

LOCAL MEMBER CONCERNS

COMMITTEE DATE: 16/06/2021

APPLICATION No. **20/02175/MJR** APPLICATION DATE: 30/10/2020

ED: **LLANISHEN**

APP: TYPE: Full Planning Permission

APPLICANT: Dwr Cymru Welsh Water

LOCATION: GROUNDS OF LLANISHEN RESERVOIR, LISVANE ROAD, LISVANE, CARDIFF, CF14 0SA

PROPOSAL: DEVELOPMENT OF A VISITOR CENTRE INCLUDING CAFE/RESTAURANT, BOAT WORKSHOP AND ASSOCIATED WORKS INCLUDING ACCESS, LANDSCAPING, FOOTPATHS AND RECREATIONAL FACILITIES

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 paragraph 9.3 of this report, planning permission be **GRANTED** subject to the following conditions:

1. **STATUTORY TIME LIMIT**

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. **APPROVED PLANS AND DOCUMENTS**

The development shall be carried out in accordance with the following approved plans:

- (i) Site Location Plan
- (ii) DCWW 761-01 Feb 2020 – Llanishen and Lisvane Draft Masterplan
- (iii) 1931-FCBS-A-XX-DR-A L/001 Amendment A015 – Ground Floor Plan
- (iv) 1931-FCBS-A-XX-DR-A L/002 Amendment A015 – First Floor Plan
- (v) 1931-FCBS-A-XX-DR-A L/003 Amendment A015 – Roof Level
- (vi) 1931-FCBS-A-XX-DR-A L/011 Amendment A015 – North Elevation
- (vii) 1931-FCBS-A-XX-DR-A L/012 Amendment A015 – East Elevation
- (viii) 1931-FCBS-A-XX-DR-A L/013 Amendment A014 – South

- Elevation
- (ix) 1931-FCBS-A-XX-DR-A L/015 Amendment A014 – West Elevation
- (x) 1931-FCBS-A-XX-DR-A L/015 Amendment A015 – Cross Section A-A
- (xi) 1931-FCBS-A-XX-DR-A L/016 Amendment A015 – Long Section B-B
- (xii) 1931/ L/017 Amendment A013 – Boat Workshop 1
- (xiii) 1931/ L/017 Amendment A013 – Boat Workshop 2
- (xiv) 3710 101 2 – GA Plan Foundation Level
- (xv) 3710 102 2 – GA Plan Ground Floor
- (xvi) 3710 103 1 – GA Plan First Floor
- (xvii) 3710 104 1 – GA Plan Second Floor
- (xviii) 3710 105 1 – GA Plan Upper Roof Level
- (xix) 3710 110 3 – GA Plan Bridge
- (xx) 3710 201 2 – Overall Sections Sheet 1
- (xxi) 3710 205 2 – Overall Sections Sheet 5
- (xxii) 3710 601 1 – Foul Water Drainage Concept
- (xxiii) 1931/ S/002 – Site Constraints
- (xxiv) LIS-ARC-XX-070-DR-C-0008 Revision P01 – Standard Road Details Plan
- (xxv) LIS-ARC-XX-070-DR-C-0009 Revision P01 – Access Road Cross Sections – Sheet 1
- (xxvi) LIS-ARC-XX-070-DR-C-0018 Revision P01 – Access Road Cross Sections – Sheet 2
- (xxvii) 25954-ARC-XX-000-DR-C-00 Revision P02 – Access Road General Arrangement;
- (xxviii) 25954-ARC-XX-070-DR-C-0009-P02 – Access Road Swept Path Analysis
- (xxix) 25954-ARC-XX-070-DR-C-0010-P02 – Access Road Swept Path Analysis
- (xxx) 25954-ARC-XX-070-DR-C-0011-P02 – Access Road Swept Path Analysis
- (xxxi) 25954-ARC-XX-070-DR-C-0012-P02 – Access Road Swept Path Analysis
- (xxxii) LTS_099(08)101 Revision T5 – Landscape General Arrangement
- (xxxiii) LTS_099(08)102 Revision T5 – Landscape Call-Out Plan
- (xxxiv) LTS_099(08)103 Revision B – Existing Trees and Vegetation Retained, Removed and Protected
- (xxxv) LTS_099(08)701 Revision C – Landscape Sections Sheet 1 of 5
- (xxxvi) LTS_099(08)702 Revision A – Landscape Sections Sheet 2 of 5
- (xxxvii) LTS_099(08)705 Revision B – Landscape Sections Sheet 5 of 5
- (xxxviii) Welsh Roundhouse Floor Plan
- (xxxix) Welsh Roundhouse Elevation Plan
- (xl) Bird Hide Design
- (xli) Proposed P&D3 Cub Layout

- (xlii) 2601 BUR 17 XX DR CH 5000 Revision P5 –Footpaths
General Arrangement Plan – Sheet 1
- (xliii) 2601 BUR 17 XX DR CH 5001 Revision P5 – Footpaths
General Arrangement Plan – Sheet 2

The development shall be carried out in accordance with the following approved documents:

- (i) Heritage Impact Statement (WSP, Version 1, 70068544-002, June 2020);
- (ii) Flood Consequence Assessment (WSP, 70062284, July 2020);
- (iii) Nant Fawr Hydraulic Modelling Report (WSP, 70062284/MOD/01, July 2020);
- (iv) Transport Assessment (Arcadis, October 2020);
- (v) Travel Plan (Arcadis, October 2020);
- (vi) Transport Assessment Planning Comments Response #3;
- (vii) Ecological Impact Assessment (APEM, Ref P00005504, April 2021);
- (viii) Habitat Survey (APEM, Ref P00004519, April 2020);
- (ix) Assessment of Grassland Fungi (APEM, Ref P000001231, January 2017);
- (x) Survey of Grassland Fungi (APEM, Ref P00002816, February 2018);
- (xi) Survey of Grassland Fungi (APEM, Ref P00004318, April 2020);
- (xii) SSSI Wintering Waterfowl Condition Assessment (APEM, Ref P00001231/02, April 2017);
- (xiii) Crayfish Survey (APEM, Ref P00002816, September 2018);
- (xiv) Glow Worm Survey (APEM, Ref P00001937, September 2018);
- (xv) NRW response note DCWW (30-04-2021);
- (xvi) Nant Fawr retaining wall WFD Assessment Draft Report Final;
- (xvii) Nant Fawr Riverbank Repair Options Appraisal;
- (xviii) Woodland Maintenance and Management Plan (Mackley Davies Associates Ltd, October 2020);
- (xix) Lisvane Woodland Management Plan WTSWW Proposal and Action Plan O.

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

3. OPENING HOURS

Members of the public shall only be admitted to or allowed to remain on the visitor centre premises between the hours of 0800 and 2000 on any day. Any private bookings in the visitor centre café/restaurant shall cease by 2300 hours.

Reason: To ensure that the amenities of the occupiers of the nearby residential properties are protected in accordance with Local

Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

4. DELIVERY TIMES

The arrival, departure, loading or unloading of vehicles shall occur between the hours of 0700 and 1800 on any day.

Reason: To ensure that the amenities of the occupiers of the nearby residential properties are protected in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

5. BOAT REPAIR AND MAINTENANCE

Machinery for the purposes of boat repair or maintenance shall only be operated in or from the boat workshop between the hours of 0800 and 1800.

Reason: To ensure that the amenities of the occupiers of the nearby residential properties are protected in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

6. NO MOTORISED WATERSPORTS

No motorised water sports shall take place on Llanishen or Lisvane Reservoirs.

Reason: The application has been assessed on this basis and to avoid any unacceptable harm to local amenity from noise generating activities in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

7. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any site clearance, construction works or development a Construction Environmental and Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction. The CEMP shall include:

- (i) an implementation programme for the construction of the roads, footpaths and other publicly accessible areas;
- (ii) details of Construction Traffic Management, which shall include identification of the routes that construction vehicles would take and measures to regulate the routing of construction traffic; times within which traffic will enter and leave the site; times of deliveries, site access, loading and unloading of plant and materials; access within the site including measures to ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction or where construction is complete; wheel washing facilities; and details of parking for contractors vehicles, site operatives and visitors;
- (iii) details of the storage of plant and materials, construction compounds, any temporary facilities for construction;
- (iv) details of site hoardings (including the erection, maintenance, security and any decorative displays);

- (v) details of restrictions to be applied during construction including timing, duration and frequency of works and measures to control light spill and the emission of dust, dirt, vibration and noise during construction;
- (vi) details of site waste management for the recycling and/or disposal of all waste resulting from construction works;
- (vii) a Construction Drainage Scheme indicating how surface water and land drainage flows will be controlled to prevent contamination, nuisance, subsidence or flooding to land, buildings, watercourses or adjacent highways during the construction period;
- (viii) details of fuel and chemical storage and containment including buffer zones; details of waste generation and its management; details of water consumption, wastewater and energy use;
- (ix) demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan with particular attention paid to silt mitigation measures.
- (x) invasive species management, species and habitats protection, avoidance and mitigation measures (including a detailed lighting plan showing type and siting of lighting and light spill reduction measures, use of 2 metre high acoustic fencing, warning signs and site toolbox talks to ensure all key habitat retention and sensitive areas are protected and remain unaffected by construction works);
- (xi) details of topsoil strip, storage and amelioration for re-use.
- (xii) Landscape and Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- (xiii) List of on-site contacts and their responsibilities.

The development shall be carried out in accordance with the approved plan.

Reason: In the interests of highway safety, and protection of the environment and public amenity in accordance with Local Development Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN5 (Designated Sites), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

8. LISVANE ROAD ACCESS

Prior to the commencement of development above ground level details of the proposed access road and Lisvane Road junction works shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the proposed footway/carriageway, parking restrictions, carriageway construction and surfacing, retaining wall, tactile paving, adoption limits, street lighting, allotments access, drainage/swale, traffic calming/speed reduction measures and access gates including the allotment access. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility in

accordance with Local Development Plan Policy T5 (Managing Transport Impacts).

9. CAR PARKING SIGNAGE AND MANAGEMENT PLAN

Prior to the commencement of development above ground level a Car Parking Signage and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the electronic car park signage on Lisvane Road (including its design, siting, size, operating period, messaging), the ANPR monitoring/recording process for the car park, and the proposed car park payment and management strategy. The development shall be carried out in accordance with the approved details and shall be retained and maintained thereafter.

Reason: To ensure the effective management of traffic in accordance with Local Development Plan Policy T5 (Managing Transport Impacts).

10. RHYD-Y-PENAU ROAD ACCESS

Prior to the commencement of development above ground level an access strategy for the Rhyd-y-Penau Road access shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the operational use and management of the access lane and car park, control measures, and details of proposed improvements including resurfacing. The approved details shall be implemented prior to the development being put into beneficial use and retained thereafter.

Reason: To ensure the provision of a safe and convenient access for vehicles and pedestrians in accordance with LDP Policy T5 (Managing Transport Impacts).

11. VISITOR CENTRE CAR PARKING

The 114 no. car parking spaces hereby approved as shown on the 'Landscape General Arrangement' (drawing no. LTS_099(08)101 Revision T5) (comprising 96 no. visitor spaces including 10 no. electric vehicle charging points, 7 no. disabled spaces and 11 no. staff spaces) 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 Local Development Plan Policy T5 (Managing Transport Impacts) and to accord with the requirements of Future Wales Policy 12 (Regional Connectivity).

12. CYCLE PARKING

Prior to their installation, details of a minimum of 23 no. covered cycle parking stands and a minimum of 5 no. covered stands at each of the pedestrian gate entrances (Black Oak Gate, Rhyd-y-Penau Gate and Towy Gate) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include siting and appropriate access to the parking stands. The cycle parking stands

shall be constructed in accordance with the approved details prior to beneficial use and retained thereafter.

Reason: In the interests of promoting sustainable modes of transport in accordance with Local Development Plan Policies KP8 (Sustainable Transport), T1 (Walking and Cycling) and T5 (Managing Transport Impacts).

13. ENCLOSURES

Prior to their installation, details of new enclosures shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include enclosures (fencing and gates where applicable) to the site boundaries, picnic area, and footpath to the northern side of Lisvane Reservoir which will be closed during winter months. The enclosures shall be installed in accordance with the approved details prior to beneficial use of the approved development.

Reason: To ensure good design in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

14. EXTERNAL FINISHES

Prior to their installation, samples of the external finishing materials for the visitor centre and boat workshop 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 a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

15. CAR PARK SURFACE FINISHES

Prior to their installation, samples of the external surfacing materials for the car park 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 a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

16. FOOTPATH DETAILS

Prior to the construction of any footpath around either reservoir, sections, details of the proposed construction methods and external surface finishes 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 a satisfactory finished appearance in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design) and to ensure protection of the interests of the Llanishen and Lisvane Reservoir Embankments Site of Special Scientific Interest in accordance with Local Development Plan Policy EN5 (Designated Sites).

17. NON-REFLECTIVE GLAZING

The visitor centre including the walkway at first floor level hereby approved shall be constructed using non-reflective glazing.

Reason: To minimise the impact upon the setting of the Grade II listed heritage asset and to avoid unacceptable harm to the Lisvane Reservoir Site of Special Scientific Interest in accordance with Local Development Plan Policies EN5 (Designated Sites) and EN9 (Conservation of the Historic Environment)

18. ROUNDHOUSE DETAILS

Notwithstanding the submitted drawings, prior to its construction, full details of the siting and design of the Welsh Round House hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The Welsh Round House shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

19. REFUSE STORAGE

Notwithstanding the refuse storage details shown on the approved plans, details of the facilities proposed for the storage of recyclates and refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the development is brought into beneficial use.

Reason: To secure an orderly form of development, protect retained trees and to protect the amenities of the area accordance with Local Development Plan Policies KP5 (Good Quality and Sustainable Design), EN8 (Trees, Woodlands and Hedgerows) and W2 (Provision for Waste Management Facilities in Development).

20. SITE FURNITURE

Prior to their installation, details of site furniture and their location (including biodiversity Information, interpretation boards, litter bins, and seating) shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the development is brought into beneficial use.

Reason: To secure an orderly form of development and to protect the amenities of the area accordance with Local Development Plan Policies KP5 (Good Quality and Sustainable Design) and W2 (Provision for Waste Management Facilities in Development).

21. FINISHED FLOOR LEVELS

The visitor centre hereby approved shall have a finished floor level of 45.10 metres AOD.

Reason: The Flood Consequences Assessment has been assessed on this basis and in accordance with Local Development Plan Policy EN14 (Flood Risk).

22. TREE PROTECTION

No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- (i) An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be submitted to the Local Planning Authority during the different phases of development and demonstrating how the approved tree protection measures have been complied with.
- (ii) A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

The development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees, the measures for their protection, to monitor compliance and to make good losses, in accordance with Local Development Plan Policy EN8 (Trees, Woodlands, and Hedgerows).

23. LANDSCAPING DESIGN AND IMPLEMENTATION

No equipment, plant or materials shall be brought onto the site for the purpose of development until 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 proposed finished levels, earthworks, hard surfacing materials and in relation to soft landscaping:

- (i) A soft landscaping implementation programme.
- (ii) Scaled planting plans prepared by a qualified landscape architect.
- (iii) Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- (iv) Schedules of plant species, sizes, nursery production method, numbers and densities prepared by a qualified landscape architect.
- (v) Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- (vi) Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is

fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.

- (vii) Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The planting plans for the car park shall include details of:

- (i) Cell/crate product and site specific detail drawn up in conjunction with supplier to confirm target soil volume of minimum 30 cubic metres per tree;
- (ii) Details of root barriers and root directors including product specification;
- (iii) Details of aeration and irrigation inlets include product specification (Typically one inlet per 5 cubic metres of soil is expected)
- (iv) Drainage.

