

4. **POLICY FRAMEWORK**

Local Policy

4.1 **Cardiff Local Development Plan 2006-2026** (Adopted January 2016)

Key Policies:

KP3(A): GREEN WEDGE

KP3 (B): SETTLEMENT BOUNDARIES

KP7: PLANNING OBLIGATIONS

KP8: SUSTAINABLE TRANSPORT

KP11: CRUSHED ROCK AGGREGATES AND OTHER MINERALS

KP15: CLIMATE CHANGE

KP16: GREEN INFRASTRUCTURE

KP18: NATURAL RESOURCES

Detailed Policies:

EN1: COUNTRYSIDE PROTECTION

EN3: LANDSCAPE PROTECTION

EN5: DESIGNATED SITES

EN6: ECOLOGICAL NETWORKS AND FEATURES OF IMPORTANCE FOR BIODIVERSITY

EN7: PRIORITY HABITATS AND SPECIES

EN8: TREES, WOODLANDS AND HEDGEROWS

EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT
EN11: PROTECTION OF WATER RESOURCES
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
T5: MANAGING TRANSPORT IMPACTS
T6: IMPACT ON TRANSPORT NETWORKS
M1: MINERAL LIMESTONE RESERVES AND RESOURCES
M2: PREFERRED ORDER OF MINERAL RESOURCE RELEASE
M3: QUARRY CLOSURES AND EXTENSION LIMITS
M4: MINERALS BUFFER ZONES
M5: RESTORATION AND AFTER-USE OF MINERAL WORKINGS
M7: SAFEGUARDING OF SAND AND GRAVEL, COAL AND LIMESTONE RESOURCES

- 4.2 The application site lies outside the settlement boundary is shown on the Cardiff LDP Proposals Map (Policy KP3(A)) and within land designated as a Green Wedge in the Plan (Policy KP3(B)). The application site is also included within land designated as a Special Landscape Area (Policy EN3) and within a Limestone Safeguarding Area (Policy M7).
- 4.3 The Cardiff LDP Proposals Map also identifies the majority of application site as an area where existing mineral reserves will be safeguarded from development and that would prevent their extraction (Policy M1). The remainder of the application site is either shown as preferred area of known resources suitable for the future working (Policy M1) or an area where measure to prevent further mineral working will be sought (Policy M3). This policy position reflects the objectives of the LDP in relation to the future development of the quarry where already permitted mineral reserves in the southern and western parts of the quarry would be relinquished in exchange for the release of new reserves to the south east of the quarry. This swap of reserves would provide for the retention of sensitive woodland areas within the areas proposed for closure. The adopted Mineral policies in the LDP allow for this swap of reserves and allocate land at the quarry accordingly.
- 4.4 Policy M5 of the adopted LDP includes a requirement for the restoration and after-care of mineral working schemes. It encourages developers to undertake progressive restoration, make beneficial use of mineral waste generated by mineral operations and realise nature conservation targets through the use of appropriate restoration mechanisms.
- 4.5 The LDP Constraints Map does not identify any constraints within the application site other than the existence of a limestone resource within the application site.
National Planning Policy
- 4.6 Planning Policy Wales sets out land use planning policies of the Welsh Government. These are supplemented by a series of Technical Advice Notes and Circulars.
- Planning Policy Wales** (Edition 8 January 2016)
- 4.7 Section 1.2 explains the purpose of the planning system is to manage the development and use of land in the public interest, contributing to the achievement

of sustainable development. It notes that the planning system should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. It recognises that a well functioning planning system is fundamental for sustainable development.

4.8 PPW has been updated, amongst other things to take into account the Well-being of Future Generations (Wales) Act 2015, and now includes information on the provisions of the Act, including the seven well-being goals designed to help ensure that public bodies are all working towards the same vision of a sustainable Wales and the sustainable development principle. This principle requires a defined public body to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.9 Paragraph 4.2.2. states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated at the same time, by the decision-taker in taking decisions on individual planning applications. These three elements of sustainable development are underpinned by a series of principles (section 4.3.1) which should be adhered to in applying sustainable development in the planning system. These are listed below:

- *Putting people, and their quality of life now and in the future, at the centre of decision-making;*
- **Engagement and involvement**, *ensuring that everyone has the chance to obtain information, see how decisions are made and take part in decision-making;*
- *Taking a **long term** perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *Respect for **environmental limits**, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- *Tackling **climate change** by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change;*
- *Applying the **precautionary principle**. Cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is;*
- *Using **scientific knowledge to aid decision-making**, and trying to work out in advance what knowledge will be needed so that appropriate research can be undertaken;*
- *While preventing pollution as far as possible, ensuring that the **polluter pays** for damage resulting from pollution. In general the Welsh Government will seek to ensure that costs are met by those whose actions incur them;*
- *Applying the **proximity principle**, especially in managing waste and pollution. This means solving problems locally rather than passing them on to other places or to future generations;*

- *Taking account of the full range of **costs and benefits** over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime; and*
- *Working in **collaboration** with others to ensure that information and knowledge is shared to deliver outcomes with wider benefits.*

4.10 Chapter 14 of Planning Policy Wales sets out land use planning policy of the Welsh Government in relation to minerals extraction and related developments. Paragraph 14.1.1 emphasises that mineral working is different from other forms of development for the following reasons;

- *extraction can only take place where the mineral is found to occur;*
- *it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time;*
- *Wherever possible any mineral working should avoid any adverse environmental or amenity impact; where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits;*
- *when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after use so as to avoid dereliction, and to bring*
- *discernible benefit to communities and/or wildlife.*

4.11 Paragraph 14.1.2 states that it is likely that society needs, and will continue to need for the foreseeable future, a wide range of minerals. It states that the essential role of mineral planning authorities² in relation to mineral working is to ensure that a proper balance is struck between that fundamental requirement, the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment and sets out the following key principles:

- *to provide for an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity;*
- *to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure, without compromise, restoration and aftercare to provide for appropriate and beneficial after-use;*
- *to help conserve non-renewable resources for future generations through efficient use, recycling and waste prevention; to protect renewable resources from serious harm or pollution; and to promote the use of appropriate alternative materials;*
- *to ensure an adequate supply of minerals that are needed at prices that are reasonable; and to safeguard mineral resources for future generations.*

4.12 Paragraph 14.1.3 states that any effects on local communities and the environment must be minimised and thereafter ameliorated to an acceptable standard. It states that in certain areas, mineral extraction may not be acceptable. For example, where a proposal for mineral extraction would cause demonstrable harm to the environment or amenity, which cannot be overcome by planning

conditions or agreements, planning permission should not be granted. There may be other circumstances that dictate this stance. It states that the overriding objective is to provide a sustainable pattern of mineral extraction by adhering to 5 key principles that authorities must take into account in development management³ and when formulating development plan policies. These five key principles (paragraphs 14.2 to 14.6) are listed below:

- Providing positively for the safeguarding and working of mineral resources to meet society's needs;
- Protecting areas of importance to the natural or built heritage from inappropriate mineral development;
- Reducing the impact of mineral extraction and related operations during the period of working
- Achieving a high standard of restoration and aftercare and providing for beneficial after-uses when mineral working has ceased; and
- Encouraging the efficient and appropriate use of high quality materials and maximising the potential for re-use and recycling.

Technical Advice Notes (TANs) Mineral Technical Advice Notes (MTANs) and Circulars

4.13 Key MTANs, TANs and Circulars include:

- MTAN1: Aggregates (2004)
- TAN5 Nature Conservation and Planning (2009)
- TAN11: Noise (1997)
- TAN18: Transport (2007)
- Circular 60/96 "Planning and the Historic Environment: Archaeology"
- Circular 07/12 "The Town and Country Planning (Notification) (Wales) Direction 2012

4.14 MTAN 1 provides advice on the landbank of permitted reserves which should be maintained for aggregates, with a reference to a minimum 10 year landbank for crushed rock to be maintained during the entire development plan period (para 49). It continues by noting that where landbanks already provide for more than 20 years extraction, new allocations in development plans will not be necessary, and mineral planning authorities should consider whether there is justification for further extensions to existing sites or new extraction sites as these should not be permitted save in rare and exceptional circumstances. This may be justified, for example, where supply of an aggregate of a particular specification is clearly demonstrated..... (ref para 49).

4.15 MTAN1 cross refers to the wider advice on supply set out in the 'Regional Technical Statement' (RTS). The First Review of the RTS for South Wales (2014) comprises a main document, with a Regional Annex for South Wales and North Wales. Together they provide a general strategy for the future supply of aggregates over a 25 year period, and provide recommendations to each Mineral Planning Authority regarding the quantities of aggregate which need to be supplied from their area (apportionments), and the total tonnage of any new allocations which may need to be made in their Local Development Plans. These calculations

are based upon average sales over a 10 year period (2000 - 2010) and the extent of permitted reserves at 2010. In relation to Cardiff Council, the Regional Annex requires that the LDP makes provision for a crushed rock apportionment of 0.86 million tonnes of crushed rock per annum. The total apportionment for Cardiff, as calculated over the 25-year horizon covered by the First Review of the RTS is 21.5 million tonnes for crushed rock. This compares with an existing landbank of 41 million tonnes for crushed rock (as at 31st December 2010).

- 4.16 In view of the surplus of these existing permitted reserves, the RTS recommends no further allocations for future working are required to be identified within the Cardiff LDP. However, the RTS Annex emphasises that there are other factors relating to environmental capacity which should be taken into account in individual cases. In relation to Creigiau, Cardiff Council have concluded that the promotion of an extension to Creigiau Quarry as a mean of substituting reserves which should be relinquished in a more sensitive area would not be inconsistent with the RTS, noting also that there would be no material increase in reserves arising from the extension development and reserve relinquishment.
- 4.17 MTAN1 sets out detailed advice on the mechanisms for delivering the policies of MPPW. Of particular relevance is 'Section C', which deals with one of the 5 key principles of MPPW, namely the objective 'to reduce the impact of aggregates production'. MTAN 1 outlines a number of measures to fulfil that principle, including the establishment of buffer zones, control of dust, blast vibration, noise, visual impact, undertaking environmental audits, and the establishment of community liaison.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The **Operational Manager Transportation** provides the following advice in respect of the amended application:

TRANSPORT OBSERVATIONS

1. APPLICANT

Tarmac Trading Ltd c/o Mr Graham Jenkins (Agent) SLR Consulting Ltd, Fulmar House, Beignon Close, Ocean Way, Cardiff, CF24 5PB.

2. DESCRIPTION AND LOCATION OF PROPOSED DEVELOPMENT

South East extension of Creigiau Quarry and extraction of a proportion of remaining reserves within the existing quarry as a phased development programme involving the extraction of some 12.78M tonnes of limestone; the construction of a landscape screen bund around the eastern and south eastern margins of the extension area; use of mobile crushing and screening plant to process limestone from the existing quarry and extension; use of existing quarry access road and entrance onto Heol Pant y Gored; and implementation of a comprehensive restoration scheme for the application site to establish amenity grassland, woodland and nature conservation uses.

3. Application Details

A Transport consultation response is sought by Development Management in respect of the proposal for the south east extension of Creigiau Quarry (as described above).

The existing quarry benefits from a planning permission which allows quarrying of reserves of approximately 11.16M tonnes until 21st February 2042.

As a result of the submitted proposals the available reserves would be increased to 12.78M tonnes which would extend the working life of the quarry by a further 4 to 5 years on the basis of an anticipated output of 300,000 to 400,000 tonnes per year.

The existing quarry was mothballed back in 2002 with all commercial activity at the site ceasing.

4. Transportation

The submitted Environmental Statement (ES) Section 13 deals specifically with traffic and transportation. It identifies that currently there are two routes from the quarry to the A4119 i.e. turning left along Heol Pant y Gored and right along Station Road. Historic operations show that the HGV's travelling to/from the site would travel via Heol Pant Y Gored and Cardiff Road to the A4119 Llantrisant Road, where they would distribute towards Cardiff and/or Junction 34 of the M4 Motorway. Therefore, despite there being no restriction to right turning movements out of the site this manoeuvre was not made in practice.

Existing HGV movement to/from the site is currently permitted between 07:00 – 18:00 Monday to Friday and 7:00 – 13:00 on Saturdays. No working is currently permitted on Sundays or Public/Bank Holidays except for emergencies. There are also currently no restrictions to permitted activities in terms of output, vehicle routing/distribution or traffic volume.

Although there is currently no restriction to HGV's turning right out of the site and left into the site, the Council would seek to prevent this manoeuvre due to the existing bridge being subject to a 7.5t weight restriction. Therefore, it is proposed that the existing access be modified such that such manoeuvres are physically discouraged, albeit any contravening of the weight restriction would be a matter for enforcement.

Section 13.4 assesses the effects of traffic on the highway network along the route between the quarry and A4119. Traffic surveys were undertaken on the local highway network on Tuesday 9th July 2013 at the following junctions:

- Heol Pant Y Gored / Cardiff Road*
- Cardiff Road / Llantrisant Road.*

The surveys identified that a total of 15 HGV and 27 Bus movements (2 way) were recorded along Heol Pant Y Gored itself.

The network peak hours are identified as being 08:00 – 09:00 and 17:30 – 18:30 in the AM and PM respectively.

Based on an annual output of 300,000 to 400,000 tonnes per annum and an average payload of 20 tonnes, it is anticipated that the development would generate in the order of 55 to 73 loads per day, which would result in 110 to 146 (2 way) movements per day and 10 to 14 (2 way) movements per hour on average.

Whilst it is accepted that the quarry would likely have had similar numbers of HGV movements associated with the extant permission, i.e. based on an output of 300,000 to 400,000 tonnes per annum, it must be taken into account that the site has not been in operation since 2002, i.e. 14 years ago. Therefore, consideration must be given to current conditions and change in circumstance that have occurred over this period of time.

Such conditions principally relate to the operation of the existing highway network, particularly along Heol Pant Y Gored, which is not wide enough along its entire length for 2 HGV's to pass. This situation is currently the case and is likely to be made worse in terms of frequency once the quarry is back in operation.

In addition to the above, footway improvement works have been undertaken by the Council adjacent to the existing properties along Heol Pant Y Gored in order to provide a safer environment for pedestrians. Furthermore, Creigiau Travel which is situated within close proximity to the quarry site also benefits from planning permission (since 2002) in order to formalise and extend the coach operation. Vehicle movements have therefore increased as a result of these due in part to the increase in school contracts that have taken place.

Heol Pant Y Gored is also regularly used by several other bus companies transporting children to various schools including Creigiau Primary School, the Bishop of Llandaff Church in Wales School, Radyr Comprehensive School and Ysgol Plasmawr.

Officers have investigated the route along Heol Pant Y Gored and have identified four locations where it would be possible to create passing places between the site access and its junction with Cardiff Road. This would comprise of the widening of the existing carriageway in order to achieve a lay-by with an overall carriageway width of 6.3 metres for a length of approximately 10 metres, plus tapers of 1 in 5 on both approach and exit to the lay-by.

The land required to create the additional carriageway width at each of these locations (where this cannot be accommodated within the existing adopted highway or highway land) is being provided/offered by the

developer/land owner and this has been confirmed by them. This would enable a scheme to be implemented which it is considered by officers to be necessary and directly related in scale and in kind to the proposal. As such a financial contribution of £35k is to be secured from Tarmac in order to implement these works, within 12 months of the date that the additional land required to deliver the scheme is dedicated to the Council. These monies will be secured by way of a S106 Agreement and paid to the Council when the agreement is signed, should the resolution of Planning Committee be to grant the application. It is anticipated that the land will be dedicated within 3 months of the date of this same agreement.

Conclusion

Whilst it is accepted that some inconvenience already exists along Heol Pant-Y-Gored when large vehicles are passing, it is considered that there will be a worsening of the existing situation when the quarry re-opens. As detailed above officers have considered this in detail and identified a solution which would be of benefit to the operation of the quarry as well as existing users of Heol Pant Y Gored.

5. Recommendation

On the basis of the above I can confirm that Transport would have **no objection** to the proposal subject to the following Conditions and S106 Matters being included/secured:

Conditions:

- (i) **Details of Access** – Within 3 months of a substantive commencement of operations (output of 50,000 tonnes over a six month period) details of the improvements to the existing access shall be submitted to the Local Planning Authority for approval. The scheme to comprise of the construction of a traffic island at the entrance to the site in order to deter/prevent vehicles from turning right out of the site and left into the site, including carriageway construction, kerbing, drainage, lining and signing. The approved scheme shall be implemented prior to the quarry coming back into operation, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing the site.
- (ii) **Site Management Plan** – Within 6 months of the date of this planning permission a site management plan shall be submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to through the construction phase and whilst the quarry is in operation. The plan shall provide for:
 - (a) The parking of vehicles of site operatives and visitors, together with areas for the parking of HGVs within the quarry site area.
 - (b) Areas for the offloading of plant and equipment, which shall be within the quarry site area.

- (c) Location of the quarry weighbridge and site office.
- (d) Identification of the route that HGVs will take when accessing/egressing the quarry, i.e. avoiding Station Road in order to comply with the existing weight restriction that is present on the adjacent bridge/s. To also include the route that the movement of plant will take, i.e. abnormal loads.

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.

S106 Matters:

- (iii) **Highway Improvement Works** – That a financial contribution be secured from the developer towards a scheme of highway improvements along Heol Pant Y Gored. The scheme to comprise the construction of 4 No passing places along this route including carriageway reconstruction, kerbing, drainage, translocation of hedgerows and resurfacing. A figure of **£35k** has been calculated by officers in order to be able to deliver these works.

- 5.2 **Pollution Control (Noise and Air)** confirm they have no comments on the amended application subject to the inclusion of suitable conditions to mitigate the impact of noise from the quarry and to mitigate impacts on air quality in the area surrounding the quarry. They also request a financial contribution of £2,500 to fund ongoing air quality monitoring during operation of the quarry.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 The **Planning Division, Welsh Government** advise that they have received a call in request for the application.

- 6.2 **Natural Resources Wales** objected to the application in their initial comments pending the provision of further information regarding European Protected Species (Dormice). The applicant subsequently submitted further information and their revised comments on the amended application are set out below:

*We have significant concerns with the proposed development as submitted. However, we consider it likely the concerns can be addressed and we would not object, provided the following **conditions** are imposed on any planning permission granted. **Without these conditions, the proposal is likely to have an unacceptable effect on the environment.***

Summary of Conditions:

1. Delivery of ecological mitigation;
2. Habitat Management and Monitoring Scheme;
3. Future monitoring and management of abstraction/disposal at the quarry;
4. Borehole installation.

Further details in relation to each condition is given below.

European Protected Species

Dormice

The 'Environmental Statement Volume 1 Creigiau Quarry Extension and Consolidation Application' prepared by SLR Consulting Limited, dated 3 August 2015, identifies, as a result of the proposals there will be a loss of 1.2ha of woodland and 4.3ha of scrub, but restoration of the site will result in the creation of 12.05ha of new woodland through planting and natural regeneration. We welcome the intention to undertake replacement woodland planting and begin management of the existing woodlands, in advance of resumption of quarrying operations.

The 'Creigiau Quarry – Extension and Consolidation. Draft European Protected Species Licence Method Statement in respect of Hazel Dormouse' Version 1, dated May 2016, provides further detail of the phasing of the proposed progressive habitat creation in the context of loss of existing woodland and scrub habitats. We consider the mitigation measures set out in the method statement are an adequate basis on which to assess the likely impacts upon dormice as a result of the proposals.

Notwithstanding this, there are a number of aspects and details of the mitigation proposals we would seek further detail of and to build upon at the time of the European protected species licence application. Whilst we welcome the intention to create new hedgerows linking woodland habitats on the northern and southern extents of the site, we advise that these should be significantly wider than the minimum 1m currently proposed.

Bats

The surveys identified use of the site by at least 8 bat species, and roost sites for small numbers of common and soprano pipistrelle bats were found within a number of trees and in the quarry face. We understand 4 of these roost sites will be lost as a result of the proposals. Section 7.8.3 of the Environmental Statement, which includes updated surveys and the provision of alternative roosting provisions, proposes mitigation measures.

Subject to the implementation of the proposed progressive restoration scheme and implementation of the mitigation measures set out in Section 7.8 of the Environmental Statement and the draft dormouse licence method statement, we do not consider the proposed development will result in a detriment to the maintenance of the favourable conservation status of dormice or bats. Therefore, the proposed development will be acceptable if the following measures are implemented and secured by way of suitably worded planning conditions and/or planning obligations on any permission your Authority is minded to grant:

Condition

The scheme should be implemented in accordance with Section 7.8 of the 'Environmental Statement Volume 1 Creigiau Quarry Extension and Consolidation Application' prepared by SLR Consulting Limited, dated 3 August 2015, and 'Creigiau Quarry – Extension and Consolidation. Draft European

*Protected Species Licence Method Statement in respect of Hazel Dormouse'
Version 1, dated May 2016.*

Reason

To ensure delivery of ecological mitigation.

Condition

No works on site shall take place until a detailed long-term Habitat Management and Scheme has been submitted to and approved in writing by the Local Planning Authority. Any subsequent amendments to the approved Habitat Management and Monitoring Scheme shall be agreed in writing with the Local Planning Authority. The approved Habitat Management and Monitoring Scheme is to be implemented as agreed.

Reason

To ensure the favourable management of existing, retained and new habitats on site, which is consistent with the needs of the protected species associated with the development.

We expect the Habitat Management and Monitoring Scheme to cover, and be implemented for the duration of quarrying operations, and beyond the final restoration. We expect a Habitat Management and Monitoring Scheme to include, but not be limited to:

Definition of habitats present, desired condition of habitats present and management necessary to deliver and maintain these;

- Appropriate scheduling and timing of activities;*
- Proposals for on-going review of management and maintenance;*
- Details of remedial action to be undertaken where problems are identified by the monitoring scheme.*

Great Crested Newts

The surveys of the 10 waterbodies on site found no evidence of great crested newt. However, we welcome the intention in Section 7.8.3 of the Environmental Statement, which given the timescale of the development and proximity of great crested newt records to the site, updated surveys will be undertaken, and advise these surveys are carried out.

Further Advice to Applicant

We advise the Applicant seeks a European protected species licence from Natural Resources Wales under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact dormice or roosting bats. Please note, the granting of planning permission does not negate the need to obtain a licence.

Hydrology and Hydrogeology

We acknowledge the Water Environment Protection Scheme (WEPS) v4.0, dated January 2008, was previously accepted by Environment Agency Wales

(now Natural Resources Wales) in February 2008. Section 9 of the Environmental Statement concludes the WEPS is still appropriate after considering the proposed changes to quarry development.

In the Environmental Statement, springs 6 and 7 are considered potentially vulnerable with a low risk of impact from dewatering, yet they are not considered in the proposed baseline monitoring detailed in the WEPS. We recommend these springs are included in baseline monitoring.

*Notwithstanding the above, we are in agreement with the principle of the WEPS v4.01, dated July 2015. Details of the scheme, including formulation of assessment criteria, impact monitoring and mitigation are yet to be agreed with us. It is our understanding these will be agreed at a later date once a minimum of 12 months baseline monitoring is completed. **Therefore, in line with the recommendations set out in 9.11 of the ES, future monitoring and management of abstraction/disposal at the quarry should be adhered. We advise that this is controlled through a suitably worded condition.***

The condition must ensure sufficient baseline monitoring, to include all groundwater level monitoring boreholes and surface water features as detailed in WEPS v4.1 Annex 2, for at least 12 consecutive months. After this point the condition should trigger details of the scheme (including formulation of assessment criteria, impact monitoring and mitigation) to be submitted and agreed in writing with the Mineral Planning Authority, in consultation with NRW.

*We advise your Authority, construction details of existing boreholes (CR1/97 and CR2/97) included in the WEPS baseline monitoring proposals, should be provided to demonstrate they are fit for purpose. **The details and location of the proposed boreholes (BH1, BH2 and BH3) should be reviewed and agreed with us prior to installation. Therefore we advise that a suitably worded condition is secured to ensure these details are submitted and agreed with the Mineral Planning Authority, in consultation with NRW.***

The proposed boreholes are located on the up gradient boundary. Any new monitoring boreholes should be located in an area where they are not going to be destroyed or damaged during operation of the quarry. Preferably, there should be one borehole up hydraulic gradient and two boreholes down hydraulic gradient.

We agree with the recommendation in the Surface Water and Drainage Assessment report, dated July 2015, prepared by ESI, to undertake a detailed survey of the receiving watercourse through the village of Creigiau.

- 6.3 In addition to these comments Natural Resources Wales also submitted a supplementary letter stating that in addition to the conditions we previously requested, we advise the following condition be imposed on any planning permission granted.

The submitted drawing Proposed Improvements to Heal Pant-y-gored road Creigiau, indicates the proposed road improvement works will involve the creation of a number of passing places along Heal Pant-y-gored. The

construction of the proposed passing places is likely to impact the existing mature hedgerow which is present along the existing road. As you are aware, dormice are confirmed to be present within the quarry site in very close proximity to the existing roadside hedgerow. We therefore consider the proposed works have the potential to impact upon dormice, a European protected species. Therefore, the proposed development will be acceptable if the following measure is implemented and secured by way of a suitably worded planning condition on any permission your Authority is minded to grant:

The preparation of a mitigation strategy that will ensure no adverse impacts on dormice as a result of road improvement works to be agreed in writing with the LPA. This should set out the impacts of the works; suitable measures that ensure dormice are conserved during the works; measures to mitigate any loss of existing habitats. The scheme to be implemented as agreed.

6.4 **Rhondda Cynon Taf** provided comments on the original submission and have raised concerns regarding traffic impact of the development on the A4119 and have requested a financial contribution towards improvements on the strategic highway network to mitigate these impacts.

6.5 **Pentyrch Community Council** objected to the original submission and comments as follows:

Pentyrch Community Council has asked me to contact you regarding the above application. The Council have met to consider the application and the views expressed by the local residents and herein are the Council's objections to the application. We also urge Cardiff Council to seriously consider the views expressed by many of the local resident groups who are strenuously opposed to the application. The Council has also received a copy of the report submitted by LRM planning and strongly endorses the content of that report.

We have significant concerns over the submitted application in particular in relation to the south east extension of the quarry sought by Tarmac. We struggle to see how approving this application complies with the sustainable development principle of "Putting people and their quality of life now and in the future at the centre of decision making".

The Council would like you to consider the following:-

IMPACT ON THE ENVIRONMENT & COMMUNITY

Noise and Blast Vibration: - Section 10 of the ES in its study of the noise effects of the quarrying operation at Creigiau Quarry appears to have a number of limitations. Section 10.7.1 seems to indicate that noise from blasting was not included within the assessment; its absence would be extremely misleading. Also the closest location used for the purpose of the survey was approximately 470m away. This Council are concerned that there are a number of properties closer to the boundary that have not been assessed, as well as the local Primary School where adverse noise conditions would significantly affect the classroom environment. An additional noise assessment is definitely needed to provide a full picture of the noise effect.

When the quarry operated previously there were significant complaints regarding the effect of blasting presumably made worse because of the geological fault line between the quarry and Pentyrch. If blasting is to re-commence formal arrangements should be put in place to measure the strength of the blasts and the vibration caused so as to monitor and minimise any potential for structural damage.

The Council note that during the previous period of operation of the quarry there were a large number of complaints from residents regarding noise and blast vibration (180 complaints in a four year period from Pentyrch residents). No action was taken at that time therefore the Council can only assume that if the quarry was to reopen then no action would be taken again and the residents would find noise and vibration severely impacting their lives.

The times of quarrying operations are stated as Mon-Fri 6am-9pm and Sat 7am-1pm. In the Council's opinion these proposed working hours are totally unreasonable. Taking into account the complaints of noise when the quarry last operated and also its close proximity to the residents in Creigiau and Pentyrch, all operations at the quarry should be restricted to 8.00am to 6.00pm Monday to Friday with the exception of blasting which should be restricted to 10.00am to 2.00pm Monday to Friday.

The company fails to state the targeted output from the site and instead recite historical figures for which we have no data. It is our contention that a maximum daily output from the site should be imposed and would suggest that output should be strictly limited to 1,200 tonnes per day.

Visual Impact – The Council would like to have more information on the proposed landscape screen bund in order to provide some assurance that the bund will be sufficiently high enough to reduce the greater visual impact of the development that the extension will bring.

Air Quality – In addition to the effect of noise levels, the Council are concerned that the Primary School children may be affected by a reduction in air quality and its subsequent effect on their health. We would request that an assessment is made at the school location. In addition the census results of 2001 and 2011 as used in the CCC ~ LDP indicate that a health study of children in Creigiau showed 7.8% suffering ill-health in 2001 against 4.4% in 2011. Whilst this is not definitive it may be an indication that the cessation of quarrying resulted in an improvement in health. At the very least it needs to be demonstrated that a recommencement of quarrying will not lead to a decline in the health of Creigiau children. We strongly support the requirement that a full independent Health Impact Assessment study should be undertaken and submitted prior to any consideration of the planning application.

Recordings of dust levels should be made on a regular basis. There should also be regular recording of levels of particulate from the emissions of the increased flow of heavy lorries.

IMPACT ON HIGHWAYS SAFETY

Section 13 of the ES deals with the issue of transportation. This is based on the premise that a re-opening of the quarry will have no effect on transport or traffic volume as compared with the period when the quarry was last operational.

This is obviously a significant flaw as there has been a general increase in traffic volumes on local roads in the last few years, not to mention the increase in the average size of vehicles. Furthermore the pavement reconstruction work completed by the local authority on Heol Pant y Gored has meant an increase in pedestrian use of that road. These works reduced the width of the road and installed a new higher curb and pavement. Prior to these necessary improvements vehicles meeting a HGV were required to mount the pavement. The actual road width here is as low as 4.3m for large elements of the road and so cars meeting HGV's would not be able to pass, never mind when this applies to local buses. In relation to local buses, Creigiau Travel was an embryonic company in 2001 when quarrying ceased. It is now a burgeoning company with large coaches and essential school contracts. They exclusively use Heol Pant y Gored at times when there is a likelihood of meeting HGVs travelling in the opposite direction. With the additional 110-146 HGV movements per day this will produce a real danger to pedestrians, school children and other road users.

Consideration must take account that Heol Pant y Gored is used by several bus companies transporting children to various schools including Creigiau Primary School, the Bishop of Llandaff Church in Wales School, Radyr Comprehensive School and Ysgol Plasmawr. A report under the "Safer routes to School directive" should be initiated and considered.

During the previous period of operation there was an informal arrangement that traffic accessing or departing the quarry would not travel through Creigiau Village. This arrangement was frequently breached and the then clerk of this council would report the instances to the quarry manager. This council believes that the arrangement that traffic does not travel through Creigiau village should now be formalised as a specific planning condition if approval is granted.

Furthermore there is the issue of access onto the A.4119 Llantrisant Road, at its junction with Cardiff Road. There have been three fatalities on this road in recent years and the presence of vastly increased numbers of heavy goods vehicles will not improve road safety. Indeed apart from these fatalities there have been a considerable number of accidents at this junction. This is the situation that prevails now. It does not take into account the inevitable cumulative effect of considerable increased traffic flow on this junction and also on A4119 as a consequence of the impact of the Local Development Plan.

LACK OF JUSTIFICATION FOR THE EXTENSION

This application would allow quarrying activities for at least a further 37 years, extending well beyond the existing 26.5 years remaining until the end date for the extraction which is 21st February 2042. This Council understand that new workings and extensions are strictly limited to situations where necessary and

based on need.

The LDP evidence base states that there is a combined need for Cardiff and Rhondda Cynon Taff to provide for around 22 to 24 million tonnes over the period to 2026. In Cardiff there are over 40 million tonnes of reserves. It is plainly the case that the use of existing quarries should be favoured over any new extension in line with national and local policy and the loss of any reserves from Creigiau Quarry would not impact upon this requirement.

In addition to these initial comments further comments were received from Pentyrch Community Council in response to a letter from the applicant in response to their original concerns:

You will recall in my letter of 12th October 2015 that the Community Council wished to reserve the right to make further comments on this application in response to additional information becoming available. Initial advice has been sought by the Community Council which has informed our view with regard to the following additional points.

Need

In the first instance, we retain our significant concerns over the lack of need for the proposals; the Council already identifies at least a 10 year supply of minerals in line with National Guidance and the LDP requirements. There is no justification for release of further deposits that extend well beyond the present LDP period. We do not consider that the application proposals outweigh the significant harm that would be caused.

Immediate Resumption of Quarrying

It is our view that the applicants have overstated their ability to restart quarrying immediately. The Quarry was first used for the extraction of limestone in the 19th century, and was later governed by an Interim Development Order in 1947 (the IDO consent), extended to the north and east by specific grants of planning permission in 1953, 1957, and 1959. The IDO consent was replaced in 1994, as provided for by section 22 of the Planning and Compensation Act 1991. The three extension applications fell under the provisions of the Environment Act 1995 and were reviewed in 1997. It is that review that led to the 1997 consent, but this did not result in a comprehensive permission for the entire site, just one in respect of those extension areas permitted in 1953, 1957 and 1959. The legal effect of the 1997 consent was that the three original permissions 'have effect' subject to the new conditions contained within section 96 and Schedule 3 of the Environment Act 1995.

There are further factors that impede the applicant's ability to commence activities on site which are discussed below.

Environmental Impact Assessment

It is our view that the lack of Environmental Impact Assessment (EIA) and the statutory obligation for a review of the conditions, makes the 1994 and 1997 consents less robust that they ought to be.

In the first instance, the House of Lords case of R v Yorkshire CC ex parte

Brown [1999] 1AC 397 (dismissing an appeal from the Court of Appeal) established that the Environmental Impact Assessment regime established by the European Directive of 1985 applied to the review of old mining consents. Therefore prior to any commencement under the old consents a new EIA would be required. Such a process can lead to mitigation being required (including in relation to impact upon ecology, landscape and transport).

Given the lack of EIA of the reviews, it is our contention that Tarmac are less keen on their fall back alternative than they make out and we would question whether Tarmac really would resume under the patchwork of consents represented by those in 1994 and in 1997. Both of these require review, a process which is very likely to require EIA and which would be likely to be best handled by consolidation into a single consent. The need for review, and/or mitigation required (an essential part of any Environmental Statement), might also confirm that those areas of environmental sensitivity, most notably the woodland, should not be worked or require extensive mitigation. In short, the benefits in environmental terms of the extension and consolidation application over and above what may be done under the existing consent are, in our opinion, overstated. We would also expect that this would highlight matters including deficiencies in transport infrastructure and other environmental impacts.

We also feel it is worth noting that we are extremely concerned that it is not acceptable for the review of the old consents to be continually deferred. We note the extension that has been agreed with the Council (to September this year) and do not consider that it would be appropriate to agree a further extension beyond that date.

Conservation of Habitats and Species Regulations 2010

With reference to the presence of the hazel dormouse on the site generally, we would make the point that this is a European species protected by the Conservation of Habitats and Species Regulations 2010. The Environmental Study (ES) acknowledges it [pages 117, 129, 140, and 145 refer] and Natural Resources Wales has objected to the planning application in defence of its interests. We would argue that this illustrates nicely the rigour of the EIA process in action and we are surprised that the response set out in CCC's letter of 18th December 2015 appeared to understate the issues. A licence would be required from NRW to undertake works under the existing consents. Perhaps most importantly, our reading of the NRW response is that a suitable mitigation scheme is required ahead of any decision being taken. Indeed, this accords with the Morge and Wooley cases, which emphasise the importance of planning decisions being taken with this knowledge not being dealt with through a condition (that relies on a License being granted), such conditions were held to be unlawful given the need to preserve the conservation status of protected species.

Health Impact Assessment

Similarly the positive result on the question of Health Impact Assessment is recognition of the enhanced level of scrutiny, which an EIA application requires. By Regulation 3 of the EIA Regulations, CCC may not grant permission without

taking into account the environmental information or broadly the information supplied within the ES and further information subsequently submitted during the detailed process of consultation and submission.

Furthermore, MTAN1 indicates at para 75:

“The potential impact on health must always be considered in relation to proposals for aggregates extraction” (our emphasis)

Indeed, it was clearly stated at the recent Hearing Sessions by the Welsh Government representatives that health impact is always a consideration. Clearly the Health Authority have significant concerns over this and we note the applicants refusal to undertake a Health Impact Assessment.

Highway Improvements

If CCC is mindful to grant this application, despite the foregoing, then this Council would contend that CCC insists on highway improvements. You will have noted the highways issues in the Minerals Local Plan adopted in 1995 and what is said about them in our letter of objection date 12th October. Your response of 18th December 2015 failed to deal with this, but promises a response in due course. We can see no reason in principle why the developer should not ensure that either the old consent or the proposed extension scheme is served by appropriate highway infrastructure given the unquestionable impact that will arise. This is emphasised by the fact that, in the past, activities at the quarry have never been subject to the rigour of an EIA.

Restoration

You will appreciate that given the previous breach of condition the Community is concerned over the long term restoration of the Quarry. PPW 8, 14.5.6 states:

“An authority may require financial guarantees by way of a Section 106 planning obligation/agreement as part of the approval of planning permission to ensure that restoration will be fully achieved.”

The breach of Condition 22, of the 1997 Conditions, confirms that restoration cannot be guaranteed through a condition. Neither the Council nor the applicant enforced this, which is not in the interests of the local community. Therefore, the only way that this can be ensured for the local community is through a S.106 agreement that enables a bonded payments (staged appropriately) to be made to the Council to guarantee restoration in line with national guidance. This approach is supported by Policy KP7 of the adopted LDP.

LDP

With regards to the impacts of the scheme, Policy M2 of the adopted LDP is clear that in approving any extension

“iv It should also be demonstrated that such an approach will not cause unacceptable harm to the environment, including consideration of impacts relating to access, noise, air quality, landscape and visual effects, ecology, soil resources, hydrology and hydrogeology, blast vibration and cultural heritage...”

*This is further emphasised by policy KP7 which requires that planning obligations “**will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance.**”*

Plainly therefore, the Council should insist upon all impacts of the proposed development being adequately mitigated. Such mitigation would also apply to any subsequent review (which would be subject to EIA) of the old minerals consents.

Well-being of Future Generations Act 2015

Finally, we refer to the Well-being of Future Generations Act 2015. This is high level legislation and, whilst its provisions may not readily apply to the determination of one specific planning application at this time, we feel that it is relevant where it is possible to recognise specific areas of identifiable harm. In this regard we note that the developer has not carried out a Health Impact Assessment. We would argue that this is a necessity with regard to the intentions of the Well-being of Future Generations Act 2015. In addition, despite the fact that the site has been mothballed for some 15 years, the sensitive developments that have occurred in Pentyrch and Creigiau in the interim period deem it necessary, as stipulated in the Better Health Better Wales strategic framework. This was a point made to Mark Drakeford AM by Andrew Gregory, Director of City Operations CCC, in a letter dated 23rd November 2015.

- 6.6 Following submission of the further information **Pentyrch Community Council made the following points on the proposed passing places** for Heol Pant y Gored between Pant y Gored Farm and the entrance to the Creigiau Quarry:
- 1 *Under the 1994 Regulations new markings were introduced intended for use as centre lines separating opposing flows of traffic on single carriageway roads. The markings only apply to roads that are more than 5.5m in width. Heol Pant y Gored from its junction with Cardiff Road, Creigiau north-east past the entrance to Canada lakes, over the hump-back bridge and on to just south of Pant y Gored farm, where the road turns left north-west towards the entrance to Creigiau Quarry, varies from less than 5.5m in width to occasionally wider than 5.5m; as there is predominantly not a centre line marking for the road.*
 - 2 *There is a centre line coming down Heol Pant y Gored from Pentyrch but this stops some 100m south west of the T-junction by Pant y Gored farm. The remainder of the road over the hump back bridge and past the entrance to Canada Lakes either has no centre line or the centre line has been worn or obliterated. The centre line resumes some 15m prior to the junction with Cardiff Road, Creigiau, as part of the ‘give-way’ road markings at the junction.*
 - 3 *The passing places proposed by Tarmac only apply to the section of the road between Pant y Gored Farm and the entrance to the Quarry. Yet the remaining section of Heol Pant y Gored, from Pant y Gored Farm to the junction with Cardiff Road, Creigiau, is equally at risk from the*

frequency of the lorries on a road entirely unsuited to vehicles of this size. Why has no consideration been given to widening the road or providing passing places on this section as well?

- 4 Turning to the specific proposals we would make the point that these four passing places are inadequate and do not allow for multiple vehicles to use them at the same time and will only help with one-on-one passing situations. The prospect therefore remains of large vehicles meeting between the passing places and requiring one, or more, to reverse back along a narrow country road.*
- 5 The proposal does nothing to diminish the dangers posed by the junction at Pant y Gored Farm, where slow moving lorries travelling south-east will meet traffic coming down the hill from Pentyrch. The vision splay screen at this point is wholly inadequate.*
- 6 I have mentioned that the proposal does nothing to address the problems of that section of Heol Pant y Gored leading from Pant y Gored Farm to Cardiff Road, Creigiau, past Canada Lake. This section of road is not only unfit for HGV lorries but in addition and, unlike the other section of Heol Pant y Gored, has no pavement. This part of the road is an integral part of Creigiau's circular walk, used by dog walkers, joggers, horse-riders & children.*
- 7 No consideration appears to have been given to creating a safe pedestrian passageway across the quarry entrance. Not only will the quarry still share an entrance with Creigiau Recreation ground, used by thousands of people every year; but this shared entrance will still be located on a blind bend with no pavement. To make matters worse, no alternative pavement facilities exist on the other side of the road. Passing places will not diminish the risks posed by this situation.*
- 8 In addition access to Creigiau Recreation Ground by motor vehicle is restricted to those persons who can demonstrate a need to bring a motor vehicle onto the site. The gate is usually kept locked to restrict the unnecessary use of motor vehicles on a site where children and dogs have freedom to roam. The Recreation Ground is very popular with dog-walkers during the very times that the lorries will be coming to and from the quarry. As dog walkers do not have a right to access the ground in their vehicles, those that arrive by vehicle, park them outside the gates. This restricts the options for access and turning and will add to the anticipated chaos at the site entrance.*
- 9 A 32 tonne lorry is 3m wide excluding wing mirrors. Passing places will make the road 6.3m wide. Assuming each lorry is pushed up against the kerb, this would leave a maximum of 30cm clearance. In reality a lorry will not be driven tight against the kerb, and is more likely to mount the kerb posing a danger to pedestrians and also causing damage to the kerbs along this entire stretch of Heol Pant y Gored. It was only a few years ago that Cardiff CC completely re-surfaced this section of Heol*

Pant y Gored, reinstating the kerbs and pavements that had been obliterated by years of quarry lorries driving over the kerbs. In summary therefore, the passing places will not be able to fulfill their intended function, that is, allowing two lorries to pass.

- 10 *Heol Pant y Gored from the quarry entrance to the farm, is a registered PSV route. Whilst, Creigiau Travel has a depot less than 100 metres from the entrance to the quarry and large fleet of coaches that use Heol Pant y Gored daily, they are not the only public service vehicles that use the road as the 136 bus, travelling from Pentyrch to Creigiau, as well as other bus companies, such as Ferris coaches, also use this stretch of the road on a daily basis. Given that a coach is 2.55m wide excluding wing mirrors, and a HGV lorry is 3m wide excluding wing mirrors, it is unlikely that a coach would be able to safely pass a HGV lorry in the passing places proposed. In addition other road users will be caught in the stand-offs that are bound to occur between HGVs and Coaches, with one or the other having to reverse and vehicles stuck behind and possibly invisible to the reversing driver.*
- 11 *More deaths occur on rural roads than on urban ones. In 2014, there were 982 fatal accidents on rural roads compared to 591 on urban roads. The number of serious and slight injury collisions is higher in urban areas; in 2014 there were 94,701 on urban roads and 44,418 on rural roads. These figures show that whilst the number of collisions is higher in urban areas there is a greater chance of dying on rural roads, with 59% of the fatalities occurring. Heol Pant y Gored has been the site of fatalities, albeit no HGVs were involved, although the accidents demonstrate the hazardous nature of rural roads.*
- 12 *In Wales in 2015 there were 5,543 road accidents involving personal injury recorded by the police. These recorded accidents resulted in 7,682 casualties of which 105 people were killed on Welsh Roads, which was 2 more than in 2014; 1,081 people were seriously injured. The Welsh Government Statistics do not, for some reason, differentiate between the types of roads where accidents occur. Nevertheless, with more rural roads in Wales than 'A' roads or motorways, it is likely that the chances of dying on a Welsh rural road are as high if not higher than the UK average.*
- 13 *When considering rural roads attention should also be given to other road users. In the UK in 2014, 62 cyclists were killed on rural roads, compared to 51 on urban roads and 237 motorcyclist fatalities occurred on rural roads, compared to 97 deaths in urban areas. The difference in traffic and pedestrian volumes between rural and urban areas means that the number of pedestrian accidents is higher in urban areas. However, the issue is no less serious in rural areas. In 2014, 140 pedestrians were killed on rural roads. Child pedestrian casualties in rural areas are more likely to occur when children are walking along the road rather than crossing it. Only 26% of casualties occur within 20 metres of a junction. The lack of lighting is also considered to be an*

important contributory factor in increasing the likelihood of a severe child injury in rural areas; 12% of child casualties occur in areas of darkness on rural roads compared to just 1% on urban roads.

- 14 *There can be no doubt that Heol Pant y Gored can only be classed as a rural road. It is therefore statistically dangerous and users should not have to consider additional hazards. Introducing over a 100 Heavy Goods Vehicles daily will do nothing to diminish these hazards and four paltry passing places will do nothing to ameliorate the perils their presence will bring.*
- 15 *Passing places would only be suitable if they were put in place as a temporary nature. This Council feels that passing places can only be acceptable if the proposal was for weeks and months rather than years and years. What is needed is a solution that would be appropriate for the next 20 plus years that the quarry intends to be operating.*
- 16 *Heol Pant y Gored from the quarry entrance to the farm, is one of four arterial roads leading into Creigiau which, although a village at the moment with around 1000 houses, will be turning into a town of 3,700 dwellings, when the developments planned for north and south of the A.4119 at Creigiau come to fruition. Heol Pant y Gored will be the only direct access to the A.470 and whilst still a rural road, will become a major arterial road. There are no plans within the LDP to significantly improve the infrastructure to take account of the near quadrupling in size of a rural village. As the village grows so will the use of the inadequate roads and it appears to this Council that the safety issues are being sacrificed on the altar of corporate greed.*
- 17 *Passing places will not address the harmful effects of NO2 emissions, linked to 23,500 deaths a year nationwide, and proven to be harmful to children, stunting lung development and increasing the risk of respiratory diseases like asthma. Allowing this road to be used by 146 Diesel lorries a day makes a mockery of the Council's commitment to reducing air pollution in residential areas and is one of the main reasons behind this Council's demand for a full Environmental Health Assessment.*
- 18 *The Health and Wellbeing Act (Wales) states that there should be restrictions on stationary lorries idling their engines. Stationary lorries, idling their engines, increase pollution. The issues surrounding access to the quarry means the likelihood of lorries queuing to enter the quarry is extremely high.*
- 19 *Long-term residents of Creigiau state that when the quarry was last operational, lorries would stack, waiting for the quarry to open. The likelihood is that the proposed passing places would be used as parking places for lorries, which would prevent them from being used for their intended purpose.*
- 20 *There is no clarity around who will maintain the proposed passing*

places. If this responsibility lies with the Council, then given the squeeze on budgets and the fact that outlying areas of Cardiff are bottom of the 'highway repairs' list, how can residents feel sure the proposed passing places will remain safe and fit for purpose?

- 21 *There is a likelihood that the hedgerows on Heol Pant y Gored destroyed to create passing places are home to protected species such as dormice. No assessment of hedgerow wildlife has been undertaken.*
- 22 *Heol Pant Y Gored is also very popular with horse riders, as it links several bridle paths. Passing bays will do nothing to address the dangers to riders posed by the proposal to use this road as the quarry's main route of transportation.*
- 23 *This Council has a particular concern in relation to the hump-back bridge to the north-east of the entrance to Canada Lakes. This bridge has been strengthened in recent years but is still the same width at 6 metres. The prospect of two HGVs approaching each other at this juncture is extremely alarming. Of course Cardiff CC could implement a priority on the bridge, but the approach on the north-eastern side is so steep that vision is wholly impaired until the last moment. On previous occasions, when work was carried on the bridge, it was necessary to install temporary traffic lights. The prospect of permanent traffic lights at this point, which is not a junction, is a ridiculous proposition.*
- 24 *This Council feels that the proposal of the four passing places is the very minimum that the Quarry feels it can offer in order to achieve its goal of re-opening the quarry with a new planning application. However during the time between the quarry last being operational and the present time, attitudes and outlooks have changed and what was acceptable 15 years ago is no longer acceptable in a modern society concerned with the cost of health care and quality of life issues. This Council feels that if the quarry is to be re-opened then it must be accompanied by a full and complete road widening scheme and accompanying ease of access from the A.4119, Llantrisant Road right up to the quarry entrance and, in so doing, address and negate all the concerns raised by anxious residents in the reports received to date by the Planning Committee. If this does not happen then the bottom line is that 3m wide lorries will be travelling on roads, less than 5.5m in width for a distance of 0.8 miles between the entrance to the quarry and the junction with Cardiff Road, Creigiau. We would contend that this would be wholly unsafe.*

In conclusion we urge Cardiff County Council to reject this application and ensure that the rural sections of Cardiff remain unsullied by the re-emergence of a quarry that was past its sell-by date in the 20th Century, let alone fit to recommence workings in the 21st Century.

- 6.7 **Pontyclun Community Council** objected to application stating that *the increased heavy quarry traffic travelling through the village of Groesfaen will cause distress and inconvenience to local residents and businesses. The*

A4119 through Groesfaen is already busy and crossing the road can be perilous with no assisted means such as zebra or pelican crossing. An increase of traffic may bring the village to a grinding halt at peak times of the day and cause pollution from idle vehicles stuck in traffic congestion.

- 6.8 **The Chair of Pentyrch Primary School** (Dai Roberts) commented that: *Following the Full Governing Body meeting of Pentyrch Primary School on Monday 14th September, a proposal to support the petition objecting to the extension of the quarry was unanimously passed, with the employees abstaining as they believed that such action to be outside their remit to become involved in such a campaign.*

The rest of the governing body were very vociferous in their condemnation of the proposed extension, fearing the disruption to the pupils education by the noise created by the close proximity of the quarry extension to the school. The constant noise and activity of heavy lorries and quarrying is hardly conducive to learning.

Many expressed concerns regarding dust pollution and the possible increased levels of radon gas - the school already has one room with levels which exceed the recommended levels.

We would be somewhat appeased if the developers of the quarry could offer information as to what safeguards will be put in place to ensure the continuing health and education of our pupils. An assurance that no lorries are going to be passing our school, which is on the kerb side of the main road through our village, would also be most welcome.

- 6.9 **Pentyrch, Creigiau & Gwaelod y Garth Branch Labour Party** objected to the application on the following grounds:

- (a) The road infrastructure allowing access and egress from the quarry along Pant-y-gored Road is totally inadequate and unsuitable for the large vehicles involved in transporting stone.
- (b) The dust generated at the quarry will have an adverse effect on the residents of both Creigiau and Pentyrch which could result in health issues for some residents.
- (c) Vibration from blasting together with noise from the quarry will be intrusive and damaging to the well-being of local residents.

- 6.10 **Fields in Trust** objected to the application stating *the proposed quarry at Creigiau is immediately adjacent to the Recreation Ground and will share its access off Pant-y-Gored Road. Fields in Trust is concerned about the potential impact of the proposed quarry workings and its traffic on the safety and enjoyment of the Recreation Ground. In particular, with the stated volume of lorry traffic coming and going, it is likely to discourage visits particularly by younger children.*

Until Fields in Trust can be convinced that these concerns are misplaced or that adequate measures are taken to address them, it would like to object to the proposal.

- 6.11 **The Director of Public Health Cardiff and Vale University Health Board** commented on the original submission and their comments are set out below: *We welcome the opportunity to provide comment on the above planning application submitted by Cardiff City Council. This response has been based upon advice received from the Environmental Public Health Service (delivered collaboratively through Public Health Wales' Health Protection Team and Public Health England's Centre for Radiation, Chemical and Environmental Hazards Wales).*

We note that public health concerns have been raised by the local population and we have been mindful of these in producing this response.

Releases to atmosphere

No assessment has been submitted by the applicant in relation to traffic emissions (NO_x, NO₂) associated with the development. Although the development site is not within an Air Quality Management Area (AQMA) the planning authority should confirm that both on-site and off-site activities (including traffic to and from the site) will not have a significant impact on local air quality. The planning authority should ensure that the dust management plan clearly details the measures to be employed and is rigidly adhered to at all times so as to mitigate the generation of airborne dust.

While it is accepted that for all sources, the creation and subsequent dispersion of dust will be highly dependent upon climatic conditions, there is no indication as to the potential dust generation in terms of PM concentrations within the application. It is important that on site contributions do not exceed the relevant air quality standards or lead to a significant deterioration in air quality. Due to the close proximity of the sports ground the Local Authority should be satisfied that there are no significant impacts on sensitive receptors.

With regards to health effects, the quantity of pollutant inhaled is dependent on the amount of particulate matter in the air, the duration of exposure and the amount of air inhaled. The breathing rate itself is related to age, health and stress status and level of physical activity. Toxicity is determined by particle size, chemical composition and concentration, which in turn will determine any health effect induced by exposure. Consequently, particulate air pollution can exacerbate the clinical condition of those with heart or lung disease; air pollution can aggravate, but does not appear to be a primary cause of, asthma. The Committee on the Medical Effects of Air Pollutants (COMEAP) have in their statement on open cast coal mining operations that the increase in particle concentrations was more likely due to earth moving and excavation. The Committee concluded that efforts should continue to be made to control the emission of particles from open cast sites. It is therefore important that the LPA ensure that all appropriate mitigation measures are employed and the rationale used by the applicant is valid.

Noise

It is important that the noise mitigation measures employed are sufficient for on-site operations so as not to cause annoyance to nearest sensitive receptors.

Furthermore, it is recommended that should consent be granted, a noise monitoring exercise is undertaken upon commencement of operations to confirm the modelled scenario.

Releases to Surface Water and Groundwater

The planning authority should seek assurances from the environmental regulator that they do not believe that on-site plant and activities will impact on underlying groundwater and nearby surface waters. The planning authority should also seek further information about the Environmental Management System (EMS). The authority should be satisfied that this is suitably robust for site operations and off-site consequences.

Cumulative and interactive effects

The proposed site is in a predominately rural area, with a number of sensitive receptors within the near vicinity. The applicant has identified that there is planned residential development of approximately 650 homes south of Creigiau, however the ES has not assessed any potential cumulative impacts, caused by the proposed development in conjunction with other developments or as the combined effect of a set of developments taken together.

The planning authority should consider this application in light of current and future planning development within the vicinity such as areas marked for development within the Deposit Plan. The potential for further development in the area will potentially have an impact on local air quality and the Local Authority needs to consider the implications this will have on baseline air quality i.e. the available 'headspace' to air quality standards may reduce. In addition, there will also be implications to background noise on communities.

Local Issues

We have highlighted areas which the planning authority may wish to consider when determining the application.

Summary

We recognise that such a development will require an Environmental Permit. Due to the scale and length of operations we would expect that further information be provided so that;

- The modelling assumptions can be validated; and
- Continue to engage with the local community, allaying any local public concerns that such an operation will be operated to the highest industry standard

- 6.12 In response to concerns raised by residents further comments to supplement these comments were submitted and these are set out below:

Thank you for sharing this summary of concerns with me. It certainly demonstrates the scale of local opposition to this application.

As you know, the Cardiff and Vale University Health Board provides impartial and independent advice, and we are supported in doing this by Public Health Wales. Our comments made in respect of this application to date have

concentrated on the potential health impacts associated with likely emissions from site/off-site activities that could adversely affect local air, land and water quality and give rise to noise. However, as clearly highlighted in your letter, local public health concerns extend beyond the more-traditional health protection issues. I note that wider complaints include: traffic and congestion, pedestrian safety and injuries, impacts on road infrastructure and other local/visual amenities, ecological impacts and property blight. All these issues have the potential to influence, and adversely impact, individual and population health in its broadest sense. Such consequences are likely to be indirect, affecting general wellbeing and quality of life, and because these environmental health influences are more subjective affecting different people in different ways, they are extremely difficult to measure.

The community concerns raised in your letter are widespread too, and appear not to be the result of intense objection from minority groups within the community. Indeed, the petitions and individual representations received seem to have originated from people from all walks of life e.g. parents and grandparents, school governors, employed professionals and retired local residents. A common theme running through many of the extracts provided suggest that local residents are particularly concerned about longer term health effects of a larger number of people, especially future generation impacts. Some representations specifically request that a Health Impact Assessment be undertaken to capture these points.

Given the broad range of issues causing public concern, I would agree on this occasion that it would be appropriate to request a Health Impact Assessment (HIA). This is a helpful tool that could facilitate the identification of not just negative health impacts, but also any benefits linked to the proposed development as well as possible solutions to identified disbenefits.

- 6.13 Public Health Wales provided the following comments in response to the Well-being and Environmental Health issues report which formed part of the further information submitted by the applicant.

We welcome the opportunity to comment on the Well-being and Environmental Health issues report (June 2016) developed by the applicant in response to community concerns raised in respect of the proposed extension to Creigiau Quarry.

Further to our letter dated 21 January 2016, we note that the applicant emphasises that they are not required to undertake a Health Impacts Assessment (HIA) as part of the EIA. They also argue that a HIA is not necessary as planning permission is already granted and the development is, therefore, not 'new'. While it is correct that a HIA is not required as part of an EIA, we are disappointed that a comprehensive HIA has not been undertaken or is being considered. HIA can be undertaken as a stand-alone assessment and, unlike an EIA, have the potential to make the links between the proposal and health impacts more explicit. Further, HIAs are not 'narrowly focused' as suggested by the applicant and, in this case, we believe one would have been of substantive value. As well as assessing technical and scientific evidence

around managing and mitigating the impacts such as air quality, noise etc., an HIA might have played an important role in involving the local community and better informing decision-making processes. We are still of the view that a HIA should be undertaken and would like to continue to press the applicant to undertake an assessment.

Aside from HIA-related comments, we welcome the additional mitigation measures and commitments contained in the report. However, we would disagree with the applicant's view that air quality is not a significant issue in this application owing to there being a large headspace' between background air pollution concentrations and Air Quality Objectives/Limits. This opinion fails to recognise that air pollutants such as particulate matter and nitrogen dioxide are non-threshold pollutants; in other words, there are no safe levels of exposure. The evidence of increasing air pollution concentrations and ill-health impacts is strong; any deterioration of local air quality is likely to have an adverse (albeit likely immeasurable) health and wellbeing impact. We recommend that the applicant does not therefore regard this 'headroom' as an opportunity to pollute up to Air Quality Objectives but should ensure, as a minimum, that measures are taken to prevent any deterioration of current concentrations.

We do not support the applicants conclusion that the development "would not be sufficient to create any adverse health outcome". As you know there has been much local concern raised and we would wish to emphasise that difficulty in measuring adverse health outcome does not equate to lack of adverse health outcome.

- 6.14 The **Campaign for the Protection of Rural Wales** have raised a formal objection to the planning application and state:

Quarrying is an important resource for building human infrastructure. Modern industrial-scale quarrying places great stresses on the environment. In particular, waste water discharge, sedimentation, water table depletion, noise and air pollution, habitat destruction, transportation. The safety of members of the public who interact with the quarrying industry is a priority.

Waste water discharge: *Quarrying generates large quantities of waste water. Water is used for tasks such as cutting with high - pressure hoses and the lubrication of solid cutting tools. Whilst the waste water can be recycled to a limited degree, ultimately it will become befouled and useless for quarrying. Contaminants can include oil and gas from machinery and natural sediments in large quantities.*

Water table depletion: *Quarries must have water pumped out to access deposits. Over - pumping can lower the water table with hazardous consequences. Natural springs fed by the underground movement of water cease to flow if pressure is reduced enough, with the possibility of disrupting ecosystems.*

Noise and air pollution: *Two atmospheric environmental consequences of quarrying are the noise produced from mining machinery and, by its very*

nature, has the potential to generate high levels of dust thrown up in the air. Noise from periodically operating blasting and drilling, use of machinery, including rail and motor movers, skip loaders, and cable cranes; and continuous - action transport, including conveyors, overhead cable ways, pipelines (hydraulic and pneumatic), gravity - fed transport (ore chutes and passes), dump transport bridges (trestles), trans - loaders, and swing chutes etc impinges upon the surrounding environment. In addition, noise and dust pollution from the heavy lorries travelling to and from the quarry every day will inevitably be detrimental to those inhabitants living immediately adjacent to the quarry. Depending on wind patterns or surrounding cover, airborne dust can travel many miles from a quarrying site and affect the health of downwind residents, especially those with pre - existing lung issues. The prevailing westerly winds could cause problems for people living in Pentyrch.

Noise and air pollution from heavy equipment used in quarries can also adversely effect local wildlife.

Habitat destruction: The loss of habitat and subsequent depletion of diversity is a worrisome problem associated with quarrying. Many of the other problems, like sedimentation and water table depletion, cumulatively affect surrounding habitats, even if habitats are not directly excavated or depleted by mining activities. Whilst some problems of quarrying can be remediated, like pumping water back to help correct water table levels, but generally once habitat is lost, it cannot recover fast enough to restore ecosystem productivity to pre - quarrying conditions.

Transportation: The village of Creigiau dominates the settlement area and has an older, linear core with peripheral estates and linear development extending along minor roads out from the village. The safety of members of the public who interact with the quarry is a priority, whether this as a customer or indirectly through activities such as sharing the same road space for their vehicles. The moving of quarry loads is one of the main production processes - the starting point is the mining face, and the end point is the unloading area. The special feature of quarry transport are the volume of the shipments; the one - directional movement of the loads, always from the face to the receiving areas; the route; and the movability of loading areas and the barren rock receiving areas. Pant -y-Gored Road will presumably be the quarry's main access road onto a principal highway. As you are aware this road is of differing widths, cambers and blind comers and is in extensive use, not only by car, but by lorries, buses. At a number of places along this road this dual usage, together with width restrictions, results in road conflict.

In addition, does the proposed development of the quarry accord with the LDP and the regional requirements of national policy ? . Are the proposed buffer zones adequate ?

- 6.15 The **Coal Authority** state the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining

Risk Assessment to be submitted or for The Coal Authority to be consulted. The Coal Authority recommend that in accordance with agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

- 6.16 **Welsh Water** state that as the application does not propose to connect to a public sewer they have no further comments. However, should circumstances change and a connection to the public sewer is preferred they must be re-consulted on the application.
- 6.17 **Glamorgan Gwent Archaeological Trust Ltd** concur with the recommendations of the Environmental Statement that the unrecorded earthwork features identified in the proposed quarry extension should be recorded prior to their loss. They state this should take the form of an earthwork survey undertaken by a suitably qualified archaeologist and recommend that the following worded condition should be included:

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.

7. **REPRESENTATIONS**

- 7.1 **Cllr Hill-John** has submitted a **petition of objection** of 608 signatures on grounds of:
- *The application fails to address the highway issues around Creigiau Quarry, in particular Heol Pant Y Gored, which is clearly unsuitable, for purpose. Up to 146 HGV movements per day along this road will mean vehicles being unable to pass each other, mounting the pavement on residential streets and the unavoidable long delays to both local and quarry traffic;*
 - *Lorry traffic movements through Creigiau and Pentyrch villages must be strictly forbidden. However, this application clearly allows this. Both villages containing primary schools, nurseries, shops, parks, etc. An incident in Pentyrch resulted in a 7.5 tonnes limit in parts of Pentyrch for exactly this reason;*
 - *The application extends the life of the quarry by some 4 YEARS adding 1.62 million tonnes of mineral reserves at the assumed extraction rate of 400,000 tonnes per annum. Whilst the protection of ancient woodland is welcomed, substituting one area for another should NOT result in this huge net increase;*

- *Operational hours are not reasonably fitting with a residential area. 7am is too early from a noise level point of view and HGV traffic movements should be restricted around school times and peak commuting times;*
- *Concerns still need addressing from local residents over structural damage to houses, dust and air pollution, noise levels from blasting and machinery such as the 'Pecker' and HGV reversing noise, road safety and surface and groundwater problems.*

7.2 Cllr Hill-John in response to the further information submitted by the applicant relating to the proposed improvements to Heol Pant Y Gored Road has formally objected stating that. *In recent years the traffic using this road has increased significantly and will continue to do so as a result of the LDP that has recently been approved. This proposal assumes that the quarry traffic will be evenly spread throughout the day. Clearly this is highly unlikely and will result in gridlock during peak times. The passing places do not allow for multiple vehicles to use at the same time so when there is more than one HGV using the road vehicles will not be able to pass each other.*

7.3 **Cllr Thomas** has submitted a **petition of objection** of 1,183 signatures stating that they believe the following will have a significant impact on those who live so close to the quarry:

- *Vibration from blasting causing damage to property;*
- *Noise from blasting;*
- *Dust;*
- *100's of lorries travelling through the villages;*
- *Difficulty leaving village because of quarry traffic;*
- *Safety if our children and elderly residents;*
- *Further damage and deterioration to our roads;*
- *Destruction of wildlife;*
- *Devaluation of properties;*
- *Visual impact.*

The petition calls on the Council to refuse all planning permission to grant an extension to the south east of the quarry and state they also want the historical woodland preserved as is.

7.4 Cllr Thomas in response to the further information submitted by the applicant relating to the proposed improvements to Heol Pant Y Gored Road and Well-being and Environmental Health Statement has formally objected stating that:

1. *I note the confirmation by the Director of Public Health Wales, that a full Health Impact Statement (HIA) is required to fully understand the impact of the extension application, and that this HIA is still not forthcoming. I would call upon the council to reject the extension application on this basis alone.*
2. *By accepting to make payment for highways improvements, Tarmac have accepted that there is a highways issue that needs resolving. However, the solution proposed is totally inadequate for the reasons below.*

3. *The proposal for 4 passing bays along Heol Pant Y Gored does not address all the traffic issues. Passing bays are only suitable for quiet country roads with occasional vehicles. In recent years this road has become much busier, the Church Village Bypass nearby means many more vehicles come through Creigiau to avoid the A470 and A4119 main arterial routes which are frequently at standstill. With the volume of quarry traffic predicted, should the quarry re-open, I fear Heol Pant Y Gored will become gridlocked also. Particularly at peak times when both local and quarry traffic could be at a maximum. Previous experience has told us that Quarry Lorries are stacked up along the road queueing at particular times of the day.*
4. *The passing places don't allow for multiple vehicles to use at the same time, helping mainly with one on one passing situations. In reality this isn't the norm when everyone is slowing down to let lorries past.*
5. *The proposal also doesn't address the section of the road going down to Robin Hill and the local junctions where speed is an issue with slow moving lorries pulling out.*
6. *Pedestrian safety is still a big issue as this narrow road means traffic still mounting pavements (where there is one). The pavement will quickly become flattened as in previous years when the quarry was open. It is imperative that measures are put in place to stop the mounting of vehicles onto the curb. The section of road not address passed Canada Lakes and down to Robin Hill and Llantrisant Road is also not wide enough and has no pavement. It has always been an integral part of a circular walk of Creigiau, by walkers, joggers and horse-riders (even more so since Canada Lake/Lodge has been opened).*
7. *The danger of the shared entrance at the gates of the recreation ground/quarry and also the blind bend is not addressed.*

7.5 **Mark Drakeford AM** and **Kevin Brennan AM** have provided the following comments on the application.

We have been contacted by a number of our constituents who have raised concerns about renewed quarrying in the vicinity of Creigiau and Pentyrch. We would be grateful if you would ensure that these concerns are given thorough consideration in the determination of the application. We understand that the council intend to seek improved environmental protection. We would urge the council to ensure that active monitoring of the environmental impact is carried out alongside any plans to recommence mineral extraction, to ensure that residents do not experience unacceptable levels of traffic congestion, noise and air pollution. Whilst the availability of aggregates is important for the local economy and for provision of essential infrastructure, it is important carefully to balance this need with the need to protect the environment and the health and wellbeing of people living in areas directly affected by mineral extraction.

The increased usage of Heol Pant-y-Gored by heavy goods vehicle is of great concern to my constituents living in this part of Creigiau. As well as the

congestion that may result, they are especially concerned about road safety. The road at this point is narrow and although there is a slender pavement on one side, this is intersected by driveways. This means that vehicles are known to mount the kerb and present a danger to pedestrians. Anything which could be done to improve the position for Heol Pant-y-Gored residents, through this application, would be a very important outcome. These road safety concerns are compounded by the close proximity, at the North end of Heol Pant-y-Gored, of the entrance to the quarry road and the entrance to the recreation ground. Individuals who have contacted us are understandably concerned that children may be walking or playing in the path of very large vehicles at a point where visibility is limited as the road curves. Clearly such a situation is unacceptable and we hope the council will take this opportunity to ensure that works as necessary are carried out to ensure the safety of children and their families who may use the recreation ground.

Some of my constituents have called into question the accuracy of some of the information contained within the application with respect to the distances between where blasting will take place and where the nearest residential accommodation is located. We hope that the committee will ensure that council officers have checked this information for accuracy so that the planning authority's decision is based on sound data. We have also been contacted by constituents living in Pentyrch who have expressed their concern about the impact of quarrying on the air quality for children attending Pentyrch Primary School. The planning application provides an opportunity to ensure that suitable arrangements are put in place for regular monitoring of air quality and dust levels to ensure that the health of children is not in any way put at risk.

Given the concerns of residents in both Creigiau and Pentyrch, we hope that the local authority might be able to use this opportunity to ensure that the operating hours proposed for the quarry are sensitive to the right which people have to live their lives free from unreasonable noise and disturbance. In our view, the hours of operation currently proposed would not meet that test.

7.6 These comments were supplemented by further comments set out below:

We now believe that greater significance ought to be attached by the local authority to the time extension being sought in the application. The historic planning permissions would allow quarrying to take place up until 2042. The new application would appear to extend the time frame for quarrying by another ten years.

This is a 40% extension in terms of the time available for quarrying at this site. We believe that this represents a significant advantage to the applicant which ought to be reflected in the compensating benefits to be gained for the local population from conditions which the local authority could require.

7.7 Finally the following comments were provided in response to the further information submitted by the applicant:

I write in response to the recent 'Response' document provided by Tarmac, in

relation to Well-being and Environmental Health issues raised as a result of the company's application for planning permission at Creigiau Quarry. This response focuses on two aspects of the company's Response:

1. *Health Impact Assessment (HIA). It is very disappointing to read the company's refusal to carry out a full HIA as recommended by Cardiff and Vale University Health Board. The reasoning provided for this decision is partial, at the very least. The Response document suggests that, because a requirement for a HIA is not included in Planning Policy Wales that 'clearly' (1.16) it was not the intention of the Welsh Government that such an impact assessment would be required. All of this is entirely to ignore the position taken by the Welsh Government in relation to the Public Health (Wales) Bill which came before the National Assembly in the fourth Assembly term, and which is due to be re-presented in the first year of this Assembly. That Bill, as presented at the fourth and final stage of consideration, in March 2016, included a direct provision for HIAs to be obligatory in circumstances where planning applications involved significant public health considerations. I have no doubt that, had it reached the statute book, the Bill would have applied in the circumstances of this application – particularly given the clear recommendation of public health experts at the University Health Board that such an Assessment should be undertaken. None of this is referenced or acknowledged in the Response document. Given that the Bill represents the most recent statement of Welsh Government policy in this area, and the First Minister's explicit announcement that the Bill is to be an early priority for legislation in the first year of this Assembly term, I believe that the Local Authority should require the production of a full, independent HIA before determining the application.*
2. *The Response provides a proposal in relation to traffic management at Heol Pant-y-Gored. The provision of dedicated passing places is an advance on the present position. However, it represents a necessary but not sufficient response to the additional difficulties which will be created if and when quarrying resumes. As a minimum, it would need to be accompanied by a commitment not to use this route during peak traffic times. It would also need additional action by the local authority to protect pedestrians from vehicles attempting to mount the pavement in order to pass along the highway. This could, for example, include the installation of concrete bollards along the boundary between the pavement and the carriage way, in order to safeguard the passage of pedestrians, including children, along the improved facilities provided by the local authority.*

7.8 **David Melding AM** states that some of his constituents have raised queries about the accuracy of information submitted with the planning application - such as the distance between the quarry and their property and asks for them to be addressed. He also states constituents have commented on transportation issues on Heol Pantygored and questions whether lorries from the quarry can adequately pass traffic and asks that Planning Committee consider a site visit before making a decision on the application.

7.9 **Andrew Davies AM** has provided the following comments on the application.

Firstly, I would like to acknowledge that the owners of the quarry do have the necessary permissions, as it currently stands, to move forward. That said, time has passed quite considerably since the site was last functioning as a quarry and during that period a number of rules and regulations have been introduced and/or changed.

Therefore, I would be very interested to learn what analysis and investigations have been undertaken by Cardiff Council in relation to any new environmental legislation, which could have an effect on the re-opening of the quarry as working area in 2015?

Following a well-attended public meeting with local residents last Sunday, a number of issues were raised, many relating to the concerns this application could have nearby communities and residents.

Again, I would therefore be very interested to learn what improvements will be made by the Council to the roads around the quarry to ensure the roadways are capable of taking the many hundreds of vehicles and HGVs that could now embark daily onto the site? If this is not the case, I would hope common sense would prevail and the application refused on the grounds that transport infrastructure around the site is currently not suitable.

Finally, I would also like to question what investigations have been undertaken by the Council to analyse the implication on the quality of life the recommencing of work at the Quarry is likely to have on the local residents of Creigiau, Pentyrch and surrounding areas. I believe the application does not acknowledge in the fullest of detail the increased sound, dust and disruption which is likely to besiege locals.

- 7.10 The application was advertised by neighbour notification, and site and press notices. 214 individual objections were received in response to the **initial public consultation** from residents of Creigiau and Pentyrch and many of undisclosed address and who raise **objections** on the grounds summarised below:

Procedural

- (i) There is no Strategic Environmental Assessment of the combined social, environmental and economic impacts of the numerous housing developments proposed in the area and the quarry extension proposals.
- (ii) A Health Impact Assessment should be prepared to accompany the application to ensure that health impacts of the proposed extension are properly assessed and considered.
- (iii) Approving the quarry extension would intensify the problems associated with having housing within the Creigiau Quarry buffer zone e.g. the quarrying activity will move further towards the inhabitants of Pentyrch and is likely to lead to an increase in output and the issues associated with this operation, which are well documented and would be inconsistent with the buffer zone policies outlined in the Cardiff Local Development Plan.
- (iv) The application should be withdrawn until the Cardiff Local Development Plan and the amended mineral policies are adopted.

Lack of justification for release of mineral reserves

- (i) Surely there is sufficient supply of aggregate etc from the existing quarries in the area, without the need to open yet another one.
- (ii) The "stone bank" reserves in Cardiff, The Vale of Glamorgan and Rhondda Cynon Taff demonstrate that there are adequate reserves of stone for planned/foreseeable needs to be fulfilled without reopening a mothballed quarry.
- (iii) Net gain of 1.62 mt (4 years)
- (iv) There is no need for another quarry as there are already significant limestone reserves in the immediate vicinity (Taffs Well and Ton Mawr quarries).
- (v) Reserves that are given up are poor quality and that is why they are asking for an extension nothing to do with environmental concerns.
- (vi) There are alternatives to limestone such as slag from steel works and recycled stone.
- (vii) An investigation should be undertaken to see whether a more suitable quarry could be utilised that has a less controversial associated transport method, such as rail or sea.
- (viii) The Council is required to make provision for a crushed rock apportionment of 0.86 million tonnes of crushed rock per annum which equates to 21.5 million tonnes over a 25 year horizon. In this context, the PAS acknowledges that the existing land bank, as at 31st December 2010, amounted to 41 million tonnes for crushed rock. Clearly, therefore, there is a surplus of existing permitted reserves within the area of Cardiff City Council and the extension sought by Tarmac is not required to enable the Council to comply with MTAN1 and its associated documentation.

It is apparent, therefore, that the "*land swap*" to which the ES refers, that is, a surrender by Tarmac of planning permission in relation to areas of woodland which, present day, could not be worked in any event, in exchange for planning permission to quarry in a south east extension, is designed not for the benefit of the community but for the benefit of Tarmac. This is reinforced by the realisation that the proposed extension would not simply make up for reserves surrendered in the areas of woodland but would grant Tarmac permission over additional reserves of 1.62 million tonnes and enable the quarry to be worked for an additional four years!

The figures quoted in the PAS as to the quantity of reserves Tarmac would be surrendering and those it would be acquiring under the "*land swap*" appear to be Tarmac's own figures. However, in view of the discrepancies we have noted above, in relation to other information contained in the PAS and ES, we consider Cardiff City Council should obtain verification of such figures.

The PAS refers to Planning Policy Wales (PPW) 2014, which sets out the land use planning policies of the Welsh Government, and Minerals Planning Policy Wales 2000 (MPPW) which sets out policy in relation to short and long-term future use of minerals. The PAS states that:

"The common themes of PPW and MPPW are to regulate the development and use of land in the public interest; to make land

available for development to meet society's needs; and to ensure that development proceeds in accordance with the principles of sustainable development."

The PAS states the PPW is of key importance in setting out the principles of sustainable development, defined in the PPW as *"enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our generations"*. These elements of sustainable development are underpinned by a series of principles which should be adhered to in applying sustainable development in the planning system and which include:

"Putting people and their quality of life now and in the future at the centre of decision making;"

It is apparent from the PAS that discussions have taken place between Tarmac and Cardiff City Council, over many years, in relation to the proposed *"land swap"* and its inclusion in the proposed LDP. However, we suggest this proposed development has been overtaken by PPW and the application of the principles of sustainable development.

Applying the land use planning policies, set out in PPW, and the principles of sustainable development, it is clear that the south east extension of the quarry sought by Tarmac:

- Is not required to meet society's needs;
- Is not required in the public interest;
- Would not enhance the economic, social and environmental wellbeing of people and the communities of Pentyrch and Creigiau;
- Is not required to achieve a better quality of life for our generations;
- Is only required to meet Tarmac's commercial interests.

It is clear the application by Tarmac, in relation to Creigiau Quarry, is strenuously opposed by the residents of Pentyrch and Creigiau on the grounds of noise, blast vibration, air quality, safety and transportation and environmental grounds.

Accordingly, if Cardiff City Council puts *"people and their quality of life now and in the future at the centre of its decision making"* then, having regard to the economic, social and environmental wellbeing of those living in Pentyrch and Creigiau, there should be but one outcome to Tarmac's application, which is that the application be refused.

Highway related issues

Access roads to Quarry are inadequate

- (i) The route that the lorries would need to take to and from the quarry is completely unsuitable and will pose a significant safety risk to pedestrians and other road users. A major concern is the use of Heol Pant Y Gored, which is a narrow residential road, with only a small pavement on one side. There have already been 3 fatalities and a number of injuries on this road and this problem will be exacerbated if the quarry reopens and extends further. If the proposals go ahead, HGV lorries will use this road up to 146 times a day (one every 5 minutes), including peak and school hours. The lorries will make the road impassable by other vehicles, forcing either the lorries or other vehicles

to mount the pavement, endangering pedestrians. Also, the quarry entrance is also only yards away from a blind bend on Heol Pant Y Gored, so lorries would have to cross the path of any vehicles coming from the village.

- (ii) The Environmental statement states that the width of Heol Pant Y Gored is 4.9m at the narrowest point. I have measured this at 4.7m with the presence of a vertical hedgerow to the southern side reducing the effective width further.
- (iii) My husband has a company with multiple heavy goods vehicles and can confirm that the width of a HGV from mirror to mirror is 3m. The reduced width of 4.7- 4.9m extends for the majority of Heol Pant Y Gored between the quarry entrance and the end of the residential properties towards the farm is wide enough (just) for 2 cars to pass but not wide enough for 2 large 20+ tonne lorries to pass leaving 2 metres for a car, bus or other HGV. As evidenced by lack of white lines in centre of road.
- (iv) Creigiau Travel has expanded since the quarry was last opened, to include a large fleet of coaches. There are two coach parks in close proximity to the quarry entrance. We cannot see how an HGV lorry and 50+ seater coach can pass one another on Heol Pant Y Gored, even by mounting the single pavement.
- (v) It is stated that a road width of 4.8m is sufficient for a car and HGV to pass and therefore assumes that cars and HGVs can pass freely. Simple observation of traffic movements on the road demonstrates that due to the vertical hedge on the southern side a car and HGV cannot pass without one vehicle stopping or for larger cars mounting the pavement. As the average width of a car is 1.8m it is obviously clear why. How can a car of 1.8m and an HGV of 3m, therefore 4.9m, possibly pass on a road width of 4.7m or even the supposed width of 4.9m that's stated in section 13.5.3 of the Environmental statement? Even at a width of 4.9m this would mean not a millimetre of room between kerb and vehicle and between the two vehicles. This also doesn't take into account the logistics of the angle of the cars - it is not a perfectly straight road and vehicles manoeuvring around even the slightest of bends will take up more room in the road than the simple width of the vehicle. When you then consider two HGV's passing - at 6.2m combined, it doesn't take much calculation to work out that this is simply not going to happen on this road. The statement also highlights that HGVs wishing to pass would have to give-way. Due to the absence of any passing places along the road this can only be achieved if one of the vehicles mounts the pavement. This is also applicable for any vehicle larger than a standard car passing a HGV or bus and even two larger cars - in our 4x4 we are unable to pass other 4x4's without pulling our mirrors in. We are not prepared to mount the pavement - firstly due to the damage that would be caused to our cars and more importantly because we are not prepared to commit an illegal and dangerous act.
- (vi) In summary due to the width of the route it will be necessary for vehicles to regularly mount the pavement which is illegal to avoid reversing for significant distances. This is evidenced by the fact that when the quarry was operational prior to 2002, the pavement along Heol Pant Y Gored was completely destroyed by traffic mounting the pavement. The

pavement was only reinstated by the council a few years ago. The pavement is used for access from the properties along Heol Pant Y Gored to the village and regularly by ramblers and walkers accessing nearby footpaths and the circular walk route and a significant increase in the number of vehicles mounting the pavement will create a hazard. I have two grandchildren who regularly walk along the pavement to our house from theirs in the village and twin baby grandchildren who are pushed in a twin pram along the pavement to the recreational ground from our house. Are you able to guarantee their safety on the pavement along this road?

- (vii) The above risk is greater due to the tendency of vehicles to arrive and leave in groups, experience of when the quarry was last operational includes lorries arriving in advance of the 7am opening and using Heol Pant Y Gored to queue effectively blocking the roadway.
- (viii) When the quarry first opened, a rail link was used to transport stone from the quarry. Whilst acknowledging that LaFarge Tarmac still has permission to operate from the site, based on planning approved between 1951 and 1957, the current infrastructure is inadequate to support this operation safely. It would be made significantly worse if the quarry extension is granted. Granting permission to expand the quarry seems irresponsible to us when the means to transport the minerals safely from the site does not exist under the present application.
- (ix) This issue needs to be seriously considered as children (and adults) regularly walk to school on these routes as well as to access the recreation ground and village.
- (x) Lorries were smaller when quarry was last operating.
- (xi) This road is very congested already with Creigiau buses using it frequently and it is difficult to understand how it is deemed safe and wide enough for 70 loads a day or 140 quarry lorry movements per day to use it.
- (xii) The footpath along Heol Pant-y-gored Road has been improved making the road narrower.
- (xiii) Some houses on Heol Pant-y-gored do not have driveways or parking spaces for visitors and cars and are often parked on the road which will result in the path of lorries being blocked.
- (xiv) When quarry was last operational lorries would queue along the road before the quarry gate opened at 7.00 am and would block the driveways of residents and wake residents up in the early morning.
- (xv) Road via Robin Hill is also unsuitable and narrow as is Cardiff Road into Creigiau village.
- (xvi) Concern over structural damage to properties along Heol Pant-y-gored, including the grade 2 listed Pant-y-gored Farmhouse from HGV traffic in addition to blasting
- (xvii) Use of the road by HGV traffic will make it difficult for emergency vehicles to use road and access properties and may also result in the bus service along the road being withdrawn.
- (xviii) HGV drivers will ignore weight restriction through Pentyrch village as they did when quarry was last operating introducing noise for road humps, chips to paintwork and vibration and diesel pollution.

- (xix) Illegal to drive on pavement except to gain access to property or in an emergency (Rule 145 Highway Code & Section 72 of Highways Act 1835).
- (xx) Service and school buses use the road.
- (xxi) Traffic has increased on road since quarry last open Granting permission to expand the quarry would be irresponsible when the means to transport the minerals safely away from the site does not exist under the present application remit.
- (xxii) In addition to the lack of adequate separation of the haul roads and amenities referred to above and required under MPPW 2004 TAN 1 . The Health & Safety Executive (HSE) and many other operations based projects will confirm you segregate plant and machinery from people thereby eliminating the risk of injury at source.
 This new application if supported by Cardiff City Council will ignore this principle when it has the opportunity to do so. Therefore they will be taking great responsibility risk as an organisation as nothing in this application is to be done to safeguard people against the circa 110 to 146 number journeys per day of 20 to 40 tonne wagons. There will no doubt be an incident and pray not a fatality that Cardiff City Council will then be held accountable for.
 The Highways Authority must satisfy themselves that today's infrastructure when reviewing this new application is current and capable of supporting the volume in weight and frequency of traffic. As mentioned by other objections, the carriage way on Heal Pant Y Gored has been altered with the introduction of a footpath since quarrying ceased in 2001/2 and is therefore simply not wide enough currently and certainly not for such large HGV's. Buses traverse this route with difficulty and have in fact collided in the last year.
 The Environment Statement section relating to traffic is woefully inadequate for a decision to be made on this application. Bearing in mind the close proximity of children and residents a full Traffic Impact Assessment is required detailed Vehicle Swept Path Analysis demonstrating the route is viable under the Highway Act.
 The statistics are also misleading as only 5 years of evidence is recorded with no mention of recent incidents and a fatality.
 The comment also concerning on occasion bringing vehicles into Creigiau via the West must be objected to and is no doubt no possible due to the limits of the old railway bridges and the safeguarding of the centre of the Village.
- (xxiii) The ES is based upon the premise that a reopening of the quarry will have no effect on transport or traffic volume as compared with the period prior to 2001 when the quarry was last operational. The only evidence given in support is that, between 1996 and 2001, the quarry produced between 300,000 and 400,000 tonnes of limestone aggregate per annum which is the volume it is intended to produce on reopening. As far as we can ascertain, no detailed production figures have been disclosed for the period prior to 2001. As the quarry became mothballed at that time, we assume there would have been a period of significantly reduced output prior to 2001 which leads us to question the adequacy and accuracy of the production figures. Furthermore, there are likely to

have been changes in vehicle design, size and capacity since 2001 such that we question the proposition that there would be no changes in the nature and size of the transportation utilised.

Health and Safety Risk to Road Users

- (i) Increased risk of serious road accidents and increased danger to pedestrians, children, cyclists and horses and riders from lorries illegally mounting pavements due to unsuitable narrow access road Heol Pant-y-Gored as happened when the quarry was last operational. Previous damage to pavement evidence of this.
- (ii) No enforcement to stop lorries using the pavement.
- (iii) The road is part of a local recreational route (“Pant-y-Gored triangle”) and quarry extension will bring site closer to footpath.
- (iv) There have been a number of fatalities already (3 deaths)
- (v) Increased traffic and risk to road users in Creigiau and Pentyrch villages due to opening of Church Village bypass.
- (vi) No pavements at quarry entrance.
- (vii) Rubble and sheeting in the road will pose a safety risk
- (viii) Residents will be cut off from village amenities, shops and the recreation ground
- (ix) Should be no movement of lorries during peak commuting times and school traffic times.
- (x) There have been several accidents and a car driver from Creigiau has been killed in a collision with a lorry and wing mirrors have been clipped.
- (xi) I have been a resident on this road for the past 34yrs. During this time, there have been deaths on the bend near the farm and also incidences have occurred to the right, as you exit Heol Pant-y-gored. I can recall a heavy lorry going over the hedge just after the reinforced bridge. The Robyn hill access and exit is also a major traffic hazard.
- (xii) Risk of damage to cars and hedgerows.
- (xiii) Stringent conditions must be placed on the users of roads in both villages and these must be rigorously enforced.
- (xiv) Houses are attractive with well kept gardens and frontages and pollution will result from use as entrance to virtual quarry.
- (xv) There will be a serious injury
- (xvi) Unacceptable for lorry traffic to turn right at Robin Hill and travel through Creigiau village to the north and Church village bypass. This would pose a safety risk for children attending events at the village hall and attending Creigiau Primary School and roads are unsuitable and narrow north of the village.
- (xvii) Cardiff Road is unsuitable with no footpaths and bad visibility.
- (xviii) Junction onto A4119 dangerous lorries will not turn right quick enough.
- (xix) he section of Heol Pant-y-gored between the farm and Robin Hill is narrow and there is no pavement and poor road lighting and is covered by a national speed limit of 60 mph. There is access to a major filter plan and large telephone exchange, both used by light vehicles and HGV’s and there is access to site hosting weddings and other social and business functions as well as a fishing lake, used by multiple cares as well as large coaches. There is also a narrow bridge and several bends and dips in the road affecting visibility. We no longer feel safe to walk

along Heol Pant-y-gored from our home, in either direction, due to the weight and speed of passing traffic and access to our property by car is increasingly difficult despite considerable modification to the access point since we moved here.

- (xx) The access beyond Pant-y-Gored to Cardiff road is also narrow and passes over a weak bridge that has been infilled below. This is not an adequate means of securing this bridge against the proposed volume of, as we understand it, 20 tonne HGVs on a daily basis. Alternative access via the village centre would require the lorries to cross 2 very old railway bridges and we have concerns that these bridges should already have weight restrictions on them due to their age and lack of apparent ongoing maintenance. The section of road also has a blind crest over the bridges.

Traffic Congestion

- (i) There is currently considerable traffic congestion along the A4119 with acute congestion at Llandaff and St Fagans already. An estimated 7-9,000 houses are proposed for the area and the quarry lorries would add significantly to this congestion.
- (ii) Creigiau has changed since the quarry closed, with village activity having come closer to the quarry. It is still expanding, with planning consent having recently been given, for the building of many more new houses around the Robin Hill/Llantrisant Road area, which will incorporate a changing layout of these roads and a lot more traffic into Creigiau.
- (iii) The proposal will increase lorry traffic through Groesfaen which already busy making it impossible to cross the road to shops and the children's playground.
- (iv) The proposal will cause further traffic congestion in Llantrisant.