The details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

24. LANDSCAPING IMPLEMENTATION

Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

25. SOIL RESOURCES SURVEY AND PLAN

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Soil Resource Survey (SRS) and Soil Resource Plan (SRP). The information submitted shall accord with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA 2009) and shall include provision for auditable site monitoring of soil stripping, storage, handling, amelioration, remediation and placement by a soil scientist, with site monitoring reports issued to the Local Planning

Authority. The SRS and SRP shall inform the finalised landscaping details and specifications as per condition 23 and the development shall be carried out in full conformity with the approved SRS and SRP. Reason: To ensure that the soil resource is managed sustainably as part of development, to minimise its loss and damage to its functionality and to optimise its potential for use and re-use in situ and site-won in accordance with Local Development Plan Policy KP15 (Climate Change).

26. GREEN INFRASTRUCTURE MITIGATION STRATEGY (GIMS)

No development shall commence until a Green Infrastructure Mitigation Strategy (GIMS) has been submitted to and approved in writing by the Local Planning Authority. The GIMS shall include the following:

- (i) Nesting Birds: A commitment to protect nesting birds by avoiding removal of hedgerows, trees, scrub or shrubs between 1st March and 15th August, unless it can be demonstrated to the Local Planning Authority's satisfaction that there are no birds nesting in the vegetation to be removed immediately (48 hrs) before works commence (Nesting birds are protected under the Wildlife and Countryside Act 1981: Part 1 1(1)(b));
- (ii) Badgers: A plan to demonstrate that no members of the public will be within 30 metres of a badger sett. Details of the non-badger-proof fencing shall also be submitted for written approval;
- (iii) Lichens: A survey of the Lichen Communities on the stone pitching of Llanishen Reservoir;
- (iv) Glow-Worms: Measures to restore and enhance Glow-worm habitat;
- (v) Amphibians: A Risk Assessment Method Statement to ensure protection of all areas of suitable terrestrial amphibian habitat;
- (vi) Reptiles: a plan of habitats for grass snakes and slow-worms together with details for their recreation and enhancement;
- (vii) SINC Habitats: a plan detailing areas of SINC habitat losses together with details of compensatory habitat provision and a programme for their implementation;
- (viii) European Protection Species: details of the location, number, model and position of bat roosting features and the location and position of dormice nest boxes.

The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: To protect and enhance the Green Infrastructure resource of the site, in accordance with Local Development Plan Policy (KP16 Green Infrastructure).

27. EXTERNAL LIGHTING (OPERATIONAL PHASE)

Prior to its installation details of external lighting for the operational phase of development shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall include, but not be limited to:

- (i) Details of the siting and type of external lighting;

- (ii) Drawings setting out light spillage in key sensitive areas
- (iii) An environmental lighting impact assessment against conservation requirements for protected species
- (iv) Light modelling images to present the night time effects of lighting on sensitive habitats
- (v) Measures to monitor light spillage once development is operational. The lighting shall be installed in accordance with the approved details and retained thereafter.

Reason: In the interests of the safe and efficient operation of the highway, protection of designated sites and biodiversity (including European Protected Species) and neighbour amenity, in accordance with Local Development Plan Policies T6 (Impact on Transport Networks and Services), EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity), and EN13 (Air, Noise, Light Pollution and Land Contamination).

28. LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

Prior to beneficial occupation, a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the site's landscape and ecological features for the lifetime of the development shall be submitted to and approved by the Local Planning Authority. The LEMP shall be a living document and shall include, but not be limited to, details of:

- (i) Objectives for management of the site, including the maintenance and enhancement of the features of the SSSIs;
- (ii) Existing and proposed habitats, landscape, environmental and ecological features, including details of the bird refuges on Lisvane Reservoir;
- (iii) Establishing the condition of features to be achieved (present and to be created) at the site;
- (iv) Scheduling and timings of activities;
- (v) Short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features to deliver and maintain the established condition;
- (vi) Monitoring of landscape and ecological features by a suitably qualified ecologist;
- (vii) Replacement measures in the event that any landscape or environmental features die, be removed or become seriously damaged or diseased;
- (viii) Management and maintenance responsibilities;
- (ix) Timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed and the adaptive management principles and process to be used under the plan;
- (x) Monitoring of the impacts of recreation and dog walking on the SSSI i.e. surveys of dog walking and compliance, surveys of soil for nutrient content, undertaken at appropriate timescales;
- (xi) Actions to be taken if the SSSI is demonstrated to be becoming less favourable;
- (xii) A commitment to ongoing monitoring of the SSSI features for

the lifetime of the development, with adaptability built in to increase or reduce the intensity of the survey, dependant on the results and condition of the SSSI features;

- (xiii) A commitment to follow best practice for the fungi monitoring regime (i.e. 5-6 times per year between late August (to catch *Hygrocybe intermedia* and *Entoloma* spp) and early December). DNA studies shall be considered as an additional approach;
- (xiv) A commitment that maintaining the special interest will take precedence over recreation, and recreation will be curtailed if it is necessary.
- (xv) That in assessing risks from the site uses to the SSSI special interest, the precautionary principle will be used when considering the need for action to safeguard the special interest.

Reason: To ensure the satisfactory long-term management of the site's landscape and ecological features in accordance with Local Development Plan Policies EN5 (Designated Sites) and EN6 (Ecological Networks and Features of Importance for Biodiversity).

29. SEASONAL CLOSURE OF LISVANE RESERVOIR FOOTPATH

The footpath around the northern edge of Lisvane Reservoir and the upper footpath between Lisvane and Llanishen Reservoirs shall be closed to public access from 1 October to 30 March as shown on 'General Arrangement – Sheet 1' (drawing no. 2601-BUR-17-XX-DR-CH-5000).

Reason: To minimise disturbance to overwintering birds in the interests of protecting the Lisvane Reservoir Site of Special Scientific Interest, in accordance with Local Development Plan Policy EN5 (Designated Sites).

30. SEASONAL CLOSURE OF LISVANE RESERVOIR

No water activities or water sports shall take place on Lisvane Reservoir from 1 October and 30 March.

Reason: To minimise disturbance to overwintering birds in the interests of protecting the Lisvane Reservoir Site of Special Scientific Interest, in accordance with Local Development Plan Policy EN5 (Designated Sites).

31. INVASIVE NON NATIVE SPECIES MANAGEMENT PLAN

Prior to beneficial occupation, an Invasive Non Native Species (INNS) Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The INNS Management Plan shall be carried out in accordance with the approved details.

Reason: To ensure for the protection of the environment in accordance with Local Development Plan Policy EN11 (Protection of Water Resources).

32. OPERATIONAL POLLUTION CONTROL PLAN

Prior to the beneficial operation of the development, a site wide Operational Pollution Control Plan (OPCP) shall be submitted to and approved in writing by the Local Planning Authority. The OPCP shall

include, but not be limited to, details of oil spill kits to capture any fuel/oil spills, whilst adhering to Control of Oil Storage Regulations, and thorough detail of proposed pollution mitigation measures. The OPCP shall be carried out in accordance with the approved details.

Reason: To ensure for the protection of the environment in accordance with Local Development Plan Policy EN11 (Protection of Water Resources).

33. DORMOUSE MANAGEMENT PLAN

No development including site clearance with the potential to impact on dormice shall take place until a management plan has been submitted to and approved in writing by the Local Planning Authority outlining the measures that will be implemented to ensure the risks to dormice will be managed to ensure avoidance of adverse effects to the dormouse population. The plan shall include details of the location and position of nest boxes. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure that habitats affected by the development do not lead to adverse effects for dormice that may use parts of the site in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

34. BAT SURVEY

No development, including site clearance, with the potential to impact on bats shall take place until a survey of trees and other structures with roosting potential has been carried out and submitted to and approved in writing by the Local Planning Authority. The survey shall include measures to avoid, mitigate, compensate and enhance if bats are detected. Any required measures shall be carried out in accordance with the approved details.

Reason: To ensure that habitats affected by the development do not lead to adverse effects for bats that may use parts of the site in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

35. CONTAMINATED LAND MEASURES (UNFORESEEN CONTAMINATION)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk 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 shall 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 in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

36. IMPORTED SOIL

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

37. IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

38. DIGITAL COMMUNICATIONS

The development hereby approved shall include measures for the provision of Gigabit capable broadband infrastructure.

Reason: To accord with the requirements of Future Wales Policy 13 (Supporting Digital Communications).

39. FOUL DRAINAGE

The foul drainage from the site shall be connected to the 375mm public combined sewer at manhole ST18826001 adjacent to the west boundary of the application site.

Reason: To ensure an orderly form of development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

40. SUBSTATION DETAILS

Prior to its construction plans and elevations of the substation shown on the 'Landscape General Arrangement' hereby approved (Drawing No. LTS_099(08)101 Revision T5) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of good design in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

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 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 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: 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 5: That the Applicant / Developer be advised of Dwr Cymru Welsh Water's advice regarding public sewer connections and the need for approval of Sustainable Drainage Systems (SuDS) set out in their letter of 30 November 2020, forwarded to the Agent acting on behalf of the Applicant.

RECOMMENDATION 6: That the Applicant / Developer be advised of recommendations in Section 5 of the Flood Consequences Assessment (ref 70062284-FCA; July 2020) (Flood Risk Management Measures).

RECOMMENDATION 7: That the Applicant / Developer be advised of South Wales Police Design Out Crime advice set out in their correspondence dated 21 May 2021 forwarded to the Agent acting on behalf of the Applicant.

RECOMMENDATION 8: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

Overview

- 1.1 Full planning permission is sought for the development of a visitor centre including café/restaurant, boat workshop and associated works including access, landscaping, footpaths and recreational facilities at Llanishen and Lisvane Reservoirs, Lisvane Road, Lisvane.
- 1.2 The site would be open 364 days a year and would be free to enter. A network of footpaths would be constructed around the reservoirs, with upper and lower footpaths around Llanishen Reservoir. Footpaths around Lisvane Reservoir would have restricted access in order to safeguard ecological interests. The footpaths would be a maximum of 2 metres wide and would have a surface finish of self-binding aggregate. These footpaths, which have a combined length of approximately 4.1km, would result in the loss of approximately 13% of the designated Site of Special Scientific Interest (0.85 hectares of 6.5 hectares).
- 1.3 In addition to the vehicle access and egress via Lisvane Road, 3 no. new pedestrian entrances to the site would be created around the site perimeter: Black Oak Gate to the east, Rhyd-y-Penau Gate via the existing access lane to the southeast, and Towy Road Gate to the southwest.
- 1.4 The applicant intends to secure Dog Control Orders requiring dogs to remain on short leads, are prevented from going onto protected grassland areas, and that dog waste is picked up. At least two Rangers will be employed at any time to patrol and enforce the order.

Access Proposals

- 1.5 The existing vehicle access off Lisvane Road would be widened and upgraded to adoptable standards up to the site entrance gates (catering for emergency and refuse vehicles), a distance of approximately 130m. A 2m footpath and a 4.8m wide carriageway would be constructed to enable vehicles to pass each other. Speed tables would be constructed to calm traffic and a swale is proposed alongside as part of the surface water drainage strategy. The access would continue to serve the South Rise Allotments.
- 1.6 Within the site, the access road would continue for approximately 100m and would maintain the 2m footpath and 4.8m wide carriageway design. The access road would remain in the applicant's ownership within the site.
- 1.7 Outside the site entrance the access road will be within 1-3m of the Nant Fawr stream. A 7m long retaining structure is proposed at this pinch-point to protect against scour of the access road during high flows. Flexible earth-filled bags (or gravel below water) are proposed which would be laid in an inter-locking pattern to stabilise the riverbank.
- 1.8 A car park catering for 114 no. spaces is proposed to serve the Visitor Centre and site. This will include 8 no. disabled spaces and 10 no. electric vehicle charging

points.

- 1.9 No cycling would be permitted within the site. 23 no. stands (46 no. spaces) will be provided at the Visitor Centre car park. 5 no. cycle stands (10 no. spaces) will also be provided at each of the 3 new pedestrian gates around the site perimeter (Black Oak Gate, Rhyd-y-Penau Gate, and Towy Gate).
- 1.10 A secondary vehicle access point is proposed to the southeast via a lane some 150m in length off Rhyd-y-Penau Road. This access would be retained for maintenance vehicles, limited use for disabled parking, and pre-arranged school minibuses and volunteer groups only.

Visitor Centre

- 1.11 The proposed visitor centre is two-storeys in height comprising approximately 960m² (440m² at ground floor and 520m² at first floor), being positioned in the northwest corner of the site overlooking both reservoirs. The ground floor would contain reception and office facilities, training and meeting rooms, changing facilities, equipment stores, plant, and a 'Grab and Go' refreshment facility via a service hatch. A 100 cover café/restaurant would be provided at first floor together with an outdoor covered terrace for 70 people and an adjoining function room plus back of house functions. The building design allows for the future occupation of approximately 150m² of the roof for additional floor space.
- 1.12 Photovoltaics are also proposed for the southern half of the roof which would yield approximately 12,221KWh annually (equivalent to approximately 6,000 showers). Using the average electricity carbon intensity in the UK for 2019, the solar array will offset approximately 3,129kg of CO₂.
- 1.13 The Visitor Centre is proposed to be finished in a simple palette of materials including dark zinc standing seam roofing, naturally weathering Siberian larch cladding, non-weathering timber cladding, and dark anodised aluminium framed windows.
- 1.14 A DDA compliant removable pedestrian bridge is proposed from the southeast corner at first floor level to connect with the top of the embankment on the northwest corner of Llanishen Reservoir. It would be of steel construction with glazed balustrading.
- 1.15 The boat store would be sited in the southwest corner of the proposed car park adjacent to the site boundary with the neighbouring allotments and comprises a single-storey building containing a workshop for maintenance purposes and cleaning enclosure. It would be approximately 170m², 2.4m to eaves and 3.6m high to the top of the mono-pitch roof. Profiled metal cladding is proposed to the walls and roof. Boats would be stored on the jetty and would be launched via the existing concrete slipway.
- 1.16 The application seeks permission for use until 2300 hours 7 days a week including bank holidays, though the agent advises that the uses will be flexible within that time range, varying between weekdays and weekends and also depending on the

time of year and weather conditions. The water sport activities would be dependent on daylight and favourable weather conditions. The function room and café/restaurant would be open primarily between 0800 and 2000 hours in line with general opening of the site for recreation and leisure use. Outside of these hours they will be available for hire by community groups and for private functions.

Watersports

- 1.17 A range of non-motorised water sports will be offered through taster sessions, tuition courses and on a 'pay to play' basis. Anticipated activities include sailing, canoeing, kayaking, paddle boarding, picnic boats and zorbing. No motorised water sports will be permitted. Lisvane Reservoir would not be used for watersports during winter months (October to March).
- 1.18 A floating pontoon would be constructed at the north end of Llanishen Reservoir near the existing slipway for mooring boats during the summer. It would be approximately 20m wide and 30m long with 2.5m wide walkways and would be chained to the reservoir basin by 14 no. weights.

Other Structures

- 1.19 The Welsh Roundhouse located in the 'Education Zone' in the south of the site would measure 7m in diameter and would be 3m to the highest part of the roof. It would be enclosed for approximately 50% of its diameter to provide a shelter within Rhyd-y-Penau Woods to support experiential learning.
- 1.20 Two no. bird hides are proposed to the southeast and northwest corners of Lisvane Reservoir and would be of timber construction measuring 3.6m x 2.1m with plastisol corrugated roof sheeting.
- 1.21 Two no. floating bird refuges are proposed to be created on Lisvane Reservoir.
- 1.22 A picnic area, enclosed by fencing, would be created to the west of Llanishen Reservoir.

Tree Impacts

- 1.23 The amended proposals require the loss of 56 no. individual trees comprising:
 - (i) 2 no. category 'A';
 - (ii) 16 no. category 'B';
 - (iii) 35 no. category 'C'; and
 - (iv) 4 no. category 'U' (dead or dying);
- 1.24 Three no. category 'C' tree groups and 25 no. category 'C' trees would also be removed, the latter to accommodate the Roundhouse. (NB 33 no. trees have already been removed from the proposed car park area as during earlier reservoir safety work).
- 1.25 To mitigate and compensate for these losses, the application proposes to

introduce 35 no. specimen trees, 40 no. woodland trees, 407 no. woodland edge trees, 3,745 hedgerow plants and areas of new shrub and meadow grass planting. These will be planted along the access road, site boundaries, and within the car park area. The application also includes proposals for the restoration and active management of Gwern-y-Bendy Wood and Rhyd-y-Penau Wood.

Hydrology

- 1.26 The application is accompanied by a Flood Consequences Assessment due to the site's location partially within a C2 zone (the site doesn't benefit from significant flood defence infrastructure). The FCA concludes that the risks of flooding can be managed acceptably and recommends that the finished floor level of the visitor centre is 45.10m AOD.
- 1.27 Pre-application discussions have taken place with the Sustainable Drainage Systems (SuDS) Approval Body regarding the management of surface water from the site and an application will be submitted in due course.

Other Matters

- 1.28 The proposals were screened in 2019 under The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The Local Planning Authority concluded that the development does not constitute EIA development (ref: SC/19/00007/MJR).
- 1.29 The amended application is supported by the following documents:
- (i) Design and Access Statement;
 - (ii) Planning Statement;
 - (iii) Heritage Impact Statement;
 - (iv) Flood Consequence Assessment;
 - (v) Pre-Application Consultation Report;
 - (vi) Nant Fawr Hydraulic Modelling Report;
 - (vii) Transport Assessment;
 - (viii) Travel Plan;
 - (ix) Ecological Impact Assessment;
 - (x) Habitat Survey;
 - (xi) Assessments of Grassland Fungi;
 - (xii) SSSI Wintering Waterfowl Condition Assessment (APEM, Ref P00001231/02, April 2017);
 - (xiii) Crayfish Survey;
 - (xiv) Glow Worm Survey;
 - (xv) Nant Fawr retaining wall WFD Assessment Draft Report Final;
 - (xvi) Nant Fawr Riverbank Repair Options Appraisal;
 - (xvii) Woodland Maintenance and Management Plan;
 - (xviii) Lisvane Woodland Management Plan WTSWW Proposal and Action Plan O.
- 1.30 An associated application for Listed Building Consent (ref: 20/02448/MNR) is also reported to this Committee for the repair and restoration of existing embankment

steps, replacement of one set of existing embankment steps, installation of one new set of embankment steps from southwest entrance, construction of a footbridge from the first floor of the visitor hub to the embankment, installation of new footpaths along embankment and new vehicle access road from the visitor hub car park to the new slipway.

- 1.31 The applicant is negotiating a lease with the Council's Strategic Estates team to acquire a piece of land from the neighbouring allotments to accommodate the widened access road.

2. DESCRIPTION OF SITE

- 2.1 Llanishen and Lisvane Reservoirs were constructed as part of the Taff Fawr scheme for supplying water to Cardiff and were completed in 1886. Located between the residential areas of Lisvane, Llanishen and Cyncoed in the north of the City, the site also forms part of the Nant Fawr corridor which links a network of open spaces along its course from the countryside north of Cardiff through Lisvane, Llanishen, Cyncoed including Roath Park, and Penylan including Roath Mill Gardens and Waterloo Gardens. The Nant Fawr Trail, a strategic recreational route approximately 8 miles in length, meanders through this green corridor.
- 2.2 The site comprises approximately 42 hectares and is accessed via a private drive from Lisvane Road. This single-carriageway access also provides vehicle access to the South Rise Allotments.
- 2.3 The reservoirs are retained by earth-filled embankments with a clay core approximately 10 metres in height. The external faces are grassed with stone pitching on the upper sections of the internal face (concrete has been used on the lower sections).
- 2.4 The embankments structures of both reservoirs are a Site of Special Scientific Interest (SSSI), designated for the waxcap fungi which grow on the grassed embankments. Lisvane Reservoir is also designated as a SSSI for overwintering birds.
- 2.5 The following Sites of Nature Conservation Importance (SINC) are located within the application site:
- (i) Gwern-y-Bendy – semi-natural oak/alder and birch woodland with areas of commercial planting exhibiting a ground flora indicative of ancient woodland;
 - (ii) Llanishen Reservoir Grassland and Scrub – important for grass snakes and glow worms;
 - (iii) Llanishen Reservoir – of importance for birds.
- 2.6 Three further SINCs adjoin the northern boundary of the application site. Coed-Ty-Llwyd, a semi-natural oak/alder woodland with varied ground flora indicative of ancient semi-natural woodlands, Ty Llwyd Meadows, marshy grassland set in improved grassland and Lisvane Reservoir Wood, also showing ground flora characteristic of ancient semi-natural woodland.

- 2.7 Part of the northern site boundary is shared with Strategic Site F, an allocation within the Local Development Plan (LDP) for a mixed use development of a minimum of 4,500 homes. Taylor Wimpey Homes have submitted an outline application for up to 2,500 homes and other mixed uses on over half of the allocation, which includes the land immediately north of the reservoir (excluding Coed-Ty-Llwyd). This application is under consideration and will be presented to Planning Committee for a decision in the future.
- 2.8 The Nant Fawr Meadows SINC separates the site from the residential properties on Black Oak Road, Cyncoed. The meadows are owned by the Council and contain a network of well-used informal footpaths. As part of the Council's vision to improve cycling and walking routes across the city to meet the requirements of the Active Travel (Wales) Act 2013 a cycleway (subject to future detailed design) is proposed through the meadows to improve the recreational route to Strategic Site F and the countryside to the north.
- 2.9 To the southeast, the Rhyd-y-Penau Complex SINC, an area of marshy Alder Carr and secondary woods, provides a buffer to the residential properties on Rhyd-y-Penau Road and the rest of Cyncoed.
- 2.10 The Nant Fawr Stream exits the site to the south and crosses Rhyd-y-Penau Road. The Nant Fawr Trail recreational route follows the course of the stream on a north/south alignment.
- 2.11 Rhyd-y-Penau Park adjoins the site to the southwest, from which the Towy Road Gate would provide pedestrian access into the site.
- 2.12 The west boundary of the site adjoins residential areas in Llanishen including the Fidlas Road area and the properties on 'The Rises' beyond the South Rise Allotments. Gwern-y-Bendy Woods, a designated SINC, is within the site and adjoins residential properties to the west.
- 2.13 Since 2009 the embankments of Llanishen Reservoir have been a designated Grade II Listed Building and are described on the list description as *"an integral part of the nineteenth century water-supply system for Cardiff. Together with structures associated with the impounding reservoirs in the upper Taff, Llanishen Reservoir represents a major Welsh civic engineering scheme which has survived virtually intact."* Much of the original Victorian stone and pipework survives and various recent applications for Listed Building Consent have sought to restore these (see Section 3).
- 2.14 Llanishen train station is approximately 450m west of the Lisvane Road entrance. Blackoak Road to the east, Rhyd-y-Penau Road to the south and Fidlas Road to the west are served by existing bus routes.
- 2.15 Parts of the site fall within Zone C2 on the Development Advice Flood Maps, including approximately 50% of the area proposed to accommodate the Visitor Centre and car park. Zone C2 denotes areas of flood zone which do not benefit from significant flood defence infrastructure.

3. **SITE HISTORY**

- 3.1 20/00132/MNR – Listed Building Consent granted in March 2020 for works to enable full refilling of the Llanishen reservoir. Modifications to the Grade II Listed Nant Fawr inlet structures and associated buried apparatus. Construction of new buried valve chambers, wet well pumping station, pump station control building and compound.
- 3.2 19/02760/MNR: Listed Building Consent granted in December 2019 for the Cipoletti Weir Structure. Installation of new barrier across open side of chamber, and fitting of plate within existing weir aperture to prevent entry of waves into chamber.
- 3.3 19/01988/MNR: Listed Building Consent granted in September 2019 for refurbishment of operational assets. New pipe discharge into scour channel sump chamber, associated with the infrastructure to transfer 'Celsa' water supply from Lisvane to Llanishen Reservoir.
- 3.4 19/01661/MNR: Listed Building Consent granted in September 2019 for refurbishment of operational assets: refurbishment of the existing concrete slipway, formed in the stone-pitched surface of the inner embankment at the northern corner of the reservoir.
- 3.5 19/00999/MNR: Listed Building Consent granted in July 2019 for work to allow 'abandonment' of the following assets, which are no longer required for operations of the reservoir: Gauging Station, Cipoletti Weir Chamber, various pipe penetrations through the dam/embankment, various pipe runs buried within or near the dam/embankment.
- 3.6 19/00968/MNR: Listed Building Consent granted in July 2019 for refurbishment of valves and other operational infrastructure and access equipment within and associated with the valve tower. Dismantling of existing 'Semd' Bridge and construction of new bridge on same footprint, incorporating dismantled historical elements.
- 3.7 11/00384/DCO: Listed Building Consent sought for the alteration of the Llanishen Reservoir embankments and associated structures to facilitate development in accordance with appeal ref: APP/26815/A/07/2042394/WF for residential development, watersports lake, wetland area, sailing centre, wildlife centre and associated infrastructure. Called in by the Welsh Ministers in April 2011 and dismissed in April 2013.
- 3.8 11/00383/DCO: Planning permission sought for the construction of a mini-roundabout on Lisvane Road and lighting/resurfacing of access track between Rhyd-y-Penau Road and Llanishen reservoir and all associated works. Called in by the Welsh Ministers in April 2011 and dismissed in April 2013.
- 3.9 06/01101/E: Outline planning permission sought for residential, sailing lake and clubhouse, wetlands habitat and education / community centre, re-profiling of

existing reservoir all with structural landscaping, roads, footpath, cycleways and associated highways works. An appeal against the Council's failure to determine the application was dismissed by the Welsh Ministers in April 2009 and was subsequently quashed in by the High Court in September 2009. A further appeal was dismissed by the Welsh Ministers in April 2013.

- 3.10 06/00934/E: Outline permission sought for residential, sailing lake and clubhouse, wetlands habitat and educational/community centre, re-profiling of existing reservoir all with structural landscaping, roads, footpaths, cycleways and associated highway works. Withdrawn in October 2006 prior to determination.
- 3.11 03/02662/N: Outline planning permission sought for residential, sailing lake and clubhouse, wetlands habitat and wildlife educational /community centre through re-profiling of existing reservoir and surrounding bund all with structural landscaping, roads, footpaths, cycleways and associated highways works. An appeal against the Council's failure to determine the application was dismissed by the Welsh Ministers in August 2007.
- 3.12 02/2750/N: Outline planning permission sought for residential, sailing lake and clubhouse, wetlands habitat and wildlife educational /community centre through re-profiling of existing reservoir and surrounding bund all with structural landscaping, roads, footpaths, cycleways and associated highways works. An appeal against the Council's failure to determine the application was withdrawn prior to determination.

4. POLICY FRAMEWORK

- 4.1 Future Wales – The National Plan 2040
- 4.2 Planning Policy Wales, Edition 11 (February 2021)
- 4.3 Technical Advice Notes (TANs):

5	Nature Conservation and Planning
10	Tree Preservation Orders
11	Noise
12	Design
15	Development and Flood Risk
16	Sport, Recreation and Open Space
18	Transport
21	Waste
24	The Historic Environment

- 4.4 Local Development Plan (January 2016):

KP5	Good Quality and Sustainable Design
KP8	Sustainable Transport
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP14	Healthy Living

KP15	Climate Change
KP16	Green Infrastructure
KP17	Built Heritage
KP18	Natural Resources
EN4	River Corridors
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
EN10	Water Sensitive Design
EN11	Protection of Water Resources
EN12	Renewable Energy and Low Carbon Technologies
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
T8	Strategic Recreational Routes
C3	Community Safety/Creating Safe Environments
C6	Health
W2	Provision for Waste Management Facilities in Development

4.5 Supplementary Planning Guidance:

- Green Infrastructure (November 2017)
- Ecology & Biodiversity Technical Guidance Note (TGN)
- Trees and Development TGN
- River Corridors TGN
- Soils and Development TGN
- Waste Collection and Storage Facilities (October 2016)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The **Operational Manager, Transportation**, having considered the additional information and amended plans submitted in May 2021, makes the following comments:

- (i) Access Road – the revised plans address a number of his previous comments and other matter can appropriately be covered through planning conditions and the Section 278 approvals process;
- (ii) Transport Assessment –
 - He previously queries whether it would be appropriate for the visitor SOV (single-occupancy vehicles) figure to be manually reduced, rather than saying it all needed to come off that element. As their TN explains,

the problem with taking further % figures from SOV is it can leave the mode with a very low figure. Whilst care is needed in arbitrarily editing mode shares that have been derived from TRICS, it is also the case that the original figures are only forecasts based on the sites that are available in the database, and it does not seem unreasonable that rail, pedestrian and cycle trips would not be greater than the original forecast. He is therefore content with the Alternative Mode Share table in the first page of Appendix C, although the reference to Table 12 and 13 is a little misleading as that table in the TA has not actually been updated, but it is trying to say that table is effectively the updated position, superseding the TA;

- He is content with the revised staff mode share figures;
- The Estimated Flows on Lisvane Road now demonstrates the overall site impact for key hours through the day and confirms the chosen junction assessment periods are appropriate.
- He was ideally after some more explanation in the Technical Note that a composite day trip rate had been used, and why that was done, however the response acknowledges that is the case and the specific Figures he highlighted have been amended.
- He accepts that the average staff occupancy of 2 is in relation to MOV (multi-occupancy vehicles) specifically rather than staff overall;
- Some further details on the potential car park signs and of the wider anticipated car park demand are included (see below). He recommends a relevant condition.
- Cycle parking is now shown on the layout plan and indicates 46 spaces though the stands only appear to be at 0.8m spacings rather than the 1m required. However, it is clear there is space available for additional cycle parking areas, as necessary, and thus it is considered that the below cycle parking details condition will cover the matter.

- (iii) Trip Generation and Parking - The amended and updated trip information, incorporating their various suggestions and requirements, has sought to provide a reasonable forecast of the potential traffic and parking demand. Suitable assumptions have needed to be made, noting the relatively bespoke nature of the development. The parking accumulation assessment for the Appendix C (reduced linked trip factors) scenario indicates a maximum forecast demand of 98 spaces for the 114 space car park. This does not mean that the demand can never be higher than that in practice, and at peak times (and especially in the initial opening period) it can be expected that demand could be higher. Excess car demand will be managed via a combination of the car park management system, parking fee requirement and proposed parking restrictions on Lisvane Road and the access road.
- (iv) Whilst the focus of the development is the main car park/visitor centre/restaurant, there are 3 other entrance points into the development, which are sited in locations where vehicles could use free on-street parking. In order to try and mitigate against excessive demand in these locations it is considered appropriate for a Section 106 contribution of £20,000 towards the review of parking problems that may occur as a result

of the development, and for the implementation of appropriate parking restrictions (via a TRO process) to deal with any problems that may arise. It should be noted that this is separate from parking restrictions that would be introduced on the access road and Lisvane Road, and which would be addressed via the detailed design (Section 278) stage, although the above TRO contribution could still be used towards solving additional problems that may occur on Lisvane Road post-opening.

- (v) Conditions – he recommends conditions be attached to any permission that is granted to secure cycle parking details, access road works, and car parking signage and management and a Construction and Environmental Management Plan.