Health and Safety risk to users of recreation ground

- (i) The entrance to the quarry is next to the entrance to Creigiau Playing Fields and shares the same space with no segregation. These playing fields have tennis, cricket, football and skate-park facilities. It is used regularly by a significantly increased amount of people from the last time the quarry was open. Many of the users are youngsters on bicycle and foot. This entrance is on a blind-corner. The lorries will be a hazard and a danger to all users entering and leaving the Recreation Ground.
- (ii) The quarry road is adjacent to, runs the length of and is only a few yards away, from the recreation ground and pavilion. It climbs upwards above the children's play area and Skateboard Park. The skateboard park is only 5 to 10 metres from the quarry road up a steep bank, with just trees for separation and no fence or wall which poses a danger to users along with dust impacts.
- (iii) The recreation ground has been greatly developed over the years, for sport, socialising and relaxation. This is the only safe, quiet area for the people of the village to come together and the usage is great. With the noise, movement and pollution of the quarry and the heavy vehicles, it will have an effect on peoples' lives and health both mentally and

- physically. There is also a large area of allotments adjacent to the playground.
- (iv) On a safety level, the risks are very high, with children of all ages (including my own, age 4 and 6) and dogs running free. The recreation ground gates and the quarry gates are adjacent. The children are constantly running or riding (bikes/scooters/skateboards) through the gates. The small area of concrete space outside will also be shared by the lorries.
 - (v) Risk to accessing and using public spaces --- the quarry entrance is directly adjacent to the main entrance of Creigiau recreation ground, which is used throughout the day by thousands of children, young people and adults. It is estimated by the recreation's management committee that the ground is used by over 21,000 people a year, including clubs and organisations, walkers/dog walkers, children/young people using the play area and skate park, and allotment users. Lorry traffic will cross the entrance within 4 metres of the recreation ground.
 - (vi) As highlighted above there is a significant safety hazard, as the entrance and routes to the recreation ground would become extremely dangerous. In addition to this, the lorries and quarry work would cause noise, disruption and dust in that area, rendering the recreation ground undesirable and potentially unusable. With the quarry's planned operational hours to include Saturdays, this would further effect the local residents access to public open spaces.
 - (vii) We know that the City of Cardiff Council has signed up to the seven core aims associated with United Nations Convention on the Rights of the Child, which clearly states a commitment to ensuring children and young people have access to play, leisure, sporting and cultural activities, along with a community that supports their physical wellbeing. We hope that this commitment is considered and upheld.
 - (viii) The current application fails to address the risk posed to users of Creigiau and Pentyrch's public spaces. The quarry entrance is next door to the main entrance of the Creigiau Recreation Ground, which is used throughout the day by thousands of children, young people and adults. The Recreation Ground's Management Committee estimates the grounds are used by at least 21 000 individuals per year; it serves as a community hub and provides facilities for organisations as diverse as Creigiau Cricket Club, the Tennis Club, the Petanque Club and the Cambrian Bowmen. In addition, the ground is used by dog walkers, skateboarders, young children in the playground and allotment users.
 - (ix) If the quarry reopens I will be extremely concerned about letting my child continue to use the recreation ground for extra curricular activities given the danger posed by the additional quarry traffic. The noise and disruption would destroy the unique character of the Recreation Ground as the HGV lorries would be passing directly behind the ground with only a line of trees to separate them. The entrance to the recreation ground would become very dangerous with the volume of additional HGV traffic from the quarry. I'm concerned that the proposed operational hours of the quarry include Saturdays. The recreation ground is mostly used by at the weekends. During the Creigiau Carnival, a long established annual fundraising community event, 1500 people visit the recreation

ground and the majority of them use the main entrance to access the event. The village only has two play areas for young children. The playground in the village opposite the pub isn't large enough to accommodate the number of children in the village and the pressure on this facility will increase as parents won't want to walk with their children to the playground in the recreation ground because of the dangers posed by the HGV quarry vehicles.

- (x) My children play at the Rec and would be subjected to the noise, pollution and lorries every time.

Need to consider alternative access to quarry

- (i) Reopen the railway line or provide a narrow gauge railway or conveyor belt system to take the stone to a more suitable unloading point.
- (ii) Need to consider alternative routes or improvements
- (iii) Re-consider using the old railway line behind Heol Pant-y-gored Road or using new road opposite Oakleigh House.
- (iv) Object to the use of the old railway line behind Heol Pant-y-gored Road as would create another set of problems and bring the problem closer to Station houses, The Terrace, Station Road, Cardiff Road and the village generally. It would constitute a change in land use from agricultural to industrial and there would also be the need to consider environmental impact given the damage to Oaks and other trees along the route, previous concerns raised in relation to road safety at the quarry entrance and potential impact on the Cardiff Metro proposals.

Impact on Allotments

- (i) The allotments lie below the quarry site and, as mentioned, are in regular use on a daily basis. There may be health risks to those working on the allotments and risks to the crops themselves from dust and from run-off water. The impact assessment does not seem to take these specifics into account with regard to the allotment site and is far too generalised.

Damage to road infrastructure

- (i) The roads will be damaged more than they are now and the cost of repairing them will make a big hole in the road works budget.
- (ii) The bridges in Creigiau have needed essential repairs in the past and may not be suitable for heavy lorry traffic and further repairs may be needed over the next 20 years.
- (iii) When the quarry was last operating the Council and Tarmac appeared to be in dispute who should bear the cost of constantly repairing the damage to Heol Pant-y-gored Road pavement, caused by the presence of high volume haulage traffic on the road that is totally unsuitable for it.

Reference to problems when quarry was last operating

- (i) Mud was being carried onto the highway and the problem was never resolved.

- (ii) Lorries were leaving the quarry unsheeted.
- (iii) The roads deteriorated rapidly and an increasing number of lorries, cars and pedestrians were at considerable risk resulting in the Council as an experiment closing Heol Pant-y-gored to through traffic and allowing only Tarmac vehicles and residents to use the road. This was not successful as in the knowledge that lorries would not meet a car they travelled at considerable speeds and used the pavement as an extension to the roadway. The Council also refused to undertake any permanent repairs on Heol Pant-y-gored until an alternative route is available. This was not resolved and there were substantial potholes in the road.
- (iv) Given this evidence of past problems allowing this extension does not appear to be consistent with the responsibility the planning authority has for safety and wellbeing of the residents most likely to be impacted.

Ecological Impacts

- (i) There is considerable ecological interest associated with the quarry. With Peregrine falcons, buzzards, dormice, newts and reptiles, bats, barn owls, hedgehogs as well as a range of nesting birds and botanical interest. Measures will be needed to ensure that ecological interest is not destroyed or damaged.
- (ii) Woodlands, flora and fauna should not be allowed to be vandalised as being considered by the applicants.
- (iii) Noise will disturb animals and wildlife
- (iv) The application poses a considerable threat to the natural environment.
- (v) With reference to planning and environmental law paragraph 10(a) of Schedule 2 to the 1988 Regulations, the proposed development is likely to have a major detrimental effect on the environment because of its nature, size, location, and general industrial, storage and distribution use. The proposal would have an urbanising effect on a non---urban area. This would have a negative impact on the trees, hedgerows, flora and fauna in the locality, some of which are protected species and species of conservation interest
- (vi) Whilst I know they have been mentioned in detail from the Ecological surveys, why if this application has not been decided upon, why are traps currently and recently been set adjacent the quarry face. Surely it would be part of the pre commencement conditions after a decision and not before? I am sure the RSPB will be very interested to hear of such action ahead of any agreed decision.
- (vii) The destruction of the wildlife and scenery that would occur by returning the site to an industrial wasteland does not bear thinking about.

Health Related Issues

Noise

- (i) There is likely to be significant dust, vibration and noise associated with the quarry which will have an adverse impact on what is a quiet, rural village. Measures are needed to monitor and enforce limits on noise, dust and vibration.

- (ii) Noise associated with quarry related traffic, blasting and processing machinery will have adverse impact on what is a quiet, rural village and shift workers.
- (iii) There will be noise associated with the construction of the screen bund.
- (iv) When the quarry was last operating the general noise of quarry operations could be heard from our house and meant that windows would have to remain closed during the day and use of our garden was kept to a minimum because of the noise. The main noise issues were caused by the crushing plant machinery which could be heard as a dull drone type noise which could be heard throughout the day. Other noise issues were caused obviously by blasting but also by the loud noise created by trucks being loaded with material, vehicle and plant machinery horns being sounded, various sirens being sounded and engine noise from plant machinery being driven around the quarry site.
- (v) Concern over noise from "pecker".
- (vi) The noise and dust pollution from the quarry will have a serious impact on the quality of life our family (and pets). There are the operational noises of drilling, sirens and blasting noises, the increased traffic sounds that will all be clearly heard not only from our garden but local parks and the walks that we take in the local area. We will lose the peaceful enjoyment of being in our own garden, and our children cannot play in their own garden without inhaling dust particles. They also play in the local parks in both Creigiau and Pentyrch and this will have the same impact - confining our children to being indoors with the windows shut.
- (vii) Wind direction from South west would carry noise in Pentyrch direction.
- (viii) No assessment of noise at Recreation Ground.
- (ix) Noise from traffic using Heol Pant-y-gored is a concern
- (x) The ES, in its study of the noise effects of the quarrying operation at Creigiau Quarry, is said to be an assessment which *considers the likely worst-case noise levels generated by operations and predicted at the nearby noise sensitive receptors. In this instance the assessment considers the noise-sensitive residential properties around the site*". The section refers to *"Environment noise surveys carried out at the nearest noise-sensitive receptors closest to the site on the 19th and 20th June 2014..."*. Six locations were used for the purpose of the survey, none of which included our properties. Two of the locations were at Pentyrch, at Bronllwyn and Heol Gam. Of those locations, the latter, at approximately 470m, is closest to the planning application boundary although Brynglas, at 355m, is even closer. In suggesting that periodic noise monitoring should be undertaken during the operational life of the quarry *"at the nearest noise-sensitive receptors"*, again, no reference is made to our properties. In ignoring our properties, the noise survey has not considered the "noise-sensitive properties closest to the site" and, clearly, is defective. If any noise monitoring is to be undertaken at representative properties to be agreed with the Mineral Planning Authority, as a planning condition suggested by the assessment, one of those properties should be Brynglas.

Dust and Air Quality

- (i) Dust will be particularly detrimental to the health of children and adults who suffer from asthma particularly given Pentyrch village and Pentyrch School lie west of the quarry in the prevailing wind direction Also Creigiau school lies nearby.
- (ii) Dust will be generated by construction of the bund which will impact on Laundry, windows, cars, paintwork and respiratory problems for elderly.
- (iii) All human life, and wildlife, plants, animals, pollinators, farm stock crops and grassland will be subjected to and stressed by the effects of particle matter pollution.
- (iv) The efficiency of solar panels will be decreased
- (v) The production of food crops within gardens adjacent the quarry will be negatively affected.
- (vi) Concerns about the impact on air quality and its adverse effect on local residents, particularly children and adults with respiratory conditions. We have been made aware of evidence showing that PM10 and PM25 dust particles released during the process – despite sheeting the lorries -- can contribute to a range of health problems.
- (vii) The quarry could also have an impact on air quality, which could in turn have an adverse effect on children with respiratory conditions, elderly people, and others. Whilst I recognize that the lorries in question will be sheeted, and that hi-tech filters will be in use during the blasting process, there is growing evidence that PM10 and PM25 dust particles, which will be released during the process, may contribute to a wide spectrum of health problems The dangers of Calcium Carbonate extraction are becoming increasingly of concern. The U.S. Department of Health and Human Services, Occupational Health and Safety Guidelines for Calcium Carbonate state clearly the effect of Calcium Carbonate• 'Effects on Humans, Calcium Carbonate is a physical irritant of the eyes, nose, mucous membranes and skin of humans. Contact of Calcium Carbonate dust with the eyes causes redness, pain and inflammation of the eye lids while contact with the skin causes local irritation. Exposure causes coughing sneezing and nasal irritation may pose a silicosis risk. succumb to pneumoconiosis and silicosis from inhaled dust Noise and dust pollution from blasting, quarrying and increased traffic levels impact heavily on wildlife and on neighbouring communities.
- (viii) I am extremely concerned by the health issues this will raise. This is not just a "possibility", this is an absolute certainty. The incidence of asthma is increasing year on year nationally with more and more hospital admissions and the changes brought about by this proposed work will impact on residents but more worryingly on children at the village school who will be directly exposed to the changes in air quality as a result of quarrying nearby! I have both a personal and professional concern as my granddaughter has severe asthma and attends the local primary school, but I am well aware of the many children attending the school who will also suffer as a result. Elderly people who have lived in the village all their lives and have issues such as chronic obstructive airways disease and emphysema will see a deterioration in lung function as a

consequence of dust and debris in the air. Deterioration in lung function puts added strain on cardiac problems and by allowing the quarry work to go ahead we are putting the long term health of a large number of people at risk.

- (ix) Resultant noise and air pollution from the huge increase in diesel traffic and the concomitant rock dust involved in quarry transportation.
- (x) The quarry expansion would generate diesel particulate pollution

Impact on pupils at Pentych and Creigiau Primary Schools and Nursey Schools

- (i) The quarry is already 575 metres from the school and the proposals will bring quarrying nearer the school with blasting proposed to take place one field away from school children (4 to 11 years old) resulting in poor air quality and dust impacting on children with asthma and health which will hugely affect their time at school and the ability to play outside and be very when blasting.
- (ii) HGV traffic passing the school will pose a real safety issue.
- (iii) Proposals could jeopardise the future of the school.
- (iv) Pentyrch is in the catchment area for the Welsh section of Creigiau so school buses and cars also use this road twice daily. The school has also doubled in size over the years, as evidenced by half of the classes in the school now operating from demountables around the school yard as the building no longer is adequate for the number of children in the area. Typical quarry working patterns mean that the flow of lorries would be expected to peak in the morning rush hour, maximising the risk to children walking, cycling and driving to school.
- (v) The school building on the whole is old and I am concerned that noise from the quarry will result in poor acoustics. Poor acoustics are well documented as creating unacceptable barriers for children with special needs, including those with a visual impairment, autism, speech and language difficulties and those with a hearing loss. Needless to say all children need to hear their teachers well to learn effectively and research demonstrates strong link between poor acoustics and poor behaviour.
- (vi) Further concerns we wish to raise include the level of noise pollution and damage to properties from ground and air vibration, especially those already existing within the quarry buffer zone. We know that residents in Station Houses previously had to replace windowpanes on a number of occasions, after damage from blasting in 1993. With regards to noise pollution, this can have a considerable effect on a person's mental wellbeing. With the proposal to start quarrying at 7am and on Saturdays, this shows a complete disregard for the wellbeing of local residents.
- (vii) Many parents will consider removing their children from the local school if this proposal goes ahead as our children's health is paramount. This would be such a sad loss to a school that has seen several generations of family pass through and still retains the ethos of an excellent village school in a close village community. Why should all this be lost to a powerful money driven venture??

- (viii) As a doctor my immediate concern has to be the health issue of our young children who are now at risk of losing a safe clean and healthy environment in which to live.
- (ix) Noise will cause children not being able to learn and danger when walking to school.
- (x) Concern about the impact of quarrying on the air quality for children attending Pentyrch Primary School. The planning application provides an opportunity to ensure that suitable arrangements are put in place for regular monitoring of air quality and dust levels to ensure that the health of children is not in any way put at risk.

Mental Health

- (i) Concern over impact on mental health

Blasting and Damage to Properties

- (i) Object to quarry moving nearer to Pentyrch as the blasting and vibration was terrible when the quarry last worked and my property and the village shock. Monitoring was undertaken but blast were always worse when they were not monitored and I am worried about our property and quality of life.
- (ii) During blasting the homes that are nearest to the quarry will be badly shaken when the quarry was in production things would fall off the wall when blasting occurred. Blasting has caused the houses to have cracks in them and the repair work can be very expensive to carry out. Quarries have been known to deny this but how else can cracks appear. Monitoring the blasting would not help the people whose houses have been damaged by it.
- (iii) Noise and vibration from blasting and potential subsidence and structural damage to properties as quarry lies on same rock strata. Pentych also lies on a fault line.
- (iv) Already bounded by one quarry and suffer the impact of blasts and heavy vehicles.
- (v) When quarry last operated blasting took place several times per week, and loud sirens were sounded prior to blasting taking place. The blast itself would physically shake our house. Light fittings would move and wooden cladding and floorboards would creak as the house shook. Cracks developed in the walls of ours and our neighbours houses which have remained stable since the quarry last closed. Plasterboard/windows/cistern/beds shaking/garden pots no more cracks since quarry stopped operating.
- (vi) There have been numerous reports of cracks appearing in nearby property, and even of windows shattering, with some existing homebuyer surveys identifying cracks that may be linked to previous activity at the quarry
- (vii) When the quarry was operating in 1993, Tarmac agreed to replace windows at 5 Station Houses on two separate occasions due to large cracks that appeared after blasting.

- (viii) The ES addresses the number and types of properties that should be used as the basis of the blast vibration assessment. It identifies, amongst a shortlist of seven locations, "*Properties at the eastern end of Heol Pant y Gored to the south east of the quarry*" which, we assume to be a reference to our properties. Table 11.3 refers to Heol Pantygored (east end) being 465m away in Year 1. We do not know on what basis that measurement is given but, should it represent nearest distance from the proposed limit of extraction, as opposed to nearest distance from the proposed quarry boundary, we calculate such distance to Brynglas to be approximately 410m.
- (ix) The assessment recommends that any planning condition regarding blasting at the quarry should provide for ground vibration to be measured "*at or near the foundations of any residential type vibration sensitive building in the vicinity of the quarry existing at the date of this consent*". In view of the history of vibration at our properties, when the quarry was last in operation, and the proposal that the limit of extraction be appreciably closer to our properties, we consider that any planning condition should ensure our properties (Brynglas) are amongst those monitored for ground vibration.

Sink Holes

- (i) Some of the land around the quarry is known as marsh, sink holes have appeared near the quarry and a large hole had to be filled in near the village hall. Blasting could make the holes appear more often and larger given the village lies on a geological fault line.

Woodland under threat

- (i) The woodland under threat as a result of the proposed expansion should be protected as a local resource for the reasons outlined by the Council themselves in relevant policy documents. Additional Coed y Creigiau is listed in the provisional inventory of Ancient Woodland for the Glamorgans and should be regarded as a vital conservation resources and protected from development.
- (ii) There are three of these. There is a protective order on part of the woodland by a Tree Preservation Order. Part of the area is used for a recreational pursuits and should be protected. The third and the northern part is not protected.

Quarry Waste

- (i) Waste from the quarry can have a drastic effect on the ecosystem, solids can cause flooding. Products need to be stored and managed, treatment and disposal of waste may produce a negative impact on the environment.

Archaeological Features

- (i) There are features of archaeological interest in the land surrounding the quarry and any extension of it may have archaeological implications which would have to be assessed.

Agricultural

- (i) The eastern part of the area is agricultural and should remain for that use as it is a person's livelihood.

Destruction of countryside

- (i) Damage to countryside and rights of way habitat.
- (ii) Residential extensions to Creigiau have been refused planning permission because they represented an undesirable extension of Creigiau outside the settlement boundary into attractive countryside and this position is no different for the quarry extension.

Visual Impact

- (i) Impact on visual amenity as the eastern extension would cause the quarry to be visible from the southern part of Pentyrch
- (ii) The application moves the quarry boundary closer to our properties and, as stated above, at various points, in relation to Brynglas, between 50m and 435m closer. Furthermore, on its south-eastern boundary, the ground slopes downwards towards our properties. It is likely, therefore that any extension of the quarry in that direction will have a greater visual impact on our properties.
- (iii) The application includes provision for the construction of a landscape screen bund around the eastern and south eastern margins of the extension area. The application does not specify, as far as we can see, the height of the proposed bund and does not, therefore, provide us with any assurance that the bund will reduce the visual impact of the development and the allied effects of noise and dust.
- (iv) Screen bund will dramatically change outlook from my property and the school perimeter.

Impact on quality of villager's life

- (i) The proposal would spoil the quality of life for local residents
- (ii) The Welsh Government has highlighted the importance of its villages to Wales' culture and heritage. If the expansion of the quarry is granted it has the potential to change the rural character of the area in question to that of a semi-industrial one.
- (iii) We hope that the above risks to the local residents' safety, health and wellbeing, as well as detrimental impact on the environment and local property will be seriously considered. It is not a 'straightforward' expansion to a quarry with existing planning permission; there is no longer the infrastructure to support it so road safety is a major risk, there

are now two large coach parks in close proximity and the nearby recreation ground with improved facilities is used by thousands of people.

- (iv) Circumstances have changed since 1960's greater population and two primary schools
- (v) Driven by needs of big business
- (vi) Creigiau is a village where the Welsh language is used; I chose to live here for reasons that are now threatened by the quarry and other development. I feel that I am going to be witness of the destruction of the natural environment, suffer detrimental effects to everyday health and life from dust, traffic and noise pollution; my children's quality of life will be compromised.
- (vii) Should get views of children
- (viii) Contrary to Article 6 "Right to be alive" of UN Convention on Rights of the Child and villages will become no go zones for children
- (ix) Will introduce heavy industrial presence in quiet rural area
- (x) Many houses lie in buffer zone
- (xi) The current application is simply not relevant in 2015 and quarrying cannot be supported as the village, its people and infrastructure and recreation facilities have has altered significantly. The current application does not consider this enough and the consultation comments are nothing but flippant. The village is now a local community populated by approx. 5000 people that supports the local job socially and economically into Cardiff and surrounding towns and often further via the M4 corridor just a few miles away. Under the most recent iteration of the LDP the planned expansion of Creigiau will see further population in the surrounding area of up to almost and another 750 homes and with it possibly circa two thousand people and the potential for a similar amount of cars / vehicles to the current road infrastructure.

Property Devaluation

- (i) The proposal would devalue properties around the quarry and lead to increased insurance premiums/negative equity.

Impact on local Businesses

- (i) Fear for the impact on local businesses, such as the boarding kennels off Tyn y Coed Road (very close the quarry) or Canada Lodge (on the main lorry route between quarry and Llantrisant Road.
- (ii) Will reduce the amount of walkers through the area and have an adverse effect on local facilities including public houses, shops and cafes.

Restoration

- (i) Concern over who will enforce the assurances to make good and restore the site in 30 years time.

Working hours

- (i) Working hours excessive 8.00 am to 6.00 pm weekdays and 8.00 am to 1.00 pm on Saturday's.
- (ii) Do not want heavy lorries on our roads early morning and evenings and on Saturdays. Weekend working ignores users of park, allotments, cyclists and horse riders and those on shopping and leisure trips and could lead to more accidents.
- (iii) The working times for the quarry are at odds with a residential area, particularly where many young children are in bed before 7pm.
- (iv) There should be no weekend working and weekday working should be 9.00 am to 5.00 pm.
- (v) Operations times of Monday 6 am to 9pm and commencing at 7am on a Saturday are simply not acceptable to a village and certainly not acceptable to dwellings less than 160m from the haul roads.
- (vi) Having regard to the location of the quarry between two well populated villages, we consider the proposed working hours to be unacceptable and unreasonable. In our view, operations should not begin before 07.00 on any day and should not extend beyond 18.00 on Mon – Fri. Further, blasting should only take place between 10.00 – 16.00 on Mon – Fri and not at all on Saturdays.
- (vii) Not appropriate for residential area (7.00 am Noise/restrict HGVs around School and commuting times)
- (viii) Ensure that the operating hours proposed for the quarry are sensitive to the right which people have to live their lives free from unreasonable noise and disturbance. In our view, the hours of operation currently proposed would not meet that test.

Council Tax

- (i) Here in Pentyrch we pay one of the highest premiums of council tax (second only to Radyr and Morganstown). We pay such a premium without benefitting from perks funded by the council in other areas (such as new play parks or a full bus service), but at the very least we pay this premium with the benefit of living in a quiet location. It seems highly unfair that if goes ahead this quiet location will change while our council tax (in all likelihood) will rise.

Impact on water resources and flooding

- (i) During operation of the quarry Creigiau Sports Ground was permanently water logged and often had standing surface water spoiling the playing surfaces for football and cricket teams.
- (ii) The cascade of water overflow from the settlement ponds Tarmac dug at the quarry is channelled in a ditch dug by tarmac onto land owned by Sustrans and left there. The result was flooding of the allotments alongside the ditch and houses on the west of Sustrans and houses on course of the Nant Coslech (stream) on its flow to the Frog pond 600 metres away from housing estates.

- (iii) Tarmac plan to build a lake in the quarry when they finished with the site but have not made any plans for the overflow of water from the lake.
- (iv) Many of the localities water courses also emanate from the limestone in and around the quarry There are considerable risks of contamination, flood or loss of water feeding our local streams, any new developments and ultimately the River Ely
- (v) The applicants admit in their consultant's report that the Site is potentially vulnerable to surface water (pluvial) flooding at present as there are areas at low, moderate and high risk classification zones at and around the site as identified in the EA surface water flood risk map Risk of pollution to water from dust and fuel
- (vi) Some of the run-off from the quarry passes through an old culvert along the top of my garden. The Nant Coslech passes through a similar culvert. The quarry, as it is now, is a large catchment area for water, and we have experienced flooding. I am concerned that this likelihood will be increased, as the quarry surface becomes greater and the water table breached. Who will maintain these old culverts and protect houses nearby from flooding, during and after quarrying operations?
- (vii) Concerns over previous flooding in Creigiau and reference made to proposal to direct water into Canada Lakes. Extension to quarry will likely increase the volume of water flowing downstream and flash flooding is a real threat. What methods will be used to mitigate this
- (viii) Fear of the lowering of the water table and its effect on Garth Uchaf Farm and Garth Mountain.

Equality

- (i) It is also unfairly disadvantaging those people in our community who are vulnerable and subject to protection under the Equalities Act 2010. The elderly, those with disabilities and children, especially.

Mitigation Measures

- (i) The number of movements to and from the quarry should be restricted in number, well below the number currently proposed.
- (ii) The times within which movements are allowed should be restricted to minimise impact on residents e.g. not on weekends, only between 9am and 5pm on weekdays.
- (iii) Strict washing of lorries and sealing of loads should be required before they leave the quarry.
- (iv) Provision of a traffic free route along the former mineral line that runs parallel to Heol Pant-y-Gored (to account for the loss of amenity (Heol Pant-y-Gored is currently popular with pedestrians, equestrians and cyclists).
- (v) Provision of a mixed use path along the edge of Heol Pant-y-Gored between Robin Hill and the telecom exchange to allow safe access to a popular public right of way that links into a wider network.
- (vi) An adjustment of the quarry entrance so that it joins Heol Pant-y-Gored at a point that is away from the bend, the entrance to the recreation field and the house opposite e.g. 200m to the East of the current entrance.

- (vii) Explore alternative access arrangements.
- (viii) A 20 mph speed restriction from the transit route through to Cardiff Road.
- (ix) Air quality monitoring.
- (x) Restoration of the parts of the quarry that are not to be worked should begin immediately and be completed in a reasonable timeframe.

7.11 In addition to the above summary of representations received from local residents **Mr Jones** of Creigiau has also raised the following legal issues in a series of letters which are included below and has specifically asked they are brought to the attention of Committee when the application is considered.

Letter 1 (22nd October 2015)

As a concerned resident of Creigiau, this planning application will compound the overwhelming detriment already to be suffered by the village as a result of the Cardiff LDP which I have vehemently opposed since its inception on account of the environmental impact which it will visit upon Creigiau through the substitution of an incongruous urban sprawl comprising over 2000 houses in lieu of greenfields, a uniquely special Garth landscape and distinctive village community.

As was inevitable from the extent of the infrastructure requirements of the housing developments and the metro proposed in the LDP together with the M4 relief road Creigiau Quarry which has lain dormant for over 30 years is now set to be extended with consequent substantial disturbance and impact on community amenities which the quarrying activities will necessarily involve. It is well established under the law of nuisance that the proposed quarrying activities will be categorised as criminal under public/common nuisance or civil under the tort of private nuisance because of the noise, vibration, dust and transport disturbance that will ensue from such operations. The essence of the criminal offence is that the activity affects the reasonable comfort and convenience of life of a class of the public who come within the neighbourhood of its operation. In the leading case on this area of the law it was held that quarrying operations which caused dust, vibration and noise constituted a public nuisance. (Attorney General v PYA Quarries Ltd 1957 2QB 169). It was also held that such effects even if they occurred on an isolated occasion would constitute a public nuisance.

Lord Neuberger in the Supreme Court has recently said that the granting of planning permission would normally be of no assistance to a defendant (quarry operator) in a claim brought by a neighbour who contends that the activity causes a nuisance to his/her land in the form of noise or other loss of amenity. (Coventry v Lawrence 2014 UK.SC 13).

The implications of these legal authorities was graphically illustrated in the case of Gillingham BC v Medway (Chatham) Dock Co Ltd 1993 QB 343 where because of the serious disturbance caused through the round the clock operation of a commercial dock the local authority was forced to seek an injunction to limit the disturbance on the ground that it was expedient for the promotion or protection of the inhabitants of their area.

Permitting renewed quarrying to the scale and extent proposed is clearly misconceived having regard to the impact it will have on a sizeable residential village already set to expand further if the housing proposals in the LDP are implemented.

The danger to the road safety and welfare of residents particularly along Pant -y- Gored Road is obvious and compelling. It is understood that HGV lorries would use this road up to 146 times a day with no restrictions during peak commuting times or school hours. The road width and pavement will not accommodate the traffic which will use it. The quarry entrance is on the corner of a blind bend which affords entrance to the village recreation ground. The quarry vehicles will be exercising dangerous manoeuvres at this point in the road so exacerbating the risks to vehicle users and pedestrians: Safety and amenity is being unjustifiably compromised.

The highway will be obstructed by unreasonable usage which in itself will amount to a public nuisance.

There was total opposition to the proposed quarrying from residents of Creigiau and from the Councillors and AMs RT Davies and Mark Drakeford who attended a village meeting to consider the planning application.

Having regard to a fundamental principle of administrative law to permit such a state of affairs to exist through the grant of planning permission is quite untenable as it would facilitate the commission of a criminal activity, namely a public nuisance, which parliament is presumed not to have intended in the exercise of the statutory planning function. Granting planning permission in such circumstances would be susceptible to judicial review.

The proposed development would be incompatible with Minerals Planning Policy Wales (2000) (PPW) and Minerals Technical Advice Note (MTAN) Wales 1 Aggregates (March 2004).

The critical planning principle is that it should support sustainable development. The reduction of the impact of mineral extraction is set out on pages 34 to 44 of the PPW. The overriding environmental consideration for the development plan and any planning permission which follows is that mineral extraction does not have an unacceptably adverse impact on the environment and the amenity of nearby residents and a variety of considerations are specified including transportation, noise, control of dust smoke and fumes along with other salient considerations all of which will be included in a cumulative impact consideration. There is particular emphasis given to the non acceptability of road transport as the means by which extracted material is transported. If road transport is the only means available the capacity of the road network to deal safely with the movement of minerals and related products is a consideration. The protection of human health and safety through the control of minerals transportation forms part of the Assembly's sustainable Development Scheme as explained in Paragraph 7 (Para 43).

Having regard to the various facets of the public nuisance that this activity will create all the indicators are that planning permission should not be granted. Further, in MTAN 2004 advice is given in relation to reduction of the impact of aggregate production at pages 70 to 96. This Advice reinforces the amenity considerations which flow from mineral extraction and also in relation to noise (paragraph 85) quarries close to residential areas and sensitive to noise should be given special attention. Where the effects cannot be adequately controlled or mitigated planning permission should be refused. Noise from transport and other substantial disturbance of amenity should fall into this category and militate against planning permission being granted.

Kindly confirm that the planning application has been notified to the Welsh Government as a notification development in accordance with the Town and Country Planning (Notification) (Wales) Direction 2012.

I will request the Welsh Government to call in this application in accordance with its powers under S 77 Town and Country Planning Act 1990. I consider that that consideration should be given to requesting a call in having regard to;

- (i) the wide effects which may be felt beyond the immediate locality.*
- (ii) the substantial controversy occasioned beyond the immediate community.*
- (iii) raise novel planning issues in that permission should not be granted if it is incompatible with Planning Policy Wales and the MTAN referred to above and would sanction the commission of a criminal offence of public nuisance should it be granted.*

Letter 2 – 25th November 2015

I wish to add to the objections I have already made to this planning application in my communication to you dated 22 October 2015.

I would respectfully suggest that granting this application would not only be misconceived but would also constitute a serious maladministration of the planning process.

The following legal issues need to be fully explained and considered by the planning committee as a prerequisite to their making a proper determination of this application.

(i) Duty under statute

By S 130 (1) of the Highways Act 1980 a general duty is imposed on all highway authorities to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority.

Power to institute proceedings in their own name and generally to take such steps as they consider expedient is given to all councils which are subject to duties or granted powers by S 130 (S 130(5)). Also see Local Government Act 1972 S 222 where local authorities have the right to bring proceedings where they consider it expedient for the promotion or protection of the inhabitants of their area.

(ii) Public Nuisance

A public nuisance is a nuisance which materially affects the reasonable comfort and convenience of life of a class of Her Majesty's subjects who come within its sphere of influence (Att General v P.Y.A. Quarries Ltd (1957) 2 QB 169 at 184.)

In the case of a highway, a public nuisance involves some act or omission which prevents the convenient use of the way by passengers. A public nuisance to a highway can be committed in two ways. First an obstruction of the highway which is unreasonable in extent or duration will be a public nuisance. Secondly, an act which does not physically obstruct the highway but which renders the highway dangerous or less convenient for public passage may be a public nuisance.

Element of unreasonableness in public nuisance

The law of nuisance depends on the balancing of competing interests and upon the assessment of whether one of those interests is unreasonably interfering with another. In highway nuisance the issue is whether there is an unreasonable interference with the rights of the public to pass and repass along, and to have access to, the highway. Such interference may arise from the actions of adjoining land users or from other users of the highway. It is essentially a matter of degree whether the actions complained of are unreasonable in nature, or by reason of their effects. The courts may have regard to the manner of the creation of the interference, the status of its creator, the degree of fault, if any, attributable to its creation or continuance, and the physical or temporal extent of the interference.

It is not a defence to a public nuisance that the obstruction of the highway, although substantial, confers a benefit upon the public.

(iii) Planning Permission and Actions in nuisance

The grant of planning permission, if implemented, does not take away the rights of owners affected by the development to sue in the tort of nuisance for any loss suffered.

The Supreme Court in Coventry v Lawrence (2014) UKSC 13 held that in a case concerning speedway and stock car racing that as a general principle the benefit of the grant of planning permission would be of no assistance to a defendant in a nuisance claim. Lord Neuberger stated that it would be wrong in principle that through the grant of planning permission a planning authority should be able to deprive a property owner of a right to object to what would otherwise be a nuisance.

This case is of significant impact to the law of nuisance and maintains the principle that planning permission cannot authorise the commission of a nuisance. The LDP designates Creigiau and its environs as a strategic sites for the most intensive residential development with over 2000 new homes proposed and the former railway line used for the transport of minerals from Creigiau Quarry being earmarked as a route for a ' Metro ' link to the village. There is overwhelming evidence in the objections already made that the

proposed activities envisaged for the Creigiau Quarry will seriously affect the reasonable comfort and convenience of residents of Creigiau and Pentyrch, with residents living on the Pant -y- Gored Road suffering the brunt of an operation which will manifestly constitute both a public and a private nuisance. Just from reading the statement of objection dated 18th August from one M Counsell of Rhuddin Pant-y-Gored Road does one appreciate the devastating impact that these activities will have on the reasonable comfort and convenience of a home owner in the immediate vicinity of the quarry.

The use of Pant-y-Gored Road by vehicles of the size intended and with the regularity proposed is patently unreasonable and unsustainable from both a planning and highway perspective. It will clearly amount to a public nuisance a situation that a local authority is under a duty to negate in accordance with its highway duty under S 130 Highways Act 1980 referred to above.

I would strongly urge the Council to reject this planning application for the following reasons:

Approval would not respect the fundamental planning principle of promoting sustainability which must be at the heart of decision making.(see Government of Wales Act 2006 S 79, Planning and Compulsory Purchase Act 2004 S39 Wales Spatial Plan and Planning Policy Wales.).

Approval would not be in accordance with Minerals Planning Policy Wales and Minerals Technical Advice Note Wales for reasons already noted in my objection dated 22 October 2015.

Approval would be unreasonable having regard to the overwhelming weight of rational objection received evidencing the commission of acute public and private nuisance to residents in a significantly wide local residential area.

Approval would fall to be vulnerable to challenge by judicial review or scrutiny by the Ombudsman as being irrational or perverse or an exercise of maladministration having regard to the duty of the Council not to authorise a nuisance, the statutory duty of the local authority to assert and protect the rights of residents to pass and repass along the public highway and the Planning Guidance which contraindicates mineral extraction particularly in an area which is to be the centre of considerably expanded residential development in the proposed Cardiff LDP. To countenance approval in these circumstances would be arguably irrational or perverse within the principle of unreasonableness established in Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1 KB 223).

Letter 3 – dated 16th December 2015

I would wish to direct my submission to each of them that planning permission cannot authorise a nuisance. The application for planning permission is as a consequence fundamentally flawed and misconceived. In such circumstances allowing planning permission to be granted would, in my respectful submission, amount to maladministration.

In the light of the evidence you have received an actionable public and private nuisance will be caused by the restoration of mining activity in this village. The activity, if permitted, will be a nuisance regardless of any conditions or obligation imposed on Tarmac Ltd in relation to any permission which is granted.

The law is now quite settled.

Pill LJ in Hunter v Canary Wharf (1997) at paragraph 69

I reject the submission that powers and duties conferred on planning authorities are such that in granting planning permission under delegated powers they are conferring an immunity in nuisance upon works pursuant to the permission.

The Supreme Court made the position crystal clear in Coventry v Lawrence (2014).

Lord Neuberger stated that it would be wrong in principle that through the grant of planning permission a planning authority should be able to deprive a property owner of a right to object to what otherwise would be a nuisance.

I have sought the calling in of this application by the Welsh Government under S 77 Town and Country Planning Act 1990 and this stance has likewise been adopted by the AM Andrew RT Davies.

In my submission the application should, for the reasons explained, be rejected.

Letter 4 – dated 5th January 2016

I have communicated my objections to the above application to Stuart Williams and identified the basis of my legal objection to him both in email communication and a personal conference.

I understand that he has referred my submissions to you. I believe that the application is due to be considered during this current month unless the application is called in by the Welsh Government as I have myself requested along with one other.

The legal basis of my objection has already been fully explained and rests on the premise that planning permission cannot authorise a nuisance. The Supreme Court settled this principle in Coventry v Lawrence (2014 UKSC 13). The Council would be failing in its duty under S 130 (1) Highways Act to assert and protect the rights of the public to the use and enjoyment of the highway for which they are the highway authority if it supported this application having regard to the volume of traffic destined to use Pant y Gored Road should permission for the mining operation be granted. The use of this road by the amount quarry traffic proposed will be unreasonable and constitute an actionable public nuisance regardless of any conditions or obligations which might be imposed.

Having regard to the weight of evidence sustaining both a private and public nuisance contained in the vast number of objections already made to this

application it is my submission to you that this application is legally flawed. Those flaws should be explained in the submission to the planning committee accompanying the planning application with a recommendation to the Committee that the application is not granted. To view the matter otherwise would, in my submission, potentially amount to maladministration.

Letter 5 – dated 18th January 2016

I refer to your letter dated 14th January.

You have received from interested persons residing in the localities of Creigiau/Pentyrch overwhelming and compelling evidence as to the public and private nuisance which this proposed development will create and the power is conferred on your authority by S 2(1) of the Local Government Act 2000 to exercise its functions, on their behalf, so as to promote or improve the social wellbeing of your area. Your authority must exercise its planning functions and its highway functions consistently. It would be totally perverse to grant planning permission for this development in the knowledge that it will create a public nuisance which as a highway authority you are under a duty abate. The use of Pant-y-Gored road by vehicular traffic of the size and with the regularity proposed is patently unreasonable and clearly amounts to a public nuisance which your authority are under a clear duty both at common law and under the statutory provision contained in S. 130 Highways Act 1980 to take such steps to discontinue.

Highways Law

With the establishment of highway authorities it was held that the highway authority has a common law right and duty to abate a nuisance and remove any obstruction interfering with free passage along the highway.

S130 (1) Highways Act 1980 places a general duty on highway authorities to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority and the power to institute proceedings in their own name is given to all councils which are subject to duties or granted powers by S130. The common law power to abate a nuisance or other interference with the highway is not affected by the statutory provisions (S 333 Highways Act 1980).

A public nuisance is a nuisance which materially affects the reasonable comfort and convenience of life of a class of Her Majesty's subjects who come within its sphere of influence. (Att-General v P.Y.A. Quarries (1957) 2 QB 169 at 184. In the case of a highway, a public nuisance involves some act or omission which prevents ' the convenient use of the way by passengers (per Byles J in R v Mathias (1861) F&F 570.

A nuisance may be defined with reference to highways as any wrongful act or omission upon or near to a highway whereby the public are prevented from freely, safely and conveniently passing along the highway. (Jacobs v LCC (1950) AC 361 at p 375 per Lord Simonds).

The law of nuisance depends on balancing of the competing interests and upon

*the assessment of whether one of those interests is unreasonably interfering with another. In highway nuisance, the issue is whether there is an **unreasonable** interference with the rights of the public to pass and re-pass along and to have access to the highway. The interference may arise from the acts or omissions of adjoining landowners or from other users of the highway. In assessing unreasonableness the courts may have regard to the manner of creation of the interference, the status of the creator, the degree of fault for its creation or continuance and the physical or temporal extent of the interference.*

The evidence received by you provides in graphic detail a description of the activities contemplated by Tarmac Ltd to implement the planning permission sought and the significant and unrelenting degree of disturbance and interference which their activities will visit upon these villages. Their objection manifests the clearest possible evidence of both public and private nuisance as defined according to the accepted principles of the law of nuisance.

The overview I have provided is found in Highway Law by Stephen Sauvain QC Chapter entitled Protection of the Highway and of Highway Users: Public Nuisance and its Remedies. Additionally reference may be made to the Encyclopaedia of Highways Law edited by Stephen Sauvain QC.

Planning Issues

You will remember that it was announced quite explicitly by the Inspector at the outset of the Examination Hearings into the LDP that the hearings were not concerned with individual planning applications and accordingly this planning application which was made subsequently to the initial examination hearings must be considered on its individual merits and against the Guidance contained in Minerals Planning Policy Wales (2000) (PPW) and Minerals Technical Advice Note 2004 (MTAN).

The consideration of this application must take into account ' other material considerations ' S 70 (2) (c) Town and Country Planning Act 1990 (TCPA).

According to the authority of Stringer v Minister of Housing and Local Government (1971) 1 All ER 65 any consideration which relates to the use and development of land is capable of being a planning consideration and according to UK Government Guidance (The Planning System General principles) ODPM (2005) the following will be relevant;

'All the fundamental factors involved in land use such as ' the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure '.

I have drawn your attention to the material considerations for determining this application and the reasons why it should not be recommended for approval. The report to members must present the legal position comprehensively and accurately. If the information provided gives an erroneous analysis of the law there is now abundant authority that a decision which rests on a flawed legal assessment is likely to be set aside on judicial review and may be subject to censure by the Ombudsman on account of maladministration.

In summary I would ask that this communication be placed before the Members of the Planning Committee should the Welsh Government decide not to call in this application under S 77 TCPA 1990.

1. Planning permission cannot authorise or licence a nuisance regardless of the nature of the plan relied on eg the draft LDP. (Lord Carnwarth in Barr v Biffa Waste Services Ltd (2012) EWCA Civ 312 at (46)(ii).

In Coventry v Lawrence (Supreme Court 2014 2 All ER 622) Lord Neuberger disapproved of the distinction drawn by the Court of Appeal in this and previous cases between 'strategic' planning permission affected by considerations of public interest (or a planning decision related to a large development) which could change the nature of a locality for nuisance purposes and permission more limited in scope which could not have this effect. He considered that making such a distinction was a recipe for uncertainty. The proposition that planning permission could have a direct effect on the nature of the locality for nuisance purposes no longer represents the law.

2. The grant of this planning permission must be compatible with Welsh Government Planning Policy as contained in PPW and MTAN.

(i) Pages 34 to 44 of PPW provide that the overriding environmental consideration for the development plan and any planning permission which follows is that mineral extraction does not have an unacceptably adverse impact on the environment and the amenity of nearby residents and a variety of considerations are specified including transportation, noise dust smoke and fumes. There is particular emphasis given to the non acceptability of road transport. If road transport is the only option the capacity of the road to deal safely with the movement of minerals and products is a consideration and the protection of human health and safety is a paramount consideration in sustainable development.

(ii) Pages 70 to 96 of MTAN reinforces the significance of the amenity interference which flow from mineral extraction and in relation to noise (para 85) caused by quarries close to residential areas and sensitive to noise as requiring special attention. Where the effects cannot be adequately controlled or mitigated planning permission should be refused. Noise from transport and other substantial and unreasonable interference with and disturbance of the comfort and amenity of residents i.e. nuisance should be regarded as falling within this category and should militate against planning permission being granted.

3. The crisis in the UK steel industry with its impact on Port Talbot and Llanwern will inevitably have consequences as to the need for aggregates in connection with the steel making process.

4. The application does raise issues of conflict with national planning policies, raise novel planning issues and could have wide effects beyond the immediate locality bearing in mind the regional nature of planning under new legislation and development of Cardiff as a city region. I have requested the call

in of the application as I consider it would be appropriate for a Welsh Government Inspector to determine the appropriate outcome of this planning application.

Letter 6 – dated 21st February 2016

In any event I do wish to include as part of my written representation to be placed before the planning committee the following which supports the view I have already expressed.

The position as regards planning permission was made abundantly clear in the leading case of Wheeler v Saunders Court of Appeal (1996) CH 19.

Sir John May said that whilst the inevitability of a nuisance could well be a ground for refusing planning permission, the grant of planning permission could not in my view license such a nuisance. Indeed I think that if a planning authority were with notice to grant a planning permission the inevitable consequence of which would be the creation of a nuisance, then it may well be arguable that that grant would be subject to judicial review on the ground of irrationality.

Letter 7 – dated 25th April 2016

Further to previous correspondence with you I would submit that the Council are now, from 1.4. 2016, subject to the duties imposed by the Well-being of Future Generations (Wales) Act 2015.

The sustainable development and well-being duty is expressed in S.5 of the Act and will of course apply to any determination henceforth made in respect of any planning applications. This duty will necessarily apply to all planning applications submitted in respect of residential development as well as the application in respect of Creigiau Quarry. The duty will apply to all applications in relation to Strategic Sites covered by the Cardiff LDP.

The S. 5 makes it clear that the requirement on a public body to do something in accordance with the 'sustainable development principle' means that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In order to act in that manner, the public body must take account of a number of considerations, namely:

- (i) recognise the importance of balancing short term needs with the need to meet long term needs, especially where things done to meet short term needs may have a detrimental long term effect.*
- (ii) recognise the need to take an integrated approach.*
- (iii) recognise the importance of involving other persons with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population, both of Wales where the body exercises functions in relation to the whole of Wales, or the part of Wales in relation to which the body exercises its functions.*
- (iv) recognise how acting in collaboration with any other person could assist the*

body to meet its well-being objectives or assist another body to meet its objectives.

This Act requires Cardiff City Council to consider any pending application afresh so as to show that it is carrying out sustainable development.

S.3 provides that:

(i) Each public body must carry out sustainable development.