5.2 The **Shared Regulatory Services (SRS) Environment Team** whose remit includes land contamination issues, advises that contamination, although not known at the site, cannot be ruled out. They note that the proposals indicate soft and hard landscaping. Should there be any importation of soils to develop the landscaped areas of the development, 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 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. They request the inclusion of conditions relating to unforeseen contamination, imported soil and aggregates, and an informative statement in accordance with CIEH best practice 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 Council's **Tree Officer** has considered the amended submission received in May 2021 and makes the following comments:

- (i) He welcomes the nominal provision for large species trees within the car park, though full, site specific details are required. These should include:
- Species;
 - Size and nursery production method;
 - Topsoil and subsoil specification and soil profiles;
 - Cell/crate product and site specific detail drawn up in conjunction with supplier to confirm target soil volume of minimum 30 cubic metres per tree;
 - Details of root barriers and root directors including product specification.
 - Details of aeration and irrigation inlets include product specification. Typically one inlet per 5 cubic metres of soil is expected.
 - Drainage.
- (ii) Italian alder is a large and vigorous tree with potentially disruptive roots, so it needs to be clear how roots are baited into cells/crates. The planting strips are narrow so in time, the girth of the trees is likely to fill the width of the verge.

- (iii) A couple of the trees will be close to pay and display units, one at V19/V20 will be directly adjacent. How is the pay and display unit to be constructed to prevent conflict with root available soil volume? Sufficient space needs to be provided to allow the tree to increase in girth without conflicting with the unit. Specific tree pit details should be provided for the two trees in question.
- (iv) Details of the trees in soft landscape directly adjoining the car park are required. He is unclear what the species is to be – possibly common alder, which is supported given the losses and coppicing of this species in the wet woodland adjoining the access.
- (v) Subject to satisfactory details of the above, the car-park will be much improved in terms of the landscape impact. Since the development incorporates a significant loss of existing wet woodland and the opportunities to 'recreate' this habitat elsewhere are constrained by the lack of space or conflict with other habitats, the car-park represents the ideal location to try and recreate something akin to wet woodland, albeit in a much more engineered context. Italian alder is an ideal tree for the context, being tolerant of inundation and dry soil, but growing quickly to achieve a significant landscape impact. The leaves are retained late in the year and consequently give the tree a near semi-evergreen quality. Our native alder (*Alnus glutinosa*) is much less tolerant of dry soils, so is not suited to the SuDS strips, but could be used in soft verges adjoining the car-park where soil conditions should be less extreme.
- (vi) Notwithstanding the above, it remains the case that the impact of access construction in terms of tree loss cannot be adequately mitigated because it is not possible to recreate wet woodland as part of the development. The mitigation planting either side of the access and elsewhere on site is of course welcomed, as is the woodland management proposed, but the loss of wet woodland, which is a natural SuDS feature, is a consequence of a heavily engineered access design.
- (vii) He remains concerned that the design of the car-park conflicts significantly with existing important 'A' and 'B' category trees. As with the site access, trees are having to be compromised to accommodate purely functional elements of design – i.e. car-parking. It remains the case that there are encroachments of a gross extent into Root Protection Areas (RPAs) - in excess of 20% of currently unsurfaced ground in some cases, which is contrary to BS 5837:2012. Both the 'no-dig' permeable paver and grasscrete sections in the submitted Arboricultural Method Statement show a considerable build-up of unspecified material over the existing ground level. The no-dig construction then sits on top of this. Even with just the depth of no-dig construction directly on top of existing levels, air and water has to travel significantly further and with much greater impediment than with open, vegetated soil, so with a significant additional volume of unspecified material in addition, the surface effectively equates to a standard engineered construction in terms of the impact on root functionality. Furthermore, both types show knee rails sitting on what he

assumes is a concrete plinth, the construction of which may require compaction and which may contaminate soil with leachates from concrete. The grasscrete section depicts an impermeable geotextile which will stop the movement of air and water fully. Even nominally air pervious and water permeable geotextiles will block up over time.

- (viii) To add to the encroachments within RPAs, a bin store is proposed within the RPA of trees 121 and 121 and requires the construction of an impervious concrete base and 11 post holes. No construction detail is provided but this clearly represents an additional significant encroachment within the RPAs of important trees. Bin stores can also be problematic because they can result in the leakage of substances into soil that may be antagonistic to tree roots. On a number of occasions he has seen fire damage to trees where bin stores located close to them were set on fire.
- (ix) Root Protection Areas should be considered sacrosanct – they are a minimum volume of soil to ensure healthy growth. The trees impacted by encroachment cannot regain lost soil volume contiguous with their RPAs and no measures are proposed to improve the soil environment in which the affected trees grow.
- (x) No Soil Resource Survey (SRS) or Plan (SRP) has been prepared and consequently the impact on the soil resource remains undefined. It is clear considering the extent of excavation and disturbance to soil required for construction that the soil resource will be impacted significantly. One of the purposes of an SRS and SRP is to characterise and quantify the soil resource and ascertain if it will be suitable for re-use, for example as part of landscaping. Case experience is that soils impacted by impeded drainage are likely to be problematic in terms of re-use, other than for very robust planting types. Consequently he fears there will be a significant loss of soil and the multifunctional benefits it provides. Landscaping details cannot be finalised until the SRS and SRP have been undertaken, since there may be implications for species selection and tree pit specifications in particular.
- (xi) Within the Arboricultural Method Statement he can see no provision for auditable site monitoring of tree protection (and potential protection of sites proposed for structural landscaping). It is essential that there is auditable site monitoring with reports sent to the LPA to demonstrate compliance (or not) with approved tree protection measures. Provision should be made for the protection of locations where structural landscaping is proposed if these will be vulnerable to compaction, contamination or other harmful activities during construction.
- (xii) Given the above considerations and taking into account his previous observations, it remains the case that he objects to the proposed development since he considers it will result in unacceptable harm to trees of significant amenity value (EN8) and it will conflict with the principles of KP15 in terms of the protection of vegetated soil.

- 5.4 The **Operational Manager, Waste Management**, advises that the proposed storage area for waste and recycling and the strategy as documented within 7.2 of the Cleaning and Maintenance Strategy has been noted and is acceptable. They would remind the agent/applicant that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department.
- 5.5 They also advise that Welsh Government are currently reviewing Part IV of the Environment (Wales) Act 2016. As part of this review they are proposing that all businesses and waste producers will separate the following waste streams for collection: Food waste from premises producing more than 5kg/week, paper/card, glass, metal, plastic, small electrical and textiles. As a result of this proposed change recycling and waste storage areas will need to be designed accordingly.
- 5.6 They refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.
- 5.7 The **Council's Ecologist** has no comments on the amended Woodland Management Plan. Concerning the compensatory tree planting proposals, he makes the following comments:
- (i) He is aware that the Tree Officer has some concerns and he shares those concerns. He believes efforts are being made by the applicant to address them, and if the Tree Officer advises that in his view an amended planting scheme is sufficient to counteract the proposed tree losses, in the context of Policy EN8, then his views would take priority and he would accept his advice;
 - (ii) If the accepted amendments to the planting scheme take the form of, for example, changes to the tree pits and planting specifications within the proposed car park, then it is unlikely that this would impact upon the present 'Potential impacts of compensatory tree planting' document. However, if it were the case that further compensatory tree planting is required, then this would have to be accommodated either on-site or off-site. If the response to this were to propose further planting on-site, then clearly this would have knock-on implications for the present assessment document, and he would seek a revision. If proposals were for off-site planting, then in order to ensure that this is acceptable then he would need to see an in-principle agreement with colleagues in Parks Services;
 - (iii) Section 3.1.5 of the 'Potential impacts of compensatory tree planting' document states that *'As mitigation planting is not proposed near to the SSSI there will be no impact to the designation'*. The drawing 'Proposed Planting Plan (Whole Site)' Rev. C shows some proposed tree planting immediately adjacent to the SSSI boundary (between the proposed car

park and Lisvane Reservoir). However, in the context of a 13% loss of the area of the SSSI, which NRW seem to have accepted, the impact would be relatively minor and could be managed through the SSSI management prescriptions that NRW have sought.

- (iv) For all other habitats, species and designations, the impacts of planting and mitigation proposed are as set out in the Ecological Impact Assessment (EclA). His advice remains that the immediate mitigation measures should be secured by a pre-commencement condition, with longer-term habitat and species management set out in a LEMP under a pre-operational condition.
- (v) Hedgerows such as H3 planted within the Grassland and Scrub SINC, together with the oak trees planted within it, would reduce the area of the SINC. If it is the view of the applicant's ecologist that these hedgerows and trees would form part of the scrub element of this SINC, then as part of any habitat management scheme he would need to be assured that this feature would be managed as an ecotone, with taller trees grading into smaller understorey species, then scrub and tall ruderals, then shorter woody plants and eventually rough grassland with unshaded basking spots.
- (vi) He notes from the amended EclA that the SINC habitats have been degraded by other works on site, including installation of the security fence. In his view this deterioration should have been counteracted by habitat re-creation or management measures related to those specific projects. If planting the hedgerow and other habitat recreation measures suggested in the EclA are intended to rectify this damage, then this would mean that mitigation measures are double-counted, in the sense that planting the hedgerow is seen as compensation for the loss of trees on site, and also as mitigation of the damage to the SINC habitats by these other projects. This situation is not ideal, and could only be rectified by a detailed scheme to manage the ecotone as described above and rough grassland in a way that is optimal for species such as Grass Snakes and Glow-worms.

5.8 Having considered the amended EclA dated April 2021, he would like to see the following issues captured by pre-commencement condition:

- (i) Nesting birds;
- (ii) Badger setts – a 30m buffer needs to be maintained and fencing design must be agreed;
- (iii) Lichen survey;
- (iv) Enhancement of Glow-Worm habitat;
- (v) Risk Assessment Method Statements for Amphibian Habitats;
- (vi) Reptile mitigation habitat enhancement including grass snakes;
- (vii) SINC habitat restoration and enhancement;
- (viii) Mitigation Measures referenced in the LEMP;
- (ix) Grassland planting plan;
- (x) Bat roost features;
- (xi) Dormice nest boxes.

5.9 The **Shared Regulatory Services (SRS) Neighbourhood Services Officer** makes the following comments:

- (i) The application states that the typical water sports on offer for “pay to play” will be sailing, paddle-boarding, canoeing etc; essentially what he would categorise as “no motorised”. If this is the case, then there are little concerns around these activities (along with all other proposed recreation uses) and their possible impacts on residential amenity. However he would seek to condition such activities earlier than the proposed 2300 hours. He presumes this will naturally be the case, with water safety being a concern he doubts it is readily safe or attractive to take out a canoe at 2200-2300 in the winter, but without condition it could be the case that large corporate groups could make use later at night causing disturbance at Usk Grove (and estate therein), west of the site - and Black Oak Road (and estates there around), east of the site.
- (ii) If there is any anticipation for the use of specialist motorised water sports such as wakeboarding, jet skiing, parasailing et al then that is a very different proposal that must be subject to Noise Impact Assessment, given the close proximity to residential and the impact this would have on amenity. He suggests a condition to prevent motorised water sports if none are proposed.
- (iii) He also queries whether there has been any consideration to site security not permitting straying / unauthorised motorbikes on the site – this is a common problem he has come across previously. He would anticipate that Welsh Water will take all due diligence to protect their site, but he couldn’t see anything specific on this issue. In respect to noise, if unauthorised motorbikes were to become a regular occurrence leading to complaints, Welsh Water would be subject to investigation / enforcement as land owners for failing to manage their land, and so causing a Nuisance.
- (iv) He queries how the site car park is going to be managed out of hours, whether it is to be fitted with secure access or left open. If the latter, and it were to become attractive for crowds to gather in their cars and play music / idle cars / general nuisance, Welsh Water again would be held culpable for the Nuisance in any investigation.
- (v) He queries whether the proposals include a Public Address System on the site, for safety or general announcements. If so, noise level limitations may need to be given to these. By nature, they will need to be loud enough to be heard across the whole site, but not disproportionate to residents.
- (vi) The visitor centre is set at such a distance from residential amenity that he does not envisage noise or odour from plant machinery (air handling/kitchen extraction) to cause an amenity impact. If there is a desire for the Local Planning Authority to condition any part of the use, he can advise on a plant noise limit and extraction condition, which would safeguard any future changes in the area or on site.

- (vii) Concerning the boat house, he believes it is akin to a Car / MOT centre where there is some industrial noise expected e.g. metal of metal repairs which have a very distinct noise that travels very well, and generally a cacophony of noise from the site which has potential to cause amenity impact when background levels are low (e.g. at the proposed 2300 hours close on a Sunday / PH) even with residential amenity to the east a fair distance away. He requests further clarification so that he can make a more informed decision on the need for more information or suitable conditions.

- 5.10 The **Operational Manager, Drainage Division**, advises that the FCA (Flood Consequences Assessment) for this proposed development has created significant challenges in terms of meeting the 6 statutory SuDS standards. Much of the area to be developed is within a flood zone under the SAB specified design storm (1 in 100 year + 40% for climate change). Therefore, the applicant has had to prove that there would be no exacerbation of flood risk downstream of the development, noting that attenuation within the red line development boundary during such a storm would be limited. This has been proven by modelling both the watercourse downstream and land within the ownership of the applicant downstream of the site, which can be utilised as an additional flood storage area-without implications either to property or any other land ownership.
- 5.11 In terms of quality (pollution run-off from the new hard surface areas), various types of natural & engineered treatment trains are being proposed which will meet the standards, along with the opportunity for new trees within the car park area-noting the tree loss as a result of the proposed access road. The full SAB application is still awaited, but the latest design proposals are potentially viable for a successful SAB approval.
- 5.12 The **Public Rights of Way Officer** originally requested that the application considered the provision of a pedestrian access to the site via the adjacent woodlands (Coed-Ty-Llwyd). They were hoping to identify the landowner of the unregistered area as there are existing well walked paths within the adjacent land and consider that this link would create a key route for walkers from the Strategic Site to the north and beyond to access the reservoir site. They anticipated that this access would be managed by Welsh Water and the gate locked when the site is closed to the public. However, having identified and corresponded with the land owner it is clear that no agreement for this connection would be possible without the Council purchasing the entire woodland. This new PROW is therefore no longer being pursued.
- 5.13 The **Operational Manager, Parks and Sport** makes the following comments on the original application submission:
 - (i) Coed-ty-Llwyd Impacts: Several areas leading into the site are likely to have an impact upon the woodland and adjacent habitats. Along the access road, reduction of the surface area of the road, pedestrian footpath, and swale should be explored to reduce the impact of the new access route. Other path routes into the site should also be reviewed to reduce the

impact on the Coed-ty-llywd woodland. They recommend mitigation measures should be explored and suggest a raised boardwalk to replace the 3m wide cycle/footway. Boardwalks or another raised surfaces on posts can have lower impacts on the woodland because they require excavation only or screw piles for posts, and not for the whole surface area of the route. They therefore result in less habitat severance, and less loss of woodland soils. A study to select the route of least harm for the boardwalk would be needed. Such a route would minimise tree loss, minimise loss of woodland vascular plants and avoid any areas of particular ecological or arboricultural sensitivity within the woodland. The boardwalk would have to be designed appropriately to discourage straying from the boardwalk and the resulting trampling of the woodland understorey by users.

(ii) Potential Opportunities to Reduce Impacts:

- Woodland soils that would have to be excavated for the construction of the road area could be translocated to a suitable receptor site, if one is available.
- The structural design of the road and footpath could be a no-dig construction design and minimise the impact on the existing retained trees. This has not been considered in the current proposals. A detailed, site specific arboricultural impact assessment and method statement in accordance with BS5837:2012 is required to demonstrate that every opportunity has been taken to minimise the impacts on the woodland. Consideration could be given to providing permeable surfacing and aeration pipes or other appropriate aeration systems to encourage air circulation to covered roots.

(iii) Access Road: The new access road cuts through woodland on the edge / directly adjacent to Coed-ty-llywd woods (oak / alder) (SINC) resulting in substantial loss of trees / woodland. 56 trees are proposed to be felled and 30 trees to be coppiced. The access road cross sections show the proposed road to be 4.8 or 5.5m wide, plus a 3m wide cycleway / footway on the southern side and 1m swale on the northern side. The Arb. Implications Assessment states that additional tree & shrub planting will be provided in other areas within the site to help compensate for the loss. (For example 20 semi-mature trees will be planted in the new car park / visitor centre, as well as new hedge and tree matrix planting along the access road). However it suggests further areas of mitigation woodland planting. The site may not have suitable areas for mitigation woodland planting, seeing as most non-woodland areas (such as existing grasslands) are valuable habitats in their own right. Understandably there is significant concern about the impact of the access road on the woodland and its ecology. However, the ecological impact assessment states that... *'Taken in isolation, the proposed visitor centre, associated car park, and widened access are unlikely to have significant effects on the environment.'*

(iv) Allotment Access Gates: Discussions have previously taken place to agree location of the revised entrance to the allotments. He requests details of

the entrance gates and boundary fencing for review. He also requests details of how the new access road will link into the existing allotment roads and car park, including information on the type of surface material. Gates need to be offset into the allotment to prevent vehicles accessing the allotment overhanging the footpath.

(v) Visitor Centre and Car Park:

- The carpark area includes 'feature swales with bioretention planting' between parking bays although these are narrow, with tree planting proposed. The swales width appears to be less than 1.5-2 metres, so they are unlikely to offer conditions for healthy tree growth in the long term. If it is not possible to widen the swales without reducing parking or increasing land-take (and associated impacts), there is potential for boardwalk or steel grates to form part of the rain garden concept. This would allow the rain garden to run under the boardwalk/grate, providing additional rain garden capacity and tree rooting volume. Generally, the swales should be designed as wide functional 'rain garden' feature, with both surfacing and planting selection suitable to setting of the reservoir.
- The proposed road surface in the car park is shown as tarmac (with permeable paving parking bays). A clear bound natural aggregate surface (perhaps permeable) would be more in keeping with the natural setting (and could contribute to the SuDS strategy).
- The parking areas abut Nant Fawr and its mature trees. The tree plans show that there are significant incursions into RPA's of retained trees. A Site Specific Arboricultural Method Statement is required including drawn technical details. Please also refer to the Council's Tree Officer comments.
- The Landscape Strategy Section of the Design and Access Statement (p29) shows a cross section of the path between the Visitor Centre and the Reservoir edge. Safety concerns are expressed due to the combination of the lack of protection from falling and the steep sides of the reservoir. They suggest this detail is reviewed and similar safety considerations to all public paths adjacent to the reservoir edge are considered.
- Detailed soft landscape proposals have not yet been produced for the Visitor Centre and car park area

(vi) Other Considerations:

- Proposed out-buildings such as the boat store (and bird hides) could have extensive green roofs. This would help to integrate them with their natural setting whilst supporting Cardiff's Green Infrastructure SPG.

- Comments and objections raise concerns about anti-social use of vehicle access tracks (including secondary accesses). An access and use control strategy would demonstrate how these risks will be addressed in the detailed design.
- The general arrangement plans show the location of footpaths around the reservoirs edges but no provision is made for seating or litter bins.
- The location of the 'Welsh Round House' within the Gwernybendy Woods (SINC) is not shown, or whether this requires tree and footpath works.

6 EXTERNAL CONSULTEES RESPONSES

- 6.1 **Dwr Cymru Welsh Water** recommends conditions and advisory notes be attached to any permission to ensure no detriment to existing residents, the environment, or Dwr Cymru Welsh Water's assets.
- 6.2 Concerning asset protection, their records indicate that the proposed development site is crossed by a number of public sewers and water mains, and they attach a Statutory Public Sewer Record & Water Record Plan with their comments. They recommend that the position of these assets be accurately located and marked out on site before any works commence and advise that no operational development shall be carried out within the following specified easements:
- 4 inch distribution main – 3.5 meters either side of water main
 - 12 inch trunk main – 4 meters either side of water main
 - 21 inch raw main – 4.5 meters either side of water main
 - 24 inch trunk main – 4.5 meters either side of water main
 - 26 inch raw main – 4.5 meters either side of water main
 - 33 inch trunk main – 5 meters either side of water main
 - 300mm trunk main – 4 meters either side of water main
 - 800mm trunk main – 5 meters either side of water main
 - 375mm combined sewer - 3 meters either side from the centreline of the sewer
- 6.3 They acknowledge a diversion of the existing 18-inch raw water main is being progressed in order to accommodate the proposed Visitor Hub, located in the north-west of the development site.
- 6.4 Concerning sewerage, they have considered the impact of foul flows generated by the proposed development and concluded that flows can be accommodated within the public sewerage system. They advise that the flows should be connected to the 375mm public combined sewer at manhole ST18826001 located adjacent to the western boundary of the development site and notice this connection point is shown on the submitted Foul Water Drainage Concept Plan.
- 6.5 They advise that an application may be necessary for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the

connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

- 6.6 They also advise that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist them in dealing with the proposal they should be contacted to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 6.7 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. As highlighted in these standards, the developer is required to explore and fully exhaust all surface water drainage options in accordance with a hierarchy which states that discharge to a combined sewer shall only be made as a last resort. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to a surface water drainage body in liaison with the Land Drainage Authority and/or Natural Resources Wales.
- 6.8 They advise that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 6.9 They advise that a water supply can be made available to service this proposed development. Initial indications are that a connection can be made from the 4" diameter water main in NGR 318978,181472. The cost of providing new on-site water mains can be calculated upon the receipt of detailed site layout plans which should be sent to the above address.
- 6.10 **Natural Resources Wales** has significant concerns with the proposed development and recommend that planning permission should only be granted if certain conditions are attached to any permission that is issued. Otherwise, they would object to the application. They recommend conditions be attached to secure the implementation of submitted documents, a Construction Environmental Management Plan (CEMP), a Landscape Ecological Management Plan (LEMP), footpath operation, a lighting plan, an invasive non-native species management plan, an operational pollution control plan, a dormouse management plan and a pre-commencement bat survey.

Designated Sites

- 6.11 They advise that the proposed development is within Llanishen and Lisvane Reservoir Embankments SSSI and Lisvane Reservoir SSSI.
- 6.12 Planning Policy Wales states:
- (i) Paragraph 6.4.14 - *Proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.*
 - (ii) Paragraph 6.4.17 - *SSSIs are of national importance. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies, including planning authorities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest.*
 - (iii) Paragraph 6.4.17 - *There is a presumption against development likely to damage a SSSI and this presumption should be appropriately reflected in development plans and development management decisions.*
- 6.13 They have had meetings and corresponded with DCWW since May 2018 about the development of their proposals and have provided advice on how elements of the scheme could go ahead with minimal impact to the SSSI features, as well as discussing ways to enhance the site. Not all of their advice has been adopted within the submitted scheme. Due to their concerns over the ability to manage risks from proposals to the grassland fungi and overwintering birds of the SSSIs, they had recommended, amongst other advice, that Lisvane Reservoir should be managed for conservation and enhancement of biodiversity, without access and recreation, and that there should be no dog walking on site.
- 6.14 They have significant concerns that the proposed development, as submitted, will lead to damage to the features for which the Llanishen and Lisvane Reservoir Embankments SSSI and Lisvane Reservoir SSSI are designated. Therefore, they recommend planning permission should only be granted if conditions are attached to the permission as specified below to avoid damage to the SSSI features.

Llanishen and Lisvane Reservoir Embankments SSSI

- 6.15 Llanishen and Lisvane Reservoir Embankments SSSI is designated for its diversity of grassland fungi, including over 25 species of waxcap.
- 6.16 The grassland fungi require a low nutrient environment with abundance and species diversity also favoured by well drained unshaded short swards. Below the surface the species have an extensive underground mycelium comprising of a mass of branching thread-like hyphae. Their fruiting bodies appear above the surface mostly in autumn. These are easily knocked over or damaged, which if it

occurs before their spores have been dropped, can lead to a reduced potential for population recruitment. Soil compaction is also damaging to the mycelium and the conditions required, as well as the more obvious causes of direct loss or erosion of the grassland.

- 6.17 Historical surveys of fungi at the reservoirs have found that after an initial decline, the mycological abundance and diversity of fruiting bodies has increased following the introduction of a regular mowing regime by DCWW. The north and east banks of Lisvane Reservoir have a particularly high abundance and diversity of fungi. In recent years, at both reservoirs, surveys show that the best areas for fungi are found near the tops of the sloping embankments, with the notable exception of the north east of Lisvane Reservoir where the abundant fungi also extended to the lower parts. A small scale trial of cut and removal of the sward has recently started in an area with less diversity, aiming at reducing soil fertility and improving the fungi populations.
- 6.18 The proposal presents a number of construction and operational phase risks to maintaining the special interest, which are addressed below.

Footpaths, Walking and Cycling

- 6.19 The proposed development aims to encourage 180,000 visitors per year. Therefore, the proposal is likely to result in a significant increase in the number of visitors to the site.
- 6.20 Past informal recreational use of the crest areas has caused surface erosion and damage to grassland fungi in these areas. The proposed path network is intended to provide a robust surface for walkers in the long term. They confirm the network indicated in the submission is located suitably to avoid direct habitat loss to the most sensitive areas for grassland fungi, with a crest path around both reservoirs and a lower route around Llanishen Reservoir.
- 6.21 The applicant's letter in response to their Statutory Pre-Application Consultation feedback, dated 20 October 2020, confirms public access will be restricted to published opening hours, there will be secure boundaries locked at night, welcome signs and interpretation will be provided and confirms the resource that would be put into wardens. The applicant's letter in response to their comments dated 23 April 2021 confirms CCTV will be used to monitor the wider site and will enable DCWW to target interventions for visitors seen to be breaking site rules. However, they still have significant concerns that the proposed mix and levels of recreational use of the site may be unachievable to manage without adverse effects on the SSSI special interests. Not all people will follow site rules and allowance in the management measures will need to be made for this. The degree of impact during the operational phase will depend on the effectiveness of the management mechanisms and the degree to which site infrastructure aids management.
- 6.22 They accept that it is difficult to predict the precise mix and levels of activity that can be successfully managed without adverse effects and that finding the balance that can achieve this will require on-site wardening, monitoring, adaptive

management and joint working between parties via a management plan, as discussed below. They previously sought assurance from the applicant, prior to determination, that maintaining and enhancing the special interest will take precedence within the objectives for site use and management, and that recreational activities would be curtailed or stopped if it appears to be a problem to maintaining the special interest. The submitted Landscape and Ecological Management Plan, dated 30 April 2021, which includes an Adaptive Management Strategy Framework, dated 28 April 2021, provides a commitment on these principles at this point, and that the commitments secured through any permission granted are transferred over to management plans for the operational phase. It provides a clear basis and understanding for working forwards, for matters that cannot be fully addressed or predicted prior to a determination.

- 6.23 They consider that cycling on the grassland is likely to damage delicate mycorrhiza, damaging the features of the SSSI. Therefore, they note and welcome the statement on page 16 of the Design and Access Statement prepared by Feilden Clegg Bradley Studios, dated July 2020: *“Cycling will not be allowed on site for H&S reasons and to protect the ecology. Due to ecological constraints the paths can only be 2m wide, which is insufficient to allow multi-use by both pedestrian and cyclists.”*
- 6.24 They note a total of 23 cycle parking spaces (three long stay and 20 short-stay cycle spaces) will be provided. They welcome that the number of cycle spaces will be subject to on-going review to ensure that adequate parking provision is provided for both staff and visitors. They consider this will encourage visitors arriving by bicycle to leave their cycles at the cycle parks. If users do not feel that the parking provided is sufficiently secure, they may take their bicycles onto the SSSI which increases the risk of conflicts. Therefore, they recommend that measures to increase security are also considered and kept under review.

Dog Walking

- 6.25 Dog fouling results in soil enrichment and is very difficult to control on sites with high numbers of visitors. They note it is intended that all dogs will have to be walked on short leads and a Dog Control Order is intended. This would allow on the spot penalties to be issued if owners let dogs foul on embankments or allow dogs off leads. It is unlikely this would be completely effective, and the degree of effectiveness will depend on the level of wardening and the facilities provided for dog walkers. Even if owners are diligent in picking-up, not all faeces will be removed, and dogs will urinate on the grass enriching the soil.
- 6.26 The crests of the embankments support the best areas of grassland fungi. The proximity of these locations to the footpaths makes them vulnerable to trampling and dog fouling. Therefore, they note and welcome that dog walking will not be allowed on the crest path around Lisvane Reservoir between points A and B (north of), and therefore excluded from the best areas around Lisvane Reservoir. However, this still leaves a fundamental difficulty for management, with the close proximity of fungi special interest to the Llanishen crest path.

- 6.27 They note the additional information provided, including that at least two rangers using body cams would be on duty at any time that the site is open dog litter bins would be provided around the site, particularly at car parks and entrances, to maximise the fouling there and minimise fouling within the SSSI. However, they have significant concerns that dog walking on site will be difficult to manage sufficiently and prove incompatible with maintaining the grassland fungi special interest. They previously sought assurance that dog walking would be stopped if it appears to be a problem to the special interest, e.g. if there is any evidence of decline in the fungi special interest or any evidence of increase in factors that would lead to a decline such as soil nutrient status. The Adaptive Management Strategy Framework identifies if visitor activities are having a significant adverse impact on the SSSIs or will have a significant adverse impact if not addressed, dog walking may be banned temporarily from the site pending further review.
- 6.28 They consider monitoring will play a key role in managing the risks from dog-walking as well as other uses. While they envisage that a monitoring scheme with suitable methods and baselines could in due course be worked up, they would highlight that linking cause and effect is not necessarily a simple matter and there will always be uncertainty due to limitations in scientific knowledge and the data available. The spatial coverage and intensity of monitoring will affect the degree of certainty that can be achieved, e.g. without a suitable control site it will be difficult to have a view on the role of local weather patterns and air quality in relation to fungal fruiting patterns and diversity; and depending on the recreational use data collected, it may not be possible to show clear correlation between levels of use and levels of fungi change.
- 6.29 The Adaptive Management Strategy Framework includes a commitment from the applicant to undertake ongoing monitoring and reporting. As they have previously indicated, monitoring detail is a matter that could be agreed prior to development as part of an operational phase management plan (see Management Plan and Monitoring and condition 3 (LEMP) below). However, to address the uncertainties that are likely to remain in any monitoring regime subsequently agreed, they previously sought a commitment from the applicant, prior to determination, to the use of the precautionary principle where there is reasonable argument that recreational activities could be causing damage or apparent decline in the special interest, with actions then being taken to counteract the apparent effects. They consider the Adaptive Management Strategy Framework includes this commitment from the applicant.

Picnic Area

- 6.30 A picnic area is proposed to be located within the SSSI, in the proposed amenity grassland. They consider a picnic area will result in concentrated activity, which could result in damage to the features of the SSSI from compaction of the soil, an increase in nutrients within the soil, and damage to the fungi.
- 6.31 The general location of the picnic area is shown on the Draft Master Plan. The applicant's letter in response to their statutory pre-application consultation feedback confirms the picnic area is to be located within a low value fungi area. However, they consider the proposed picnic area still presents a risk to the SSSI.

They have concerns that activity from the picnic area could encroach into the SSSI areas outside of the picnic area, which could result in damage to the features of the SSSI. Whilst the letter identifies access to the embankment slope will be prohibited in this area to ensure protection of the higher value fungi zone on the embankment slope, they previously sought clarification regarding the specific measures that will be put in place to limit activity to within the picnic area. The applicant's letter from DCWW in response confirms welcome boards at entrances to the site and interpretation will highlight the fungi value of the embankments and why visitor access is prohibited. Furthermore, the applicant is considering the use of lightweight deterrent fencing in conjunction with signs in the location to prevent access to the embankment. They strongly support the use of fencing to protect the SSSI adjoining the picnic area.