(ii) The action a public body takes in carrying out sustainable development must include-

setting and publishing objectives (well-being objectives) that are designed to maximise its contribution to achieving each of its well-being goals, and taking all reasonable steps in exercising its functions to meet those objectives.

Having regard to the Explanatory Notes on the Act, the duty puts an onus on Cardiff City Council to show that it has respected the 'sustainable development principle' in relation to improving the economic, social, environmental and cultural well-being of Wales for both current and future generations.

Public bodies are directed to the importance of engagement as provided for in S5 (2) (c). This entails involving the people and communities whose well-being they are seeking to improve as well as those with an interest in the economic, social, environmental and cultural well-being. public bodies taking a collaborative approach. This means public bodies working together either with other public bodies or other parts of their own body in order to assist in meeting their own well-being objectives or any other public body subject to the provisions of the Act.

Public bodies must collaborate either by working with other public bodies or other parts of their own body to meet the well-being objective of their body or that of other bodies. S5 (2) (d).

The message of this legislation is clear. The well-being duty requires an approach by the Council which does not have to be Cardiff centric by considering only its own local authority boundary but should involve other neighbouring local authorities. There must be a fresh engagement with the community affected by the development, namely Creigiau and other neighbouring communities and a collaboration with other public bodies to find a solution which ensures that an environment for future generations is not compromised by actions taken today which will have a long term detrimental effect. The degree of objection from residents of the community of Creigiau both as to the devastating consequences of greenfields being sacrificed to suburban sprawl and as regards a quarry whose renewed use will constitute a public/private nuisance is manifest evidence that Cardiff City Council would be failing to safeguard the well-being of either present or future generations if planning applications in relation to such proposed developments are granted.

Letter 8 – dated 27th August 2016

I refer to previous communications with you and whilst I may be repeating

myself to some extent formally wish to record my opposition to the highway proposal which would include 4 passing bays along Heol Pant y Gored.

In my submission the provision of passing bays is a derisory attempt by Tarmac and the Cardiff City Council as highway authority to sanction activities which constitute a blatant public nuisance. The evidence of complaint provided by a host of representations against the renewal of Tarmac's activities having regard to the intensity and persistence of traffic use they are proposing should make it patently obvious that the route to the quarry is totally unsuitable. It is not just unsuitable in terms of the transits in Heol Pant -y- Gored where it will be especially unacceptable but will be equally so along lanes to the A 4119 or via Pentyrch to the A 470. Just compare this route with the access route to the Miskin Quarry where no residential impact is felt and the M4 provides a suitable route for subsequent journeys.

In terms, Tarmac will be conducting an operation which in the clearest manner constitutes a public nuisance.

The leading authority on highway law is Stephen Sauvain QC and this is how he defines a 'public nuisance':

A public nuisance is a nuisance which affects the reasonable comfort and convenience of life of a class of Her Majesty's subjects who come within its sphere of influence (Att-Gen v PYA Quarries Ltd (1957) 2QB 169 at p 184.

In the case of a highway, a public nuisance involves some act or omission which prevents the convenient use of the way by passengers - per Byles J in R v Mathias (1861) 2 Fand F 570.

A public nuisance of the highway can be committed in two ways. First an obstruction of the highway which is unreasonable in extent and duration will be a public nuisance.

Secondly an act which does not physically obstruct the highway but which renders the highway dangerous or less convenient for public passage may be a public nuisance whether it arises on the highway or adjoining land.

The LDP has designated Creigiau as a location for vast residential development. Some 2,250 homes are proposed with the additional traffic movements that such development will necessarily entail. The highway infrastructure around this village is a network of narrow lanes which already make driving particularly hazardous.

In my submission it would seem to me and the many others who have complained against this proposal irrational and misconceived to grant Tarmac's application given that their activities and the welfare and safety of present and future residents are so diametrically opposed. It would be the very opposite of sustainable development which should underpin the determination of this planning application.

*There is settled authority culminating in the decision of the Supreme Court in *Coventry v Lawrence* that an LDP or specific planning permission cannot authorise a nuisance. A public nuisance is not just a civil matter between adjoining landowners. It is a crime as well as a tort (civil wrong) because it affects the public as a whole. The local authority has conferred powers to take proceedings to prevent a public nuisance being committed so it would be particularly invidious if it is actually authorised by the grant of planning permission as is contemplated in this case.*

In summary, I would make it clear to the Planning Committee that to grant Tarmac's application would trigger the following outcomes.

(i) The decision would be subject to judicial review as authorising the creation of a public nuisance.

(ii) The intervention of the Ombudsman and the Commissioner for Future Generations on the basis that this grant would constitute an act of maladministration in that it is legally unsupportable and that it does not constitute sustainable development as required by the Future Generations Act 2015.

My concerns have been brought to the attention of the Ombudsman and the Commissioner for Future Generations.

7.12 LRM Planning Consultant's acting for the "Say No to Creigiau Quarry" Group objected to the application for the following reasons:

- The application would allow quarrying activities for at least a further 37 years. This extends well beyond the existing 26.5 years remaining until the end date for extraction which is 21st February 2042. If permission were extended past 2042 then this would be a significant betterment on the existing conditions for the applicant absent any mitigation of impact. We believe that such an approach is unacceptable in planning terms and entirely contrary to the priorities of the Welsh Government set out in MPPW and MTAN which oppose new works in inappropriate locations as well as relevant local policy which seeks to limit impact;*
- Whilst a land swap and extension may have had merit when it was proposed in the early 1990's, that was over 20 years ago and is now outdated given that the end date of the quarry is 2042;*
- There is a lack of quantitative and qualitative need for extending the use of the quarry past 2042. At a rate of between 300,000 and 400,000 tonnes of extraction per annum, there would be a minimum of 27 years (to 2042) supply in existing reserves (11.16 tonnes) without any need for the extension or the proposed safeguarded land. Simply put the applicants (based on their own evidence) physically could not extract the level that they indicate before the end date of 2042 and there is no justification in planning terms or of need for extending past this date. This should only be considered as part of a Development Plan that covers that period as Cardiff would more than meet the supply requirements in National Policy;*

- *The apparent failure of the applicant to comply with the requirements of the existing set of planning conditions creates significant doubts over the status of their historic permissions. In addition it casts considerable concern over whether proposals for restoration can be relied upon;*
- *The ES cannot be considered to meet the requirements of the relevant EIA regulations as it does not set out adequately the baseline as existing for new development to be assessed according to the regulations;*
- *Notwithstanding the above, the way that the previous conditions were dealt with confirms the requirement for a s106 bonded payment to be made to ensure that the applicant covers the cost of full restoration in the event that they do not comply with any condition as previously;*
- *There would be a significantly adverse impact upon local highways infrastructure and highways safety contrary to the requirements of both national and local planning policy. In this regard, the applicants findings in their ES are entirely contrary to the Minerals Local Plan which highlights the inadequacy of existing arrangements;*
- *There would be an adverse impact upon local communities and the environment contrary to the requirements of national and local planning policy;*
- *Certain key documents have not been submitted, most notably a Health Impact Assessment which is a requirement for all new applications (Para 75 of MTAN1) which are within 1km of existing communities, the impacts of development cannot be assessed without this; and*
- *The lack of any mitigation proposed for the new elements of the planning application despite the significant potential implications and the established inadequacies of the local infrastructure. We consider that notwithstanding our significant objection to the Quarry and in the event that the deficiencies of the application can be remedied, a comprehensive s106 agreement must be sought which ensures the beneficial status of the site. It must also ensure that the applicant cannot simply ignore conditions which relate to restoration.*

7.13 Community Cllr Christine Priday objected to the application on the following grounds:

- *The existing infrastructure, particularly Heol Pant y Gored, will not support the volume and type of traffic that will be experienced if this application is successful.*
 - a) The road is too narrow and vehicle/pedestrian conflicts will be unacceptable and dangerous.*
 - b) The route is used for school traffic, both domestic and commercial coaches, for the many schools that are attended by the pupils of Creigiau and the wider community.*
 - c) The pavement has been reinstated to a good quality in the recent past but the road is now narrower than it was when the quarry was last*

operational. It will be inevitable that the pavement will be mounted for traffic to pass.

- d) *The whole area is now much busier than when the quarry was last in operation with facilities like Creigiau Recreation Ground being much used by diverse groups both by sport groups and allotment holders.*
 - e) *The wider road infrastructure will not support the volume and weight of the proposed traffic movements.*
2. *The offer of a "trade off" of the ancient woodlands for an extension is disingenuous as there is no evidence to suggest that the stone under the woodlands is of any commercial value. The extension will seriously disadvantage both Creigiau and Pentyrch.*
 3. *I am not persuaded that there is enough evidence that the health and environment assessments have been given sufficient consideration.*
 - a) *There will be disadvantages in terms of noise/dust/vibration to both communities. There will also be a considerable visual impact on great swathes of rural landscape. This must be avoided.*
 - b) *The health of the local communities has not been given sufficient consideration. In particular, the proximity of local schools to the noise and dust generated by quarrying activities.*
 4. *The proposed hours of working are unacceptably long for the communities to suffer.*
 5. *The "stone bank" reserves in Cardiff, The Vale of Glamorgan and Rhondda Cynon Taff demonstrate that there are adequate reserves of stone for planned/foreseeable needs to be fulfilled without reopening a mothballed quarry.*

In conclusion, I believe that this application is speculative and suspect in its timing with regard to a number of local proposals not least of which are the Local Development Plan proposals. It must be resisted.

7.14 **Community Cllr Wynford Ellis Owen** commented on the proposed passing places on Heol Pant-y-gored and stated that as an elected member of Pentyrch Community Council she wholeheartedly agreed with the comments submitted by Pentyrch Community Council and urged the Council to reject this application and ensure that the rural sections of Cardiff remain unsullied by the re-emergence of a quarry that was past its sell-by date in the 20th Century, let alone fit to recommence workings in the 21st Century.

7.15 **Pentyrch Womens Institute** stated they objected to the application for the following reasons:

- Pentyrch Primary and Infant School is located very close to the quarry and it would affect the health and wellbeing of the pupils.
- The roads from Llantrisant Road are not suitable for the size of lorries used in today's quarries and in past times the lorries used to line up outside the quarry to gain access in the mornings and traffic would be at a standstill.

- Heol Pant-y-gored is used by parents of the children attending the Welsh School in Creigiau. This is currently very busy and has a very sharp bend before you enter the village of Creigiau. There have been two fatal accidents on this road in past years and the opening of the quarry would only add to the danger

7.16 154 objections/representations were received from residents of Creigiau, Pentyrch and Groesfean and many of undisclosed address in response to the **further information consultation** (July 2016), which were subject to a 21 day consultation by neighbour notification, and a press and site notice. These repeat objections previously raised, which are set out above. The new objections raised relate to the proposed new passing bays along Heol Pant-y-gored which are considered inadequate and do not overcome the original objections and concerns made on the application. They also raise concerns in relation to the Well-being and Environmental Health Issues paper prepared by the applicant. A summary of the comments received is set out below:

Proposed improvements to Heol Pant-y-gored Road

- The traffic around Pentyrch and Creigiau is already too heavy for the roads in the area. The additional traffic via heavy lorries and workforce vehicles would bring unacceptable disruption (and additional pollution) to the area.
- Lorries leaving Heol Pant y gored will either turn right towards the A4119 and will enter another narrow and busier stretch of road, and have to cross a weak bridge which was recently repaired. If they turn left, they will enter Pentyrch, passing the primary school, and be in an area where heavy goods vehicles are forbidden unless delivering.
- If on leaving the quarry the lorries turn right into Creigiau, they will still have to cross an old bridge over two disused railway tracks which could also be a problem. In this case there would be no need for the laybys.
- Other ongoing housing developments in Pentyrch, such as the Redraw site opposite the junction of Heol Goch and Cefyn Bychan, will soon do enough to impede access in and out of Pentyrch, without the daily addition of 146 lorries blocking the other main route.
- Furthermore, there has been no consideration of the route to Llantrisant Road and also the danger of lorries turning onto Llantrisant Road, where traffic travels very quickly. The proposed roads are just not able to cope with the traffic that will be generated by the large number of lorries passing along them each day. With the LDP also meaning that traffic levels through Pentyrch will be massively increased, our community cannot cope with this.
- With regard to mention of HGV lorries being banned from turning right from the quarry into Creigiau, I am pleased that Tarmac and CCC recognise the weight restriction. It is disappointing to note however, that no mention is made of preventing the HGVs turning right by Robin Hill and travelling into the village. Many years ago, the village shop was like a magnet for the HGV drivers, and I see little reason why the Tesco store will not have the same attraction. Should this happen, the health and safety of residents, especially children walking to school, will be

seriously compromised. Additionally, there is no weight restriction on Tynant Road which will lead to lorries endeavouring to reach the A4419 at Groes Faen down a single track road. I would therefore urge that a weight restriction is placed at the junction of Robin Hill to ensure that no HGVs are allowed to enter the village, unless of course they are delivering materials to addresses in that area.

- vii. Consideration should also be given to the additional wear and tear on the existing roads in the area that these additional heavy vehicles would bring. Heol Pant Y Gored was resurfaced, not that long ago, and this would probably need doing again shortly after work commenced, should the quarry re-open. The existing road surfaces in the Pentyrch and Creigiau area are already in poor repair, so the situation is likely to get even worse. If you doubt that claim, then just take a look at the road surface between Gwaelod-Y-Garth and the quarry entrance on the approach to Pentyrch, which has deteriorated significantly, since the quarry reopened.
- viii. The stretch of road past Canada lakes is clearly not much better, although slightly wider, the bridge is too narrow and partially blind. Also the exit onto Llantrisant road is clearly lethal, as cars travel at speed from the blind road bend on the left, and down the hill from the right. As a regular user of this road I feel genuinely frightened not only for myself but for all those who use it as a shortcut and may not be aware of the extra traffic.
- ix. This proposal only addresses Heol Pant Y Gored and there will still be a problem with lorries travelling from Heol Pant Y Gored onto the Llantrisant Road.
- x. Tarmac have suggested passing bays for Heol Pantygored but what about the stretch of road passing Canada lodge ? This is certainly not suitable for the amount of heavy laden traffic which will be travelling on it. This is also a road widely used by walkers. In my opinion if this is passed there will inevitably be fatalities as these are country lanes used for country pursuits, walking, jogging, cycling and Horse riding.
- xi. The old railway bridge on Heol Pant y Gored was 'strengthened' last year, but it is obvious to all that it will not be strong enough to deal with such volume. The stretch of Heol Pant Y Gored from the BT exchange to Robin Hill does not have any pavement and even today it is a safety issue. It forms the part of a 2 Km loop around the village which is used by many local walkers. With all these trucks coming down on that road, well it does not bare even thinking about it.
- xii. Heol Pant y Gored Road is very narrow with no white lines and already hazardous to traffic with a blind bend half way along its length and is also used by pedestrians This road varies in width and in some places there is not much room for two large cars to pass, let alone lorries and buses
- xiii. The present kerb to the footpath as it stands, shows evidence of this through numerous tyre marks and mountings in the past.
- xiv. Putting four so-called passing bays widening the road to at best 6.3 metres, could slightly alleviate the hazards, but could also lead to confusion in who has the right-of-way, unless very clearly marked.
- xv. A design width of 3.1m is used when designing bus infrastructure, which does not leave much room for error for two busses or lorries to

- pass at even the widest part of these proposed passing bays of 6.3 metres.
- xvi. Introducing 146 lorries per day of the same or wider width as a bus, is a recipe for disaster and a significant increase in the risk level to all who use Heol Pant Y Gored.
 - xvii. School buses use the road, as do delivery vehicles, dust bin lorries etc. It's a busy road, many Pentyrch children attend the Welsh medium school in
 - xviii. Creigiau- so there is also a ' school run' to contend with. The junction at Creigiau Cross, onto the Llantrisant road should also be considered. It's a busy, difficult junction- this will be much more dangerous with large numbers of lorries using it
 - xix. Allowing more large vehicles to pass this route, lives will be put at risk. The roads are not wide enough to accommodate such traffic as it is and adding bays would not solve this problem along the majority of this stretch.
 - xx. The traffic will be terrible. The amount of trucks coming up and down a totally unsuitable road, pant y gored, even with the proposed 'passing spaces' will be extremely dangerous. Creigiau is a small village and it will have huge lorries coming up and down all through the day and evening when our children will be going to and returning from school. The Llantrisant road will not cope with the amount of trucks from the quarry and the traffic when the development begins! Chaos!
 - xxi. The idea that 4 passing bays on Heol Pant y Gored will alleviate congestion on this road is unrealistic. The road is already very busy, particularly at peak times. A car is unable to pass a bus on this road so adding a large number of lorries from the quarry and 4 passing bays will be nowhere near enough to ensure there are no hold ups. The road is just not wide enough to accommodate large lorries. I believe that the council have already refused to draw a white line along the centre of the road as they have said the road is not wide enough.
 - xxii. The plan for the passing places does not alleviate the widely recognised congestion problems. Firstly, it assumes that lorries will travel one at a time, yet this will not happen. Anyone who has observed traffic trying to turn into or out of Creigiau at Robin Hill, onto the A4119 will know that there is always a queue of traffic at peak times; the very times the HGVs are to be on the road. No mention is made of passing places on the section of Heol Pant Y Gored between the farm and Robin Hill, yet this stretch of road is a main thoroughfare for Pentyrch residents trying to reach J34 of the M4. It is physically impossible for two HGVs to pass each other on the bridge, yet no passing place has been provided.
 - xxiii. What agreement has been reached with Tarmac to ensure that the road/pavement remains in a useable condition once quarry traffic commences? The roads in Creigiau and the surrounding areas are in a deplorable state and we have repeatedly been told that there is insufficient money to repair them. Being on the fringe of the city sadly seems to put us at the bottom of any list for highway repairs. Have CCC reached a financial arrangement with Tarmac with regard to future repairs? If not, can CCC provide a written undertaking that money will be ring fenced for repairs for the duration of the quarrying?

- xxiv. The Well-Being of Future Generations (Wales) Act. The creation of the 4 new passing places appears to be at odds with this Act. No mention is made of whether there will be a requirement for HGVs who are stationary on Heol Pant Y Gored to turn their engines off. Experience of previous quarrying in the village showed that HGV drivers will often arrive early, prior to the quarry opening, to avoid rush hour traffic. This will lead to the passing places becoming parking bays and if engines are not turned off, this will lead to unacceptable levels of diesel particle emissions being dispensed, to say nothing of the noise pollution.
- xxv. Environmentally, it is unacceptable to destroy hedgerows to create the new passing places. No mention is made by Tarmac on whether an assessment has been undertaken to see the impact on the flora and fauna. Dormice are prevalent in the area and as a protected species I want evidence that the building of the passing places will not destroy their habitat.
- xxvi. Anyone who uses this road on different times of day will know that this is a completely unrealistic proposal and will only cause congestion. The dangers for pedestrians, cyclists and horse riders are blindingly obvious and I feel very strongly that it is completely irresponsible of Tarmac to take a gamble on the safety of all those who have to use this road. Nobody should even think that we have to wait for an accident to happen before it is realised the road is unsuitable. The road is deemed too narrow to even warrant a white centre line. The quarry access on a blind corner next to the recreation ground is another very obvious danger point.
- xxvii. I understand that there will be an additional 146 lorry movements per day along this stretch. Assuming a working day of 7.5 hours, this equates to one lorry movement every 3 minutes. Given this fact it is extremely unlikely that the passing bays will significantly ease the problem of congestion and potential accidents.
- xxviii. The passing bays will do nothing to reduce the potential danger to pedestrians including school children.
- xxix. This still does nothing to address the environmental issues already expressed in my previous letters.
- xxx. There have been references to "when the Quarry was operating years ago" when the road is mentioned but that cannot be used as an argument in favour or re-opening because so much has changed in the intervening years. In addition to the establishment of Creigiau Bus and their fleet of vehicles there are many more houses, children, cars and recreational activities than there were at that time. Heol Pant-y-Gored is already experiencing a hugely increased volume of traffic, it could not possibly sustain over 100 lorries on a daily basis.
- xxxi. May I suggest that representatives of the Planning Committee visit the site and spend a couple of hours monitoring the traffic flow and pedestrian usage during various time slots so that they can see for themselves just how impossible this proposal is.
- xxxii. I would like to object to the proposal by Tarmac of putting passing bays on Heol Pantygored. Firstly it is a very busy road and in my opinion 4 passing bays don't accommodate the amount of traffic that travels on that road. It will also not allow a bus and lorry to pass alongside each

other. Only tonight whilst travelling home a bus had to mount the pavement to allow a car to pass . What will happen when 146 lorries start to travel that road? Have you no concern for our residents? Many people walk along that road and they will be putting their lives in risk now as there is not enough room on that road for passing traffic and passing bays will be of little help. I for one will not reverse for a lorry so there will be gridlock!! These are country roads and are not fit for lorries.

- xxxiii. 4 passing places will not be enough to stop the traffic mayhem that 146 lorries a day will cause. Also, they will simply not be wide enough anyway
- xxxiv. The existing infrastructure, particularly Heol Pant y Gored, will not support the volume and type of traffic that will be experienced if this application is successful.
 - e) The road is too narrow and vehicle/pedestrian conflicts will be unacceptable and dangerous.
 - f) The route is used for school traffic, both domestic and commercial coaches, for the many schools that are attended by the pupils of Creigiau and the wider community.
 - g) The pavement has been reinstated to a good quality in the recent past but the road is now narrower than it was when the quarry was last operational. It will be inevitable that the pavement will be mounted for traffic to pass.
 - h) The whole area is now much busier than when the quarry was last in operation with facilities like Creigiau Recreation Ground being much used by diverse groups both by sport groups and allotment holders.
- xxiv. Robin Hill and wider road network through Pentyrch, Creigiau and Grosfean will not support the volume and weight of the proposed traffic movements.
- xxv. Road from the quarry to the Llantrisant road should be widened to a full two lane profile. The road through the village should be closed to any vehicles going to and from the quarry regardless of who owes them.

Health

- i. I am not persuaded that there is enough evidence that the health and environment assessments have been given sufficient consideration.
 - a) There will be disadvantages in terms of noise/dust/vibration to both communities. There will also be a considerable visual impact on great swathes of rural landscape. This must be avoided.
 - b) The health of the local communities has not been given sufficient consideration. In particular, the proximity of local schools to the noise and dust generated by quarrying activities.

8. **ANALYSIS**

8.1 The key issues for consideration are :

(i) The principle and justification for the development taking into account national planning guidance and policies contained in the adopted LDP.

- 8.2 PPW recognises that mineral extraction can only take place where the mineral is found to occur and it is transitional even though operations may occur over a long period of time and any adverse effects on local amenity and environment need to be mitigated to “*acceptable levels*”.
- 8.3 PPW also states that it is essential to the economic health of the country that the construction industry is provided with an adequate supply of minerals it needs and requires planning authorities to provide positively for the working of mineral resources and ensure an appropriate contribution is made in its development plan to meet local, regional and UK needs for minerals.
- 8.4 Given this the underlying requirement of PPW is to ensure that a proper balance is struck between the need for minerals and protection of existing amenity and the environment.
- 8.5 MTAN1 states that a minimum 10 year landbank for crushed rock should be maintained during the entire development plan period and states that where landbanks already provide for more than 20 years extraction, new allocations in development plans will not be necessary, and mineral planning authorities should consider whether there is justification for further extensions to existing sites or new extraction sites as these should not be permitted save in rare and exceptional circumstances.
- 8.6 The First Review of the RTS for South Wales (2014) comprises a main document, with a Regional Annex for South Wales and North Wales. Together they provide a general strategy for the future supply of aggregates over a 25 year period, and provide recommendations to each Mineral Planning Authority regarding the quantities of aggregate which need to be supplied from their area (apportionments), and the total tonnage of any new allocations which may need to be made in their Local Development Plans.
- 8.7 These calculations are based upon average sales over a 10 year period (2000 - 2010) and the extent of permitted reserves at 2010. In relation to Cardiff, the Regional Annex requires that the LDP makes provision for a crushed rock apportionment of 0.86 million tonnes of crushed rock per annum. The total apportionment for Cardiff, as calculated over the 25-year horizon covered by the First Review of the RTS is 21.5 million tonnes for crushed rock. This compares with an existing landbank of 41 million tonnes for crushed rock (as at 31st December 2010).
- 8.8 In view of the surplus of these existing permitted reserves, the RTS recommends no further allocations for future working are required to be identified within the Cardiff LDP. However, the RTS Annex emphasises that there are other factors relating to environmental capacity which should be taken into account in individual cases. In relation to Creigiau quarry, the Council have concluded that the promotion of an extension to Creigiau Quarry as a mean of substituting reserves which should be relinquished in a more sensitive area would not be inconsistent with the RTS, noting also that there would be no material increase in reserves arising from the extension development and

reserve relinquishment.

- 8.9 This application must also be considered in the context of the current planning permission for the quarry and the fact the reserves to the quarry already make an important and significant contribution to these regional aggregate supplies.
- 8.10 Following the adoption of the Local Development Plan (LDP) in January 2016, the application now accords with policies in the plan which sets an objective to prevent further mineral working in the southern and western areas of Creigiau Quarry, but with a related proposal to release additional reserves of limestone from land to the south east of Creigiau Quarry. This approach is consistent with a long standing objective which dates back to the Mid Glamorgan Limestone Quarrying Local Plan 1995 and extracts from the relevant adopted policies are set out below:
“Policy M1: Preferred areas of known resources for the future working of Limestone have been identified as extensions to Creigiau Quarry, with the supporting text confirming that ‘Preferred Areas of known resources are sites within the County considered suitable for the future working of limestone....’”(ref para 5.380).
- 8.11 “Policy M2: The extension or deepening of existing mineral workings will be favoured in preference to the release of new sites.....where it can be demonstrated that...reserves in the extended or deepened site, in combination with those remaining in the existing site, do not provide, at existing output levels, for more than 25 years reserves; such an approach will no cause unacceptable harm to the environment; and, in the case of Creigiau Quarry, the objectives of Policy M3 are delivered as part of the extension or deepening application, with the supporting text noting that “an exception is made for Creigiau Quarry where the objectives of Policy M3 to swap reserves for less environmentally sensitive reserves will be delivered as part of an extension or deepening application” (ref para 5.384); and
- 8.12 “Policy M3: Quarry Closures and Extension Limits: Measures to prevent further mineral working and, where appropriate, to secure restoration and landscaping works at the earliest opportunity, will be sought at.....southern and western parts of Creigiau Quarry, with the accompanying text noting that the “closure of the southern and western parts of Creigiau Quarry (will be pursued) through a legal agreement with the site owners to relinquish these areas in favour of a new area set out in Policy M1 of the Plan and identified on the Proposals Map” (ref para 5.391). The proposed development is fully consistent with Policies M1 – M3 inclusive and the supporting text. It would provide for the retention of the sensitive woodland areas identified in
- 8.13 Policy M1 and defined on the proposals map (but also additional woodland areas beyond the areas identified via Policy M3); the extension development would essentially “swap” reserves in the existing quarry for those in the extension area, with no material increase in the overall level of reserves (ref Policy M2), and the limits of the extension area are consistent with those referred to in Policy M3 and defined on the proposals map.

- 8.14 Finally, draft Policy M5 includes a requirement for the restoration and after-care of mineral working schemes. It encourages developers to undertake progressive restoration, make beneficial use of mineral waste generated by mineral operations and realise nature conservation targets through the use of appropriate restoration mechanisms. The application includes a detailed restoration scheme, which includes progressive restoration, the use of quarry waste for progressive restoration (notably within the north quarry), and is designed to foster the nature conservation potential of the site via the range of restoration treatments and woodland planting which is proposed, including substantial advance woodland planting
- 8.15 The current application provides the mechanism for delivering these policies relating to Creigiau quarry set out in the adopted LDP and need and justification for the development are justified and accord with Welsh Government guidance and the recently adopted LDP. In this respect it is important to note that Section 38(6) of the Planning Act states there is a presumption in favour of permission being granted for developments which are in accordance with the development plan. The application is entitled to this favourable presumption.
- 8.16 As such, objections put forward on grounds of prematurity prior to the adoption of the LDP cannot be sustained. Nor can objections relating to a lack of Strategic Environment Assessment (SEA) to accompany the application to assess the impacts of this application in conjunction with the new housing allocated south of Creigiau in the LDP as the LDP was accompanied by such an Assessment.
- 8.17 As set out above PPW recognises that mineral extraction can only take place where the mineral is found to occur and any adverse effects on local amenity and environment need to be mitigated to “*acceptable levels*”. The potential amenity and environmental effects have been considered in detail in the ES together with proposed mitigation measures to ensure that environmental effects are minimised to within “acceptable standards”. An analysis of these is set out below.

(ii) Impact on local highway network

- 8.18 Prior to mothballing of the quarry in 2002, the annual output at the site was 300,000 to 400,000 tonnes per annum all of which left the quarry in HGVs by road. These HGVs turned left at the quarry entrance onto Heol Pant y Gored then travelled southeast for approximately 0.7km before turning right and continuing along Heol Pant y Gored for a further 0.6km to its junction with Cardiff Road. At this point vehicles turned left onto Cardiff Road and travelled a short distance of approximately 90m to its junction with the A4119 Llantrisant Road. Turning right at the junction with the A4119 Llantrisant Road directs traffic in a generally westerly direction towards the signal controlled junction with the dual carriageway section of the A4119 at The Castell Mynach Public House, approximately 3.4km distant.
- 8.19 A left turn onto the A4119 dual carriageway directs traffic south towards Junction 34 of the M4 Motorway, which is approximately 1.1km distant. Turning right onto the A4119 dual carriageway directs traffic north towards Talbot

Green, Ynysmaerdy, Llantrisant and the east-west A473 corridor, plus the northbound route to the Rhondda Valleys. Turning left onto the A4119 Llantrisant Road from Cardiff Road directs traffic in a generally south-easterly direction towards Llandaff and Cardiff City, which is approximately 10.5km distant, passing through its suburbs en-route.

- 8.20 Inbound traffic travelling towards the site followed the reverse route. This access strategy was used to avoid sending HGV traffic to the west through Creigiau village.
- 8.21 The ES has undertaken an assessment of the impact of the development on the high way network and notes that a review of recorded collisions over the most recent 5 year period available confirms that none of the recorded collisions involved HGV traffic, despite the demonstrable use of the network by such vehicles. The ES also states a review of historic data when Creigiau Quarry was operational also reveals that the associated HGV traffic was safely accommodated at that time. No collisions were recorded at the junctions associated with visibility, which suggests that despite there being some restrictions in terms of lateral visibility due to vegetation growth in some locations, the forward visibility for approaching road users towards emerging vehicles is sufficient to allow oncoming drivers to slow down safely from the prevailing speeds in order to accommodate turning traffic and avoid a collision.
- 8.22 The ES undertook a study of current vehicle flows on the identified highway network which confirmed that the network retains significant levels of reserve capacity, even during the peak hours of the day. The ES states that given this capacity, and the absence of any recorded collisions involving HGVs on the local road network within the last five years and during the most recent period the site was operational, there is no reason to believe that the HGV activity associated with the permitted and/or proposed activities at the sites, which fall within previously approved levels and operating hours, would have an unacceptable impact or represent an increased level of risk to safety.
- 8.23 The ES concludes that proposed development is acceptable in terms of highway and transport matters for the following reasons:
- (i) The site access is acceptable;
 - (ii) The local road network has substantial spare design capacity, and can accommodate the quarry traffic without difficulty;
 - (iii) There are no recorded accidents involving HGV's in the vicinity of the quarry in either recent years or in the three year period prior to the temporary closure of the Quarry, and, overall, the local highway network enjoys a good safety record; and
 - (iv) The proposed development would not result in more traffic using the local road network than is currently permitted, and there would be no increase in traffic attributable to the consolidation / extension scheme during the two year extension when compared with the immediately preceding period during which operations may currently take place.
- 8.24 The Operational Manager, Transportation notes the concerns relating to adequacy of local highway network but following a thorough assessment of the

application Highways have assessed the proposed development and have no objections subject to the provision of passing places along Heol Pant-y-gored Road, which will lead to an improvement in road conditions and improve health and safety of pedestrians and other road users and appropriate planning conditions.

- 8.25 In response to concerns over the adequacy of the passing bays raised by residents and the Community Council the Manual for Streets (2007) illustrates that a carriageway width of 4.8 metres can accommodate a car and a HGV passing each other. Should two HGVs be passing each other than a carriageway width of 5.5 metres would be required. Heol Pant Y Gored varies in width along its length from 4.9 to 6.7 metres and as such there would be occasion whereby two larger vehicles would be unable to pass. This is currently the case.
- 8.26 It is considered that the creation of passing bays will improve the situation, by widening the carriageway at four locations along the length of Heol Pant Y Gored between the site access and its junction with Cardiff Road. Increasing the width of the carriageway at these locations to 6.3 metres will allow two large vehicles to pass. This width has been set as a minimum requirement on the spine roads associated with each of the major strategic sites and as such is considered to be appropriate. The passing bays will also include tapers on approach and on exit in order to facilitate the movement of vehicles into / out of the localised widening. The passing bays are not intended to be used for multiple large vehicles. They are designed to allow one large vehicle to pass another at the location of the widening. Passing places are generally provided on rural roads on a permanent basis.
- 8.27 It should be noted that there were HGV movements associated with the existing quarry and that not all of the 146 (2 way) traffic movements represent additional vehicles. This needs to be considered in the context of the current planning application. It is considered that the introduction of four passing places will be of benefit in so much that larger vehicles will have opportunity to pass, which is not currently the case, without reversing.
- 8.28 Officers have estimated the cost of the highway works to be £35,000 and as such this sum has been agreed to be funded by the developer.
- 8.29 There would be no requirement for a banksman to be provided along Heol Pant Y Gored at the location of the passing bays. A banksman would only be required should vehicles be reversing into the carriageway at the location of the site access. It is considered that this would unlikely take place due to the manoeuvring space that is available within the site.
- 8.30 In relation to the section of road from Pant y Gored Farm to the junction with Cardiff Road it is important to note that this is wider (in part) than the section of Heol Pant Y Gored which is being improved. Notwithstanding this widening could only take place where the Council had or could control the area of land required. There are also no proposals to introduce permanent Traffic Signals at the location of the bridge under this application.

- 8.31 The vision splay at the junction near Pant-y-gored farm has been checked by officers on site and whilst the trimming back of vegetation may assist, no proposals have been identified at this location.
- 8.32 The Council implemented a footway improvement scheme previously to the frontage of those properties along the eastern side of Heol Pant Y Gored. It would not be appropriate as part of this development to require further footway improvements along this route for pedestrians and non-road users.
- 8.33 In relation to concerns raised in relation to the shared access to the recreation ground a condition will be attached to the permission requiring details of the access to be submitted for approval. The design will address issues that relate to the Recreation Ground and facilitating the safe movement of pedestrians. In addition any necessary parking restrictions/Traffic Regulation Orders at the location of the entrance can be provided in order to remove such parking immediately at the entrance, if this is deemed to be problematic.
- 8.34 Concerns have been raised in relation to lorries queuing at the quarry entrance in the morning. In order to address this a condition is proposed regarding site management, which will be able to address/minimise any issues relating to vehicles associated with the quarry parking within the passing bays and queuing on the adopted highway. In addition parking restrictions/Traffic Regulation Orders can be introduced to prevent parking within these areas.
- 8.35 In relation to the suitability of the routes associated with the Local Development plan strategic sites it is important to note these will be considered under the associated planning applications.
- 8.36 The County Ecologist has assessed the potential impact on the mature hedgerow adjoining Heol Pant-y-gored from construction of the passing bays and has confirmed that as the proposed widenings are quite small, and the potential impact is small it would not be appropriate to undertake surveys of Dormice and Bats. Instead vegetation should be cleared sensitively so as to avoid harm to any individuals. He also states that it would be better to clear the above-ground vegetation in winter (when dormice are hibernating at ground level), then any ground works should take place in spring/summer/autumn, when the dormice have left the ground and made their way to remaining vegetation nearby. This would also avoid harm to nesting birds, and bats. He states that mitigation planting of hedgerow/understorey species should be provided to offset that lost.
- 8.37 The nature of this length of road means that it would likely be used by Horse Riders. However this is an existing situation and would have also existed when the quarry was operating previously.
- 8.38 Comments have been received stating the length of road from the quarry entrance to the A4119 should be widened for its entire length, However it is important to appreciate that the quarry already has an existing planning permission to use these road to access the quarry and therefore it would be

unreasonable to insist on any road widening scheme under the application that is being considered, i.e. such a request would not satisfy the tests. The passing bays proposed are deemed to be necessary to make the development acceptable.

- 8.39 There have also been suggestions that an alternative access should be considered to avoid Heol Pant-y-gored Road, including use of the old railway line which runs parallel with Heol Pant-y-gored Road nearer Creigiau village. However this route which would require a separate planning application is not considered viable or practicable and it has also been identified as a possible route for the Cardiff city Metro proposals.
- 8.40 In relation to concerns raised relating to damage to road infrastructure and maintenance there is no requirement for an independent study to be undertaken with regard to the effects of HGV movement along Heol Pant Y Gored or other routes. Inspections of the carriageway surface would normally be undertaken by the Council's Highways Asset Team in accordance with their annual maintenance programme which would include a number of roads in Cardiff.
- 8.41 There is no legal requirement for Tarmac to contribute towards the up keep of the routes along those roads that their vehicles will travel. Funding for maintenance of the adopted highway would not satisfy the legal tests in terms of securing financial contributions via a S106 Agreement. The passing bays will be adopted by the Highway Authority and as such any future maintenance will be undertaken by the Councils Highway Asset Team.
- 8.42 With regard to the observations received from RCT on this application, I would provide the following by way of a response:
- 8.43 RCT's observations are based upon concerns relating to the impact of development traffic along the A4119 between Groesfaen and Talbot Green, particularly heavy goods vehicles.
- 8.44 In response to these concerns, the following points should be considered:
- The existing quarry benefits from an extant planning permission which currently has no restriction on the quantum of HGV traffic travelling to/from the site.
 - A condition is to be included requiring details of the improvement works to the existing site access in order to regularise and improve vehicle manoeuvres.
 - A financial contribution has been secured towards improvements along Heol Pant Y Gored totalling £35k in order to mitigate the impact directly adjacent to the site.
- 8.45 In light of the above, it is considered that those mitigation measures and S106 Financial Contribution being requested by officers for Cardiff are appropriate and proportionate for this scale and type of development.
- 8.46 Whilst raising concerns, RCT's response specifies a financial contribution

towards improvements on the strategic highway network. However, it does not include any robust evidence to demonstrate that the impact of this development would be sufficient to warrant such a request, neither does it specify exactly what the comprehensive improvement would be. Therefore, it is not considered that the financial contribution request of £20,680 sought by RCT could satisfy the tests of Regulation 122 of the CIL Regulations (2010) in respect of being directly related and reasonably related in scale and kind to the development.

- 8.47 Taking into consideration the above and subject to the recommended conditions to mitigate potential adverse impacts, the proposed development is considered acceptable in terms of highways and transport matters. The conclusions of the ES in respect of transport are accepted and the application is considered to be policy compliant.

(iii) Impact on ecology, wildlife and Habitats

- 8.48 The conservation of biodiversity and, in particular, the conservation of native wildlife and habitats, and the safeguarding of protected species are key Welsh Government objectives set out in PPW for the conservation and improvement of the natural heritage (para 5.1.2). PPW recognises the role of development in creating new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. It also recognises the importance of minimising or reversing the fragmentation of habitats and improving habitat connectivity through the promotion of wildlife corridors, whilst ensuring development minimises species and habitat impact (para 5.2.8).
- 8.49 At the development plan level, policy KP16 provides a framework for the protection, enhancement and management of Cardiff's natural heritage assets, including its biodiversity interests. KP4 requires major development to accord with the 'Masterplanning General Principles' including the need. to ensure that 'multi-functional and connected green open spaces form strategically important links to the surrounding area to provide routes for people and wildlife and open spaces for sports, recreation and play' and to 'sympathetically integrate existing landscape, biodiversity and historic features of the site into the development taking opportunities to protect, enhance and manage important features along with mitigation and enhancement measures to provide satisfactory compensatory measures'. At a detailed policy level, policy EN5 provides protection for designated sites, policy EN6, protection for ecological networks and biodiversity features of importance, whilst policy EN7 provides for the protection of priority habitats and species. Policy EN8 provides for the protection of trees, woodlands and hedgerows for their amenity, natural and cultural heritage value.
- 8.50 The ES has undertaken an assessment of the impact of the development on ecology and states that the site is not subject to any statutory designations. However it states that approximately 15% of the application site includes two non-statutory Sites of Importance for Nature Conservation (SINC's), which have been selected as sites of county-level ecological importance on the basis of the semi-natural woodland habitats that are present, which also include areas of ancient woodland.

- 8.51 The ES notes that the site also provides habitat for a number of protected species including hazel dormouse, bats, palemate newt, reptiles and breeding peregrine falcon.
- 8.52 Given this the ES sets out a mitigation and compensatory measures to minimise/avoid impacts on ecology. The ES notes that the revised quarry development scheme has minimised impacts to most sensitive ecological receptor i.e woodland including SINC designated areas and ancient woodland and notes that further opportunities to deliver biodiversity gains arise during the phased restoration works, which are dedicated to the creation of habitats of high nature conservation value.
- 8.53 The development would result in the loss of 0.3 hectares of Ffynnon Dwym SINC, together with the loss of an addition 0.85 hectares of undesignated broadleaved woodland. In order to mitigate for this the proposed development landscape and restoration proposals provide for a total of 12.05 hectares of new woodland through direct planting and natural regeneration. In addition to this it is proposed that a Biodiveristy Action Plan (BAP) is developed to secure positive management for the wider areas of the SINC that will be retained.
- 8.54 Although the remainder of the application site is not assessed as having any particular high habitat value in its own right it does form part of the wider mosaic of habitat adjacent the SINC areas and it is used by a range of protected and notable species. The ES notes that the phasing of quarry development and subsequent restoration will enable a broadly comparable habitat mosaic to be maintained.
- 8.55 In addition to this the ES includes detailed mitigation and compensation measures for impacts on Hazel Dormouse, Bats, Amphibians, Repitles and birds to ensure that residual impacts are minimal and unlikely to be ecologically significant.
- 8.56 The ES concludes that Overall, no significant adverse ecological impacts have been predicted and it is considered that the proposed nature conservation based restoration would provide a net gain for biodiversity in the long term following completion of mineral extraction.
- 8.57 Natural Resources Wales have been consulted on the application and ES and subject to the inclusion of appropriate conditions have no objection to the development.
- 8.58 Taking into consideration the above and subject to the recommended conditions to mitigate potential adverse impacts, the proposed development would not lead to any significant environmental effects on any known habitats, species or ecological features of value, and should create and enhance opportunities for local wildlife. The conclusions of the ES in respect of ecology are accepted and the application is considered to be policy compliant.
- (iv) Blasting and potential damage to properties**
- 8.59 Ground vibration arising from blasting is calculated in terms of 'peak particle

velocity' (PPV), and is measured in millimetres per second (mms- 1). Detailed research has determined that vibration levels well in excess of 50 mms are necessary to produce structural damage to residential type properties. For human perception, Welsh Government advice is that levels should be set in the range of 6-10 mms-1.

- 8.60 Vibration is also generated within the atmosphere where the term 'air over pressure' is used to encompass both its audible and sub audible frequency components. Again, experience and knowledge and blast type and design enables prediction of levels and an assessment of their significance.
- 8.61 However, unlike with ground vibration, predictions of air overpressure can be made less certain by the fact that air over pressure levels may be significantly influenced by atmospheric conditions. Hence, the most effective method of control is its minimisation at source.
- 8.62 Welsh Government guidance set out in MTAN1 reviews the effects of blasting in terms of ground vibration and air over pressure and suggests that planning conditions should provide:
- (i) acceptable days for blasting operations (normally between 10.00 and 16:00);
 - (ii) maximum levels of ground vibration at vibration sensitive properties which should not exceed a PPV of 6 mm per second PPV in 95% of all blast measured over any 6 month period , and no individual blast should exceed a PPV of 10 mm per second PPV; and
 - (iii) approval of a scheme to minimise air overpressure;
 - (iv) approval of a scheme for vibration monitoring to ensure adherence to the limits set out above.
- 8.63 The ES has undertaken an assessment of the impact of future blasting activities on Creigiau Quarry and states that all blasts will be designed to meet the MTAN 1 criterion of 6.0 mm per second (at 95% confidence level) with respect to residential properties, and on this basis it is considered that the effects from blasting at residential properties will not be significant.
- 8.64 The ES also states that the starting position with respect to other structures will be to attempt to design blasts to meet a criterion of 50mms-1 (at 99.99% confidence level) set out in guidance, but the feasibility of adhering to this criterion at Pentyrch Boarding Kennels will require further assessment during the early stages of the development. Given the proximity of the building to the quarry boundary, the ES states that very significant alterations to blasting practice will be required to meet the 50mms-1 limit. The ES thus recommends that vibration monitoring is undertaken at this location when blasting is undertaken in the year 1 operational area (at greater distance from the premises), to determine the magnitude of vibration experienced at that location. Blast design can then be considered based on the results of this monitoring and whether it is feasible, practical and cost effective to blast to the currently approved limits of quarrying (which in this location would not change from the currently approved quarry development scheme).