- 6.32 Overall, they consider controls have been outlined to try and ensure adverse effects to the special interest will not occur and there is a clear commitment to this. Therefore they recommend a condition that specifically references the LEMP dated 30 April 2021 including the Adaptive Management Strategy Framework dated 28 April 2021.

Footpath Construction

- 6.33 They consider the materials used to construct the footpaths/pavements could cause damage to the SSSI. They previously sought clarification of the material to be used to construct the footpaths/pavements. The General Arrangement Sheet 1, Drawing Number 2601-BUR-17-XX-DR-CH-5000, Revision P5, and General Arrangement Sheet 2, Drawing Number 2601-BUR-17-XX-DR-CH-5001, Revision P5, both prepared by Burroughs and dated 29.04.21, identify the paths are to be constructed of a pH neutral, chemically inert, self-binding aggregate sub-base and the footpaths will be edged in non-leaching recycled plastic or metal. Therefore, to ensure there are no harmful substances that could leach into the grassland and damage the SSSI fungi interest and to ensure there is no change to local grassland pH, they recommend planning permission should only be granted if these documents are included within the condition identifying approved plans and documents
- 6.34 Construction of paths has clear potential to damage the adjoining embankments and the risks need to be closely managed. A construction methodology for the paths and associated infrastructure (e.g. signs, bins) around the reservoirs is required within a Construction Environmental Management Plan (CEMP), to be agreed prior to development. Therefore, they request a CEMP condition be attached to any planning permission (see also Water Quality and Pollution Prevention below).
- 6.35 As they have recommended previously during their meetings with DCWW, path construction works should commence on the east embankment of Llanishen Reservoir as this has the lowest diversity and abundance of fungi, and this would enable anything learnt about the process of path construction to be adapted before works take place on the narrower Lisvane Reservoir embankments, which had the largest diversity and abundance of fungi. They advise the path construction methodology is based on this approach.

- 6.36 The applicant's letter in response to their statutory pre-application consultation feedback, confirms footpath widths will be a maximum of two metres wide and will be constructed within the footprint of the footpath route to avoid disturbance of the surrounding ground. They welcome this and advise the path construction methodology should comply with this undertaking.
- 6.37 They also expect the construction methodology for the paths to include detail of, but not be limited to, measures which will be taken to ensure the footprint of the construction works are kept within the footprint of the footpath route; measures which will be taken to prevent any construction vehicles compacting soil; and confirm a suitably qualified ecologist will be present on site during the works. They recommend sufficient time ahead of construction will need to be allowed to agree the CEMP.

Mitigation, Compensation and Enhancement

- 6.38 Cutting and removing vegetation is preferable to the current frequent cutting regime, as it removes nutrients from the soil which can lead to increased grassland fungi abundance and diversity. If machinery can be identified to allow cut and removal safely, without compaction and ground damage, then this could be deployed as a measure to reduce nutrients in the swards away from the crests of slopes. This is likely to lead to an expansion of populations in those areas, which may offset the risks to the crests. Cut and removal would not necessarily have to be for all cuts to achieve a benefit. They recommend that the applicant investigates the equipment that may be available to allow this.
- 6.39 Management of trees to reduce shading may also allow better grassland fungal communities in some areas.

Management Plan and Monitoring

- 6.40 The risks to the SSSI during the operation phase will need to be managed with the aid of a clear management plan and monitoring that will be used to adapt management, it will need regular review and updates, to incorporate lessons learnt. It will also need to be clear that activities will be curtailed or cease if a way cannot be found in a timely manner to avoid damage and decline of the special interest of the SSSI.
- 6.41 The monitoring should include annual monitoring of fungi at the Llanishen and Lisvane Reservoir Embankments SSSI. A baseline survey of soil fertility of key areas appears likely to be necessary. If any significant declines in fungi abundance and diversity on site are found, there must be an agreed action plan that will be implemented. Fungi DNA soil sampling techniques have been progressing and this potentially offers a very useful technique that can aid the sensitivity of monitoring minded that the amount of fungal fruiting varies considerably from year to year.
- 6.42 If dog walking is to occur, then they consider a larger amount of monitoring will be needed. A soil fertility baseline survey and monitoring of dog use, dog fouling,

dogs not on a short lead and wardening effort would also likely be needed. They advise that any dog walking should start initially only on a trial basis until it can be demonstrated that it is possible to manage the risks from dog walking without adverse effects on the SSSI.

- 6.43 They consider sufficient information has been provided prior to determination to demonstrate that the risks to the SSSI are likely to be manageable. Therefore, a Landscape Ecological Management Plan (LEMP) should be agreed with the LPA prior to the operation of the development via condition (see also European Protected Species below). The submitted Landscape and Ecological Management Plan outlines the principles of the LEMP to be provided.
- 6.44 The current draft of the Site Management Plan that the applicant has discussed with NRW would need additional information and changes to service the role of the LEMP under any planning permission. The planning controls on any permission will need to be able to control all risks to the SSSI from the use granted. Therefore, the full adaptive management process will need to be clearly prescribed and controlled under any planning permission.

Lisvane Reservoir SSSI

- 6.45 Lisvane Reservoir SSSI is designated for its overwintering birds. It is an important waterbody for birds, particularly during cold winters, and provides a linkage to other waterbodies such as Roath Park Lake and Cardiff Bay. During winter, gatherings around the reservoir edges, noise and water sports all have potential to disturb and displace the overwintering birds that use the reservoir.

Floating Bird Refuges

- 6.46 They welcome the proposed floating bird refuges, which they recommended as an enhancement on site. In an email from the applicant dated 12 June 2019 the applicant's Panel Engineer agreed in principle to the provision of three bird refuges. The Draft Master Plan indicates there will be two bird refuges. The applicant's letter in response to their statutory pre-application consultation feedback confirms the provision of two floating bird refuges and identifies, 'following a review of the requirements to ensure the refuges were robust enough to withstand the wind and wave action on the site the decision was taken to install a smaller number of larger sized rafts.' They accept the reasoning for and the provision of two bird refuges.

Footpath Closure

- 6.47 As discussed during meetings with the applicant, their preference is for Lisvane Reservoir to be an exemplar, quiet, conservation area, closed to public access all year round which would be beneficial for nature. However, they are willing to work with the applicant to implement a seasonal closure. As discussed during meetings with the applicant, they require Lisvane Reservoir to be closed to public access from 1 October – 30 March for the overwintering bird period. The application indicates this will largely be the case, with a closure of the water for boating and the crest footpath between points A and B. It is also indicated that the closure

period may be extended in the shoulder months of September and April, dependant on over wintering bird presence and circumstances.

- 6.48 They previously noted the submission was not clear on whether the closure would be north of the points A to B or south and recommended the application provides further information and clarification on winter use of area between the reservoirs. The applicant's letter in response to their comments made on planning application reference 20/02175/MJR confirms the seasonal closure would be to the north of the closure points shown as A and B and that during the winter closure months of the Lisvane Reservoir, only the lower footpath between the Lisvane and Llanishen Reservoirs will be in use. Access to the crest footpath will be prevented by seasonal barriers.
- 6.49 They previously noted that people and dogs can walk in the vicinity of the bird hides, where disturbance to birds will also affect views afforded. Therefore, they recommended that at least the section of the crest path from points A and B to the hides are also part of the winter closure. The applicant's letter in response to their comments made on planning application reference 20/02175/MJR confirms the bird hides will need to remain outside the seasonal conservation area so that they can remain accessible to the public during the winter season when the seasonal gates are locked. They accept the reasoning for this.
- 6.50 The closure may need to be reviewed and extended if nesting birds at the reservoir are likely to be disturbed around Lisvane Reservoir embankment. There must be no permitted access points, such as from the housing development, directly onto the Lisvane Reservoir embankment.
- 6.51 They welcome the all year closure of the crest path to dog walking between points A and B.
- 6.52 The above matters will need to be addressed in the LEMP condition. They request an appropriately worded condition for footpath operation be attached to any planning permission.

Water Sports

- 6.53 They understand from the submission that there will be no water sports at Lisvane Reservoir in winter to avoid disturbance to overwintering birds. This is welcomed. The application indicates water sports can be undertaken in summer, but no specific detail of what type and the management of boat use is indicated. They recommend this is on the western section of Lisvane Reservoir away from the floating bird refuges to reduce disturbance to birds. It was agreed during a meeting with the applicant on 19 March 2019, if nesting birds are present on the bird refuges, they will be cordoned off in the summer to minimise disturbance by water-based recreation. Birds in moult are also vulnerable to disturbance and having suitable refuge areas cordoned off will be of benefit to use outside of the winter period.

Car Park and Visitor Centre

- 6.54 To reduce the disturbance to birds, any night time lighting should have minimal spill onto the reservoir. Blinds on the windows would prevent light spill onto Lisvane Reservoir from any night time functions on site. They request a relevant condition be attached to any planning permission (see also European Protected Species below).

Monitoring of Overwintering Birds

- 6.55 Potential disturbance to the overwintering bird population may arise from activities on site during construction and operation. Therefore, annual over-wintering bird surveys of the Llanishen Reservoir SSSI are required. If significant impacts to the overwintering bird populations are found, there must be an agreed action plan that will be implemented. An ongoing adaptive management process using the monitoring information should be implemented to manage the risks from activities on site. This should be secured through the condition previously mentioned requiring a Landscape Ecological Management Plan (LEMP).

Water Quality and Pollution Prevention

Water Framework Directive (WFD)

- 6.56 The application site falls within two WFD water body catchments: the Nant Glandulas – source to confluence with River Rhymney (water body ID GB109057027160) and the Roath Brook (water body ID GB109057027150). The status of both these water bodies is currently classified as Moderate. Due to the nature of the proposals, they previously sought a WFD Assessment to properly consider the potential impacts of the development. They had particular concern with regard to the proposal to reinforce the existing vehicle access bridge and pedestrian crossing of the Nant Fawr, noting that it has been suggested a retaining wall may be erected within / on the edge of the channel (Drawing No. LIS-ARC-XX-070-DR-C-0009).
- 6.57 They welcome the submitted Nant Fawr retaining wall WFD Assessment prepared by APEM, dated February 2021. The development proposals include the protection of a 7m stretch of the river channel near the access road and DCWW have undertaken an options appraisal to consider the potential bank protection solutions. Green infrastructure solutions have been favoured to minimise the introduction of concrete bank protection solutions along the watercourse. The WFD Assessment outlines 3 options with potential for development; 1) Blockstone wall 2) Channel diversion 3) Rootlok/Flex MSE system. The applicant's letter in response to their comments made on planning application reference 20/02175/MJR provides the necessary justification for why the use of wood as a form of revetment was not considered as an option. They accept the reasoning for this.
- 6.58 The Rootlok/Flex MSE solution will be capable of developing diverse habitat potential and the WFD Assessment has determined that the installation of the

proposed retaining wall will not result in a deterioration in the ecology of the watercourse.

Invasive Non Native Species (INNS)

- 6.59 The submitted INNS Management Plan prepared by DCWW, dated 23 October 2020, outlines the principles of the Invasive Non Native Species (INNS) Management Plan to be provided. To ensure the reservoirs and the downstream Nant Fawr, which feeds into Roath Brook, are not impacted by invasive species, they request a relevant condition be attached to any planning permission.
- 6.60 They expect the INNS Management Plan to include specific attention to biosecurity, including shrimp. This should include details about the boat wash area with regards to where the water tank will discharge to. We also expect the INNS Management Plan to include information in relation to when the reservoirs were last surveyed for aquatic INNS; whether boats have been on the top reservoir whilst the lower reservoir was empty; the provision of education information boards on non-natives, such as killer shrimp and zebra mussel.

Pollution Prevention

- 6.61 They request relevant conditions be attached to any planning permission including a CEMP to protect the environment during construction. The CEMP would need to implement good practice procedures in GGP6 and PPG5 that are available on the NetRegs website and provide thorough detail of proposed pollution mitigation measures.
- 6.62 They recommend a condition to secure a site wide Operational Pollution Control Plan.

European Protected Species

Dormouse

- 6.63 In their response to the statutory pre-application consultation they advised that dormouse surveys be undertaken for any areas containing suitable habitat which may be affected by the proposals. For example, if the principle of an outdoor classroom in the woodland is to be consented as part of the application, they advise that it is supported by a dormouse survey.
- 6.64 The applicant's letter in response to their statutory pre-application consultation feedback confirms that no dormouse surveys have been undertaken within the site, stating '*Overall, the probability of dormice being present at the reservoirs is very low and limited to the woodland and hedges at the site perimeter. As such it was also concluded that they are unlikely to be a concern for the day to day management of the site.*' However, the letter also states '*Dormice are known to occur in the wider area around Lisvane (the nearest record is approximately 900m to the north-east) at Llwyn-y-Pia Marsh and near Pontprennau Primary School, and so they could feasibly be present in the Lisvane Road access road woodland.*'

- 6.65 Due to the presence of dormice recorded in the wider environment and the connectivity of habitats to the application site, they advise that any management undertaken is done so with dormice in mind, to address the residual risk that there might be some use of connected areas. Therefore, they advise your Authority seeks the submission of a habitat management plan for the woodlands and hedges on site which reflects the general principles of positive management for dormice amongst its objectives and management principles. They request a relevant condition be attached to any planning permission.

Bats

- 6.66 The application information confirms a number of trees are to be removed and coppiced to facilitate the access road and as part the proposals for woodland management. The applicant's letter in response to their statutory pre-application consultation feedback states that bat surveys have been undertaken, but it is unclear when these were carried out.
- 6.67 Therefore, due to the transient nature of bat roosts in trees, and as advised in their statutory pre-application response, they advise that any trees requiring felling or management works to facilitate the development, or woodland management proposals, should be preceded by an assessment for their potential to support roosting bats. For any trees categorised as having moderate to high potential for supporting bats, further surveys (climbing inspections and/or activity surveys) will be required in accordance with best practice. A detailed plan should be included with the submission which outlines which trees require felling and pruning, and their potential to support roosting bats. Should bat roosts be confirmed, they advise that an assessment of the impacts of the scheme on these roost sites and proposals to mitigate or compensate for them is included with the submission. They recommend relevant conditions be attached to any planning permission including the need for a pre-construction bat survey, LEMP and lighting plan.

Otters

- 6.68 They note the comments made in the applicant's letter in response to NRW Statutory their pre-application consultation feedback with regard to the use of the site by otters. We also note the updated Ecological Impact Assessment prepared by APEM, dated April 2021, refers to the presence of a otter lying-up site in the new surface water drain chamber west of the bywash channel/beside the southern extent of Rhyd-y-penau Park. They understand this area will remain unaffected by the proposals. Therefore, they have no further comments to make in relation to otters.

Protected Species Legislation and Policy

- 6.69 Dormice and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed.

- 6.70 Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.
- 6.71 These requirements are translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Flood Risk

- 6.72 The planning application proposes less vulnerable development. Their Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15.
- 6.73 Section 6 of TAN15 requires the Local Planning Authority (LPA) to determine whether the development at this location is justified. Therefore, they refer the LPA to the tests set out in section 6.2 of TAN15. If the LPA consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.
- 6.74 The FCA prepared by WSP, dated July 2020, confirms the proposed building will have a finished floor level (FFL) of 45.10m AOD. Based on this FFL:
- (i) The model results show that the proposed building is predicted to be flood free during a 1% (1 in 100 year) plus 25% climate change allowance annual probability fluvial flood event. This meets the requirements of A1.14 of TAN15.
 - (ii) The model results show the proposed building is predicted to flood to a maximum depth of 187mm, at a maximum velocity of 0.15m/s, during a 0.1% (1 in 1000 year) annual probability fluvial flood event. This is within the tolerable limits of A1.15 of TAN15.
 - (iii) The model results show the maximum flood depth to the other areas of the development site is predicted to be 490mm during both a 1% (1 in 100 year) plus 25% climate change allowance and a 0.1% (1 in 1000 year) annual probability fluvial flood event.
 - (iv) The model results predict there will be some marginal changes in flow depths and velocities as a result of the proposed changes in the ground profile. However, these changes in flood depths and flow velocities are noted to occur only within the boundary of DCWW property.
- 6.75 In consideration of the above and recognising the specific nature of the proposals, they have no objection to the proposals in respect of flood risk matters.

- 6.76 The FCA proposes the management of any residual flood risk by recommending: an evacuation route; the production of a flood event action plan; and, signing up to NRW's Flood Warning Service.
- 6.77 They advise that no information has been provided on the rate of rise or speed of inundation as per A1.15 of TAN15 and the Welsh Government's CPO letter (Planning Policy on Flood Risk and Insurance Industry Changes) on 9 January 2014. If you are minded to request this information from the Applicant, we would be happy to provide further advice.
- 6.78 It is for the LPA to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. They cannot advise on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, they do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.
- 6.79 The **South Wales Police Crime Prevention Design Advisor** was consulted on the proposals at the pre-application consultation stage. Their main concerns were over the vulnerability of the buildings to crime and potential for anti-social behaviour on site. He notes local concerns on parking but also note that there are approximately 110 parking spaces shown in the Design and Access statement. An assessment is needed to see if this amount is adequate to cater for the proposed number of visitors and the range of activities proposed for the site.
- 6.80 He welcomes the fact that the Design and Access statement (page 58) confirms that the visitor Centre will be built to Secured by Design (SBD) standards and will include Internal and External CCTV and gated access to the site. He is happy to work with developers to ensure SBD is achieved which has been shown to be capable of reducing crime risk by up to 75%.
- 6.81 In addition he would recommend that alarm systems are fitted to both the visitor centre and boat workshop, windows and doors comply with PAS24:2016 standards, adequate lighting is provided, CCTV is installed around the car park, buildings and entrance to reduce crime and anti-social behaviour, boundary fencing is robust, and ancillary shelters and buildings should be capable of being made secure to prevent them providing unofficial shelter areas and attracting anti-social behaviour.
- 6.82 **CADW** have been consulted on the application and any comments will be reported to Committee.

7. **REPRESENTATIONS**

- 7.1 **Councillor K Kelloway**, representing Cyncoed, raises the following concerns:

- (i) Section 3.2.3 (Local Highway Network) of the Lisvane and Llanishen Visitor Hub Travel Plan refers to the use of Rhyd-y-Penau Lane for maintenance

vehicles, limited use for disabled parking, and pre-arranged school minibuses and volunteer groups only, together with a pedestrian access. Residents are concerned that if the lane is to be reopened for maintenance vehicles, disabled parking, volunteer groups and pedestrians etc, that the lane will attract anti-social behaviour once again. She requests that gate/bollards, along with appropriate signage, is erected on this lane to prevent unauthorised vehicles from entering, particularly at night.

- (ii) Double yellow lines should be implemented for 150m on either side of the lane to prevent visitors from problem parking. It would also be beneficial for the area to have road markings and signage to prevent speeding. Rhyd-y-Penau Road is a major thoroughfare and the lane is a popular entrance for dog walkers accessing the Nant Fawr woodlands. Residents are already experiencing issues exiting/entering their driveways in fast moving traffic, as well as having their driveways blocked.
- (iii) She would be willing to meet for a site visit before a final decision is made.

7.2 **Councillors Hopkins and Molik**, representing Cyncoed, are generally happy with the proposals as there is a strong commitment to develop a wide range of activities, engage with the community and schools, protect the site's flora, fauna and ecology, green infrastructure, sustainability, and protect existing bio-diversity and the pre-existing structure. There are, however, two principal concerns:

Nant Fawr Meadows Cycle Route:

- (i) The transport assessment refers to plans to develop five cycle routes across the city. It includes, in cycle route 1 a reference to a cycle route adjacent to the reservoirs to the east through the Nantfawr Woods and meadows. However, Appendix C of Cardiff's Local Development Plan designates the Nantfawr Trail as a walking route only. It also appears as a walking route only in Cardiff's Rights Of Way Improvement Plan. The master plan for the reservoir development also sets out proposals for a cycle way at this location. The rationale for the cycle way is largely described as allowing for local communities to be connected to major destinations across the city. As such, it seems clear that use of such a cycle way will be very much encouraged. Given the housing developments to the north and east of the reservoir sites such a cycle way could well become a favoured commuter route to work and into the city.
- (ii) While active travel is to be encouraged, this particular proposal has a number of inherent difficulties. Cycling will be prohibited on the inner walkways around the reservoirs. Reference is made to the fact that the paths at 2 metres are not wide enough to accommodate both cyclists and those on foot. The Nantfawr Trail likewise is rarely, if ever, wider than two metres and so it appears that significant work would need to be done to accommodate a cycle way adjacent to the trail. The condition of the trail is currently unsuitable for bicycles and has a number of twists and turns and blind spots that make dual use unsafe. In addition, the Nantfawr Trail is itself adjacent to sites of sensitive bio-diversity. The Nantfawr Meadows to

the south and the SSSI and SINC to the north. Widening the pathway would surely intrude into the ecology of the area.

- (iii) The Transport Assessment indicates that this proposal will be subject to further consultation. They would ask, therefore, that this be made a pre-condition of any approval of the plan. If the intention is to create a cycle way with commuting options they believe strongly that this aspect of the proposal should be tested through public consultation. They would also ask that Welsh Water should, with the council, investigate an alternative location for the cycle route – for example to the north of the reservoir site and that this should also be included in any consultation.

Car Parking Issues

- (i) The new development and visitor centre will no doubt become a popular visitor attraction in the area. The modelling carried out by Welsh Water projects an increase in active travel to and from the reservoir site. However, this projection suggests only a modest increase in this form of travel. The projections indicate that over half of journeys to the site are likely to feature car use.
- (ii) Residents in the local area have a number of concerns about the impact on problem parking in adjacent roads to the west and south of the development in particular. The location of three of the access points (Rhydypenau Gate, Black Oak Gate and Towy Gate) are in dense residential areas.
- (iii) Parking is already problematic on Black Oak Road and Hurford Place where people wishing to use the Nant Fawr Trail leave their cars parked in significant numbers, often without due consideration being given to residents. This is likely to become more problematic given the identification of the Black Oak Gate as an entry point to the development. The designation of the Towy Gate as an access point to the site is likely to replicate these problems.
- (iv) Access to the site via the Rhyd-y-Penau Gate is currently prohibited to cars following the installation of bollards by the council in 2004. Before this, cars were parked on the left-hand side of the lane and further along its length. The ease of access for vehicles attracted large gatherings and brought with it anti-social behaviour that was a real concern to local residents. Since the installation of the bollards and prohibition of vehicular access at this point the problem has disappeared. There is reference to disabled access at this point. Clearly, facilitating disabled access is very important and to be welcomed. However, it would be important for the developers to give re-assurance that wider vehicular access will continue to be prohibited at this point in order to avoid re-igniting this problem.
- (v) Parking on Rhyd-y-Penau Road around the lane entrance to the Rhyd-y-Penau Gate is also currently problematic. Cars parked on the north side of the road inhibit sight lines for residents wishing to enter the road

from their properties. These dangerous conditions are further exacerbated when motorists ignore the speed limit on this stretch of the road as is frequently the case.

- (vi) The Transport Assessment refers to the absence of specific parking standards being available to calculate parking capacity and has used Cardiff Council's Managing Transportation Impacts (Incorporating Parking Standards) Supplementary Planning Guidance (July 2018). The calculation asserts that account is taken of likely peak demand in assigning 35 parking spaces to visitors and 10 to staff. However, they question whether this assessment of parking capacity is an underestimate. The development is likely to attract a large number of visitors to the various activities on site and these numbers are likely to grow over time.
- (vii) The assessment outlines the intention to develop a main access route to the site from the north. However, the three access gates to the west and south of the site are much closer to current travel routes. As a result, it is highly likely that many visitors will choose these locations as their point of entry to the site in preference to the main access route to the north. The effect of this, alongside the questions about the intended capacity of the public car park, would be to cause increased problems of the type highlighted above especially for residents living on roads close to the three access gates.
- (viii) They ask that conditions be established that would avoid these problems. They are also asking that these involve the relevant council departments in determining suitable traffic control and highways management proposals.

Other Issues

- (i) Residents have expressed some concerns about the security of properties backing onto the Nantfawr Woodlands in the likely event that visitor footfall will increase.
- (ii) They are also seeking reassurance that access to the Nantfawr Woodlands from the back of properties on Rhyd-y-Penau Road will still be allowed.
- (iii) Residents have also asked whether there are plans to maintain and manage the woodlands and grassed areas between Rhydypenau Road and the reservoirs themselves as the site has become screened by the unmanaged growth of the woodland and wilder areas.

7.3 Following consultation on the amended plans and additional information received in March 2021, **Councillors R Hopkins and B Molik** make the following further observations regarding traffic flow and parking in areas adjacent to the site:

- (i) The transport technical note and the questions posed by the council in its response relate to the following:
 - the likely demand for parking on adjacent roads;

- the accuracy of the base traffic surveys on likely traffic flows given that these are founded on calculations made during a school half-term and modelling relating to the impact of only 300 dwellings in the nearby north-east Cardiff residential development;
 - the lack of operational details including the charging regime for the car park;
 - whether the TRICS data gives an accurate enough view of likely car usage in getting to the site.
- (ii) Overall, they continue to feel that the data presented give an over-optimistic view of the impact of likely traffic flow. They continue to be concerned that the planned car park will not be large enough to accommodate the numbers of visitors likely to be attracted to the site. They would question whether the TRICS data that indicates only one-third of car parking capacity in use at weekends is a sound enough calculation over the medium term. How accurate, for example, are the calculations about the arrival and departure of visitors to the restaurant? Surely, many visitors will choose to remain on the site after a meal but it is unclear whether this has been included in the calculations. They would also ask whether sufficient account has been taken of projections for the number of visitors likely to be attracted to the site over the longer term given the expected success of the development.
- (iii) They continue to believe that the analysis presents an over-optimistic view of the extent to which visitors will use modes of transport other than the car. The reference to the desirability of installing parking restrictions in Lisvane Road to the north of the site is presumably influenced by anticipated demand for parking on adjacent roads in this location. However, there are similar concerns about the potential impact on the residential roads to the west and south of the site at the Towy, Rhyd-y-Penau and Black Oak gates. These locations already experience problems when visitors choose to travel by car to walk in the park and Nant Fawr Woods. The problem is likely to be further exacerbated once the new development is up and running.
- (iv) The view presented that the development is anticipated to be ideally located to support an uplift in sustainable modes of transport including walking and cycling they feel to be equally over-optimistic. This is not helped by the highly controversial reference to Cycleway 1 which is anticipated to pass adjacent to the eastern border of the Llanishen reservoir through the Nant Fawr Woods and Nant Fawr Meadows. This route is marked as a walking route only in appendix C of the Cardiff Local Development Plan and is referred to as such in the Rights of Way Improvement Plan. Any suggestion that this could become a cycle route is at best premature and would, in any event, be required to be subject to consultation prior to any decision.

7.4 Councillors J Lancaster, S Jenkins, S Melbourne, and T Parkhill, representing Llanishen, confirm their board support for the application, welcoming the return of Llanishen and Lisvane Reservoirs for sporting, leisure, education and

conservation purposes. They are grateful for the involvement of Welsh Water and their commitment to using the site for the benefit of the community. They wish, however, to raise the following concerns for consideration:

- (i) *Parking:* They feel that the number of proposed parking spaces serving the Visitor Hub is inadequate. The range of facilities offered mean that the whole site is likely to attract users from a wide catchment area. It is projected that some of these users travel by public transport, but the sole bus service serving the main entrance on Lisvane Road is the 86, which only runs hourly six days per week, and even less frequently on Sundays (likely to be a day of particularly high usage). Therefore, many users will drive, and the inadequate number of proposed spaces will result in visitors having to park in the surrounding residential streets. This will add to traffic pressures on Lisvane Road, as well as at the pedestrian entrances on Rhydypenau Road, Black Oak Rad and Towy Road. More parking spaces are needed, as well as more bicycle parking at the Visitor Hub.
- (ii) *Noise and disturbance:* They note the concerns that some residents have regarding the increase in noise and general disturbance which will arise as a result of the proposed development. This will be particularly acutely felt by residents of properties bordering the west of the site, around Towy Road, Usk Road and South Rise, whose privacy will be disturbed by visitors using the Upper Footpath. The usage of the Visitor Hub for events until 23.00 will also contribute to disturbance; more needs to be done to ensure residents' privacy.
- (iii) *Ecology Impact:* They note that the Ecological Impact Assessment as carried out by APEM Ltd predicts that there will be no adverse impact on the ecology of the site as a result of this development. They are not, however, convinced that this will be the case. The EclA did not take into consideration the possibility of visitors or dogs straying off main footpaths or accessing parts of the site during those months when those parts are meant to be closed to the public. Continuous ecological monitoring will need to take place in order to ensure that the site retains its SSSI and other protected designations.
- (iv) *Energy Strategy:* They welcome the improvements to the energy strategy of the Visitor Hub, as a result of the pre-application consultation. They feel that more should be done regarding the sustainability of the Visitor Hub. Welsh Water should be taking a lead in promoting renewable energy usage and has a perfect opportunity to do so here.

7.5 **Councillor D Walker**, representing Lisvane, strongly supports the proposed project, except for one glaring omission: The failure to provide adequate parking to accommodate the predicted crowds. This site will become a major local and tourist attraction right at the centre of a large city and city region population. A car park for around 100 cars will just not cope. That will lead to nearby roads, housing

developments and small closes becoming filled with visiting vehicles on a daily basis with subsequent resident complaints.

- 7.6 There are two current local traffic issues in Lisvane: the overflow parking onto nearby roads of commuters unable to find space at Lisvane and Thornhill station car park which is full (in normal times) by 8 am. At Cefn Onn Park in early 2021 over 100 cars a day were attempting to visit and, being turned away, causing overflow parking. This has resulted in large numbers of complaints. Even with the car park open and available the park could not accommodate the visitor numbers which can be expected to be maintained throughout the spring and summer months. He quotes these two examples as there is already evidence relating to potentially much smaller but concerning local parking issues in Lisvane compared to those expected at the reservoirs. He has asked officers to liaise with TfW on the station car park extension in the knowledge that LDP related commuters buying newly built homes in large numbers are still to come. The future reservoirs' car parking demand must be anticipated now. Predicted parking overflow will affect Llanishen, Lisvane, Heath and Cyncoed – potentially hundreds of vehicles, finding official parking space full, then seeking space to park for long periods on the roads of nearby communities. Public transport can be solely relied upon as only a small proportion will be able to access (and afford) that option. Cycling provision is similarly welcome but will serve a relatively small number of users. The planning stage is the point at which adequate provision can be made and he request that future parking demand be anticipated now, not left to be reacted to as a problem for the future.
- 7.7 The application was publicised in the press and by site notices in November 2020.
- 7.8 The **Reservoir Action Group** welcomes the application and considers it a significant moment in the long campaign to establish public use and enjoyment of the area as an important part of the Nant Fawr corridor. They are aware that there is a potential incompatibility between increased visitor numbers and protection of a very sensitive site containing two SSSIs. Planning conditions should require ongoing monitoring and enhancement of the special interest of the SSSIs including steps to take action in the event that they are adversely affected.
- 7.9 They welcome that the pre-application consultation has led to a reduction in width of the access from Lisvane Road, improvements to the Centre's Energy Strategy, and an increase in the number of electric vehicle charging points.
- 7.10 The current application by Taylor Wimpey for housing immediately north of the reservoir proposes in phase 5 (2034-36) (ref: 19/02330/MJR), though they have always envisaged the area as being part of a continuation of the Nant Fawr Green Corridor. Establishing and protecting the links between the green corridors in both applications is an important consideration.
- 7.11 Whilst there is support for the re-opening of the site for public use and enjoyment after so many years of neglect, the following **concerns and objections from local residents** have also been raised:
- 7.12 During the first public consultation exercise in Autumn 2020 there was 1 no.

representation registering support with concerns, 11 no. representations raising concerns, and 5 no. representations raising objections.