- 8.65 The ES also states that in addition to these design measures, the Operator's Good Practice Guide outlined in the DETR report The Environmental Effects of Production Blasting from Surface Mineral Workings, which is already adopted at Tarmac's other operational quarries, would be adopted at Creigiau to ensure that the potential for groundborne and airborne vibration would be minimised at Creigiau Quarry.
- 8.66 The ES concludes overall that the impact of the blasting operations at Creigiau Quarry have been assessed to be "not significant" at residential type properties as long as blasting is undertaken to comply with the recommended limits on blast vibration contained in MTAN 1. With such low ground vibration levels accompanying air overpressure would also be of a very low and hence at an acceptable level, although possibly perceptible on occasions at the closest of properties.
- 8.67 There are likely to be some occasions, particularly during working of the north and western extremities of the extraction area, where there will be a need to exercise particular care in minimising vibration levels. This would involve using charge reduction techniques to ensure that a peak particle velocity limit of 6 mms-1 at a 95% confidence is not exceeded at any residential property.
- 8.68 Attempts should be made to ensure that ground vibration from blasting does not exceed a limit of 50mms-1 at other non-residential properties, but the feasibility of adhering to such a limit will need to be further assessed upon commencement of the development.
- 8.69 Pollution Control have been consulted on the application and ES and subject to the inclusion of appropriate conditions have no objection to the development.
- 8.70 Taking into consideration the above and subject to the recommended conditions to control the timing of blasting operations, levels of ground vibration at vibration sensitive properties, a requirement for a scheme to minimise air over-pressure and a scheme of blast vibration monitoring to ensure compliance with Welsh Government guidance the conclusions of the ES in respect of blast vibration are accepted and the application is considered to be policy compliant.
- (v) Landscape and Visual Amenity and loss of countryside**
- 8.71 MTAN1 highlights the fact that hard rock quarries physically alter the ground surface through the development of faces and benches, and these landscape changes are often irreversible. It therefore advises that proposals for new aggregates extraction or extensions to existing sites should be assessed carefully to determine the potential impact on the character of the landscape. The assessment should facilitate a comprehensive understanding of the visual impact of a development from various locations which will assist in devising an appropriate layout and phasing, and the most appropriate restoration strategy.
- 8.72 Given this the ES includes an assessment of the landscape and visual effects of the ongoing quarry development. In this context it is important to note there are no landscape designations within the application site.

- 8.73 The ES states that the design of the quarry development scheme reflects a key objective of the adopted LDP to retain the wooded ridgeline which forms the western and south western edge of the existing quarry. The limits of extraction have been defined to ensure no interference to these important landscape features, and to retain other areas of established woodland around the periphery of the existing quarry. In addition, the ES notes that the creation of the screening bund and establishing vegetation on it early in the development process would ensure that its effectiveness is maximised throughout the lifetime of the development, screening views into the quarry from the south-east.
- 8.74 The ES states that rollover of the northern and eastern quarry faces as soon as possible in the operation process, and the establishment of vegetation on them, would ensure the minimal possible impact that the site could have on the surrounding landscape character and on visual amenity. It notes that retention of existing woodland, supplemented by additional woodland planted strategically around the site boundary would also both assist in integrating the site into the surrounding landscape and in screening views towards the operational area. The ES notes that the proposed bund and its associated vegetation have been designed to retain the landscape character of the area, enabling minimal change in views towards the site and creating a negligible or slight beneficial impact on views.
- 8.75 Three areas have been identified in the ES from where there is potential for large magnitude effects in the absence of mitigation; from the south-east at Craig-y-Parc; from the northern residential area of Creigiau to the west; and from Heol Pant y Gored.
- 8.76 In terms of reducing these impacts the ES states that careful consideration has been given to reduce the impact on Craig-y-Parc to an acceptable level by the screening bund and its planting, with the large scale change being short in duration while quarry activities are concentrated on the highest bench of the north wall.
- 8.77 From the west the ES states that adverse effects would be mitigated by the retention of the outer wooded edge of the ridgeline and visual effects would be limited to the operations associated with the removal of upper areas of the western wooded knoll. It notes that these operations would be short term, and the adverse visual effects would be removed once the working quarry level is reduced to below the tree line, and mitigated by the early restoration of the upper faces and benches of the eastern back wall which would come into view following removal of the knoll.
- 8.78 From Heol Pant y Gored, the ES states that construction of the screening bund would create a medium change in the view, with movement of equipment and construction activities creating a moderate adverse impact in the view. Following construction of the screen bund the ES states that quarrying activities would be screened and once the bund is seeded and vegetation established, the impact would reduce to negligible. It notes that following restoration of the quarry, the bund and its vegetation would be maintained and would create the

appearance of being part of the wider landscape, creating a negligible impact on the view.

8.79 In view of this the ES concludes that the mitigation measures proposed would reduce the negative landscape and visual impacts associated with the extension of Creigiau quarry to an acceptable level.

8.80 Taking into consideration the above and subject to the recommended conditions the ES conclusions in respect of Landscape and Visual Amenity are accepted and the application is considered to be policy compliant.

(vi) Impact on groundwater resources and drainage

8.81 MTAN1 notes that mineral workings have the potential to affect surface and groundwater resources and that Mineral Planning Authorities, taking advice from Natural Resources Wales must be satisfied through careful risk assessment that consequences of any adverse impact of extraction on the water environment is acceptable or that they can be made so by mitigation before granting planning permission.

8.82 The ES includes a hydrogeological assessment of the potential impact of the further working and restoration of the quarry on the local hydrological system and concludes that the nature and degree of impacts that were identified in connection with the current planning permission for the quarry have not changed significantly as a result of the inclusion of the extension area. It states that the main impact of further development of the quarry will be to derogate flows in local springs, which feed streams flowing away to the south and south west, but as the quarry dewatering will be largely non consumptive, there will be little effect on overall flows in these streams.

8.83 Given this the ES recommends that the Water Environment Protection Scheme (WEPS) drawn up in 2008 should be adhered to as the potential and residual risks that have been identified are common to both the existing planning permission for the quarry and the current consolidation/extension application. The WEPS sets out how the Quarry abstraction and discharges will be managed and includes recommendations for associated monitoring, trigger levels and responses to triggers being breached.

8.84 The WEPS currently requires that surface water flow monitoring be carried out at five spring locations, and four locations in total on the Nant Coslech, Nant Henstaff, and Nant-y-Glaswg. Groundwater levels are also to be measured at defined locations. Data collected from these sites during the 12 month baseline phase will be used to develop assessment criteria. Impact monitoring (i.e. during development) is expected to be similar to the baseline monitoring although the details will need to be confirmed in the light of baseline data collected.

8.85 The WEPS has previously been subject to extensive discussion between the Quarry Operator, the Council and the Environment Agency (now Natural Resources Wales), and the WEPS was formally approved by the Council in 2008. Minor updates to reflect the passage of time are proposed, but the

underlying content of the approved WEPS has not changed. This assessment has identified the same potential receptors and risks associated with the consolidation and extension development (notable the identified springs), and given that given that the quarry depth would be limited to 55m AOD compared to the currently approved limit of 50m AOD, with no material change to the rate of discharge, the existing WEPS is considered to remain an appropriate mechanism for managing potential impacts. Any discharges will be subject to a discharge consent and will need to be carried out in a way to ensure that excessive flows do not occur downstream.

- 8.86 The ES concludes that following application of the mitigation measures included in the WEPS, any residual effects are expected to be not more than minor.
- 8.87 In relation to the fear that the water table at Garth Uchaf Farm and the Garth Mountain may be drawn down with consequent effects on farmland the hydrogeological assessment confirmed a drawdown distance of 200 to 300 metres to the north of the quarry in the direction of Garth Uchaf probably limited by the shaley Millstone Grit in that direction. Garth Uchaf lies at a distance of some 1.2km from the quarry at the closest point and therefore lies outside the calculated zone of groundwater drawdown.
- 8.88 NRW have endorsed the findings of the hydrogeological assessment and have raised no objections to the development subject to appropriate conditions.
- 8.89 The issue of potential flooding and water management is addressed in detail in the 'Surface Water and Drainage Assessment' produced as Appendix 9.2 to the ES (ES Volume 2). This considers the increased run-off which would enter the enlarged quarry void, the capacity of the receiving water courses, and the opportunity for on-site attenuation via settlement / storage ponds. It also notes that the volume and quality of discharge will be regulated by a Discharge Licence. This issue can be addressed by planning condition, and is incorporated into the draft schedule of conditions as condition 30.
- 8.90 NRW have raised no objections to the development subject to appropriate conditions.
- 8.91 Taking into consideration the above and subject to the recommended conditions and associated monitoring the ES conclusions in respect of groundwater and surface water are accepted and the application is considered to be policy compliant.

(vii) The loss of agricultural land

- 8.92 National planning policy on the conservation of agricultural land is set out in PPW (July 2014) and the accompanying TAN 6: Planning for Sustainable Rural Communities (2010). Paragraph 4.10.1 states that land of grades 1, 2 and 3a in the Agricultural Land Classification (ALC) system is the best and most versatile agricultural land should be conserved as a finite resource for the future. The paragraph advises that:

“considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade”.

- 8.93 Paragraph 82 of Annex B of TAN 6 reminds LPAs of the requirements for consulting the Welsh Government. At the development plan level, KP18: Natural Resources requires development proposals to take full account of the need to minimise impacts on the city's natural resources, which extends to the protection of the best and most versatile agricultural land (criterion i).
- 8.94 The ES includes an assessment of the impact of the proposed development on agricultural land and concludes that the development would result in the loss of some 6.5 hectares of agricultural land of grade 3b quality. As set out above this is not defined as ‘best and most versatile quality land (grades 1, 2 and 3a) and in planning policy terms, limited weight is afforded to the loss of land of such relatively poor quality in considering development proposals.
- 8.95 There is therefore no material planning policy constraint to the loss of the grade 3b agricultural land at the application site, particularly given the relatively small surface area involved. Moreover in order to secure the sustainable and effective use of the soil resources the development makes provision for the beneficial use of the resources to assist restoration.
- 8.96 Taking into consideration the above, and subject to recommended conditions to mitigate potential adverse impacts the conclusions of the ES in respect of loss of agricultural land are accepted and the application is considered to be policy compliant.

(viii) Impact on Built Heritage and Archaeology

- 8.97 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council, in considering whether to grant planning permission for development affecting a Listed Building or its setting, to 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. PPW confirms this as the primary material consideration (paragraph 6.5.9). The 1990 Act also places a duty on LPAs to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. PPW confirms that the Courts have held that the objective of preservation can be achieved either by development which makes a positive contribution or by development which leaves character and appearance unharmed (6.5.17).
- 8.98 Paragraph 6.5.1 of PPW notes that the desirability of preserving an ancient

monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

- 8.99 At the development plan level, policy KP17 provides a high level framework to protect, manage and enhance Cardiff's heritage assets. Policy EN9 provides a more detailed development management policy to protect the historic environment.
- 8.100 The ES has undertaken an assessment of the impact of the proposed development on Cultural heritage and confirms there are no designated heritage assets within the site. One scheduled monument, the Cae-rarfau burial chamber and nineteen listed buildings lie within 2km of the site boundary. The nearest Pant-y-gored House and Barn lie at 700m but most are over 1km away. Craig y Parc (GM6) a registered Park and Garden lies within 2km of the Site, and the nearest point of its boundary is some 600m from the site.
- 8.101 The assessment concludes that topography would prevent any adverse effects upon on the setting of Pant-y-gored House and Barn and a combination of topography, intervening development and distance will restrict the effects of future quarrying upon the setting of other cultural heritage assets. Given this the assessment considers the overall effect would be neutral (i.e. no change in the existing situation). Nevertheless, it is recommended that a rapid recording survey should be undertaken to record the form of the assets identified. A report should then be prepared and submitted to the Historic Environment Record.
- 8.102 Taking into consideration the above, and subject to recommended conditions to ensure the form of assets identified is recorded the conclusions of the ES in respect of impact on cultural heritage are accepted and the application is considered to be policy compliant.

(ix) Impact on Air Quality

- 8.103 The PPW objective for the management of environmental effects and pollution is to 'maximise environmental protection for people, natural and cultural resources, property and infrastructure, and prevent or manage pollution and promote good environmental practice' (paragraph 13.1.12). PPW also stresses that Planning Authorities should operate on the basis that the relevant pollution control regimes will be properly applied and enforced by other agencies and they should not seek to control through planning measures, matters that are the

proper concern of the pollution control authority (paragraph 13.10.2). This is of relevance to a Permit which would be in place at the quarry at the time of any resumption of quarrying and processing which would regulate emissions from the processing plant and related operations. Similar advice is provided in MPG14 and MTAN1.

- 8.104 At the local level, policy EN 13 seeks to protect unacceptable harm caused by air, noise, light pollution or land contamination. Policy KP18: also relates to air quality and states:

'In the interests of the long-term sustainable development of Cardiff, development proposals must take full account of the need to minimise impacts on the city's natural resources and minimise pollution, in particular the following elements:... including...

iii. Minimising air pollution from industrial, domestic and road transportation sources and managing air quality; '

- 8.105 The ES considered the impact on air quality from the proposed development and assessed potential effects at 12 receptors which represent the closest premises to the site in each direction. It concludes that the potential for dust impact is insignificant at all but three premises. These comprise Creigiau Farm, the Pentyrch Boading Kennels, and the Creigiau Sports ground based upon their proximity to the site boundary. However, for those receptors to the west of the site (Creigiau Farm and Sports Ground), the proposed changes to site operations as part of the consolidation / extension development would move extraction operations further from these receptors, as part of the proposed relinquishing of reserves along the western side of the existing site. This would take extraction operations greater than 100m further from the boundary than that assessed. Therefore the potential for impact from extraction and processing operations is considered to be less than assessed and represent a potential improvement compared to previous operation of the quarry at these receptors. Additionally between the access road and those properties to the west of the site is mature woodland which reduces the wind speed, thereby reducing dust entrainment, as well as collecting the dust by encouraging deposition. At the industrial premises to the north of the site (the Kennels), the risk of impact is considered to remain unchanged compared to the permitted operations on site as the distance to extraction and extraction rate would remain unchanged. Compared to the existing mothballed scenario there is considered to be a greater risk of dust impact at this receptor, however this is considered to be a low sensitivity receptor which would benefit from the retention of woodland to the north of the site which would help mitigate dust impact.

- 8.106 In order to mitigate the impact on air quality the ES proposes the following measures:

- The use of additional water suppressants in the operational area event of dry and windy weather.
- Drill rigs used in the excavation for drilling holes for explosives will be fitted with dust collectors/shrouds.

- Drop heights would be minimised wherever practicable, with the correct matching of machines to prevent overloading of dump trucks and hence prevents spillage on haul routes.
- Processing of limestone on site will be controlled by an Environmental Permit for the mobile processing plant which will impose detailed controls on dust mitigation and dust monitoring.
- The removal of soil and overburden would be undertaken in working strips, to minimise the extent of exposed surfaces. These operations would furthest from sensitive receptors to the west of the site in Creigiau.
- Handling of soils during particularly dry conditions would be avoided.
- The product stockpiles will be located within the void which will provide shielding from the wind, which will also be greatly aided by the dense woodland to the edge of the void, between the site and the closest receptors.
- Long term overburden storage mounds/ screening located to the south east and east of the site during site operation, and backfilled slopes to the north would be seeded as soon and possible and profiled to reduce dust entrainment.
- Vehicle speed restrictions on the access road will be enforced.
- All vehicles exiting the site carrying material will be sheeted or totally enclosed as soon as possible after loading and before leaving site.
- Roads will be dampened down with a water bowser and a mechanical road sweeper used as and when required to reduce track out and remove material from the road to prevent resuspension from passing vehicles.
- A method of washing wheels which prevents dust and mud being deposited onto the roads will be used which reduces dust emissions in accordance with best practice.
- Internal haul roads would be regularly dampened down with a water bowser.
- Weather conditions would be used as a factor in the timing of restoration operations, ensuring activities with a high potential for dust emissions such as handling soils and waste materials are not undertaken during high wind speeds.

8.107 The ES concludes that the resumption of operations at the quarry is not considered to increase impacts above permitted operations, however there is considered to be a risk of dust impact without mitigation measures compared to the mothballed baseline. With the effective implementation of mitigation measures on site in accordance with best practice and the requirements of the Permit the residual impact is considered to be acceptable or insignificant.

8.108 Pollution Control have indicated they have no comments on the conclusions set out in the ES subject to inclusion of appropriate conditions limiting the output of quarry operations and requiring mitigation measures and appropriate monitoring arrangements.

8.109 Taking into consideration the above, and subject to recommended conditions to mitigate potential adverse impacts the conclusions of the ES as amended by the Addendum Report in respect of Air quality are accepted and the application

is considered to be policy compliant.

(x) Impact on Noise

8.110 National Planning policy on Noise and aggregates extraction is set out in Minerals Technical Advice Note (Wales) 1: Aggregates. MTAN1 states, in paragraph 85:

“Where aggregates extraction and related operations occur close to areas that are sensitive to noise, particularly residential areas, noise impact must be minimised to acceptable levels. The effects of noise should be fully considered in formulating future proposals for aggregates extraction and noise emissions should be monitored throughout the permitted mineral activity.”

8.111 MTAN1 goes on to state, in paragraph 87:

“The aggregates industry should aim to keep noise emissions at a level that reflects the highest possible environmental standards, taking all reasonable steps to achieve quieter working while having regard to the principles of BATNEEC – the best available techniques not entailing excessive cost. MPAs should have regard to the background noise levels and the threshold at which significant effects are likely at noise sensitive areas and properties when considering the acceptability of proposals or setting noise limits in a planning condition. Conditions on planning permissions should identify the noise sensitive properties at which noise limits are set and establish a scheme of monitoring that identifies how, where and when noise is to be measured and how the results will be used and assessed.”

8.112 Paragraph 88 of MTAN1 states:

*“**Noise Limits** – noise limits should relate to the background noise levels subject to a maximum daytime noise limit of 55 dB(A) where background noise levels exceed 45 dB(A). 55 dB(A) is the lower limit of the daytime noise levels where serious annoyance is caused. Where background noise is less than 45 dB(A), noise limits should be defined as background noise levels plus 10 dB(A).”*

8.113 Paragraph 88 goes on to state:

“Daytime working is defined as 0700 – 1900 hours. Night-time working limits should not exceed 42dB (A) at noise sensitive properties the night-time working is defined as 19:00 – 07:00 hours. .”

8.114 Paragraph 88 also states

“Noise limits should be set in terms of LAeq,T over a 1-hour measuring period. LAeq is the noise index used to describe the “average” level of noise that varies with time (T) and should be measured “free-field” that is, at least 3.5 metres away from a facade to prevent reflection of noise by any façade that faces the noise source. During temporary and short-term operations higher levels may be

reasonable but should not exceed 67dB(A) for periods of up to 8 weeks in a year at specified noise sensitive properties."

8.115 The ES includes an assessment of the impact of noise from the proposed development. The assessment has been undertaken in accordance with the advice on noise limits set out in MTAN1 above and British Standard 5228:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites*, Part 1: *Noise and Building Bulletin 93 Acoustic Design of Schools, A design Guide* (BB93). The original Noise Assessment has been reviewed following comments made by Pollution Control and Noise Assessment Addendum Report has been prepared.

8.116 The assessment was based on noise surveys undertaken at the nearest 8 noise-sensitive locations to the site during a typical working daytime period.

8.117 The Locations are set out below:

- Location 1 – Creigiau Farm/Parc Y-Fro
- Location 2 – Castle Close/The Terrace
- Location 3 - Heol Pant y Gored
- Location 4 – Maesteg House
- Location 5 – Pentyrch Primary School/Bronllwyn
- Location 6 - Heol Gam
- Location 7 – Brynglas
- Location 8 - Heol Pant y Gored

8.118 The assessment has shown that, assuming the restoration works at the closest approach to Location 4 between year 20 and the final development can be undertaken on a campaign basis lasting no longer than eight weeks, predicted noise levels from both temporary and normal extraction operations at the site are within the derived or absolute noise limits at all of the nearest noise-sensitive locations considered during all of the four main design time scales.

8.119 The assessment has shown that predicted noise levels from both temporary and normal extraction operations at the site are within the derived or absolute noise limits at all of the nearest noise-sensitive locations considered during all of the four main design time scales.

8.120 Further to the above, an assessment has been undertaken to determine the potential impact that the predicted noise levels may have on the existing ambient noise climate around the site in conjunction with Guidelines for Noise Impact Assessment. The assessment indicated that when compared to the degree of effect matrix the predicted noise levels from normal operations would have, at worst, a moderate impact on the ambient noise levels at two of the nearest noise-sensitive locations considered.

8.121 The assessment is based on an additional baseline noise survey undertaken at the nearest noise-sensitive receptors to the site over a midweek 48-hour period.

- 8.122 The results of the additional noise survey has shown that the baseline levels measured during the 'rush hour' periods between 07:00 and 09:00 hours and 17:00 and 19:00 hours were higher than those used within the original ES with the exception of those at Location 6 between 17:00 and 19:00 hours when the levels were slightly lower. The results of the survey also show that the baseline levels measured between 10:00 and 17:00 hours were within +/- 1dB when compared to the levels used within the ES for the same period with the exception of those at Location 6 where the levels were 4.5dB lower. It is considered that the reason for the differences in measured levels at Location 6 is that the position had to be altered slightly (see Section 3.3). The noise climate at the revised location was less affected by local activity and therefore the measured background levels were lower.
- 8.123 With reference to the above the additional survey determined that the only location where the revised criterion is lower than the level used within the original ES was at Location 6; therefore it is considered that a revised assessment is only necessary at this location, at the Pentyrch Primary School, and at the two additional locations as the results of the original assessment will remain the same at all of the other locations. The revised daytime assessment has shown that the predicted noise levels generated by worst-case normal day to day operations would meet the daytime criteria, derived in accordance with MTAN1, at the four receptors considered during the four main design time scales.
- 8.124 The revised night-time assessment has shown that the predicted noise levels generated by worst-case normal night-time operations would meet the absolute night-time criterion contained within with MTAN1, at the three receptors considered during the four main design time scales. A revised night-time assessment was not undertaken at Location 6 due to the fact that night-time criterion remained unchanged from the original assessment. The external BB93 assessment at the Pentyrch Primary School has shown that the resultant future ambient noise level calculated from worst-case predicted noise levels and the existing ambient levels is below the limit for outdoor teaching areas contained within BB93.
- 8.125 The ES proposed that periodic noise monitoring should be undertaken during the operational life of the quarry to determine whether the site is operating within the specified noise limits at the nearest noise-sensitive receptors.
- 8.126 Pollution Control have indicated they have no comments on the conclusions set out in the ES subject to inclusion of appropriate conditions limiting the output of quarry operations and requiring mitigation measures and appropriate monitoring arrangements.
- 8.127 Taking into consideration the above, and subject to recommended conditions to mitigate potential adverse impacts the conclusions of the ES as amended by the Addendum Report in respect of Noise are accepted and the application is considered to be policy compliant.

8.128 Taking the above, consultee and third party representation into consideration, together with the recommended conditions and legal agreement Heads of Terms set out in Section 9, it is considered that the development complies with planning policy and that the effects on the local highway network, ecology, wildlife and Habitats, landscape, visual amenity and countryside, groundwater resources and drainage, agricultural land, built heritage and archaeology, air quality and noise and the impact of blasting are acceptable and can be adequately mitigated.

(xi) Equalities

8.129 The Public Sector Equality Duty (Section 149 of the Equality Act 2010) requires the Council to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. In terms of the promotion of inclusive access, equality and diversity, there will be no apparent abnormal differential impact on any people protected under the Equality Act 2010.

(xii) Wellbeing and Future Generations (Wales) Act 2015

8.130 Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

8.131 The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

(xiii) The Environment (Wales) Act 2016

8.132 Section 40 of the Natural Environment and Rural Communities Act 2006 states that "every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". This 'duty to conserve biodiversity' has been replaced by a 'biodiversity and resilience of ecosystems duty' under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016. Section 6 (1) states that "a public authority 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." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems." Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development 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".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

8.133 Given the nature of the application site and the proposed development, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies."

(xiv) Response to third party objections

8.134 The objections raised are noted, in response to which I would comment as follows on those matter that are not addressed in the above analysis:

- (i) With reference to the legal issues raised by Mr Jones and the case law quoted this confirms that a grant of planning permission cannot act as a defence to any potential claim of nuisance brought by a complainant against the quarry owner. The Council in determining the application must have regard to the provisions of the development plan, so far as is material to the application and to any other material considerations and to take into account any representation on planning matters made to it by neighbouring occupiers, local residents and third parties. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case.
- (ii) Residents have raised concerns that the proposed development will have a negative impact on **health of residents and local nurse and school pupils** due to noise from quarry workings and related traffic, dust emission from quarry working into the atmosphere and diesel particulate emissions from quarry related traffic. These issues have been considered in the analysis set out above and this has found that subject

to appropriate conditions the application is considered policy compliant and that these issues will be mitigated to acceptable levels. It is also important to note that HGV traffic arising from the quarry will not pass through Pentyrch village or the school as there is a weight limit in force preventing this.

- (iii) Related to this concerns have been raised that the applicant has not undertaken a **Health Impact Assessment** to support the application. In response to this it is important to note that there is no requirement in Welsh Government guidance for such applications to be accompanied by an Health Impact Assessment and the ES has assessed in detail the impact of the proposed development on a number of health related issues including air quality and noise and as set out above subject to proposed conditions and associated modelling these impacts can be mitigated to acceptable levels and the application is policy compliant. In response to these concerns the applicant has also prepared a "Response to public consultation Well-being and Environmental Health Issues Statement" which concludes that on the basis of objective evidence, the effects of development upon existing burdens of health would be common to the currently approved development and revised extension development and they would not be sufficient to create any adverse health outcome. The statement seeks to address concerns and proposes a series of additional measures including enhancements to the dissemination of information regarding operational procedures and issues.
- (iv) Concerns have been raised relating the impact of the development on the **Creigiau recreation ground and allotments** which are adjacent the site and share an access onto Heol Pant-y-gored. In order to segregate quarry traffic from traffic and pedestrians using the recreation ground a condition is proposed requiring Tarmac to make improvements to the access to the quarry so quarry traffic is separated from traffic to the recreational ground. In addition to the conditions include dust mitigation measures which will mitigate the impact of dust on the recreation ground and allotments to acceptable levels and HGV traffic using the haul road parallel to the allotments will need to adhere to internal site speed limits of 15 mph.
- (v) The impact on **property values** and housing saleability are not material planning considerations.
- (vi) The amount of **Council Tax** levied in the area is not a material planning consideration.
- (vii) Concerns have been raised relating to the possibility of blasting activity causing **Sink holes**. These are pre-existing natural geomorphic features that occur naturally and as they pre-exist within the ground are not caused by blasting activity.

- (viii) In relation to the issue of providing a S106 bond to the Council to cover the full costs of **restoration** there is no requirement in MTAN1 to support the need for a bond to cover the full cost of restoration for aggregate quarries. The applicant has however stated they are committed to the full restoration of all their sites, but, note that in any event, there is a fall-back position via the Mineral Products Association, of which the applicant is a member, and the restoration guarantee provisions available through that organisation.
- (ix) Concerns have been raised in relation to **quarry waste** causing potential landslips and flooding. In this respect it is important to note that aggregate production by its nature does not generate significant amounts of quarry waste and all overburden and soils will be required to be stored in designated storage areas and conditions are included to ensure these are designed to ensure stability and meet modern standards.
- (x) Concerns have been raised that the proposed development will have a negative **impact on existing businesses** within Pentyrch and Creigiau through reduced customers as a result of the impact of quarry traffic on the roads surrounding the villages and noise and dust emissions from quarry workings and diesel particulate emissions from quarry related traffic. These issues have been considered in the analysis set out above and this has found that subject to appropriate conditions the application is considered policy compliant and that these issues will be mitigated to acceptable levels. It is also important to note that HGV traffic arising from the quarry will not pass through Pentyrch village and past the shops as there is a weight limit in force preventing this.
- (xi) Concerns have been raised that the proposed development will have a negative impact on the **character of Creigiau and Pentyrch villages** due to noise from quarry workings and related traffic, dust emission from quarry working into the atmosphere and diesel particulate emissions from quarry related traffic. These issues have been considered in the analysis set out above and this has found that subject to appropriate conditions the application is considered policy compliant and that these issues will be mitigated to acceptable levels. In this respect it is also important to note the quarry already has planning permission for mineral working and mitigation measures and conditions proposed in connection with the proposed development will result in a net improvement in the overall environmental impact of the quarry.
- (xii) Reference has been made to the **problems relating to blasting, noise, dust and traffic when the quarry was last operating** and these are noted. However these issues have been considered in the analysis set out above and this has found that subject to appropriate conditions the application is considered policy compliant and that these issues will be mitigated to acceptable levels. In this respect it is also important to note the quarry already has planning permission for mineral working and mitigation measures and conditions proposed in connection with the

proposed development will result in a net improvement in the overall environmental impact of the quarry.

- (xiii) Concerns have been raised relating to the lack of any mitigation proposed for the new elements of the planning application. However, it is considered that the application has mitigation at its core i.e. the land swap which would avoid disturbance of ancient woodland and substantial avoidance of all other woodland around the perimeter of the existing quarry. This land swap and **protection of ancient woodland** can only be achieved through implementation of the proposed development and this landscape and mitigation measure is the rationale for the entire development. Other mitigation includes advanced planting; the construction of the south east screening bund; the dust mitigation measures; the cultural heritage mitigation measures etc. It is also important to note that the Community Infrastructure Levy (CIL) does not apply to mineral applications. Moreover, this concept remains appropriate is apparent from the fact that the policy objective pre-dates the introduction of the Habitats Regulations (1994) relating to European Protected Species, and the designation for the woodland as a SINCP both of which reinforce rather than outdate the desirability of the revised development scheme.
- (xiv) Concerns have been raised relating to the proposed **working hours** for the quarry stating they are not suitable for a residential areas as they allow quarry working and vehicles too early in the morning and quarry traffic should be limited during school travel times to ease the pressure on the local road network. In this respect it is important to note that these hours are normal within the quarrying industry where morning deliveries and deliveries throughout the day are necessary for construction projects and reflect the current permitted operating hours for the quarry. In terms of noise from quarry operations this matter was considered above and this has found that subject to appropriate conditions and monitoring the application is considered policy compliant and that noise can be mitigated to acceptable levels. In terms of blasting it is important to note that this will only take place between the hours of 10.00 am and 2.00 pm.
- (xv) Regarding the concerns over the accuracy of the **distances** quoted in the ES to the three properties at Brynglas, Llys y Coed and Vale View located on Heol Pant-y-gored to the south east of the quarry. The distances quoted in the ES are to edge of Pentyrch village rather than this isolated group of properties which would explain the apparent discrepancy. However, it is important to underline that this does not mean the ES has excluded these properties in its assessment of potential impacts from the proposed development. This is illustrated by the fact ES included identified one of these properties (Brynglas) as a sensitive receptor in both the assessment of the potential effects on air quality and noise and ongoing noise monitoring at Brynglas is included within the proposed conditions. Provision is also included in the

conditions for further air quality and blast monitoring during operation of the quarry.

- (xvi) Regarding the concerns regarding the proximity of the group of 4 dwellings at **Creigiau Farm** located 160 metres to the current and proposed haul road. It is important to note that the ES which is policy compliant has fully assessed the impact of the proposed development on these properties and identifies Creigiau Farm as a sensitive receptor in both the assessment of the potential effects on air quality and noise. Importantly ongoing noise monitoring at Creigiau Farm is included within the proposed conditions and provision is also included in the conditions for further air quality and blast monitoring during *operation* of the quarry.
- (xvii) Regarding the query that the mineral reserve under the ancient woodlands is of no **commercial value** I can confirm that this material is the same quality as that already quarried in the southern half of the quarry and is therefore of commercial value.
- (xviii) Reference has been made to MPPW and MTAN1 which refer to the need for **buffer zones** to protect and segregate conflicting land uses and concerns have been raised that there is no acceptable separation of the proposed quarry operations and conflicting land uses including amenity areas such as the recreation ground, the tennis courts, the allotments and other housing. In response to this this guidance requires development plans to indicate a boundary around permitted and allocated mineral extraction sites. Within the buffer zone, no new sensitive development or mineral extraction should be approved. Sensitive development is any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected. Such a buffer zone around Creigiau quarry is included in the adopted LDP in accordance with this guidance. This buffer zone includes existing sensitive development given its historical status but seeks to preclude any new sensitive uses being built within the zone.
- (xix) Reference has been made that the existing planning permission for mineral extraction at the quarry are **no longer valid** due to the fact not all the previous planning conditions have been met. The issue relating to the non-compliance with Condition 22 of the Environment Act Review Schedule of Conditions (reference 97/00401) is noted. However relevant case law on this matter, means the Council do not consider that the planning permission at the quarry can be considered invalid as stated.
- (xx) Regarding the query as to whether a planning condition can be included to ensure that owners of properties affected by blast damage are sufficiently reimbursed or **compensated** for any damage to their property caused by the quarrying activities. Such a condition would not be reasonable and would not meet the planning condition tests set out in national guidance. As set out above it is considered that the subject to appropriate conditions and

associated monitoring that the impact of blasting can be mitigated to acceptable levels and application is policy compliant.

- (xxi) Concerns have been raised that the development would extend the current **end date of the planning permission** from February 2042 to February 2047. In relation to this it is important to appreciate that this end date is an arbitrary date imposed by the Minerals Act 1981 which set a limit of 60 years from the date of enactment, where the time limit applied to all quarries which were not at that time subject to time limited permissions. This Act came into force in February 1982, hence the 2042 time limit and all quarries in the UK are subject to this same limit, unless they expressly include an alternative end date. In the absence of permission for the extension development it is important to note that quarrying will resume based upon the existing planning permission and, in due course prior to 2042, assuming that there are remaining permitted reserves to be extracted, an application may be made to extend the end date to reflect the reserves remaining to be extracted at that time. This requirement will be common to all other quarries in the UK subject to the 2042 end date, where reserves remain to be extracted. In these terms, there is no difference between the extension development and existing planning permission in terms of quarrying continuing beyond 2042.
- (xxii) With respect to impact on **human rights**, Protocol 1 does indeed say that a person is entitled to the peaceful enjoyment of his possessions - but it goes on to qualify that right as being "except in the public interest and subject to the conditions provided by law". In *Huang v Secretary of State*, the Supreme Court held that there is a "need to balance the interest of society with those of individuals and groups". The right is not absolute and it may be restricted provided the restrictions are lawful, have a legitimate aim and are balanced. The established planning decision-making process assesses the impact, which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights.
- (xxiii) Reference has been made to the fact the noise study does not take into account noise associated with blasting. In response as noise associated with blasting occurs for a fraction of a second, it is not included in conventional quarry development noise calculations which focus on ongoing noise sources.
- (xxiv) Concerns have been raised in relation to the presence of a geological fault and possible impacts on hydrogeology. However it is important to note that the fault runs through the already permitted area of the existing quarry and is not relevant to the proposed extension area.

9. **SECTION 106 REQUIREMENTS**

- 9.1 The following planning obligations have been agreed to mitigate any significant adverse impacts of the proposed development.

- 9.2 Highways and Transportation: Financial contributions have been secured for £35,000 from the applicant to enable the Council to:
- Prepare detailed design for the 4 passing bays on Heol Pant-y-Gored Road within 3 months of the completion of the agreement and notify the applicant of the extent of dedication land that needs to be procured and dedicated by the owner
 - Construct the 4 passing bays within 12 months of date of completion of the highways agreement entered in by the owner/applicant to dedicate the necessary land
- 9.3 Pollution Control (Air quality): Financial contributions have been secured for £2,500 from the applicant to enable the Council to undertake a programme of continuous air quality monitoring during operation of the quarry.
- 9.4 Revocation of previous planning permission with no compensation to secure the protection of the ancient woodlands
- 9.5 It is considered that the Section 106 Heads of Terms fully satisfy the requirements of Circular 13/97 Planning Obligations.

10. **CONCLUSION**








- 10.1 Given the site already has planning permission for the quarrying and the LDP is now adopted, the principle of the development of the site for quarrying is firmly established and the application will, importantly, provide a source of minerals that are important for the local economy and for provision of essential infrastructure. The application sets out a comprehensive working scheme for the quarry and, subject to the recommended conditions and Section 106 Heads of Terms will deliver significant environmental protection improvements compared to the existing planning consent to develop the quarry.
- 10.2 It is considered that the amended Environmental Statement supplemented by the Well-being and Environmental Health Issues Report provide a comprehensive assessment of the potential impacts of the proposed development, including cumulative effects, and this has been taken into consideration in the assessment of the application. The conclusions of the submitted amended Environmental Statement supplemented by the Well-being and Environmental Health Issues Report are considered sound. For reasons set out in this report, it is considered that the proposal is policy compliant and that there are no reasonable grounds for refusal.
- 10.3 It is recommended that planning permission is granted, subject to the recommended conditions and relevant parties entering into a Section 106 agreement.

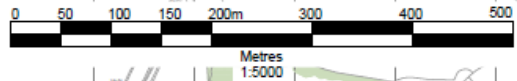
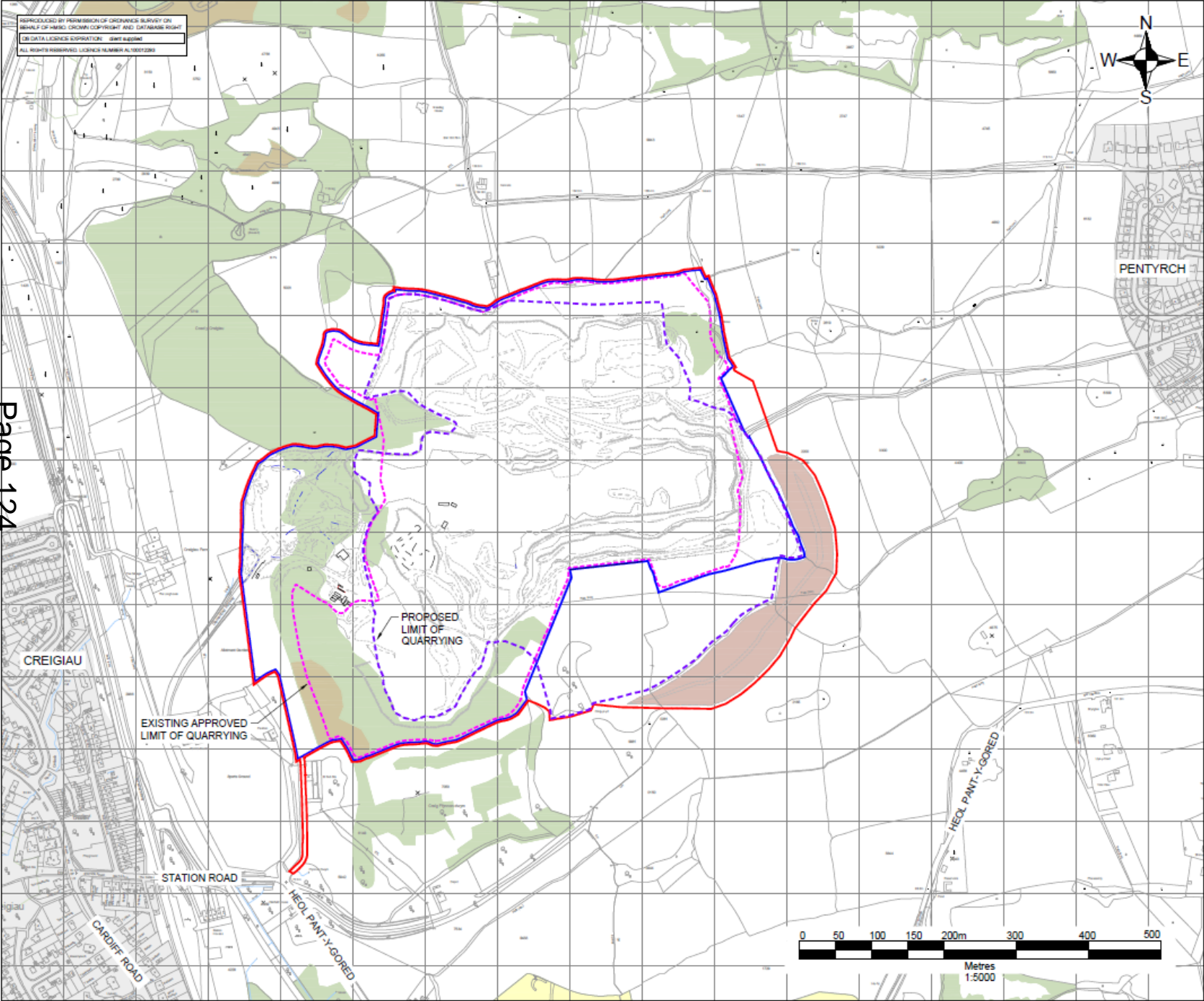
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NOTES
Boundaries taken from final development plan ref C059-00070

LEGEND

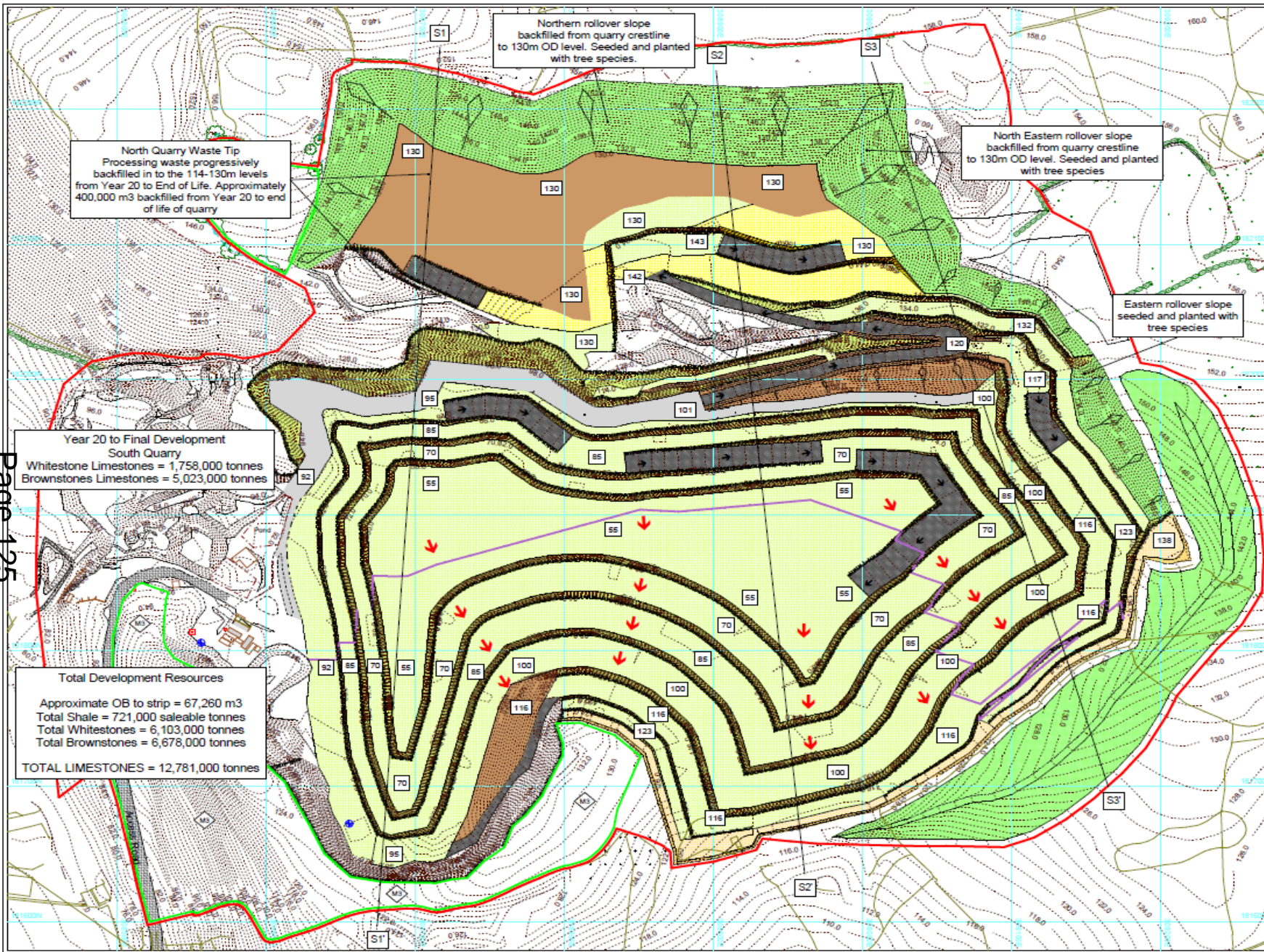
-  PLANNING APPLICATION BOUNDARY
-  EXISTING QUARRY
-  PROPOSED LIMIT OF EXTRACTION
-  APPROVED LIMIT OF EXTRACTION
-  ANCIENT SEMI NATURAL WOODLAND (NRW 2011 INVENTORY)
-  PLANTATION ON ANCIENT WOODLAND SITE (NRW 2011 INVENTORY)
-  PROPOSED SCREENING BUND



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CREIGIAU QUARRY
PLANNING APPLICATION
APPLICATION SITE PLAN
407/00088/00264/01A

Scale: 1:5000 @A3 Date: APRIL 2015



North Quarry Waste Tip
Processing waste progressively backfilled in to the 114-130m levels from Year 20 to End of Life. Approximately 400,000 m3 backfilled from Year 20 to end of life of quarry

Northern rollover slope backfilled from quarry crestline to 130m OD level. Seeded and planted with tree species.

North Eastern rollover slope backfilled from quarry crestline to 130m OD level. Seeded and planted with tree species

Eastern rollover slope seeded and planted with tree species

Year 20 to Final Development
South Quarry
Whitestone Limestones = 1,758,000 tonnes
Brownstones Limestones = 5,023,000 tonnes

Total Development Resources
Approximate OB to strip = 67,260 m3
Total Shale = 721,000 saleable tonnes
Total Whitestones = 6,103,000 tonnes
Total Brownstones = 6,678,000 tonnes
TOTAL LIMESTONES = 12,781,000 tonnes

Legend

- Planning Application Area
- Overburden Strip Area
- Limestone Development
- Shale Development
- Main Access Ramp
- Screening Bund & Rollover Slope
- Backfilled processing waste and excess overburden
- LDF (Sept 2013) Policy M3 Area Proposed Restrictions on Mineral Extraction
- Boundary between whitestone and brownstone limestones
- Line of cross section
- Main Haul Road
- Indicative Direction of Working

Development scheme extracts 300,000 tpa of limestone for the life of the development. A coverage factor of 90% has been assumed. For the first 10 years of the extraction 150,000 tpa should be extracted from the north quarry.
DTM grid data from Geotipping on 10m spacing. OS Vector Map data from Geotipping.

Produced & Designed by:
Quarry Design Ltd
1 Custom House Court
80d Kenn Road
Clivedon
BS21 6EX

Granite House
Granite Way
Syston
Leicestershire
LE17 1PL

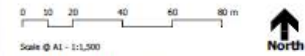
CREIGIAU (C059)

Final Development

Drawn By ACC	Scale 1 : 2500
Dwg N° C059-00068	Paper Size A3

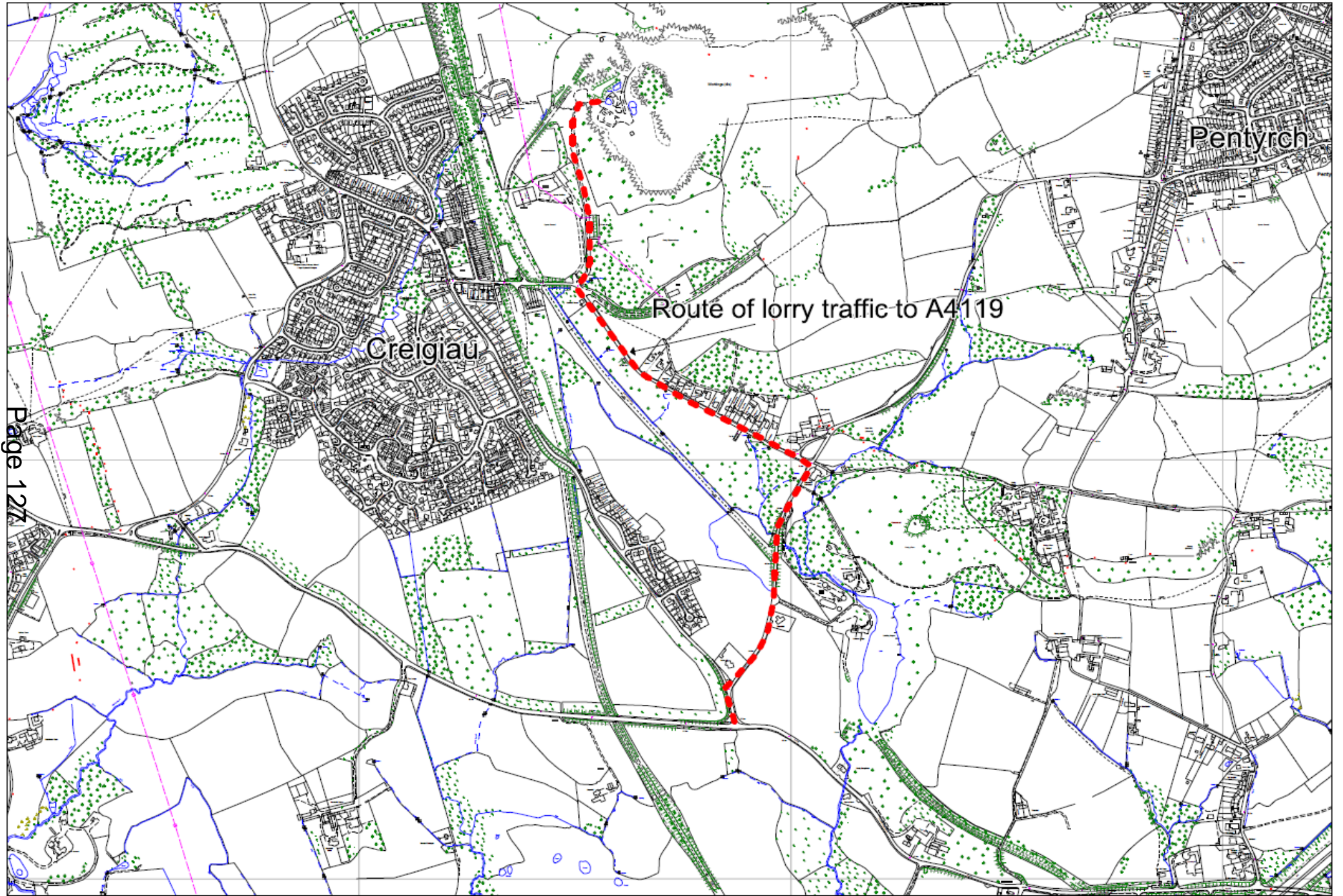


- Key**
- Site boundary
 - + 130m Proposed spot levels
 - Site access
 - Maintenance access track
 - Existing public footpath
 - Proposed public footpath connection
 - Quarry faces
 - Quarry floor restoration
 - Retained woodland within site boundary
 - Advance planting
 - Woodland planting
 - Marginal vegetation of the water edge
 - Quarry bench treatment 1: Bare rock and natural regeneration
 - Quarry bench treatment 2: Quarry waste and natural regeneration
 - Quarry bench treatment 3: Natural regeneration to a mix of woodland, scrub and species rich grassland
 - Quarry bench treatment 4: Soiling and planting and quarry face rollover planting
 - Drainage channels
 - Drainage culvert
 - Water



A087949 4-01 v3.dwg 7 July 2015

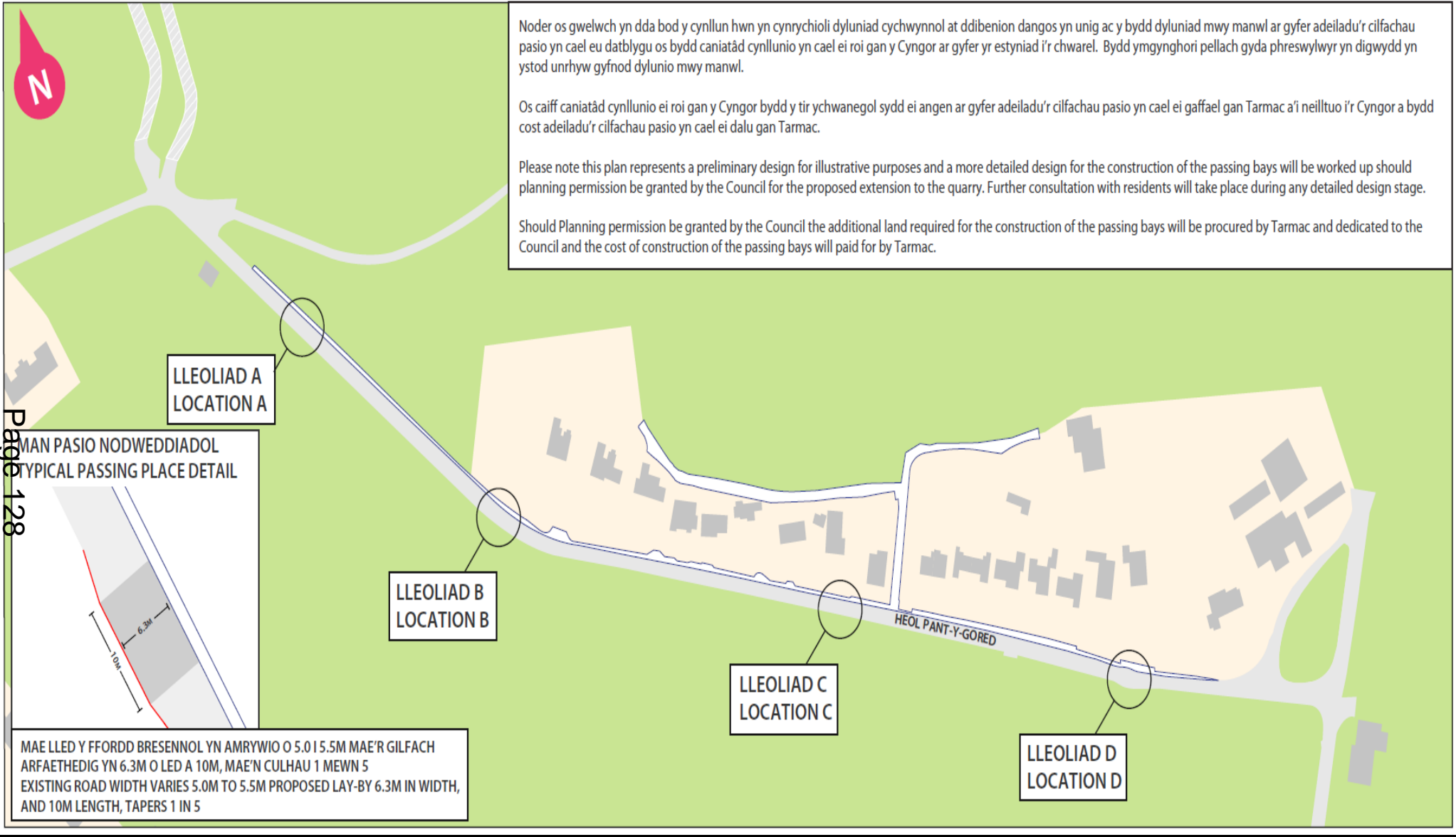
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Route of lorry traffic to A4119

Pentyrch

Creigiau



Noder os gwelwch yn dda bod y cynllun hwn yn cynrychioli dyluniad cychwynnol at ddibenion dangos yn unig ac y bydd dyluniad mwy manwl ar gyfer adeiladu'r cilfachau pasio yn cael eu datblygu os bydd caniatâd cynllunio yn cael ei roi gan y Cyngor ar gyfer yr estyniad i'r chwarel. Bydd ymgynghori pellach gyda phreswylwyr yn digwydd yn ystod unrhyw gyfnod dylunio mwy manwl.

Os caiff caniatâd cynllunio ei roi gan y Cyngor bydd y tir ychwanegol sydd ei angen ar gyfer adeiladu'r cilfachau pasio yn cael ei gaffael gan Tarmac a'i neilltuo i'r Cyngor a bydd cost adeiladu'r cilfachau pasio yn cael ei dalu gan Tarmac.

Please note this plan represents a preliminary design for illustrative purposes and a more detailed design for the construction of the passing bays will be worked up should planning permission be granted by the Council for the proposed extension to the quarry. Further consultation with residents will take place during any detailed design stage.

Should Planning permission be granted by the Council the additional land required for the construction of the passing bays will be procured by Tarmac and dedicated to the Council and the cost of construction of the passing bays will be paid for by Tarmac.

LLEOLIAD A
LOCATION A

LLEOLIAD B
LOCATION B

LLEOLIAD C
LOCATION C

LLEOLIAD D
LOCATION D

MAN PASIO NODWEDDIADOL
TYPICAL PASSING PLACE DETAIL

MAE LLED Y Ffordd BRESENNOL YN AMRYWIO O 5.0 I 5.5M MAE'R GILFACH ARFAETHEDIG YN 6.3M O LED A 10M, MAE'N CULHAU 1 MEWN 5 EXISTING ROAD WIDTH VARIES 5.0M TO 5.5M PROPOSED LAY-BY 6.3M IN WIDTH, AND 10M LENGTH, TAPERS 1 IN 5

COMMITTEE DATE: 26/10/2016

APPLICATION No. **16/00995/MNR** APPLICATION DATE: 16/05/2016

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Macauley

LOCATION: 8 THE RETREAT, PENYLAN, CARDIFF, CF23 5QZ

PROPOSAL: DEMOLITION OF EXISTING BUILDING AND ERECTION 6 NO TWO BEDROOM FLATS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 8.13 and 8.14 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

P512-L-220-Rev B, P512-L-003-Rev B, P512-L-220-Rev B, P512-L-200, P512-L-201-Rev B, P512-L-202-Rev B, P512-L-210-Rev B, P512-L-211-Rev B, P512-L-212-Rev B, P512-L-213, P512-L-214, P512-L-215.

Scoping and dusk emergence survey for presence of Bat Roost sites dated 28th August, 2016.

Arboricultural Report dated 21st September, 2016

Arboricultural Impact Assessment Plan dated September, 2016

Tree Constraints Plan dated September, 2016.

Reason: To ensure satisfactory completion of the development and in line with the aims of Planning Policy Wales to promote an efficient and effective planning system.

3. The cycle parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason: To provide for cyclists in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

4. Prior to the construction of the building above foundation level, details of the external finishing materials shall be submitted to and approved in writing by

the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

5. Notwithstanding the submitted information, details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

6. In the event that contamination is found at any time when carrying out the approved development 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 until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall 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 Local Planning Authority 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 off-site receptors, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

7. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in

accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

8. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

9. 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, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

10. 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, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

11. Prior to the erection of the flats hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed as approved.

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 in accordance with Policy EN10: Water Sensitive Design of the Cardiff Local Development Plan.

12. The development shall not be put into beneficial use until the approved refuse facilities are provided and thereafter the facilities shall be retained for the use the occupiers of the development.

Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

13. The external amenity areas shown on the approved plans shall be provided before the development hereby permitted is occupied and thereafter the amenity areas shall be retained for the benefit of existing and future occupiers of the site.

Reason: To provide adequate amenity space for future residents of the development in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

14. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained 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 passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

15. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

include as required, details of construction/demolition traffic routes, site hoardings, site access, contractors parking and wheel washing facilities. Construction of the development shall be managed in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

16. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that 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] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

- (1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- (2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy KP5: Good Quality and Sustainable Design and Policy EN13: Air, Noise, Light Pollution of the Cardiff Local Development Plan.

17. No development shall take place until a finalised Arboricultural Report has been submitted to and approved by the Local Planning Authority. The report shall clarify that subsoil and topsoil shall be imported to BS 3882:2015 and BS 8601:2013 and emplaced to give profiles of 300mm topsoil over 600mm subsoil for tree planting (or mixed tree and shrub/tree and grass areas), 300mm over 300mm for shrubs only and 150mm over 150mm for grass only. Soils for tree planting areas should meet the sandy loam texture range. The development shall be carried out in accordance with the approved report.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

18. All planting, seeding, turf-laying and paving shown on the approved plans shall be carried out in the first planting and seeding season

following the occupation of the building or the completion of the development, whichever is the sooner. Any retained or planted trees or plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their death with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policies KP5: Good Quality and Sustainable Design and KP:15 of the Cardiff Local Development Plan.

RECOMMENDATION 2 : 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.

RECOMMENDATION 3 : 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 and;
- (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.

RECOMMENDATION 4: The Officer also advises that developers of all new residential units are required to purchase the bin provision for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

RECOMMENDATION 5 : The applicant is recommended to undertake the proposed development in accordance with the proposed precautionary mitigation measures set out in Section 6 of the Bat survey from Spectrum Ecology dated 28th August, 2016, submitted in support of the planning application.

RECOMMENDATION 6 : The applicant is advised to contact highways@cardiff.gov.uk prior to undertaking the works associated with the access in order to obtain the necessary licence.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This planning application relates to the site of 8 The Retreat, Pen-y- Lan Road where planning permission is sought to demolish the existing two storey dwelling and redevelop the site with a building containing 6 no. two bedroom flats. Details of the siting and appearance of the development are shown on the attached plans. Accommodation would be provided on four floors with the second floor partly contained within the roof space and the 'upper second' floor wholly contained within the roof space.
- 1.2 The proposed building would be rectangular in plan with a footprint measuring approximately 18.0 metres by 10.0 metres and rising to a height of approximately 6.5 metres at eaves level and 11.5 metres to the ridge line of a pitched roof. The elevations are shown to be articulated with projecting bay elements and balconies. Proposed materials comprise smooth faced rendered walls with terra cotta cladding panels and slate grey roof tiles.
- 1.3 Following discussions with the agent, the plans have been revised to increase the amount of amenity space around the building and provide an improved relationship with Pen-y-Lan Road and the Retreat. This has partly been achieved by accommodating off- site parking (six spaces) within an under croft level rather than at ground level to the rear of the building as originally proposed.
- 1.4 Relatively narrow external amenity areas are shown to the front and both sides of the proposed building intended to serve the two ground floor flats. A proposed brickwork boundary wall would enclose the eastern and southern site

boundaries. Two metre high fencing would enclose the northern boundary next to the embankment of the adjacent Eastern Avenue. The upper floor flats are provided with balcony areas on both the front and side elevations.

- 1.5 The application is supported by a Bat Survey and Arboricultural Report/landscape proposals.

2. **DESCRIPTION OF SITE**

- 2.1 No. 8 The Retreat comprises a two storey property occupying a site at the corner of Pen-y-Lan Road and The Retreat. The latter road is a short cul-de-sac which extends north westwards crossing the adjacent Eastern Avenue and serves two pairs of large semi-detached houses. To the south of the application site lies Penylan House; a substantial three storey residential home. The building occupies a lower ground level than the adjacent road to the north east and is screened from The Retreat by trees.
- 2.2 To the north of the application site lies Eastern Avenue which is in a cutting at this point. The embankment separating the carriageway and the boundary of the site is tree covered.
- 2.3 The existing property on the application site comprises a two storey building finished in white painted render with a red tiled roof. The property is set in some 8.0 metres from Pen-y-Lan Road and orientated to front onto The Retreat rather than the principal highway.
- 2.4 On the opposite side of Pen-y-Lan Road there are relatively large two storey properties of traditional appearance with hipped roofs, gable fronted bay projections etc.

3. **SITE HISTORY**

- 3.1 95/01890/W: 'Sessional care for 10 children from 9:15am to 12:30pm in three rooms:

Application refused 08/07/96
- 3.2 95/01551/W: Change of use of tree rooms to nursery school 9am to 3;30pm Monday- Friday- Application withdrawn

4. **POLICY FRAMEWORK**

- 4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP5: Good Quality and Sustainable Design
KP15: Climate Change
EN13: Air, Noise, Light Pollution and Land Contamination
T5: Managing Transport Impacts
EN11: Water Sensitive Design

H3: Affordable Housing
EN7: Priority Habitats and Species;
EN8: Trees, Woodlands and Hedgerows
W2 (Provision for Waste Management Facilities in Development).

- 4.2 Supplementary Planning Guidance: Design Guidance for Infill Development (2011)
Supplementary Planning Guidance: Access, Circulation and Parking (January, 2010)
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2007)
Supplementary Planning Guidance: Trees and Development (2007).
Supplementary Planning Guidance: Biodiversity (June 2011).

4.3 *Planning Policy Wales Edition 8 (2016):*

1.2.5 Provided that a consideration is material in planning terms it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

5.2.9 Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to

protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local 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.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote, inter alia, development that is easily accessible by public transport, cycling and walking, attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive, well designed living environments, where appropriate at increased densities.

9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meeting national sustainability standards and making a significant contribution to promoting community regeneration and improving the quality of life and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3: Insensitive infilling or the cumulative effects of development or redevelopment should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

12.4.1: The adequacy of water supply and the sewerage infrastructure are material considerations in planning applications and appeals.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Transportation comments as follows;

The Officer acknowledges the concerns of the local resident regarding vehicles parking inconsiderately and possibly blocking access to the highway and pavement whilst construction is taking place. He recommends a Construction Management Plan to address this issue secured by way of a condition. The Officer has no objections to application in terms of parking provision confirming that proposal accords with the Council's Parking Guidelines. To prevent and deter parking on the adjacent road, the Officer recommends securing a financial contribution towards implementing junction protection in the form of

double yellow lines at the location. The contribution would amount to £2,120 secured by way of a S106 Agreement.

5.2 The Pollution Control (Noise & Air) Team recommends a traffic noise mitigation condition and informative relating to construction site noise.

5.3 The Pollution Control (Contaminated Land) Team comments as follows:

In reviewing available records and the application for the proposed development, former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end 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.

Shared Regulatory Services requests conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

5.4 Operational Manager, Drainage Management: No representations have been received.

5.5 Operational Manager, Waste Management advises that the plans detailing refuse storage are acceptable.

5.6 The Housing Strategy Officer advises as follows:

In line with Local Development Plan Policy H3 , an affordable housing contribution of 20% of the 6 units (1 unit) is sought on this brown-field site.

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the unknown proposed future tenure of the units, and the likely service charges for this type of residential development, all of which could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, we would be prepared to accept financial contribution in lieu of on-site affordable housing provision

On that basis of the above, we would seek a financial contribution of £77,430 (in lieu of 1 unit) which is calculated in accordance with the formula in the Affordable

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/Dwr Cymru note the information submitted with the application and, in particular, the drainage arrangement shown on drawing P512L-003 showing surface water connecting to a soakaway. The Company advises that no surface water and/or land drainage shall be allowed to connect with the public sewerage network.

7. **REPRESENTATIONS**

- 7.1 Local members have been notified of the application. No representations have been received.
- 7.2 The occupiers of 4 The Retreat raise the following issues (summary):

Whilst we do not have objections to the building per se we do have issues in respect of (i) the construction, (ii) the proposed parking for the development and (iii) nuisance traffic. During the construction of the nearby Penylan Nursing Home in 2014, the construction traffic caused numerous issues by parking on the roads and pavements of The Retreat, at times resulting in residents, delivery vehicles and refuse collection vehicles being unable to access the cul-de-sac. Pedestrians were forced to walk on the roads. On several occasions, deliveries were not made and refuse not collected. Several complaints were made directly to the site management and 'Consider Construction', all to no avail. Our concern is that we will have a repeat of this situation with similar effects and the potential for emergency service vehicles being unable to access the remaining four houses.

The proposed parking for 6 cars is likely to be inadequate for the proposed number of flats. Parking availability in The Retreat is limited during evenings and weekends and is already regularly impacted by visitors to the nearby nursing home with the cul-de-sac being inevitably used as a turning circle, often without consideration to residents and damage to vehicles has occurred in the past.

It is likely that overflow parking will be in the cul-de-sac area of The Retreat, on parts of the road that are really too narrow to accommodate parallel parking or on pavements, giving concerns over access, particularly in respect of emergency services.

We believe that there should be restrictions preventing construction traffic from parking on The Retreat or its pavements and from blocking access to the other residences, that parking should be designed such that it is commensurate with the amount of accommodation to be constructed and that double yellow lines should be placed on the road immediately outside the proposed development to prevent future residents of the proposed development from parking on The Retreat's pavements and from blocking access to the other residences.

8. ANALYSIS

8.1 Planning permission is sought to demolish a two storey dwelling at 8 The Retreat, Penylan and construct a building containing of 6 no.two bedroom flats.

8.2 The main planning issues are considered to relate to:

- (i) the effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers.
- (ii) whether the proposed development will provide an acceptable living environment for prospective occupiers.
- (iii) parking/transportation.
- (v) affordable housing provision.
- (iv) trees/landscaping and nature conservation.

8.3 Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan states that... *all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by* (inter alia):

(i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;

(x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;

8.4 Planning Policy Wales at paragraph 4.11.9 states that '*visual appearance, scale and relationship to surroundings and context are material planning considerations.*'

8.5 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: *Design Guidance for Infill Development (2011)*. The advice contained within the Infill Sites SPG is consistent with the aims of LDP Policy KP5 and guidance in Planning Policy Wales and therefore remains pertinent to the consideration of the current application, assisting in informing the assessment of relevant matters

8.6 At paragraph 3.8, the SPG states that:

Infill, back land and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.

8.7 At paragraph 3.12, the SPG states that:

Infill development needs to be sensitive to its immediate surroundings and respond well to the built context. It is important that in residential areas where there is a clear existing pattern and form of development, new buildings,

landscaping and boundary treatment complement the character of the surroundings.

8.8 At paragraph 4.11, the SPG states that:

'To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.'

8.9 With respect to the effect of the development on the character and appearance of the street scene, there is no objection to the proposed building on design grounds. The application site lies to the north of a large three storey residential care home of modern appearance, although this building is set well back from the Pen-y-Lan Road frontage. There is no clear building line along this stretch of the street and site has no immediate neighbours. Nevertheless, the scheme as originally submitted was considered to represent a cramped development of the site with limited amenity/landscape provision and the building positioned in close proximity to both Pen-Y-Lan Road and The Retreat. Following discussions with the agent, amended plans have been received which sets the building further away from these boundaries and by incorporating undercroft parking, provides a much improved amenity area to the rear of the site.

8.10 With regard to the prospective living environment for future occupiers, the proposed flats have acceptable internal living space, outlook and external amenity areas.

8.11 Having regard to its siting, it is not considered that the development will have an overbearing impact on nearby occupiers or result in an unacceptable loss of privacy; The nearest dwelling on the opposite side of Pen-Y Lan Road is sited some 29.0 metres from the front elevation of the proposed building.

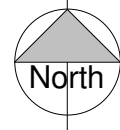
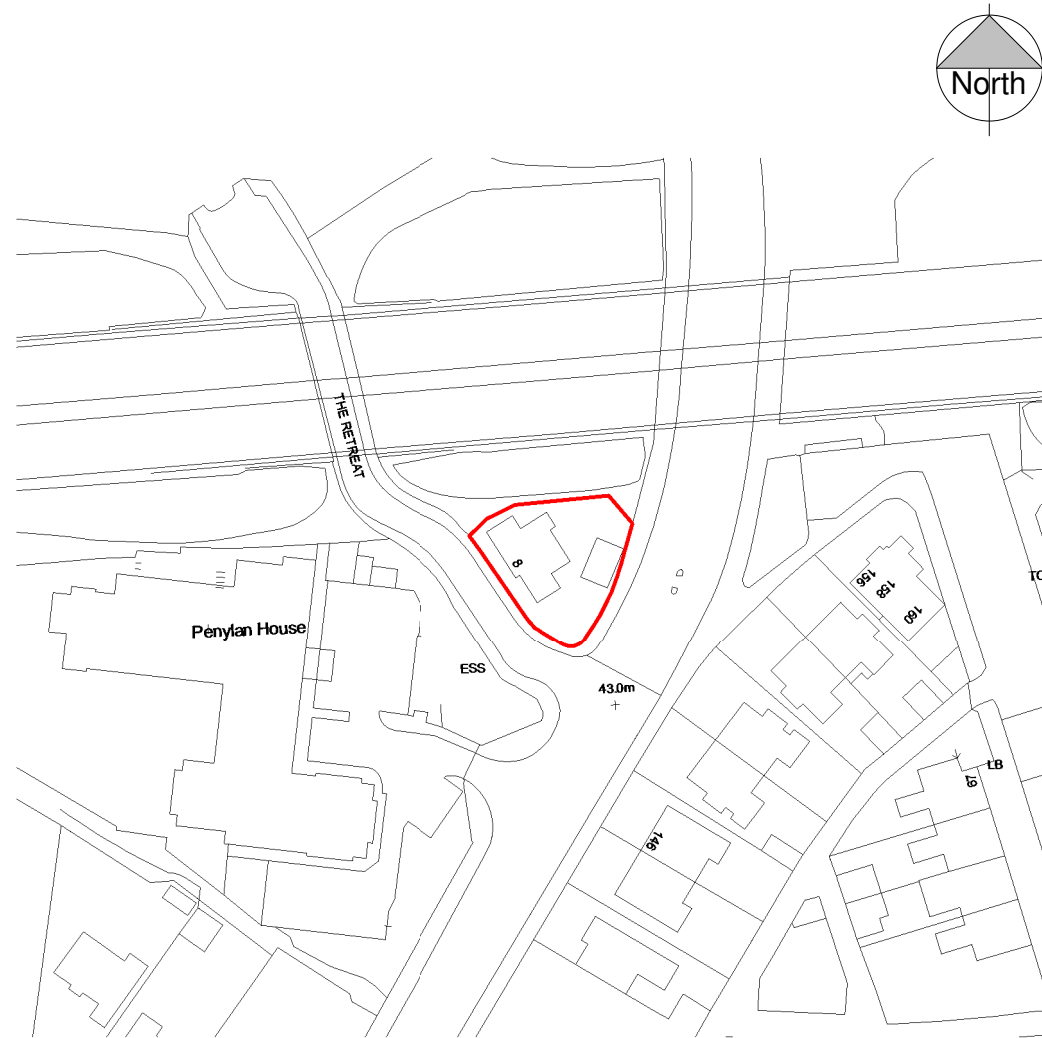
8.12 Appropriate landscaping and tree protection can be satisfactorily addressed by condition. The submitted bat survey has not identified issues that cannot be addressed by mitigation.

8.13 The Transportation Officer has no objections to the application in terms of parking provision confirming that the proposal accords with the Council's Parking Guidelines. The Officer acknowledges the concern of the local resident regarding vehicles parking inconsiderately and possibly blocking access to the highway and pavement whilst construction is taking place. He recommends a Construction Management Plan to address this issue secured by way of a planning condition. To prevent and deter unacceptable parking on the adjacent highway, the Officer also recommends securing a financial contribution towards implementing junction protection in the form of double yellow lines at the location. The contribution would amount to £2,120 secured by way of a S106 Agreement and has been agreed by the applicant.

8.14 In accordance with Local Development Plan Policy H3, the Housing Strategy Officer has advised that an affordable housing contribution should be sought in relation to the development. This amounts to a financial contribution of £77,430

calculated in accordance with the formula in the Affordable Housing Supplementary Planning Guidance and has also been agreed with the applicant.

- 8.15 The proposal, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions.



Location Plan
1 : 1250

Planning Issue

date	rev	name	chk	note
------	-----	------	-----	------



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
Demolition of existing building and erection 6
No two bedroom flats
8 The Retreat, Penylan Rd, Cardiff, CF23
5QZ

DRAWING TITLE
Location Plan

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 1250	26/04/16	PL	GM

DRAWING NUMBER	REVISION
P512 L_001	



Front Elevation from The Retreat



Side Elevation from Pen-y-Lan Road



Rear Elevation from Pen-y-Lan Road



Elevation from The Retreat

Planning Issue

date rev name chk note



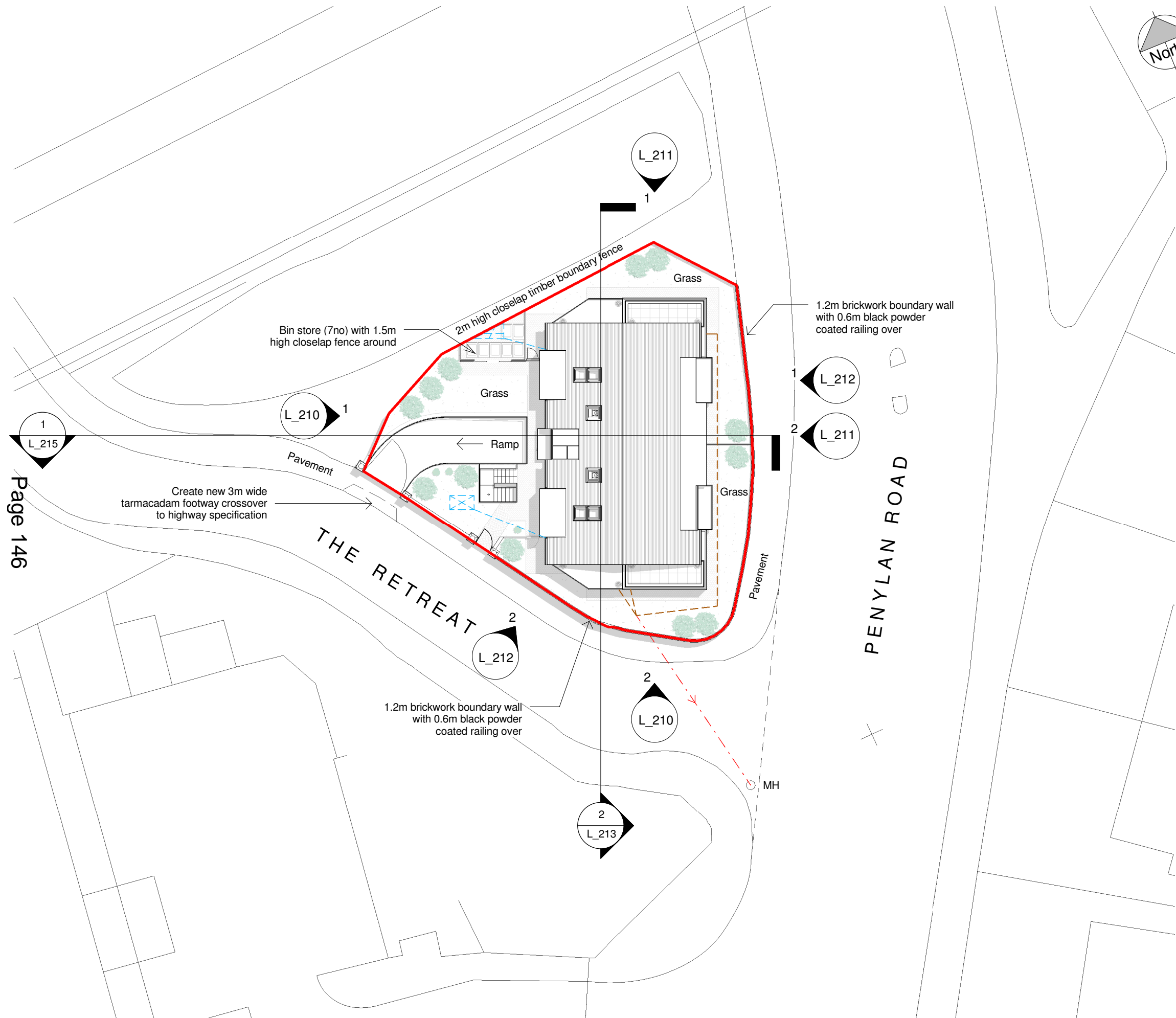
Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@dparchitecture.co.uk

PROJECT
Demolition of existing building and erection 6
No two bedroom flats
8 The Retreat, Penylan Rd, Cardiff, CF23
5QZ

DRAWING TITLE
Photographs as Existing

SCALE DATE DRAWN BY CHECKED BY
26/04/16 PL GM

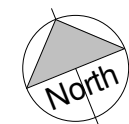
DRAWING NUMBER REVISION
P512 L_004



Page 146

Site Plan as Proposed

1 : 250



Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size

AREAS:

Proposed site area:
429m²

Private amenity areas:
Flat 1: 71m²
Flat 2: 59m²
Flats 3 & 4: 13m²
Flats 5 & 6: 16m²

DRAINAGE NOTES:

Surface water drainage to new soakaway to be designed in accordance with BRE 365

DRAINAGE LEGEND:

- - - - - FOUL DRAINAGE RUN - EXISTING
- - - - - FOUL DRAINAGE RUN - PROPOSED
- - - - - SURFACE WATER DRAINAGE RUN

HARDSTANDING FINISHES KEY:

- GRASS
- PERMEABLE PAVIOURS

Planning Issue

12/08/16	B	PL	GM	Building reduced in size & re-positioned & undercroft parking added
27/06/16	A	PL	GM	Building reduced in size & re-positioned
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
Demolition of existing building and erection 6 No two bedroom flats
8 The Retreat, Penylan Rd, Cardiff, CF23 5QZ

DRAWING TITLE
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	26/04/16	PL	GM

DRAWING NUMBER	REVISION
P512 L_003	B

08/09/2016 15:52:46

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size



North West Elevation
1 : 100

FINISHES KEY:

- A : SLATE ROOFING & RIDGE TILES
- B : GREY ALUMINIUM DOUBLE GLAZED WINDOWS & DOORS
- C : BLACK ALUMINIUM RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / ORANGE FAIRFACED BRICKWORK
- F : STAINLESS STEEL & GLAZED BALUSTRADE
- G : SLATE CLADDING PANELS

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North East Elevation
1 : 100

Planning Issue

date	rev	name	chk	note
12/08/16	B	PL	GM	Building reduced in size & re-positioned & undercroft parking added
27/06/16	A	PL	GM	Building reduced in size & re-positioned



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
Demolition of existing building and erection 6
No two bedroom flats
8 The Retreat, Penylan Rd, Cardiff, CF23
5QZ

DRAWING TITLE
Elevations 2 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	26/04/16	PL	GM

DRAWING NUMBER	REVISION
P512 L_211	B

12/08/2016 15:24:08

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size

- 03_2nd Upper
8000
- 02_2nd Lower
5400
- 01_1st
2700
- 00_GF
0



South East Elevation
1 : 100

FINISHES KEY:

- A : SLATE ROOFING & RIDGE TILES
- B : GREY ALUMINIUM DOUBLE GLAZED WINDOWS & DOORS
- C : BLACK ALUMINIUM RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / ORANGE FAIRFACED BRICKWORK
- F : STAINLESS STEEL & GLAZED BALUSTRADE
- G : SLATE CLADDING PANELS

Page 148

- 03_2nd Upper
8000
- 02_2nd Lower
5400
- 01_1st
2700
- 00_GF
0



South West Elevation
1 : 100

Planning Issue

12/08/16	B	PL	GM	Building reduced in size & re-positioned & undercroft parking added
27/06/16	A	PL	GM	Building reduced in size & re-positioned
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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PROJECT
Demolition of existing building and erection 6 No two bedroom flats
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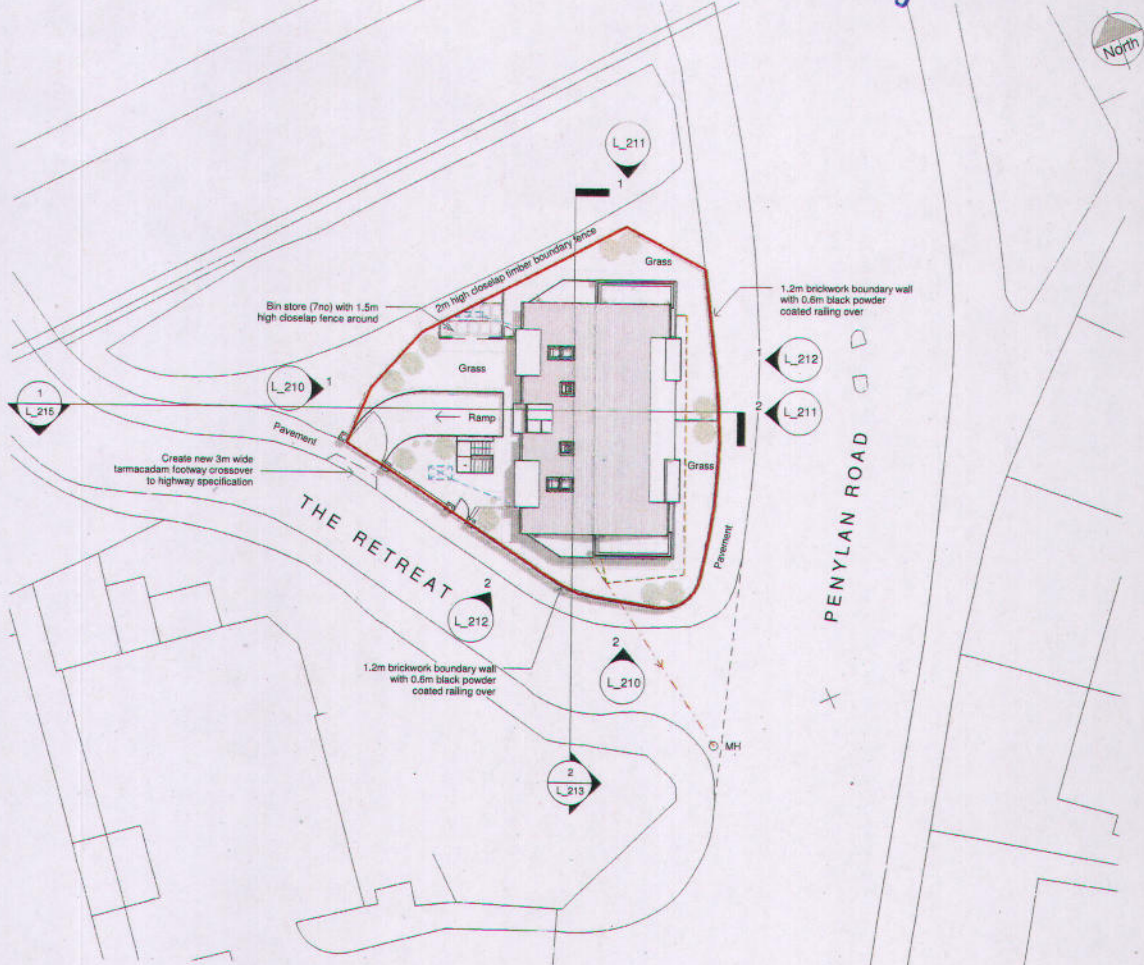
DRAWING TITLE
Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	26/04/16	PL	GM

DRAWING NUMBER	REVISION
P512 L_210	B

23/08/2016 12:02:14

Amended layout



Site Plan as Proposed
1:250

Responsibility is not accepted for errors made by scaling from this drawing. All construction information should be taken from figured dimensions only.

A3 Original Sheet

AREAS:
Proposed site area: 429m²
Private amenity areas:
Flat 1: 71m²
Flat 2: 59m²
Flats 3 & 4: 13m²
Flats 5 & 6: 16m²

DRAINAGE NOTES:
Surface water drainage to new soakaway to be designed in accordance with BRE 365

DRAINAGE LEGEND:
- - - FOUL DRAINAGE RUN - EXISTING
- - - FOUL DRAINAGE RUN - PROPOSED
- - - SURFACE WATER DRAINAGE RUN

HARDSTANDING FINISHES KEY:
[Symbol] - GRASS
[Symbol] - PERMEABLE PAVOIRS

Planning Issue

12/08/16 B PL GM Building reduced in size & re-positioned & undercroft parking added
27/05/16 A PL GM Building reduced in size & re-positioned

dtp ARCHITECTURE

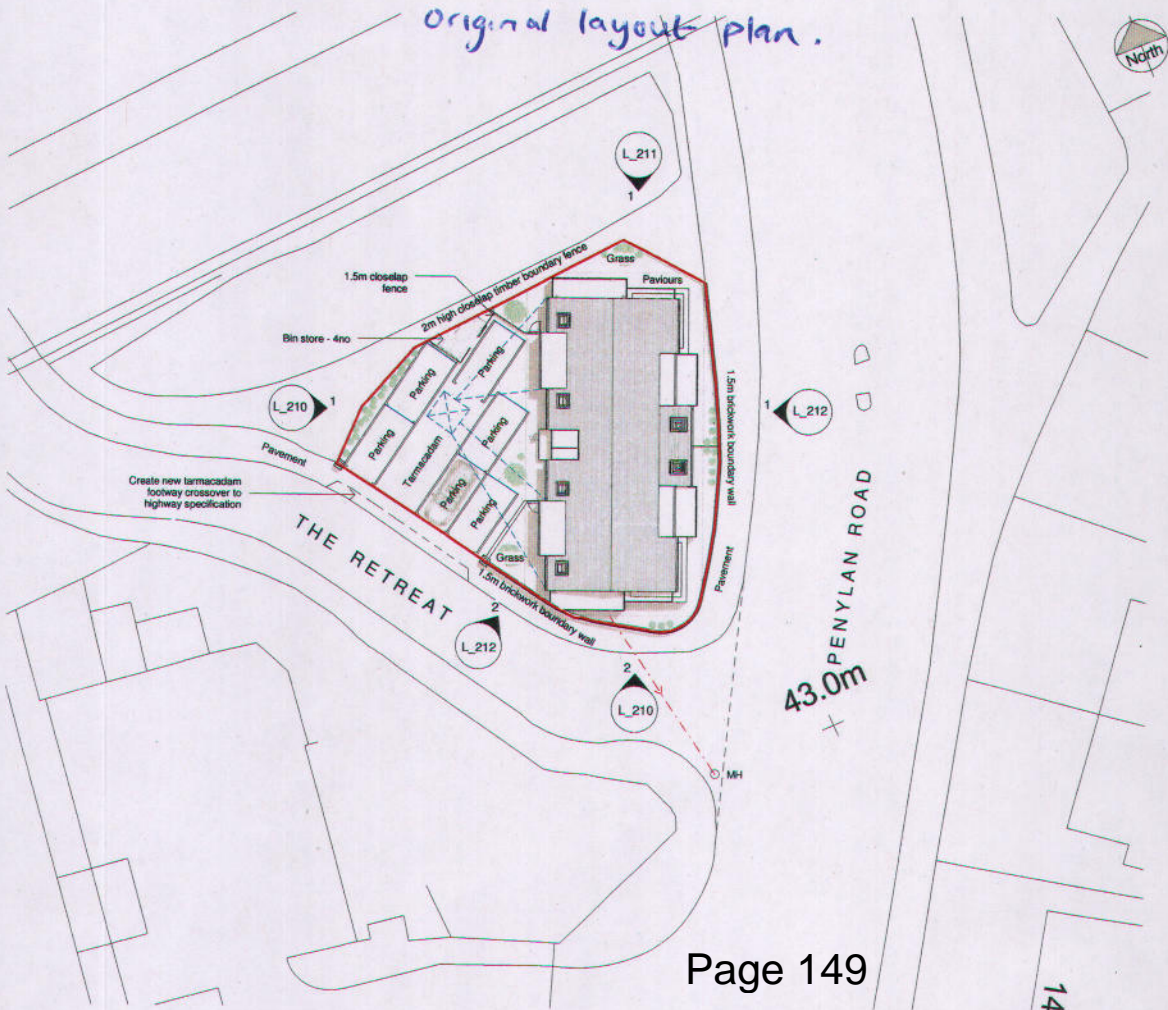
Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Head Don Cardiff CF14 2AT
T 02920318857 M 07785582007 info@dparchitecture.co.uk

PROJECT:
Demolition of existing building and erection of No two bedroom flats
8 The Retreat, Penylan Rd, Cardiff, CF23 5QZ

DRAWING TITLE:
Site Plan as Proposed

SCALE: A3 28/04/16 **DATE:** PL **DRAWN BY:** GM **CHECKED BY:** GM
DRAWING NUMBER: P512 **L_003** **REVISION:** B

Original layout plan.



Site Plan as Proposed
1:250

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

A3 Original Sheet

AREAS:
Proposed site area: 429m²
Private amenity areas:
Flat 1: 52m²
Flat 2: 51m²
Flats 3 & 4: 13m²
Flats 5 & 6: 16m²

DRAINAGE NOTES:
Surface water drainage to new soakaway to be designed in accordance with BRE 365

DRAINAGE LEGEND:
- - - FOUL DRAINAGE RUN - EXISTING
- - - FOUL DRAINAGE RUN - PROPOSED
- - - SURFACE WATER DRAINAGE RUN

HARDSTANDING FINISHES KEY:
[Symbol] - GRASS
[Symbol] - PERMEABLE PAVOIRS

Planning Issue

107000395

dtp ARCHITECTURE

Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Head Don Cardiff CF14 2AT
T 02920318857 M 07785582007 info@dparchitecture.co.uk

PROJECT:
Demolition of existing building and erection of No two bedroom flats
8 The Retreat, Penylan Rd, Cardiff, CF23 5QZ

DRAWING TITLE:
Site Plan as Proposed

SCALE: A3 28/04/16 **DATE:** PL **DRAWN BY:** GM **CHECKED BY:** GM
DRAWING NUMBER: P512 **L_003** **REVISION:** B

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size

FINISHES KEY:

- A : SLATE ROOFING & RIDGE TILES
- B : GREY ALUMINIUM DOUBLE GLAZED WINDOWS & DOORS
- C : BLACK ALUMINIUM RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / ORANGE FAIRFACED BRICKWORK
- F : STAINLESS STEEL & GLAZED BALUSTRADE
- G : SLATE CLADDING PANELS



Street View from Penylan Road
1 : 100

Page 150



Street View from The Retreat
1 : 100

Planning Issue

12/08/16	B	PL	GM	Building reduced in size & re-positioned & undercroft parking added
27/06/16	A	PL	GM	Building reduced in size & re-positioned
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
Demolition of existing building and erection 6 No two bedroom flats
8 The Retreat, Penylan Rd, Cardiff, CF23 5QZ

DRAWING TITLE
Street Views as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	27/04/16	PL	GM

DRAWING NUMBER	REVISION
P512 L_212	B

08/09/2016 15:57:12

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COMMITTEE DATE: 26/10/2016

APPLICATION No. **16/01443/MJR** APPLICATION DATE: 14/06/2016

ED: **LLANRUMNEY**

APP: TYPE: Full Planning Permission

APPLICANT: Wates

LOCATION: FORMER LLANRUMNEY HOUSING DEPOT, MOUNT PLEASANT LANE, LLANRUMNEY, CARDIFF, CF3 5SR

PROPOSAL: DEVELOPMENT OF 31 DWELLINGS ON THE FORMER LLANRUMNEY DEPOT SITE OFF MOUNT PLEASANT LANE, (ALL AFFORDABLE UNITS COMPRISING 10 APARTMENTS AND 21 HOUSES), ASSOCIATED LANDSCAPING, ACCESS AND HIGHWAYS WORKS

RECOMMENDATION 1 : That, 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 otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans and documents attached to and forming part of this planning application:

Plans:

3517_PA_001	Site Location Plan
3517_PA_003	Site layout plan, Rev. A
3510_PA_301	Boundary Details, Rev. A
TDA 2087.01	Site survey, Feb 2015, Rev. A
3517_PA_300	Shared Surface Details, Rev.A
16-25-PL-201	Planting Plans, Rev. A
3517_PA_100	House Type E – General Arrangement and Elevations
3517_PA_101	Flat Block A – General Arrangement and Elevations
3517_PA_102	Flat Block B – General Arrangement and Elevations
3517_PA_200	Street Elevations Sheet 1 of 2
3517_PA_201	Street Elevations Sheet 2 of 2
CAM0000GAS 007	Retaining Walls, Masonry Type A to E, Rev.P1
CAM 0000GAC100	Drainage Layout, Rev. P4
CAM 000000SE C/110/P1	Proposed site sections sheet 1 of 3

CAM 000000SE C/111/P1 Proposed site sections sheet 2 of 3
CAM 000000SE C/112/P1 Proposed site sections sheet 3 of 3
CAM 0000GA S/001/P1 Site plan foundations / retaining walls & trial
pit /borehole testing

Documents:

CC1588/Rep01/A Flood Consequences Assessment and
Drainage Strategy

Reason: The plans and documents form part of the planning application and for the avoidance of doubt.

3. Prior to commencement of development, a detailed Construction Management Plan and associated method statements shall be submitted to and approved in writing by the Local Planning authority. This shall accord with the approved plans and shall include, but not be limited to:
 - a. Details of traffic management measures during construction; convenient pedestrian, cycle and vehicular access; traffic construction routes, details of parking of vehicles for contractors; site operatives and visitors;
 - b. Details of: site hoardings; site access; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; A scheme for recycling/disposing of waste resulting from construction works;
 - c. Details of the drainage scheme construction, detailing adequate methods of working near watercourses, how surface water and land drainage run off will be dealt with to prevent: contamination, nuisance, subsidence or flooding to land, buildings, watercourses or highways during the construction period;
 - d. List of on-site contacts and their responsibilities.

Reason: In the interests of highway safety and public amenity, to prevent damage to drainage and soil structure,

4. Prior to commencement of superstructure a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide sound attenuation against external noise 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 including not exceeding 45dB LAF Max internal.

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.

5. 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 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 / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

6. The remediation scheme approved by condition (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 / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

7. 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 in accordance with policy EN13 of the Cardiff Local Development Plan

8. 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

9. 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 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.

10. 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 in accordance with policy EN13 of the Cardiff Local Development Plan.
11. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
Reasons: To ensure longer term remediation criteria relating to controlled waters have been met. This will ensure there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reasons: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
13. The development hereby permitted shall not be commenced until such time as a scheme to decommission and remove underground storage tank(s) (if encountered), associated infrastructure and pipe work, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme should include a verification plan setting out how any contamination will be identified and remediated.
Reason: To protect controlled waters.
14. No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning authority. These details shall include:
 - a) Existing and proposed services above and below ground, with associated easements and wayleaves;

- b) Existing and proposed finished levels and contours of soft and hard landscaping, in relation to ground levels and floor levels of adjacent buildings and highways with section drawings;
- c) Details of planting and other soft landscape, scaled tree pit sections and plan drawings, scaled planting plans containing schedules, planting distances / densities and numbers; planting and aftercare methodology, layout and construction details of hard surfacing including footpaths and car parking;
- d) Topsoil and subsoil specification.
- e) Landscaping phasing plan and implementation programme.
- f) Management and Maintenance Schedules for the arboricultural, soil, and drainage, other than privately owned domestic gardens, (including 50+ year management plans for trees in hard landscape and all other significant soft landscape features) detailing how they will continue to provide benefits throughout the lifetime of the development.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

15. All planting, seeding, turf-laying and paving shown on the approved plans shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner.

Any newly planted trees or plants in any non-adopted public areas which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their death with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

16. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5 l/s or other rate agreed in writing with the Local Planning Authority and Welsh Water'.

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.

17. No land drainage shall be allowed to connect directly or indirectly with the public sewerage network. No highway drainage shall be allowed to connect directly or indirectly with the public sewer, unless it can be demonstrated that soakaways are not viable and there are no highway drains in the area'.

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.

18. No development shall take place until a comprehensive Drainage Scheme that follows the principles set out on the approved drawings, indicating how disposal of foul sewerage, surface water and land drainage run off from the site will be dealt with, has been submitted to and approved in writing by the Local Planning Authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water and land drainage run off from the site and the measures taken to prevent pollution of the receiving ground water and/or surface waters;
- ii. A digital copy of the Micro Drainage simulation model;
- iii. Confirmation of the direction of exceedance flows from the 1in100 +30% storage;
- iv. Specify whether it is proposed to position any surface water drainage (adopted or private) and its associated attenuation together. If so, a design and method statement to clarify how there will be no cross contamination is required.
- v. Include a period for its implementation; and
- vi. Provide a drainage management and maintenance plan which shall include the arrangements for adoption by any public body or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

19. No development shall take place until detailed plans showing the position and form of construction of all roads and footpaths within the site and the method of disposal of all surface water drainage therefrom have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an orderly form of development and to make provision for the satisfactory access to the development by future occupants.

20. No dwelling shall be occupied until that part of the road and footpath which provides access to it and all surface water drainage works for the said road shall have been laid out, constructed and completed (except for the final surfacing) in accordance with the approved plans and details.

Reason: To ensure an orderly form of development and to make provision for satisfactory access to the development for future occupiers.

21. No commencement of superstructure shall take place until a comprehensive scheme of highways improvement works to Mount Pleasant Lane has been submitted to and approved in writing by the Local Authority. The scheme works shall include, but not be limited to; the resurfacing of the full length of Mount Pleasant Lane, the full reconstruction of its adjacent footway, an assessment of necessary improvements to the existing street lighting and highway drainage, an assessment of necessary measures to control the parking of customer vehicles on the footway, improvements to the existing footway adjacent to 2 Countisbury Avenue and to the existing footway which fronts the garage business opposite.
Reason: in the interests of highway safety.
22. No dwelling shall be occupied until the highway improvement works to Mount Pleasant Lane have been completed to the satisfaction to the Local Authority.
Reason: To ensure an orderly form of development and to make provision for satisfactory access to the development for future occupiers.
23. The car parking spaces for each dwelling as shown on the approved plans shall be provided prior to the occupation of that dwelling and thereafter shall be maintained 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 passing the site
24. No occupation of apartments shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the secure parking of cycles.
25. The refuse storage facilities shown on the approved plans shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure an orderly form of development.
26. Prior to commencement of superstructure, a comprehensive sample panel of external finishing materials for the buildings and boundary treatments shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area.

RECOMMENDATION 2: 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.

RECOMMENDATION 3: SITE PLAN

Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development , and shall 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.

RECOMMENDATION 4: 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

- (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.

RECOMMENDATION 5: WASTE MANAGEMENT

Each residential unit will require the following for recycling and waste collections:

- 1 x 140 litre bin for general waste
- 1 x 240 litre bin for garden waste (where necessary)
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)
- The developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 2071 7500.
- The kitchens should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.
- Please refer to the Waste Collection and Storage Facilities SPG.

RECOMMENDATION 6: WELSH WATER

Refer to Advisory Notes on letter from Welsh Water dated 18.7.16 with regards to how to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under the Water Industry Act 1991.

RECOMMENDATION 7: NATURAL RESOURCES WALES

For further advice, NRW strongly recommends the applicant:

- Follow the risk management procedures provided in CLR11, Model Procedures for the management of Land Contamination, when dealing with land affected by contamination;
- Refers to Guiding Principles for Land Contamination for the type of information required to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health;
- Refers to Groundwater Protection: Principles and Practice (GP3);
- Refers to British Standard for the Investigation of Potentially Contaminated Sites. Code of Practice (BS10175:2011).
- Refers to WLGA document Development of Land Affected by Contamination: A Guide for Developers, for the type of information we require in order to assess risks to controlled waters from the site.

RECOMMENDATION 8: FIRE SERVICE

The developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes (in discussion with Welsh Water); and access for emergency firefighting appliances. Refer to detail in letter dated

27.6.16.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for 31 residential dwellings (100% affordable), associated landscaping, access and highways works.
- 1.2 The dwellings are laid out in two courtyards, each individually accessed off Mount Pleasant Lane. The units are comprised of 4no. 1-bed, 2-person apartments, 6no. 2-bed, 3-person apartments and 21no. 2-bed, 4-person houses.
- 1.3 The 1-bed apartments are in 2-storey blocks and the 2-bed apartments are in a 3-storey blocks. The houses are all 2-storey terraces in rows of five. The houses utilise a combination of two high quality red bricks with bespoke architectural striped patterns and coloured timber panels to the ground floor. All buildings have pitched rooves and the windows are slim-line pvc.
- 1.4 All dwellings are designed to meet the requirements of the Cardiff Design Standard, Lifetime Homes, the Welsh Government Development Quality Requirements, Secured by Design and the RNIB.
- 1.5 There is one allocated car parking space per unit. All parking is contained within the courtyard areas, to the front of the houses and close to the entrance to the flats. Each of the ground floor apartment has a disabled parking space that is compliant with Lifetime Homes standards and there are six visitor parking spaces.
- 1.6 The landscaped courtyard areas include block paving, planted beds and a total of 14no. new trees (7no. in each courtyard)

2. DESCRIPTION OF SITE

- 2.1 The application site is on Mount Pleasant Lane and lies to the rear of Countisbury Avenue shops in Llanrumney. The site area is 0.5 hectares. The site is long, narrow and roughly rectangular; it was previously occupied by a Council depot which has been demolished.
- 2.2 Mount Pleasant Lane currently services Countisbury Avenue shops to the west as well as access to the Royal Mail depot and will continue to perform this function.
- 2.3 Immediately to the north of the site, there is a flat-roof one-storey extension to the care home building run by a housing association. There are also three trees on the land belonging to the care home whose canopies slightly overhang the development site.
- 2.4 To the south of the site is a post office collection depot. At the entrance to Mount Pleasant Lane there is a garage and a car-wash facility. The area adjacent to plot 7 is a sub-station access.

2.5 To the east of the site are the back gardens of the houses that face Bridgwater Road.

3. **SITE HISTORY**

3.1 12/02004/DCO – Permission granted: Demolition of Llanrumney CMS Depot

3.2 12/00579/DCO – Withdrawn: Outline application for residential development.

4. **POLICY FRAMEWORK**

NATIONAL PLANNING POLICY

4.1 Planning Policy Wales (PPW) sets out the land use policies of the Welsh Government and is supplemented with Technical Advice Notes (TANs) and Circulars.

Planning Policy Wales (Edition 8, January 2016)

4.2 Section 1.2 explains that the purpose of the planning system is to manage the development and use of land in the public interest, contributing to the achievement of sustainable development. It notes that the planning system should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. It recognises that a well-functioning planning system is fundamental for sustainable development.

PPW has been updated, amongst other things, to take into account the Well-being of Future Generations (Wales) Act 2015, and now includes information on the provisions of the Act, including the seven well-being goals (Fig. 4.1) designed to help ensure that public bodies are all working towards the same vision of a sustainable Wales and the sustainable development principle. This principle requires a defined public body to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when: taking decisions on individual planning applications.

Paragraph 4.4.3 sets out objectives to contribute to the Well-being of Future Generations Act goals which reflect the Welsh Government's vision for sustainable development and should be considered when determining planning applications.

Technical Advice Notes (TANs) and Circulars

4.3 Key TANs and Circulars include:

TAN 1: Joint Housing Land Availability Studies (2015):

TAN 2: Planning and Affordable Housing (2006)

TAN 11: Noise (1997)

TAN 12: Design (2016)
TAN 15: Development and Flood Risk (2004)
TAN 18: Transport (2007)
TAN 21: Waste (2014)
Circular 13/97 'Planning Obligations'
Circular NAW 20/01 'Planning Controls for Hazardous Substances'
Circular WGC 016/2014 'The Use of Planning Conditions for Development Management'

Other Guidance
Manual for Streets (2007)
Practice Guidance: Planning for Sustainable Buildings (2014)

LOCAL PLANNING POLICY

- 4.4 Cardiff Local Development Plan, 2006-2016 (Examination version, adopted January 2016)

Key policies:

KP1: LEVEL OF GROWTH
KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
KP6: NEW INFRASTRUCTURE
KP7: PLANNING OBLIGATIONS
KP8: SUSTAINABLE TRANSPORT
KP12: WASTE
KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS KP14: HEALTHY LIVING
KP15: CLIMATE CHANGE

Detailed policies:

H3: AFFORDABLE HOUSING
EN8: TREES, WOODLANDS AND HEDGEROWS
EN11: PROTECTION OF WATER RESOURCES
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
EN14: FLOOD RISK
T1: WALKING AND CYCLING
T5: MANAGING TRANSPORT IMPACTS
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
C3: COMMUNITY SAFETY/ CREATING SAFE ENVIRONMENTS
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

- 4.5 The application site falls within Cardiff's settlement boundary, as identified on the adopted Cardiff LDP Proposals Map.

Supplementary Planning Guidance (SPG)

Access, Circulation and Parking Standards (2010)
Affordable Housing (2007)

Cardiff Residential Design Guide (2008)
Trees and Development (2007)
Waste Collection and Storage Facilities (2007)
Community Facilities and Residential Development (2007)
Open Space (2008)

Other Guidance:
Liveable Design Guide (2015)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The **Housing Officer** provided the following comments:

This scheme forms part of the Council's Housing Partnership Programme (HPP) which is a partnership between the Housing Development Team and Wates Living Homes. The aim of the HPP is to build around 1,500 mixed tenure, energy efficient, sustainable and high quality homes across circa 40 Council owned sites within Cardiff. Overall, the programme will provide 40% affordable homes across the portfolio of sites with the remaining dwellings being placed on open market sale by Wates Living Homes.

This planning application is for the proposed new-build development on the site at the Former Llanrumney Housing Depot, which will provide a total of 31 dwellings, both houses and apartments.

In terms of the affordable housing, the proposal is for 31 affordable homes (100%), to be owned by Cardiff Council for social rented accommodation. The mix of the units is:

- 4 x 1 bed flats
- 6 x 2 bed flats
- 21 x 2 bed houses

This proposal exceeds the planning policy requirements of 20% on brownfield sites, and we are fully supportive of this affordable housing scheme.

A proportion of the affordable housing units on the site may be sold by the Council to 1st time buyers as low cost shared equity housing. The low cost shared equity housing units may be offered for sale at a percentage of the Open Market Value, with the residual equity held by the Council. The exact quantum and percentage equity share purchase price is yet to be determined.

5.2 The **Pollution Control Officer** provided the following comments:

The following additional information has been submitted:

Terra Firma (Wales) Ltd, 15/8/16; Additional contamination assessment, letter ref: RH/13485/Let4.

The above relates to further assessment of the localised potential

contamination of groundwater from petroleum hydrocarbons, identified in the main site investigation.

Based on the above and previously submitted information a remediation strategy will need to be submitted and subject to approval of this a subsequent remediation verification report will be required.

Shared Regulatory Services requests the inclusion of conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

- 5.3 The **Noise Officer** has advised that a condition be applied to protect the amenity of future occupiers from the potential noise generated by servicing requirements to the commercial uses in the lane.
- 5.4 The **Highways Officer** providing the following comments:

Mount Pleasant Lane currently largely serves as an access to a number of commercial uses and as a rear access to the Countisbury Avenue shops. Though there's a flat development at its northern end pedestrian access to those flats is achieved from Minehead Close. It's currently in rather poor condition and would need to be significantly improved if it's to serve as the sole means of access to the proposed new residential development.

There's also evidence that Mount Pleasant Lane currently suffers from a significant level of overspill parking by large commercial vehicles, which would have an overbearing effect and also cause restrictions to visibility – all of which make it less than ideal for access to a residential use. However, it would appear that a large element of this overspill parking is actually generated by the existing Housing Depot and I would therefore anticipate that this negative aspect would be significantly eased as a consequence of the proposed residential development.

Though the Transport Statement from Cambria adequately demonstrates that the site is sustainably located in relation to local shops/services/public transport etc., and that the development will generate similar – or reduced – overall numbers of vehicle movements in comparison with the existing use (and of course this would be a significant reduction in terms of movements by large vehicles) it doesn't address the issue of what localised improvements will be required in order to make the development suitable for residential use. In addition to improvements to the road and footway the existing pedestrian link to the shops could be improved and made more pedestrian-friendly by means of a build-out of the existing footway adjacent to 2, Countisbury Avenue, while the provision of bollards at the back of the footway fronting the garage use at the southern end of Mount Pleasant Lane, would create a more pedestrian-friendly environment.

I's suggest a condition along the following lines: Prior to the commencement of development a scheme of highway improvements to Mount Pleasant Lane shall

be submitted to the LPA for approval. Such a scheme shall include, but not be limited to; the scarification/resurfacing of the full length of Mount Pleasant Lane, the full reconstruction of its adjacent footway, an assessment of necessary improvements to the existing street lighting and highway drainage, improvement to the existing footway adjacent to 2, Countisbury Avenue and to the existing footway which fronts the garage business opposite' Reason: in the interests of highway safety.

I'd also request a financial contribution of £3,000 under the S106/UU to cover the cost of processing a TRO for parking restrictions to control on-street parking in the event that the need for this becomes apparent post beneficial occupation.

With regards to the new cul de sacs which will spur off Mount Pleasant to access the new dwellings I would comment that, notwithstanding the lack of turning areas, the proposed arrangements are satisfactory mindful of their short length and mindful of the comments of Waste Management with regards to future collections of waste. Further conditions relating to the construction details of the new roads (D3L) and (D3K), and to the retention of parking (D3D) are required.

With regards to the objection raised by the occupant of 40 Mount Pleasant Avenue I would comment as follows;

Though the comments with respect illegal parking associated with the garage and car wash uses are noted this is an enforcement matter, while further restrictions utilising the aforementioned S106/UU contribution can be introduced as and when required to address and control any future problems which may arise in this respect.

With regards to the amount of traffic already using both Mount Pleasant Lane and Way it should be borne in mind that the Transport Assessment demonstrates that the number of vehicle movements associated with the proposed residential use will actually be less than that generated by the previous use as a Housing Depot – while a further consideration is the number of movements by large commercial vehicles will significantly reduce. While it's acknowledged that that this is a far from ideal location for residential development, the current shortage of housing in the city means that such sites must be considered – and subject to the improvements measures requested above I am satisfied that it will prove adequate in terms of highway safety.

5.5 The **Tree Officer** provided the following comments:

No comprehensive tree assessment has been submitted but the proposed planting plan shows x3 off-site trees overhanging the northern boundary that may be harmed by development or whose future growth may affect the usability of gardens. These trees should be assessed in accordance with BS 5837:2012 and the assessment used to inform design as necessary and the production of an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, as necessary.

Given the previous use of the site and the evidence of potential asbestos and hydrocarbon contamination presented in the geotechnical/geo-environmental report, re-usable soils for landscaping purposes are unlikely to be available. Unless a Soil Resource Survey has been undertaken providing evidence to the contrary (I would not insist on an SRS/SRP for this site given the previous use and evidence of contamination), I consider that landscaping soils should be imported in accordance with an approved topsoil and subsoil specification supplementing the landscaping scheme. This should include a soiling plan showing the extents of different soil types to be used for different planting types, topsoil/ subsoil profile depths, evidence of certification in accordance with BS 3882:2015 and BS 8601:2013 and evidence of fitness for purpose of the imported soils following an interpretive report prepared by a soil scientist. The submitted planting plan refers to drawing TRP 16-25-PL-202 (tree planting details), but this does not appear to be attached to Acolaid. Such details are required along with a full planting and aftercare methodology, though I have no other adverse observations regarding the planting plan.

Proposed drainage plans show conflict with planting beds – I would like to see all drainage infrastructure located outside of planting beds, and confirmation that no other utilities or lighting will conflict with proposed planting.

5.6 The **Parks Officer** made the following comments:

I concur with the comments made by the Tree Officer regarding the tree assessment, issues regarding contamination, soils and planting, the conflict between the drainage infrastructure and planting which needs to be resolved. Overall I welcome the planting plan.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 52.31. This generates an open space requirement of 0.126 ha of on-site open space based on the criteria set for Housing accommodation.

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. Based on the above assessment the contribution payable will be £55,373 including planning admin fee.

For 100% affordable housing schemes, it is recognised based on the Cardiff Housing Allocation Scheme 2015 document that one bed properties will be for adults only and no children will be allowed to reside there. Therefore the calculation has been adjusted accordingly to remove the element relating to provision of children's play for these properties.

Based on the 2009 Cardiff Council Open Space Survey there is a deficiency in open space provision of 2.52 hectares in the Llanrumney Ward, in which the development is situated (Measured by the Fields in Trust recommended standard of 2.43 hectares per 1000 population). The quality and facilities of existing open spaces also require improvement, with additional capacity to take

into account the increased residential population resulting from the development.

- 5.7 The **Ecology Officer** was consulted and had no comments, given that the depot building had been previously demolished.
- 5.8 The **Regeneration Officer** requested a developer contribution of £21,442 to be spent on community facilities within the ward in line with the Community Facilities and Residential Development SPG.
- 5.9 The **Drainage Officer** concluded, in terms of a statutory perspective, that there are a number of drainage design details which need to be resolved via condition.

He commented as follows:

From the perspective of statutory conditions for the surface water drainage, I will need to see much greater detail in terms of the 2 methods of surface water attenuation, and their linkages. With this, I will also need a digital copy of the MD simulation model and confirmation of the direction of exceedance flows from the 1in100 +30% storage. I am not prepared to allow an increase in outflow off the site, so the volumes of attenuation cannot be reduced. Greater clarity is also required relating to the ground contamination. Any surface water drainage (adopted or private) and its associated attenuation, cannot be exposed to the contamination in a manner which would allow contaminant transfer. If it is proposed to position the 2 together, then a design and method statement to clarify how there will be no cross contamination, is essential.

In terms of non-statutory drainage guidance, this development does not meet the recently published Welsh Government Guidance (Recommended non-statutory standards for sustainable drainage (SuDS) in Wales, 2015). This is very disappointing as it contradicts the advice we have been giving developers. The housing density has compromised the SUDS, leaving very few practical options left in effectively managing attenuation.

- 5.10 The **Waste Management Officer** raised no objections to the layout and recommended bin storage types.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **Natural Resources Wales (NRW)**

The NRW officer made the following comments:

We have reviewed the Additional Investigation of Contaminated Groundwater: Former Llanrumney Housing Depot letter prepared by Terra Firma Ltd., dated 15th August 2016. This additional information does not alter our position in our letter, reference CAS-20458-S9D4, dated 12 July 2016. We repeat this advice for ease of reference and include further advice on the additional investigation within the enclosed annex.

We have significant concerns with the proposed development as submitted. However, we consider it likely the concerns can be addressed and we would not object, provided the following conditions are imposed on any planning permission granted. Without these conditions, the proposal is likely to have an unacceptable effect on controlled waters.

The proposed development site overlies a secondary A aquifer, which are permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. Groundwater below the site may therefore be vulnerable to the proposed development.

The submitted Geotechnical and Geo-environmental Site Investigation Report prepared by Terra Firma, dated March 2016, identifies there is hydrocarbon contamination present at the proposed development site, which is associated with its previous use as a council depot. However, it is unclear to what extent the controlled waters are impacted or could be impacted. The additional investigation has further delineated the area of hydrocarbon contamination identified within TP2. However, it has not improved the conceptual understanding of the site or provided an adequate assessment of the potential risk to controlled waters. Further advice on the additional investigation is in the enclosed annex. Therefore, the proposed development will be acceptable if the following measures are implemented and secured by way of planning conditions on any permission your Authority is minded to grant.

A number of conditions and recommendations are listed.

6.2 **Welsh Water**

The officer made the following comments:

We would request that if you are minded to grant Planning Consent for the above development that Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

We have reviewed the information submitted as part of this application with particular focus on the Flood & Consequence Assessment and Drainage Strategy reference CC1588/REP01/A dated May 2016, drawing number CC1588 CAM 00 00 GA C 100 Rev P2 and Geotechnical/ Geoenvironmental Site Investigation Report reference 13485.

Whilst we acknowledge that all options for disposal of surface water have been considered, discounted and the principles acceptable we note that the plan appears to show land/highway flows being conveyed to the public sewer. In the absence of Highway drainage being agreed to communicate to the public sewer we recommend conditions and advisory notices.

6.3 South Wales Police

The applicant consulted with the South Wales Police Designing out Crime officers regarding community safety and security at the pre-application stage and therefore South Wales Police have no further comments to make due to the fact that all issues have been addressed in the Design and Access statement.

The development has been given the Secured by Design reference number C/3393/16.

7. **REPRESENTATIONS**

7.1 There are two objections to the scheme from local residents. The first objector resides in 40 Mount Pleasant Lane to the south of the site and objects on the following grounds:

- Excess traffic:
 - o Mount Pleasant Lane is the busiest Road in Llanrumney. The customers for the car wash and the garage all double park on yellow lines. The repair vehicles park along the road on Mount Pleasant Lane as well as on the pavements on the corner of Mount Pleasant Avenue and Mount Pleasant Lane. Mount Pleasant Lane is supposed to be for deliveries and access only, not for the repair and parking of vehicles;
 - o Increase in traffic to Mount Pleasant Avenue. If we have visitors, there is nowhere to park (we do not have a driveway). Building more houses / flats in the area is a bad idea because the traffic is already very heavy. The garage on the corner of Mount Pleasant Avenue / Mount Pleasant Lane already causes problems and additional traffic will make the situation worse;
 - o Since speed bumps were introduced onto Llanrumney Avenue, most traffic now uses Mount Pleasant Avenue to get in and out.
- Increase in air pollution.

The second objector resides in 23 Bridgewater Road which backs onto the site on the following grounds:

- Loss of privacy to the back garden;
- Loss of light or restricted sunlight;
- Security concerns with regards to garden access and fears of a greater risk of criminal activity;
- Loss of value of property;
- Damage to boundary wall from new properties.

8. **ANALYSIS**

8.1 The application site is a vacant parcel of land formerly used as a Council depot (demolished) and situated in close proximity to Countisbury Avenue Local Centre. The site falls within the settlement boundary as defined by the LDP

proposals map and is afforded no specific policy designation or allocation. The surrounding area is residential in nature and given this context, the development of the site for residential purposes raises no land use policy concerns.

- 8.2 The conditions and recommendations from Natural Resource Wales and the Council's Pollution Control Officer have been amalgamated and applied to ensure that hydrocarbon contamination is removed and an adequate assessment is made of the potential risk to controlled waters to protect the environment.
- 8.3 The scheme is 100% affordable housing which is considered to be of significant benefit to the city and contributes towards housing need, as acknowledged by the affordable housing team. This proposal exceeds the planning policy requirements of 20% on brownfield sites and contributes towards the towards the long term Housing Partnership Programme targets.
- 8.4 The density of the scheme (62 DPH) is considered to be a sustainable use of land and appropriate for the site. The houses are all 2-storey terraces in rows of five, book-ended with apartment buildings of 2 and 3 storeys. The internal layout of the apartments are dual aspect to help to reduce the impact of Mount Pleasant Lane. The apartments and the landscaping help to create a meaningful entrance into a courtyard space which will have a quieter residential atmosphere.
- 8.5 The scale is considered to be appropriate for the site and relates well to the existing context. The three-storey apartments act as a gateway feature at the centre of the site.
- 8.6 The combination of two high quality red bricks with bespoke architectural striped patterns and coloured timber panels to the ground floor, together with pitched rooves with mortar bedded verges and slim-line pvc windows, create a well-designed contemporary aesthetic. The canopy and timber bin enclosures positively contribute to the street scene in the courtyards. The final materials will be secured via condition.
- 8.7 The planting scheme is considered beneficial in this otherwise predominantly urban site and includes: 14no. new trees in the courtyards, (3 small, 9 medium and 2 large), a hedge along Mount Pleasant Lane in combination with flowering shrubs to enhance biodiversity (following recommendations in the DAS). The landscaped areas along the eastern boundary further help to provide a buffer between the site and the neighbouring properties. The landscaping beds between the parking bays creates a softening to reduce the visual impact of parked cars.
- 8.8 The Tree Officer is satisfied with the Planting Plan and full landscaping details and aftercare methodology have been conditioned. There has been additional information provided with regards to the proposed utilities that show no conflict with planting beds. There is a condition relating to any retained utilities plan that will need to show no conflict.

- 8.9 There are three off-site trees whose canopies slightly overhang the northerly boundary of the site. There has been updated survey information provided since the Tree Officer gave his comments. The Site Survey indicates that there is one 'C' category sycamore (Low quality and value) to the north of flat block units 30-31, one 'C' category sycamore to the north of house no.29, and one 'B' category (moderate quality and value) Birch to the north of unit no. 24.
- 8.10 The Landscape Architects have confirmed that the 'C' category trees have small canopies and have been planted in a narrow strip of soil between hard surfacing on all sides. This has resulted in a slightly stunted appearance and sparse crowns. The lack of available soil volume means that the trees are unlikely to grow much larger or have an impact on residential amenity.
- 8.11 The 'B' category birch is 2m away from the rear garden of no. 24 and the canopy overhangs the garden with potential to grow larger and dominate part of the garden. However, the garden size is more than 100sqm and can therefore accommodate a usable amenity area that is away from the tree canopy. The site levels are conditioned and this can ensure that the garden levels are appropriate to ensure usability.
- 8.12 The courtyard includes a shared area for the vehicles and pedestrians which has considered the needs of inclusive design. In addition, there are alternative footpaths to the front of the houses and in front of the three-storey flat blocks. This is considered to be an appropriate approach to access which ensure an intimate feel to the street.
- 8.13 The short rows of narrow fronted terraced housing opposite each other create a clear street frontage that overlooks the courtyards and should encourage a sense of community. The fronts of the terraces are 21m apart across the courtyard. The separation distance between the rears of the properties is also 21m which meets the Council's requirements to protect residential amenity.
- 8.14 The garden sizes for the houses range from 41sqm to 70sq m. The majority of houses have more than 50sqm which meet the Council's Residential Design Guide SPG. The remaining nine units with slightly smaller gardens at 41sqm meet the Welsh Government DQR Housing Standards which stipulate 40sqm and a range of other requirements with regards to flat areas and paved access. Given that all the gardens will have access to usable garden space, and the site area is severely constrained to enable four rows of housing to create overlooked courtyards, this is considered to be acceptable.
- 8.15 The objection from 40 Mount Pleasant Lane, with respect illegal parking associated with the garage and car wash uses are noted, however, this is primarily an enforcement matter. Further restrictions via a highways scheme secured via condition will be introduced to help address and control any future problems which may arise in this respect. This is considered to negate the need for a financial contribution for £3000 via a S106, as requested by the Highways Officer for a TRO, as the submitted plans will account for potential problems through the design.

- 8.16 With regards to the amount of traffic already using both Mount Pleasant Lane and Mount Pleasant Avenue, the Transport Assessment demonstrates that the number of vehicle movements associated with the proposed residential use will actually be less than that generated by the previous use as a Housing Depot. A further consideration is that the number of movements by large commercial vehicles will significantly reduce. Subject to the improvement measures requested via condition. The Highways Officer is satisfied that this will prove adequate in terms of highway safety. There is one allocated car parking space per unit and six visitor spaces which meets the Council's policies on parking.
- 8.17 In terms of the representation received on air pollution, the Pollution Control team have not raised any objection to the application.
- 8.18 With regards to the objection from 23 Bridgewater Road, the closest new unit is identified as plot no.23 in the northerly courtyard. There are no side windows in the new house and there will therefore be no overlooking of 23 Bridgewater Road garden. The new house will not have a material effect on light or sunlight to the property, given that it is a 2-storey pitched roof, will be at a lower level than the 23 Bridgewater Close, only partially overlaps with the alignment of the garden, and the boundary of the new house is 19.6m away from the back of the existing house (16.5m from the rear annex).
- 8.19 There are no significant security concerns, as the garden of unit no.23 encloses the back garden of the objector's house. The South Wales Police provided a Secured by Design reference number for the development gave no objection. The Design and Access Statement provides details on the security measures. The development is considered to be acceptable from a safety and security perspective.
- 8.20 The loss of value of property and the possible damage to a boundary wall is not a material consideration in planning terms. The applicants normally contact all properties that share a boundary with the site with regards to boundary treatments prior to construction.
- 8.21 The Noise Officer requested a condition which has been applied in order to protect future residents from the noise cause by commercial vehicle servicing and movements along Mount Pleasant Lane.
- 8.22 The Conditions and Advisory Notes advised by Welsh Water have been included together with an additional condition with regards to further drainage details in response to the Council's Drainage Officer. This will ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

With regard to surface water drainage, whilst the concerns of the Drainage Officer are noted, it is acknowledged that the opportunities for non-statutory best practice is limited in this instance. The positive contribution of the development towards the provision of affordable housing within a sustainable location, is considered to outweigh the concerns of the drainage officer with

- regard to sustainable drainage in this instance.
- 8.23 The waste management officer raised no objections to the layout. The bin storage types required have been added to the Recommendations.
- 8.24 In summary, the proposed design and layout is considered good and makes the best of a very challenging site.

9. **S106 REQUIREMENTS AND VIABILITY**

- 9.1 In identifying the nature and quantum of infrastructure provision, and having regard to the extent and tenure of affordable housing to be delivered, the applicant has provided a viability statement which has been independently verified
- 9.2 It is acknowledged that the scale and nature of the affordable housing provision, alongside higher design costs and site abnormalities would render the development unviable within the levels of obligations sought. All units within the development are designed to achieve 17% higher energy performance than current Welsh Building Regulations.
- 9.3 Notwithstanding the above, the developer has agreed to the following obligations:
- 100% affordable housing on-site, comprising of affordable homes to be offered to the Council for social rent;
 - The comprehensive scheme of highways improvement works along Mount Pleasant Lane to be agreed with the local authority and carried out by the developer (as per conditions);
 - Details of on-site management and maintenance of trees, planting and drainage;
 - A commitment to pay commuted maintenance sums towards maintaining highways.
- 9.4 It is considered that the S106 Heads of Terms satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

10. **CONCLUSION**

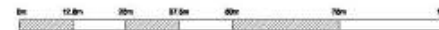
- 10.1 It is recommended that planning permission be granted, subject to conditions and the signing of a Section 106 legal agreement to secure the works as indicated in Section 9.



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Project
LLANRUMNEY DEPOT, MOUNT PLEASANT LANE

Client
WATES LIVING HOMES

Drawing Title

SITE LOCATION PLAN

NOTES. Do not scale. All dimensions are in millimetres unless stated otherwise



NORTH

— SITE BOUNDARY

SITE AREA 0.5 (hectares)

Date
JUN '16

Scale
1:1250 @ A3

Drawing No.
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Rev.

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LANDSCAPING MATERIALS

- A Block Paving - Light
- B Block Paving - Dark
- C Block Paving - Mid tone
- D Concrete paving slabs - Colour TBC
- E Terrazzo surface

BOUNDARY TYPES

- Boundary Type 1- 2100mm brickwork wall to boundaries to public open spaces. Feature having to lie in with building elevations.
- Boundary Type 2- All other boundaries to back gardens to be 1800mm close boarded fencing.
- Boundary Type 3- Close boarded timber screen fence to wall existing wall.
- Boundary Type 4- 2100mm close boarded fencing
- Boundary Type 5- Brickwork dwarf retaining wall
- Existing fences to site boundary to be retained, or replaced if in poor condition.

SYMBOLS

- Plot numbers
- Dwelling Types
- Car parking space allocation
- Garden shed
- Rotary Dryer
- Planted areas
- Timber bin enclosure
- Site boundary
- Proposed small tree
- Proposed medium tree
- Proposed medium large or large tree
- Existing tree outside of site boundary. Dotted line indicates root protection zone
- Indicative position of 1.5m service trench for proposed fencing services.

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KEY	TEMPRE	HOUSE TYPE	AREA	NO.	NO.	TOTAL
			(APF)	(CWS)		
HOUSES	UNAFFORDABLE	2 BED 3 PERSON	81.5m ²	21	-	-
APARTMENTS	AFFORDABLE	1 BED 2 PERSON	55.6m ²	4	-	-
	AFFORDABLE	2 BED 3 PERSON	62.4m ²	6	-	-
				31		



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Project
 LLANRUMNEY DEPOT, MOUNT PLEASANT LANE

Client
 WATERS LIVING HOMES

Drawing Title
SITE LAYOUT PLAN

Date
 JUN '16

Scale
 1:200 @ A1

Drawing No.
 3517_PA_003

Rev.
 A

NOTES: Do not scale. All dimensions are in millimetres unless stated otherwise



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Project
LLANRUMNEY DEPOT, MOUNT PLEASANT LANE

Client
WATES LIVING HOMES

Drawing Title
COURTYARD STREET SCENE

NOTES: Do not scale. All dimensions are in millimetres unless stated otherwise

Date
JUN '18

Scale
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COMMITTEE DATE: 26/10/2016

APPLICATION No. **16/01670/MJR** APPLICATION DATE: 14/07/2016

ED: **TROWBRIDGE**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr City of Cardiff Council

LOCATION: LAND OFF WILLOWBROOK DRIVE, ST MELLONS

PROPOSAL: 70 NO. DWELLINGS ACCESSED FROM WILLOWBROOK DRIVE

RECOMMENDATION 1 : That outline consent be **GRANTED** subject to the applicant submitting a unilateral **S106 Agreement** that the proceeds of the sale of the land for housing will be allocated towards funding the St Mellons Hub , providing a financial contribution for educational places in accordance with the formula contained within Developer Contributions for School Facilities SPG (the size of contribution required for the number of dwelling houses currently proposed is specified in paragraph 5.4 of this report), providing 30% affordable housing on this site, to be delivered as affordable social rented units, built to Welsh Government DQR standards and the units be allocated from the Common Waiting List and a contribution of £20,000 towards improvements to the adjoining amenity land fronting Willowbrook Drive and Willowbrook Road, and the following conditions:

1. C00 Standard outline
2. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall 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 Local Planning Authority 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.

3. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

4. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

5. 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.

6. The development shall be carried out generally in accordance with the scaling statement, the Concept Diagram V2 submitted with this application and the Council's Supplementary Planning Guidance on Residential Design, approved March 2008.

Reason: To avoid doubt and confusion as to the nature of future development on this site and to achieve an acceptable form of development.

7. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul flows to connect the public sewer at manhole reference ST23806702. The

scheme shall also include an assessment for the potential to dispose of surface and land water by sustainable means. 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.

8. The proposed development site is crossed by a public sewer. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

9. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme of recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and public amenity.

10. The detailed plans to be submitted shall show a pavement along the front of the site facing both Willowbrook Drive and Crickhowell Road.

Reason: In the interests of pedestrian safety and facilitate access to a bus stop in the interests of sustainability.

11. The detailed plans to be submitted shall make provision for a pedestrian link from the site to the playing field south of James Court.

Reason: To provide safe pedestrian access to public open space in the interests of healthy living.

12. C3L Details of Roads (Dwellings)

13. C3E Turning Space Within Site

14. Prior to any development commencing details of car parking and

covered cycle storage shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the dwellings they serve being occupied and the approved car parking and covered cycle storage shall be maintained and retained for the approved uses thereafter.

Reason: To provide adequate car and cycle parking for future occupants.

15. Prior to the occupation of any of the dwellings on this site the access road serving them shall be finished to final wearing course and include surface water highway drainage in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the future occupants of this site.

RECOMMENDATION 2 The developer needs to have due regard to the consultation responses received during the processing of this application in formulating the reserved matters submission.

RECOMMENDATION 3 Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall 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.

RECOMMENDATION 4 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

- (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.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The proposal is in outline for residential development. An illustrative layout plan has been submitted which shows a single vehicular access from Willowbrook Drive. The plan also shows one detached dwelling, 17 pairs of semis, 7 terraces of three, 2 terraces of four and one terrace of six. All the proposed dwellings would be two storeys high.
- 1.2 The indicative layout plan shows the retention of bands of vegetation some 40 m wide along the south eastern boundary of the site and about 10m wide running through the centre of the site in a south easterly to north westerly direction and then along the north east boundary of the site. A narrower band of planting is proposed between Willowbrook Drive and the proposed dwellings.

2. DESCRIPTION OF SITE

- 2.1 The site is 2.8 ha in area and is relatively level. The site adjoins and is north of the junction of Willowbrook Drive and Crickhowell Road.
- 2.2 The site is overgrown with trees and scrub. There is no existing vehicular or pedestrian access into the site which prevents general public use. The OS plan indicates a path across the site but it is not readily apparent on site and is not a registered Public Right of Way.
- 2.3 There are 4 football pitches laid out to the north east of the site. There is a bus stop on the eastern boundary of the site that lacks a pavement.
- 2.4 The site lies within a predominantly residential area. Willowbrook Drive and Crickhowell Road lead to the District Centre, to the north, which is comprised of a supermarket and filling station, small retail units, a medical surgery, church, Library, Community Centre, and Police Station

3. SITE HISTORY

- 3.1 None since 1997 on this site.
- 3.2 16/1400 EXTENSION TO EXISTING BUILDING TO CREATE NEW INTEGRATED COMMUNITY HUB (D1/D2) WITH RELOCATED CAR PARK, MULTI USE GAMES AREA, EXTERNAL LIGHTING, ASSOCIATED LANDSCAPING WORKS. Approved 2/8/16
- 3.3 Two nearby planning applications for residential development were recently reported to the Planning Committee, which Members were minded to approve subject to a Unilateral Undertaking to contribute to the funding of the St Mellons Hub

4. **POLICY FRAMEWORK**

- 4.1 It is considered that the following LDP policies are relevant to this application:-
KP5 Good Quality and Sustainable Design;
KP6 New Infrastructure
KP7 Planning Obligations
KP8 Sustainable Transport;
KP13 Responding of Evidenced Social Needs
KP14 Healthy Living
H3 Affordable Housing
EN8 Trees and Hedgerows
EN12 Renewable Energy and Low Carbon Technologies
EN13 Air, Noise, Light Pollution and Contaminated Land
T1 Walking and Cycling
T5 Managing Transport Impacts
C3 Community Safety/Creating Safe Environments;
C4 Protection of Open Space
C5 Provision for Open Space, Outdoor Recreation and Sport
C6 Health
C7 Planning for Schools
W2 Provision for Waste Management Facilities in Development.

5. **INTERNAL CONSULTATIONS**

- 5.1 Shared Regulatory Services states:- 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. Shared Regulatory Services requests the inclusion of conditions and informative statement in accordance with CIEH best practice and to ensure the safety of future occupiers.
- 5.2 The Housing Development Officer states: We would seek 30% affordable housing on this scheme (21 units), and all of the units to be delivered as affordable social rented units. All of the units would need to be built to Welsh Government DQR standards, and units will be allocated from the Common Waiting List. For clarification, if there are any roads or public open space/realm/green infrastructure within the site that will not be adopted (ie privately managed), then neither the RSL nor their tenants may be able to make additional contributions to the management of these aspects of the scheme. The prices to be paid relate solely to the purchase of the completed affordable units, including finishes to the external garden/communal space within property curtilages.
- 5.3 The Waste Strategy and Minimisation Officer has raised no objections but identified issues which have been brought to the applicant's attention.

- 5.4 The Education Officer states: We would seek financial contributions of £259,070.
- 5.5 The Tree Officer states: Whilst the application is outline, it is possible, based on the indicative layout, to ascertain that x9 individual, 'B' (moderate quality and value) trees will be lost (1750, 1751, 1753, 1754, 1799, 1802, 1812, 1813 & 1813A) along with one 'B' category group 1814 and one group of three young 'B' category trees 1801. The most significant of these losses are the oaks 1802, 1812, 1813 and 1813A that are important components of the tree 'spines' that dissect the site, likely demarcating old agricultural hedgerows developed on soil thrown up to be above more poorly drained ground.

I would expect 'B' category trees to be retained and protected as part of development unless there are overriding design considerations necessitating their removal and new planting can fully mitigate their loss. Accepting that the loss of the 'B' category trees listed is necessary for overriding design reasons, I need to understand how their loss will be mitigated. Space for large species trees is not available on the Willowbrook Drive frontage, unless the space to the SW of the 5m buffer zone in the SE corner of the site is available, taking account of any service/highway visibility/ecological constraints. Three groups of x3 new trees are shown within the developed site, and subject to detailed design at reserved matters, these spaces could be developed to accommodate large species trees (probably just x1 tree per group). A further x4 new trees are shown indicatively on the layout plan, comprising x2 within an existing 'hedgerow-tree line' and x2 within constrained positions in gardens. So, whilst the indicative layout accommodates x13 new trees, at least two of these are likely to be small species in constrained space, and where groups of x3 trees are proposed, mutual suppression is likely to result and means that reducing the numbers to x1 tree per space is likely to be expedient. This gives a total of x7 trees, which doesn't mitigate the loss of the x9 individual trees referred to above, let alone the additional loss of the 'B' category groups. The 5m 'buffer zones' cannot reasonably be considered suitable for large species tree planting, rather they should accommodate shrubby trees (sallows, hawthorn) shrubs (hazel) and herbaceous vegetation.

I would like to see further detail concerning the landscaping strategy at this site that builds in the principle of accommodating the planting of x10 large, native species trees in spaces designed to support their unconstrained future growth. This would in my view offer acceptable mitigation for losses in arboricultural terms, but of course all of the trees lost form part of 'green corridors', whereas new planting is likely to be dominated by well-spaced individuals. In addition, I would like to see an indicative section of the 5m buffer, in order to understand how this will be treated – without evidence to the contrary, I think that it should be designed as an ecotone, with native herbaceous vegetation closest gardens grading into native shrubs and shrubby trees and finally the retained 'forest' trees.

Any reserved matters application will need to be supported by a detailed landscaping scheme comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan views, planting methodology

and 5 year aftercare methodology, all informed by detailed knowledge of proposed and existing services including drainage and lighting, and a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code.

IMPACT ON SOILS

The whole of the site currently comprises vegetated soil. Vegetated soil represents a valuable and fragile resource, providing storage of carbon, sustainable drainage, and a reservoir of biodiversity, in addition to supporting the growth of a diverse range of plants including large species trees. Uncontrolled development of the site is likely to result in considerable loss of soil and damage to its functionality. In turn, this is likely to result in poor landscaping establishment and performance, and increased costs to the developer in terms of amelioration, soil importation and replacement planting. To minimise harm to the soil resource, as part of any reserved matters application a Soil Resource Survey and Plan should be prepared in accordance with the 2009 DEFRA Code to delineate, characterise and quantify the re-usable soil resource and specify the methods and equipment to be used in its stripping, storage, handling, amelioration and placement.

(The Tree Officer's comments have been forwarded to the applicant).

6. EXTERNAL CONSULTATIONS

- 6.1 South Wales Police have no objection to the proposed development and have been engaged in pre application discussions. South Wales Police welcome the proposed layout as it promotes active street frontages and good levels of surveillance. South Wales Police also welcome reference to inclusion of principles of Secured by Design.

However, the design and access statement does not demonstrate how all community safety and security issues are dealt with and in view of this South Wales Police make the following recommendations.

1. All rear gardens are made secure by 1.8m min walling, fencing and gating (2.1m min where property boundary adjoins public open space) reason to prevent burglary and theft.
2. All main external entrance doors are PAS24 2012 compliant reason to prevent burglary.
3. All ground floor windows are PAS24 2012 compliant reason to prevent burglary.
4. All service meters are located to front elevations of properties and are externally readable reason to prevent distraction type crime.
5. All parking areas are overlooked by owners' properties reason to prevent vehicle related crime.
6. A scheme of work in relation to lighting is submitted to the local authority for approval prior to completion reason to enhance personal safety.
7. The estate is built to Secured by Design standards reason to reduce crime.

South Wales Police would be happy to work with developers to achieve Secured by Design Standards which has been shown to reduce crime risk by

up to 75%. South Wales Police would ask that items 1-6 be considered by way of condition in line with Authorities obligations to prevent crime under Crime and Disorder Act. The Police's comments have been forwarded to the Council.

- 6.2 NRW has no objection. Their advisory comments have been forwarded to the applicant.
- 6.3 Wales and West have not identified any gas pipelines within this site.
- 6.4 Welsh Water has no objection subject to 2 conditions.
- 6.5 GGAT point out that 100m to the south of this site significant features dated to the roman period were discovered and there is a high potential for archaeological remains to be located within the development. GGAT advises that the impact on an archaeological resource will be a material consideration that the application be deferred until a report on the archaeological evaluation of this site has been submitted.

(A report is being submitted to GGAT and it is understood that a response will be provided by GGAT before Committee which can then be reported on the amendment sheet. If no response is received by Committee this application would have to be deferred to a future meeting of the Planning Committee).

7. REPRESENTATIONS

- 7.1 Local Members have been consulted. No representations have been received to date but can be reported on the Late Representation Sheet if received before Committee.
- 7.2 The proposal was advertised in the press and by site notice as a major application.
- 7.3 Nearby occupiers were consulted by letter. No representations have been received to date.

8. ANALYSIS

- 8.1 This is an outline application to establish the principle of residential development on the site, to provide 70 no. dwellings, accessed from Willowbrook Drive.
- 8.2 The application site is recorded largely as amenity open space with a small amount overlapping into informal amenity open space in the May 2016 Cardiff Open Space Survey.
- 8.3 As the application site is on an area of open space, Policy C4 of the Cardiff Local Development Plan (2006-2026) would apply. It states that development will not be permitted on areas of open space unless:
 - i) It would not cause or exacerbate a deficiency of open space in

- accordance with the most recent open space study; and
- ii) The open space has no significant functional or amenity value; and
 - iii) The open space is of no significant quality; or
 - iv) The developers make satisfactory compensatory provision; and in all cases
 - v) The open space has no significant nature or historic conservation importance.
- 8.4 The Planning Statement which accompanies this application explains that development of the site would not cause or exacerbate a deficiency of open space as the proposed new leisure facilities at the St Mellon's Hub would provide a qualitative improvement in local recreational provision. In any case, amenity open space does form part of the recreational requirement of 2.43ha per 1,000 population standard.
- 8.5 With regard to criteria ii, iii and v of Policy C4, the Planning Statement states that the site is largely overgrown scrubland, inaccessible to the general public and only has a value as visual amenity. An Ecological Survey has confirmed that there are no records of protected flora or fauna on the site. There are no TPOs on the site and any trees or hedgerows of quality or importance are to be retained and this is supported.
- 8.6 Finally, regarding criterion iv, the Council's Parks section has agreed to the disposal of the site, subject to a contribution of £20,000 towards improvements to the adjoining amenity land fronting Willowbrook Drive and Willowbrook Road. This would compensate for any loss of amenity open space and would allow the bringing forward of the St Mellons community hub.
- 8.7 In terms of the suitability of the site for residential development, it is not covered by any specific allocation on the Local Development Plan Proposals Map. The site is in an area surrounded by residential properties, is easily accessible by public transport and a range of public facilities to the north.
- 8.8 The applicant in a supporting statement says:-
- "The current application involves development on a largely inaccessible area of amenity space with little practical function. This will be compensated for by a contribution to the Council's Parks section for improvements to adjoining amenity land. To meet the needs of new residents of the development, financial contributions will be paid in line with the relevant policies in the Local Development Plan and supplementary planning guidance.
- In addition, the development of the St Mellons Hub will bring forward additional recreational facilities which will increase the functionality and use of other open space within the area. Paragraph 3.21 of the Open Space SPG (2008) states that in some circumstances it may be more appropriate not to exactly replicate existing provision, but to provide an alternative form of provision more appropriate to the needs of the local provision. Given the inaccessibility of the site and its categorisation as visual amenity space with only moderate amenity value, it is considered that the new recreational facilities at the proposed St Mellons Hub, combined with financial contributions agreed with Parks, would

represent appropriate compensation for the loss of this amenity open space, and address the requirements of Policy C4 of the Local Development Plan.”

- 8.9 I concur with the developer’s assessment in this particular case.
- 8.10 Whilst the loss of B category trees is regrettable it would be necessary in this case to achieve an efficient use of the land for residential purposes, which in turn will help fund the new St Mellons Hub. Whilst an equivalent number of replacement trees are indicated on the outline concept drawing, there is an opportunity for additional planting along the north eastern boundary of the site. When a detailed layout is submitted it will have to make appropriate landscaping provision for appropriate tree retention and suitable replacement tree planting.
- 8.11 There are no immediately adjoining dwellings that would be affected by the proposed development.
- 8.11 The number and scale of buildings in the layout proposed with planting along the road frontage and retention of planting within the site should create a pleasant environment that would be in keeping with the character of the area.
- 8.12 Copies of correspondence received from consultees containing advisories have been forwarded to the applicant.
- 8.13 The development is considered to be in accordance with LDP policies. It is therefore concluded that this site would be appropriate for residential development for 70 dwellings subject to conditions and allocating the proceeds of the sale of the land for housing towards funding the St Mellons Hub, the provision of affordable housing as per paragraph 5.2, an educational contribution as per paragraph 5.4 of this report and making a contribution of £20,000 to the Council’s Parks section for improvements to adjoining amenity land fronting Willowbrook Drive and Willowbrook Road.



Version 2

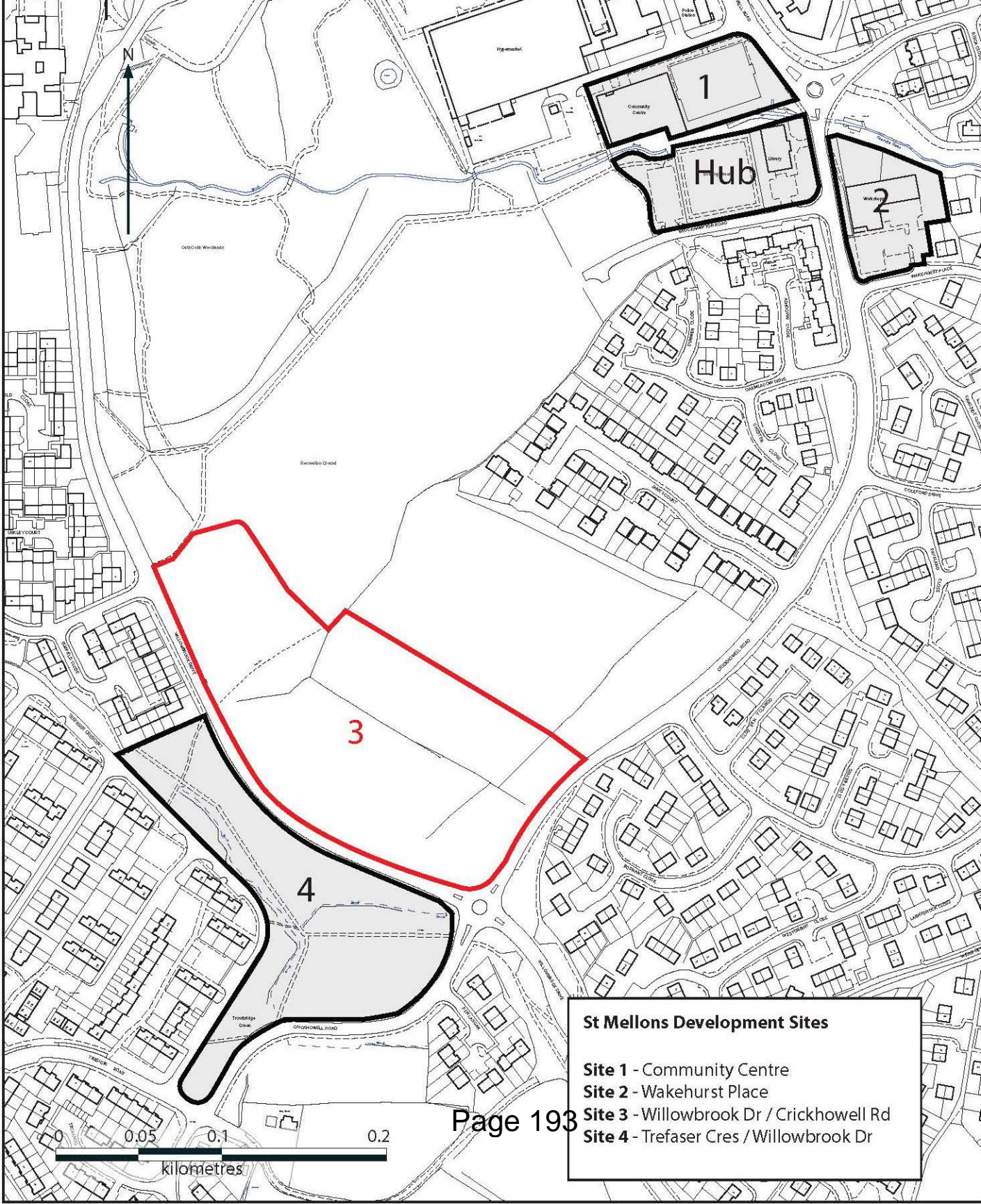
Amended to include landscaping strip along Willowbrook Drive to continue the green corridor along this route.

Low level planting (<1m) at junction to keep visibility splays clear.

Detailed landscaping scheme to be submitted at reserved matter stage.

© Crown copyright and database rights 2016 Ordnance Survey 100023376
Do not scale. Indicative layout only - design, layout, access and landscaping are reserved matters.

26 August 2016
Eluned Winney
Neighbourhood Regeneration



St Mellons Development Sites

- Site 1 - Community Centre**
- Site 2 - Wakehurst Place**
- Site 3 - Willowbrook Dr / Crickhowell Rd**
- Site 4 - Trefaser Cres / Willowbrook Dr**



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COMMITTEE DATE: 26/10/2016

APPLICATION No. **16/01671/MJR** APPLICATION DATE: 14/07/2016

ED: **TROWBRIDGE**

APP: TYPE: Outline Planning Permission

APPLICANT: City of Cardiff Council

LOCATION: LAND AT TREFASOR CRESCENT AND WILLOWBROOK
DRIVE, ST MELLONS

PROPOSAL: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
COMPRISING OF 31 DWELLINGS, ACCESSED FROM
TREFASER CRESCENT AND CRICKHOWELL ROAD

RECOMMENDATION 1 : That outline consent be **GRANTED** subject to the applicant submitting a unilateral **S106 Agreement** that the proceeds of the sale of the land for housing will be allocated towards funding the St Mellons Hub, providing a financial contribution for educational places in accordance with the formula contained within Developer Contributions for School Facilities SPG (the size of contribution required for the number of dwelling houses currently proposed is specified in paragraph 5.6 of this report), contributing £50,000 towards improvements to the nearby ABC park and providing 30% affordable housing on this site, to be delivered as affordable social rented units, built to Welsh Government DQR standards and the units be allocated from the Common Waiting List, and the following conditions:

1. C00 Standard outline
2. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall 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 Local Planning Authority 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.

3. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

4. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

5. 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.

6. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that 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] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or

grille), shall be capable of giving variable ventilation rates ranging from –

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

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.

7. The development shall be carried out generally in accordance with the scaling statement, the Concept Diagram V2 submitted with this application and the Council's Supplementary Planning Guidance on Residential Design, approved March 2008.

Reason: To avoid doubt and confusion as to the nature of future development on this site and to achieve an acceptable form of development.

8. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul at manhole reference ST23805509. The scheme shall also include an assessment for the potential to dispose of surface and land water by sustainable means. 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.

9. The proposed development site is crossed by a public sewer. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto, protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

10. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials

- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme of recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and public amenity.

11. C3L Details of Roads (Dwellings)

12. C3E Turning Space Within Site

13. Prior to any development commencing details of car parking and covered cycle storage shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the dwellings they serve being occupied and the approved car parking and covered cycle storage shall be maintained and retained for the approved uses thereafter.

Reason: To provide adequate car and cycle parking for future occupants.

14. Prior to the occupation of any of the dwellings on this site the access road serving them shall be finished to final wearing course and include surface water highway drainage in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the future occupants of this site.

15. The detailed plans shall provide for a minimum 45 metres forward visibility splay to be maintained for vehicles travelling along Crickhowell Road.

Reason: In the interests of highway safety.

16. The detailed plans shall make provision for improved pedestrian links in the vicinity which shall include, but not be limited to, a new continuous footway adjacent to Crickhowell Road between its junction with Willowbrook Drive and the existing footpath link to Trowbridge Green – together with a further such link between Trefaser Crescent and Willowbrook Drive.

Reason: To ensure and maintain safe and convenient pedestrian access for existing residents and future residents of the approved new dwellings.

RECOMMENDATION 2 The developer needs to have due regard to the consultation responses received during the processing of this application in formulating the reserved matters submission.

RECOMMENDATION 3 Prior to the commencement of development, the

developer shall notify the local planning authority of the commencement of development, and shall 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.

RECOMMENDATION 4 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

- (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.

RECOMMENDATION 5 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.

RECOMMENDATION 6 The submitted indicative details suggest that some of the footpaths crossing the site may need to be formally extinguished (by the Operational Manager, City Operations) under Section 257 of the Town and

Country Planning Act.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The proposal is in outline for 31 two storey dwellings sited in two separate groups. Vehicular access to the southern group of dwellings is shown off Crickhowell Road, serving 9 pairs of two storey semi detached dwellings. The vehicular access off Trefaser Crescent to the northern group would be at the rear of Elmfield Close just north of the last tree of a band of trees protected by a TPO, serving 5 pairs of two storey semi detached dwellings and a short terrace of 3 units. A parcel of land identified as Trowbridge Green would remain undeveloped.
- 1.2 The applicant states: "The Design and Access Statement includes an indicative site layout, showing ...on-plot parking in a cul-de-sac layout. The development would have a density of approximately 35 dwellings per hectare... The trees and seasonal reën will be retained to frame the development and protect the wildlife corridor."
- 1.3 A landscaping strip is proposed along Willowbrook Drive to the rear of units proposed in the northern half of this site. This strip will be narrower than the existing band of planting that adjoins Willowbrook Drive but will be approximately 70m longer.

2. **DESCRIPTION OF SITE**

- 2.1 The site is 1.6 ha in area, is irregular in shape and relatively flat. The site adjoins and is west of the junction of Willowbrook Drive and Crickhowell Road and backs onto Trefaser Crescent.
- 2.2 Crickhowell Road (east of the site) leads to the District Centre, to the north, which is comprised of a supermarket and filling station, small retail units, a medical surgery, church, Library, Community Centre, and Police Station.
- 2.3 The site is mainly grassed open space with bands of trees. The band of trees which runs north-south towards the western boundary of the site is protected by a Tree Preservation Order. There is a minor watercourse within the site.
- 2.4 The site is partially identified as Amenity Space in the Open Space Assessment (Cardiff Council, May 2016), with the grassed areas identified as Informal Recreational Open Space.
- 2.5 There are 2 telecommunication masts adjoining this site.

3. **SITE HISTORY**

- 3.1 Consents for telecommunication works on the pavement outside the site have been granted and have since been erected.
- 3.2 16/1400 EXTENSION TO EXISTING BUILDING TO CREATE NEW

INTEGRATED COMMUNITY HUB (D1/D2) WITH RELOCATED CAR PARK, MULTI USE GAMES AREA, EXTERNAL LIGHTING, And ASSOCIATED LANDSCAPING WORKS. Approved 2/8/16

- 3.3 Two nearby planning applications for residential development were recently reported to the Planning Committee, which Members were minded to approve subject to a Unilateral Undertaking to contribute to the funding of the St Mellons Hub.

4. **POLICY FRAMEWORK**

- 4.1 It is considered that the following LDP policies are relevant to this application:-
KP5 Good Quality and Sustainable Design;
KP6 New Infrastructure
KP7 Planning Obligations
KP8 Sustainable Transport;
KP13 Responding of Evidenced Social Needs
KP14 Healthy Living
H3 Affordable Housing
EN8 Trees and Hedgerows
EN12 Renewable Energy and Low Carbon Technologies
EN13 Air, Noise, Light Pollution and Contaminated Land
T1 Walking and Cycling
T5 Managing Transport Impacts
C3 Community Safety/Creating Safe Environments;
C4 Protection of Open Space
C5 Provision for Open Space, Outdoor Recreation and Sport
C6 Health
C7 Planning for Schools
W2 Provision for Waste Management Facilities in Development.

5. **INTERNAL CONSULTATIONS**

- 5.1 Shared Regulatory Services states that 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.

Shared Regulatory Services requests the inclusion of 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 EN13 of the Cardiff Local Development Plan.

- 5.2 The Noise and Air Team recommend a noise condition.
- 5.3 The Tree Officer states: Subject to the design of any reserved matters application being similar to the indicative layout presented at outline, as

informed by the Tree Survey and Constraints Plan, and as supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, unacceptable harm should not result to trees of amenity value. This said, it is worth noting that some young trees may grow into gardens and become over-dominant, if sufficient space is not given to support their future growth – oak 25 for example is a young tree with considerable growth potential that may grow to over-dominate plots to its south. The 5m 'buffer zone' is particularly important in minimising potential conflict between retained trees and residential development. In this regard an indicative section should be provided showing the treatment of the buffer zone – it should provide an ecotone grading from existing forest trees like oak, to shrubs and shrubby trees like willow, hazel and hawthorn, to herbaceous vegetation closest the garden.

Where 'C' category trees are present that have poor long-term potential, their removal and replacement should be specified.

Any reserved matters application should be supported by a detailed landscaping scheme comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan view, planting methodology and aftercare methodology. The landscaping scheme should be informed by a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code that delineates, characterises and quantifies the re-usable soil resource and explains the methods and equipment to be used in its stripping, handling, storage, amelioration and placement.

- 5.4 The Housing Officer states: We would seek 30% affordable housing on this scheme (9 units), and all of the units to be delivered as affordable social rented units. However, the application states that the proposal is for 11 affordable units (35%) which would be acceptable.

All of the units would need to be built to Welsh Government DQR standards, and units will be allocated from the Common Waiting List.

For clarification, if there are any roads or public open space/realm/green infrastructure within the site that will not be adopted (ie privately managed), then neither the RSL nor their tenants may be able to make additional contributions to the management of these aspects of the scheme. The prices to be paid relate solely to the purchase of the completed affordable units, including finishes to the external garden/communal space within property curtilages.

- 5.5 The Waste Strategy and Minimisation Officer has raised no objections but identified standard waste issues which have been brought to the applicant's attention.

- 5.6 The Education Officer states: We would seek financial contributions of £114,731.

- 5.7 The Transportation Department states:
The supporting Transport Statement makes reference to a number of 'informal'

footpaths which currently cross the site and which would not be retained – though it should be noted that some of these are actually adopted and would therefore need to be formally extinguished.

The Statement also states that enhancements will be made to existing pedestrian facilities where deficiencies are identified – and this will be an important consideration, especially if the existing routes within the development site are to be displaced. There is currently no footway adjacent to the western side of Crickhowell Road - from which approximately half of the proposed new dwellings will be accessed - and so clearly the provision of a footway along the full frontage of this part of the development is essential, and should be extended at least as far as the connecting link to Trowbridge Green, while additional links adjacent to Trowbridge Green should also be considered.

The Statement also makes reference to the provision of a pedestrian link to Willowbrook Drive – which is a further essential requirement if the existing links are to be interrupted. It would appear that such a link would have to run between the northern side of the proposed development and the existing dwellings on Elmfield Close. While this would be a satisfactory consideration should be given to the layout of the new dwellings in order to ensure that such a link would be of an open aspect and overlooked by as many of those dwellings as possible with a view to discouraging the problems of anti-social behaviour that have become associated with other pedestrian links in St Mellons and elsewhere in the city.

A further consideration with respect to that element of the development which will be accessed off Crickhowell Road is that the open space that it currently occupies currently provides important forward visibility for vehicles travelling along this section of Crickhowell Road. While the provision of the aforementioned frontage footway will serve to provide an element of forward visibility I consider that a minimum of 45 metres is appropriate – and the sharp bend in the horizontal alignment of Crickhowell Road at this location means that this would not be achieved. A future reserved matters application should take account of this with the new dwellings set back sufficiently to include a localised widening of the frontage footway in order to achieve the aforementioned 45 metres.

I'd therefore request a condition requiring that; A future reserved matters application shall make provision for improved pedestrian links in the vicinity which shall include, but not be limited to, a new continuous footway adjacent to Crickhowell Road between its junction with Willowbrook Drive and the existing footpath link to Trowbridge Green – together with a further such link between Trefaser Crescent and Willowbrook Drive. Reason: To ensure and maintain safe and convenient pedestrian access for existing residents and future residents of the approved new dwellings.

A further condition is required stipulating that: A future reserved matters application shall ensure that a minimum 45 metres forward visibility splay shall be maintained for vehicles travelling along Crickhowell Road. Reason: in the interests of highway safety.

Further conditions are required relating to the provision of curtilage parking in accordance with the requirements of the SPG (Access, Circulation & Parking) together with the standard outline condition relating to details of the roads layout.

I'd also suggest a second recommendation advising the applicant that there are existing adopted footpaths crossing the site – and that the submitted indicative details suggest that some of these may be to be formally extinguished (by the Operational Manager, City Operations) under Section 257 of the Town and Country Planning Act.

The applicant has been advised of this response.

6. **EXTERNAL CONSULTATIONS**

- 6.1 South Wales Police have no objection to proposed development and have been engaged in pre –application discussions. South Wales Police welcome the proposed layout and general design which we believe will create active surveillance and assist with creating a safer and more sustainable neighbourhood and community.

South Wales Police welcome reference made in the design and access to adopting the principles of secured by design but would argue these need to be detailed and included within the Design and Access statement submission.

For this reason South Wales Police make a number of specific recommendations listed below:

- 1 All rear gardens are made secure by 1.8m min walling, fencing and gating (2.1m min where property boundary adjoins public open space) reason to prevent burglary and theft.
- 2 All main external entrance doors are PAS24 2012 compliant reason to prevent burglary.
- 3 All ground floor windows are PAS24 2012 compliant reason to prevent burglary.
- 4 All service meters are located to front elevations of properties and are externally readable reason to prevent distraction type crime.
- 5 All parking areas are overlooked by owners' properties reason to prevent vehicle related crime.
- 6 A scheme of work in relation to lighting is submitted to the local authority for approval prior to completion reason to enhance personal safety.
- 7 The estate is built to Secured by Design standards reason to reduce crime.

South Wales Police would be happy to work with developers to achieve Secured by Design Standards which has been shown to reduce crime risk by up to 75%.

South Wales Police would ask that items 1-6 be considered by way of condition in line with Authorities obligations to prevent crime under Crime and Disorder

Act. These comments have been forwarded to the applicant.

6.2 NRW recommend 2 conditions.

6.2 Wales and West Utilities have not identified any gas pipelines within this site.

6.3 GGAT point out that adjacent to this site significant features dated to the roman period were discovered and there is a high potential for archaeological remains to be located within the development. GGAT advises that the impact on an archaeological resource will be a material consideration that the application be deferred until a report on the archaeological evaluation of this site has been submitted.

(A report is being submitted to GGAT and it is understood that a response will be provided by GGAT before Committee which can then be reported on the amendment sheet. If no response is received by Committee this application would have to be deferred to a future meeting of the Planning Committee).

7. **REPRESENTATIONS**

7.1 Local Members have been consulted. No comments have been received to date.

7.2 The proposal has been advertised in the press and by site notice as a major application.

7.3 Neighbouring occupiers were consulted by letter. A local resident objects to the increased traffic which he believes will result in increased accidents. A second local resident states:-

We have asked for a boundary of some sort to be put in place to stop the travellers ruining our playing fields, we ask for the hedges to be kept cut back so we can use the foot paths to walk to and from the shops, schools, to let the kids cycle along, for the dog walkers to use it but instead we get our greenbelt land under threat from houses!! Not only do we have more than enough idiots in this area speeding up and down the road at all hours, neighbours being able to look into your garden and house from there bathroom, bedroom windows you now want to add to that?? Where has our privacy gone?? 50+yrs since this estate has been built and every year it's gotten worse and neglected more!! Before adding more houses and people to the mix how about tackling the severe amount of drug dealing that goes on in the area, how about using the fields to make it a better safer place for the residents especially the older ones, why not build a garden with vegetable plots to encourage the younger generation to get involved in keeping healthy whilst giving them things to do and bring the community together, let's face it every green area is being built on without thought about park space places for kids to play, people to walk their dogs, the local park is an absolute disgrace and certainly wasn't built with the much younger kids in mind, I'm talking age 2+. I'd also like to know about how the footpaths/roads that are connected to the area going to be effected, with so many schools in the area these are main routes and obviously busy during term

time!! What about the harm that'll be caused to wildlife such as the foxes, squirrels, bats that already have to adjust to the urban life, are their trees going to be taken away too, what happens when the digging starts where will the rats and mice look for cover, potentially in our gardens?? Have you stopped to think about the health issues to the kids/adults that suffer with autism and anxiety how it'll effect their lives trying to adjust to the noise and more people closing them in making them feel suffocated, has any of this has been taking into consideration or even thought about?? I can only hope that you DON'T get given the planning permission for this, how about making this forgotten estate a better environment for the residents and sorting out its problems instead of adding to them.

8. **ANALYSIS**

- 8.1 This is an outline application to establish the principle of a residential development on the site, to provide 31 no. dwellings, accessed from Trefaser Crescent and Crickhowell Road.
- 8.2 The application site is a mixture of informal recreational and amenity open space as identified in the Cardiff Open Space Survey (May 2016). There is a TPO within the site.
- 8.3 As the application site is on an area of open space, Policy C4 of the Cardiff Local Development Plan (2006-2026) would apply. It states that development will not be permitted on areas of open space unless:
- (i) It would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
 - ii) The open space has no significant functional or amenity value; and
 - iii) The open space is of no significant quality; or
 - iv) The developers make satisfactory compensatory provision; and in all cases
 - v) The open space has no significant nature or historic conservation importance.'
- 8.4 The Planning Statement which accompanies this application explains that development of the site would not cause or exacerbate a deficiency of open space as the proposed new leisure facilities at the St Mellon's Hub would provide a qualitative improvement in local recreational provision. The Cardiff Open Space SPG (2008) states in section 3.21 that 'in some circumstances it may be more appropriate not to exactly replace existing provision and provide an alternative form of provision more appropriate to the needs of the local population.'
- 8.5 With regard to criteria ii, iii and v of Policy C4, the Planning Statement states that the site is largely underused open space. An Ecological Survey has confirmed that there are no records of protected flora or fauna on the site. There are a number of TPOs on the site and the layout of the proposed development retains these trees.

- 8.6 Finally, regarding criterion iv, the Council's Parks section has agreed to the disposal of the site, subject to a contribution of £50,000 towards improvements to the nearby ABC park. This would compensate for any loss of amenity open space and would allow the bringing forward of the St Mellons community hub with significant.
- 8.7 The applicant states that: "The current application involves development on an underused open space. This will be compensated for by a contribution to the Council's Parks section for improvements to nearby ABC Park. To meet the needs of new residents of the development, financial contributions will be paid in line with the relevant policies in the Local Development Plan and supplementary planning guidance.

In addition, the development of the St Mellons Hub will bring forward additional recreational facilities which will increase the functionality and use of other open space within the area. Paragraph 3.21 of the Open Space SPG (2008) states that in some circumstances it may be more appropriate not to exactly replicate existing provision, but to provide an alternative form of provision more appropriate to the needs of the local provision. Given the limited existing use of the site for recreation, it is considered that the new recreational facilities at the proposed St Mellons Hub, combined with financial contributions agreed with Parks, represent appropriate compensation for the loss of this open space, and address the requirements of Policy C4 of the Local Development Plan."

- 8.8 In terms of the suitability of the site for residential development, it is not covered by any specific allocation on the Local Development Plan Proposals Map. The site is in an area surrounded by residential properties, is easily accessible by public transport and has a range of public facilities in relatively close proximity to the north.
- 8.9 Objections have been received from two local residents and I would comment as follows:-
- i) There is a requirement to provide for new housing development within Cardiff which will lead to increased traffic in those locations to be developed and throughout the city as a result of such developments. Provided that the access points to those developments are designed to meet highway safety and there is capacity on the local road network there would be no justification to refuse such developments on grounds of increased traffic generation. No objection has been received from Transportation and both vehicular access points have good visibility in both directions, subject to a visibility condition.
 - ii) The proposal would result in the loss of an area of POS crossed by paths. This issue is addressed in paragraphs 8.2 - 8.7 above. The nearby playing fields are unaffected and the St Mellons Lake POS is just over 700m distant at its nearest point. Two small community planting areas are identified as part of the St Mellons Hub development.
 - lii) The existing anti social and criminal behaviour identified is a policing

matter that is not an issue addressed by the current existence of this land as open space. South Wales Police have raised no objections to this application.

- iv) In terms of wildlife most of the trees on site would be retained along with a landscaping strip fronting Willowbrook Drive. NRW has raised no objections on wildlife protection grounds.
- v) There will be a certain level of noise and disturbance during construction but this will be for a temporary period and recommendation 5 is relevant. When the dwellings are completed noise levels will be comparable to other residential developments of similar density.
- vi) In terms of privacy this site can be developed to comply with the local planning authority's privacy standards. Most nearby dwellings are separated by existing roads and TPO trees which safeguards privacy. There are a few dwellings that adjoin the northern boundary of the site but any proposed dwellings will have to be sited to meet the Council's privacy standards.
- vii) The catchment areas for Trowbridge Primary, Ysgol Pen y Pil and the new Eastern High School should not result in significant or necessary pedestrian movements through this site.

8.9 Copies of correspondence received from consultees containing advisories have been forwarded to the applicant.

8.10 The development is considered to be in accordance with LDP policies. It is therefore concluded that this site would be appropriate for residential development for 31 dwellings subject to conditions and allocating the proceeds of the sale of the land for housing towards funding the St Mellons Hub and the provision of affordable housing, parks and educational contribution as per paragraphs 5.4, 5.6 and 8.6 of this report.



Version 2

Amended to include landscaping strip along Willowbrook Drive to continue the green corridor along this route.

Detailed landscaping scheme to be submitted at reserved matter stage.

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PETITION

COMMITTEE DATE: 26/10/2016

APPLICATION No. **16/02224/MJR** APPLICATION DATE: 19/09/2016

ED: **PONTPRENAU/ST MELLONS**

APP: TYPE: Discharge of Conditions

APPLICANT: Persimmon Homes East Wales

LOCATION: LAND EAST OF CHURCH ROAD AND NORTH AND SOUTH OF, BRIDGE ROAD, OLD ST MELLONS

PROPOSAL: DISCHARGE OF CONDITION 33 (CONSTRUCTION METHOD STATEMENT) OF 13/00578/DCO

RECOMMENDATION 1: That the discharge of condition 33 be **GRANTED** subject to compliance with the Construction Management Scheme submitted with this application and that no deliveries are made from Bridge Road, Old St Mellons after the 16 December 2016 or the cessation of road works on Church Road between the A4232 and the application site, whichever is the sooner.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The proposal seeks to discharge condition 33 of planning application 13/578. This condition requires that: " Prior to commencement of each phase of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, times of deliveries, loading/unloading and storage of plant and materials, construction compounds, any temporary facilities for construction / sales staff, site hoardings (including the erection, maintenance and security), site access, wheel washing facilities, and details of a carpark for contractors vehicles. The development construction of the relevant phase shall be managed strictly in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity"
- 1.2 The developer has submitted a comprehensive Construction Management Scheme (CMS) addressing the above matters. However, one element has changed from an earlier application to address this condition which is in respect of the duration of the period for allowing delivery vehicles to access the site via Bridge Road.
- 1.3 An earlier scheme to allow for construction and delivery vehicles along Bridge Road was specified by the applicant as to be for a period of 10 months from the approval date in 2015. The applicant did not commence construction on site until this April. The applicant is now seeking consent to use Bridge Road for deliveries until 16 December 2016 and then all deliveries will access the site from the A4232. This arrangement is required to ensure appropriate and safe traffic management during the construction of the S278 highway work along Church Road.

- 1.4 The CMS also specifies the size of rigid curtain sided vehicles as 11m long, 2.55m width and 4m height and articulated vehicles as 16.5m long, 2.55m wide and 4.2m high. A maximum of 15 vehicles each working day is expected.
- 1.5 The applicant in a supporting letter states:-
The approved construction method statement indicated that construction and delivery traffic would utilise Bridge Road for a period of up to 10 months. This period was triggered on approval of the construction method statement, which occurred on 22nd October 2015, and was intended to provide an alternative access for construction and delivery traffic during the construction of the s278 works along Church Road - which include the construction of a dedicated bus and cycle lane.
- 1.6 Notwithstanding the above, works did not commence on site until the 1st April 2016 owing to delays associated with the purchase of the land. The effect of which was to cut-short the extent of the arrangement by almost 6 months leaving a wholly insufficient window of 4 months for the operation of the alternative arrangement / completion of the s278 works.
- 1.7 The revised submission seeks a continuation of the approved arrangement until the 16th December 2016, which amounts to a total period of 8 months and 15 days far less than was originally approved (10 months). The proposed arrangement will provide the authority, local members and the public with the comfort of knowing that every effort is being expended to minimise disruption during the construction (as evidenced by the reduction in the total duration of works from the approved 10 months to 8 months and 15 days) whilst also providing Persimmon Homes with an appropriate timeframe for the construction of works critical to the delivery of Cardiff's first strategic development.
- 1.8 The revised arrangements is necessary in order to ensure the safety of construction workers undertaking the s278 works along Church Road, and ensure the timely progression of Cardiff's first strategic development.
- 1.9 Failure to agree to the proposed revision will have a significant cost implication; will compound the housing land supply shortfall that exists by reducing the number of completions that occur this year by 50 units; and compromise the safety of construction workers.

2. **DESCRIPTION OF SITE**

- 2.1 The application site extends from the M4 in the north to the A48 in the south, the A4232 in the west and Rhymney river in the east.
- 2.2 A drawing submitted with an earlier application for a scheme to block off Bridge Road in the near future shows the highway where it fronts dwellings varying in width from 7.7m to 7.1m and reducing to 6.1m towards its western edge. The road is nearer 5m in width at its eastern end close to Ty Winch Road when measured from an OS Map. There is no pavement along Bridge Road but there are regular refuges at the access points to private driveways.

3. **SITE HISTORY**

- 3.1 13/00578 Outline consent for up to 1020 dwellings, village centre and associated matters. Approved 5/4/13
- 3.2 14/2556 Reserved matters for 452 dwellings and village centre. Approved 4/11/14
- 3.3 14/2503 Discharge of condition 33 of 13/00578. Approved 4/11/14
- 3.4 15/2173 Discharge of condition 33 of 13/00578. Approved 22/10/15

4. **POLICY FRAMEWORK**

- 4.1 It is considered that the following LDP policies are relevant to this application:-

KP2(G) Strategic Sites
KP4 Masterplanning Approach
T6 Impact on Transport Networks and Services.

5. **INTERNAL CONSULTATIONS**

- 5.1 The Transportation Officer has advised that there is no objection to this application.

6. **EXTERNAL CONSULTATIONS**

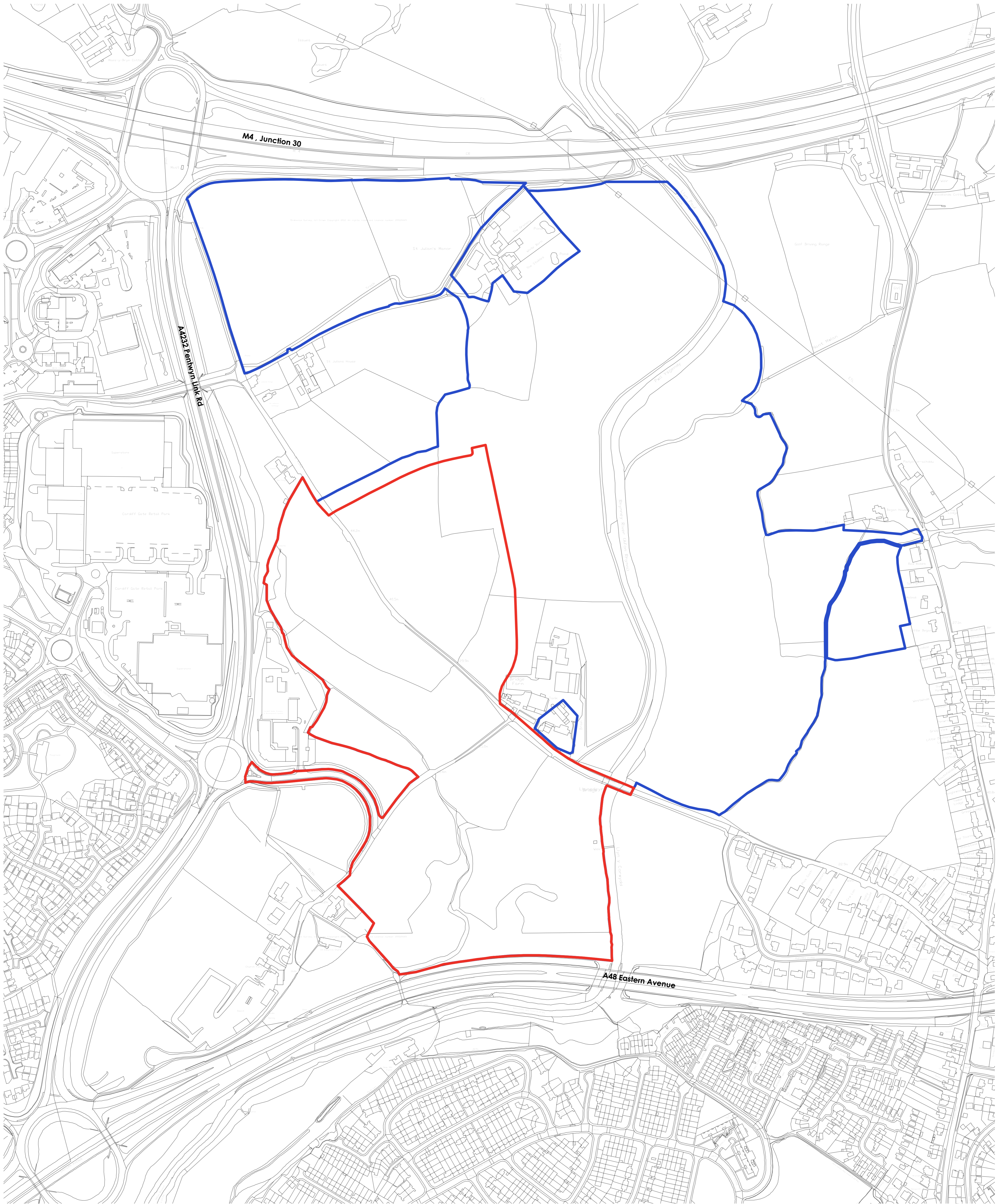
- 6.1 None

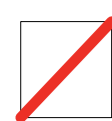
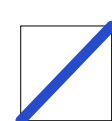
7. **REPRESENTATIONS**

- 7.1 Local Members have been consulted. Councillor Rees says that there is unanimous objection from local residents and she expresses her Councillor objection.
- 7.2 Old St Mellons Community Council says that delivery vehicles are causing damage to properties and they are a potential hazard to regular road users in breach of the earlier planning consent.
- 7.3 Three residents of Bridge Road sent emails that Bridge Road is unsafe for use by delivery vehicles, and in particular are a danger to pedestrians as there are no pavements. In addition they have experienced being stuck behind delivery lorries resulting in inconvenience.
- 7.4 A petition signed by 53 local residents has been received. The petition says that it is dangerous to increase traffic on this narrow road which has no footways and asks Committee to refuse this application on grounds that this traffic would create noise, disruption, and danger to people living in Bridge Road. (The majority of signatures are from Bridge Road, 2 residents of Mill Lane, 8 residents of Ruperra Close and 4 residents of Ty'r Winch Road).

8. **ANALYSIS**

- 8.1 The applicant intended to commence work on site when 15/2173 was granted. This would have allowed for construction and delivery vehicles along Bridge Road for 10 months from the approval date of that application. Construction work did not start until April of this year. Initially construction deliveries could be made from the A4232 and in the main that appears to have been the case. Towards the beginning of September regular deliveries were being made along Bridge Road as roadworks along Church Road between the A4232 and the Persimmon site commenced.
- 8.2 The current submission seeks consent for deliveries for a period of a shorter period than the 10 months originally specified in 15/2173. Should approval be granted by Committee then deliveries would end in 7 weeks.
- 8.3 The Transportation Officer has made no highway objections to this temporary arrangement.
- 8.4 Lorries do generate a certain level of noise and often travel a little slower than cars which causes some disturbance and inconvenience but this is not considered to give rise to significant detriment/inconvenience for the temporary period required. To facilitate new residential development many deliveries are made along residential streets for the lifetime of those developments. In this case there is likely to be a maximum of one lorry movement along Bridge Road every 20 minutes during working hours but only until 16 December 2016.
- 8.5 The December 2011 traffic figures recorded 345 vehicle movements between 8.00-9.00 hours and 174 vehicle movements between 17.00-18.00 hours. When 50 dwellings have been occupied Bridge Road will be permanently closed to all through vehicular traffic. Bridge Road will then become a 20mph shared surface/home zone. Emergency vehicles and potentially buses will be able to use Bridge Road. This will be a significant benefit for the residents of Bridge Road.
- 8.6 In conclusion it is not considered that the amendment to an element of the construction management condition would cause significant detriment to highway safety, noise or inconvenience for a temporary period until 16 December 2016.



-  Phase 1 - Application Redline
-  Land within applicants control

Project:
 Rev D - Revisions as follows:
 1. Redline and blue line boundaries updated as client instruction.
 2. Drawing title sheet and scale revised.
 Rev C - Amended as per comments (email 10/09/13), CR.
 Rev B - Amended to accommodate landscaping and engineering works, CR.
 Rev A - Amended as per clients comments (email 07/08/13), CR.

20.05.2014
 10.09.2013
 07.08.2013

Drawing Title:
**Phase 1 : St Edeym's Village, Cardiff
 Redline Application Plan**

Job No: 13120	Drawing No: 1000	Rev: D
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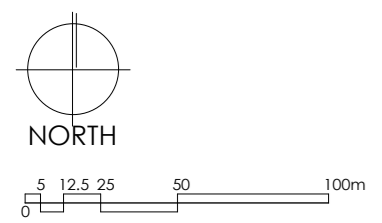
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**Persimmon
Homes**
 East Wales



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 Llantrisant Business Park,
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