7.13 A resident on Nant Fawr Crescent stated their support for the application as a whole though they express the following serious concerns:

- (i) The proposed cycle route through the Nant Fawr woods and meadow. The LDP designates this as a walking route. This route is very heavily used by walkers, including dog walkers and also many elderly people. The immediate neighbourhood has a high percentage of elderly people but walkers come from across the city. It is also very heavily used by school children going to both Rhyd-y-Penau Primary School and Cardiff High School. It is a safe, traffic free route which is encouraged by both schools, which is in line with the Council's policy to encourage walking. In another section of the plan there is reference to the inner path around the reservoir which is said to be too narrow, at 2 metres wide, to be used for cycling. In contrast the path through the woods and meadow is narrower than 2 metres and is very rough and informal, with deep ruts and a scree type surface. It has been created like that over the decades through the voluntary efforts of the Friends of Nant Fawr, to be in keeping with the conservation of the area. If it is to be used for cycling it will need to be widened hence encroaching on and damaging, the ecosystem. It would have to be properly surfaced which would be totally out of keeping with the area. The Nant Fawr meadows were saved from development 30 years ago, on appeal, because of the significance and richness of the biodiversity of the area. The Friends of Nant Fawr have worked successfully to maintain that rich environment. Designation as a cycle route would undermine the Council's success in encouraging walking in this area. There is already significant light pollution affecting the woodlands, from floodlighting of the CHS pitches and from lighting along part of the footpaths. A cycle route would undoubtedly require a major upgrade of the lighting, which will also be detrimental to wildlife.
- (ii) As regular walkers in the area, and as member of the Friends of Nant Fawr, they are aware of the risk of problems stemming from the planned use of the car park at Rhyd-y-Penau Gate. Extensive consultation with residents nearby is essential to avoid significant mistakes. There are obvious security problems associated with use of this site.
- (iii) The Friends of Nant Fawr have maintained this extensive area over many years, liaising with the Council's warden. More intensive use of the area would necessitate a much greater input from the Council, both in terms of personnel and funding.

7.14 The **11 no. concerns** were received from occupiers on Rhyd-y-Penau Road and Dan-y-Coed Road in Cyncoed, Towy Road and Ewenny Road in Llanishen, and South Rise and Crofta in Lisvane together with 3 no. unaddressed representations. The following concerns were raised:

Access and Parking:

- (i) Concern at the proposed use of the single lane track from Rhyd-y-Penau Road for access and parking for maintenance vehicles, limited use for disabled parking, and pre-arranged school minibuses and volunteer groups. Gating and/or bollards are needed to provide security and avoid hooliganism and anti-social behaviour taking place from taking place.
- (ii) Concern at parking on Rhyd-y-Penau Road adjacent to the lane entrance resulting in highway safety concerns. Double yellow lines should be implemented for 150m on either side of the lane to prevent visitors from problem parking. Road markings and signage to prevent speeding would also be beneficial.
- (iii) Access from Lisvane Road, at 9.5m wide, will dominate the wooded area. Question whether landscaping proposals will be provided and whether there is justification for it when compared to the existing substandard Lisvane Road;
- (iv) Overspill parking in South Rise, Towy Road and Ewenny Road causing congestion and access disruption for local residents and pedestrians.
- (v) Insufficient car parking within the site off Rhyd-y-Penau Road;
- (vi) Insufficient car parking within the site in the Visitor Centre car park off Lisvane Road.

Procedural Issues

- (vii) Questions whether a new screening opinion is going to be issued as the previous opinion issued in 2019 is quite old and the application is materially different (ref: SC/19/00007/MJR).
- (viii) Some neighbouring properties (8 Crofta) were excluded from the pre-application consultation process;

Ecology

- (ix) Dogs should not be permitted to access the site as not everyone is comfortable in their presence. Dog urine is also detrimental to wax cap fungi, the reason for the SSSI designation. The proposal for two rangers will be totally inadequate to ensure adherence to the proposed dog control orders due to likely demand. They suggest a trial period for dog usage could occur if, after several years of operation, human impact alone demonstrates no significant impact on the SSSI. A 'Dog Permit' scheme could contribute to the warden's costs.
- (x) Current dog-walking on site casts doubt that Lisvane Reservoir will continue to be a safe haven for wildlife
- (xi) Access road will impact the environment including the semi-natural ancient woodland;
- (xii) Access road will cause light pollution to neighbouring occupiers and will also harm wildlife including bats and ecosystems including the SSSIs, the SINC and ancient woodland. No lighting details or plans have been included;

- (xiii) Cycle paths indicated through the Nant Fawr meadows are concerning as this will have a detrimental impact on biodiversity plus health and safety implications;

Tree Impacts

- (xiv) Loss of mature trees along the access road will expose retained trees to wind damage;

Visitor Management

- (xv) The access should be closed at night to avoid attracting unwanted visitors.

Design and Appearance

- (xvi) Scale and impact of the three-storey visitor centre is greater than expected;
- (xvii) The amount of glazing on the Visitor Centre has potential to cause confusion, creating a hazard for birdlife;

Residential Amenity

- (xviii) Access road will cause overlooking and loss of privacy to neighbouring occupiers;
- (xix) Access road will cause noise pollution. Operating hours, fume extraction systems, and vehicle movements from anticipated visitor numbers will cause disturbance and fundamental alterations to the soundscape.

7.15 The **5 no. objections** received during the first public consultation exercise were from occupiers on King's Road in Pontcanna, Usk Road in Llanishen, and South Rise and Hillcot Close in Lisvane. The following objections were raised:

Visitor Centre Design and Appearance

- (i) Building height with three boxes on the top is obtrusive and ugly. Boxes serve no useful purpose.
- (ii) Building is far too big, intrusive and out of character with the site's rural ambience, spoiling the setting. Building should have a much lower profile and blend in with the surrounding landscape;
- (iii) Building is described as two-storey though it is three-storey with room for expansion;
- (iv) Third storey would be better used for solar or other forms of renewable energy;
- (v) A covered outdoor area with a café would be a positive addition to the scheme;

Access and Parking

- (vi) Too many parking spaces. 114 no. spaces will encourage too much traffic to the area;

- (vii) Cycle parking provision is insufficient. 55 no. spaces including 45 no. visitor spaces spread around the site;
- (viii) Given the Taylor Wimpey proposals for residential development to the north, a non-car access from the north should be provided;
- (ix) Access design is over-engineered and too destructive. Need for two-way vehicle movements and cycle path are questionable.
- (x) Parking: overspill parking in the vicinity. Roads near the train station or other attractions e.g. Roath Park Lake demonstrate the likelihood of inconsiderate or illegal parking on nearby streets.
- (xi) No provision for improved infrastructure at access points;
- (xii) No details on street lighting have been provided;
- (xiii) A Construction Transport Plan should be produced to protect residents;
- (xiv) Car parking provision is excessive and sustainable transport should be encouraged in line with the Government's aims;
- (xv) Traffic impacts on Lisvane Road will be magnified and another site access from Rhyd-y-Penau Road should be considered;

Proposed Restaurant Use

- (xvi) Café/restaurant seems to be a destination in its own right catering for 170 people and will also encourage traffic over and above reservoir visitors;
- (xvii) Proposed evening use of restaurant for functions until 11pm has not been made clear in the application;

Tree Impacts

- (xviii) Felling of 56 no. trees from an ancient woodland and coppicing a further 30 trees has not been justified;
- (xix) Replacement planting proposals should include specific species and locations;

Amenity Considerations

- (xx) Noise and light pollution from access;
- (xxi) Firmer commitments to address noise and lighting impacts on neighbouring occupiers is required;
- (xxii) Loss of privacy from overlooking into private gardens from the proposed footpaths on the west side of the reservoir;
- (xxiii) Elevated nature of the upper footpath is extremely overbearing;
- (xxiv) Contrary to the following paragraphs of the Infill Sites SPG: 2.9 (privacy), 3.22 (protection of privacy and amenity), 4.1 (consideration of new and future occupiers as well as amenities of neighbouring residents), 4.11 (safeguarding amenities of existing residents);
- (xxv) Cardiff Residential Design Guide SPG (p 53) states visual privacy should be provided for at least part of the garden, ideally immediately to the rear of the dwelling. Balconies should be avoided in suburban locations if they would result in significant overlooking – the proposed footpath would have a more profound impact on privacy than any balcony;
- (xxvi) Noise and disturbance from footpath users and late night functions will be a constant problem resulting in loss of quality of life;

- (xxvii) TAN 11 (Noise) requires LPAs to ensure noise generating development does not cause an unacceptable degree of disturbance;
- (xxviii) TAN 16 (Sport, Recreation and Open Space) states the frequency of noise generating activities and the disturbance likely to be created should be taken into account. Cumulative effects of different activities should also be considered;
- (xxix) Enhanced glow worm habitat to western boundary through enhanced landscaping will adversely affect outlook affects quality of light and lead to overshadowing and loss of light, contrary to Infill Sites SPG para 4.11 – proposals must not result in unacceptable harm regarding levels of overbearing, overshadowing, or overlooking;
- (xxx) Human Rights Acts, protocol 1 Article 1 states a person has the right to peaceful enjoyment of all their possessions including their home and other land. Article 8 states a person has the substantive right to respect for their private and family life;

Ecology Matters

- (xxxi) Bat surveys need to be carried out before trees are allowed to be felled;
- (xxxii) The natural world should take priority in the development;
- (xxxiii) Proposed walkways to Gwern-y-Bendy wood would spoil this haven;
- (xxxiv) Harm to SSSIs from footpath construction and ongoing usage;

Energy and Sustainability

- (xxxv) 10 no. 150KW charging points should be provided;
- (xxxvi) Environmental credentials are not cutting edge and should be at the heart of the proposals;

Crime Prevention and Security

- (xxxvii) Policy requires all new developments should promote safe and secure environments and minimise opportunities for crime. Lack of lighting on footpaths within site will prevent natural surveillance;
- (xxxviii) Proposed boundary enclosures are unclear;
- (xxxix) Contrary to Residential Design Guide SPG p6 as natural surveillance of areas vulnerable to crime is not maximised and boundaries between public and private space is not well defined nor is a good standard of lighting to public spaces provided;

Pre-Application Consultation

- (xl) Comments made during the pre-application consultation have not been addressed.

7.16 The **Friends of Nant Fawr Community Woodlands** welcomes the application. Clearly there is a close link between the reservoir site and the area managed by the Friends of Nant Fawr Community Woodlands, which runs beside it and which forms the Nant Fawr green corridor.

- 7.17 They note that there are plans to create two access points between the two sites to enable the public to walk through both areas. They would have liked to have seen further detail on the plans as to how access to and from the reservoir site connected to the current footpath system within Nant Fawr and feel that there will need to be further discussions regarding these details. They would like to see clarification of any plans to develop an enhanced cycle path running from the north of the Nant Fawr site through the meadows and woodlands towards Cardiff High School that is alluded to in the plans for the reservoir site and for which cycle racks are proposed in the plans for both of the new entrances. They object strongly to any proposals to widen the existing path as this would have an adverse effect on the biodiversity of the area while its conversion to a dual pedestrian/cycle track would create a huge health and safety issue for the large number of pedestrians and dog walkers who currently use the path.
- 7.18 They would have liked to have seen more information in the planning application regarding the type of activities which are planned for the Recreation Zone. The Nant Fawr woodlands that adjoin this area are a peaceful area of relatively unspoilt biodiversity-rich woodland and they would have serious concerns about any developments in this area which would generate noise and affect the wildlife.
- 7.19 During the Covid pandemic, usage of the Nant Fawr area has increased enormously and local residents have suffered from inconsiderate parking by some of those accessing the site from further afield. With two new access points being proposed to the reservoirs, they are concerned that no consideration appears to have been given to providing measures to alleviate the inevitable problems of parking congestion for local residents near these new entrances to the site at Towy Rd, Rhydypenau Rd and Black Oak Rd.
- 7.20 **Cardiff Civic Society** objects for the following reasons:
- (i) The proposed building is too large for its setting within a sensitive environment (a SSSI);
 - (ii) The building looks like a motorway service station. A stream-lined, sedum roofed structure would be more sympathetic to the environment;
 - (iii) Application does not go far enough to protect and enhance biodiversity – a legal requirement under Section 6 of the Environment Wales Act 2016;
 - (iv) New tree planting should be native and nature friendly;
 - (v) Provision should be made on the building for bird nests for house martins, swallows and swifts as their numbers are in sharp decline;
 - (vi) Wildlife island is too small.
- 7.21 **Lisvane Community Council** confirmed in November 2020 that it was generally supportive of the principle of the proposals. However, they have traffic concerns which do not appear to have been adequately dealt with in the Transport Assessment. It is proposed that the only vehicular access to and from the site should be at its existing junction with Lisvane Road, they did flag traffic concerns (and other matters) during the pre-application consultation.
- 7.22 An appeal for the non-determination by Cardiff Council of an application for residential development by Western Power Distribution (WPD) (ref: 06/01101/E)

was dismissed by the Welsh Ministers in April 2013. The Inspector highlighted 5 key considerations in making his conclusions, one of which was the impact of the proposed junction on the rural nature of Lisvane Road. The Minister agreed with the Inspector's conclusion and his decision therefore sets a precedent in relation to the nature of the junction at this site. Some additional landscaping with bushes/trees along the east side of the access road up to the back of the new footway would help retain the character of the lane.

7.23 The proposed development will generate a similar volume of traffic as the WPD scheme and they are very concerned about road safety issues. They are disappointed that:

- (i) the traffic counts were carried out during an Autumn half-term week so recording lower levels of traffic than normal;
- (ii) no vehicle speed measurements were included in the Transport Assessment; and
- (iii) no visibility splays are shown.

7.24 They would be grateful if these concerns could be considered in conjunction with their suggestions during the pre-application consultation, namely:

As a leisure complex, non-motorised vehicle access should be allowed whilst only essential motorised traffic to maintain the complex and support the legitimate activities should be permitted and this to be rigidly controlled. The cycle lanes offer access to the visitor centre only from Lisvane Road. There would appear to be no cycle access from the east and south, which seems to go against current policy to encourage cycling.

7.25 Following the receipt of additional information and amended plans, a second period of public consultation took place in March 2021. The following **concerns were expressed by 2 no. properties** on Crofta and South Rise in Lisvane:

- (i) South Rise is foreseen to become a communal car park;
- (ii) Very narrow access and egress to the site including a very narrow bridge over the stream. Traffic calming measures are recommended;
- (iii) A sign at Llanishen Station advising passengers to alight for the facility are recommended.
- (iv) 5 appendices appear to be missing from the WTSSW Woodland Management Plan;
- (v) The Travel Plan indicates the restaurant will be open until 11pm whereas the draft LEMP states the site will not be open at dusk. This is misleading.

7.26 A third public consultation exercise took place in April 2021 following the receipt of more additional information and amended plans. **A property on Rheidol Close submitted the following objections** in respect of the proposals for Gwern-y-Bendy Woods:

- (i) Currently a small and ancient woodland with no public access surrounded by private dwellings;
- (ii) A designated SSSI with rare waxcap mushrooms growing;

- (iii) Management proposals will harm the existing flora and fauna and wildlife habitat;
- (iv) Proposed metal fencing enclosing the site will be harmful.

7.27 A fourth public consultation exercise took place in May 2021 following the receipt of additional information and amended plans. Any comments received will be reported to Committee.

8. ANALYSIS

Introduction

- 8.1 Technical Advice Note (TAN) 16 (Sport, Recreation and Open Space) states that sport and recreation proposals, particularly those which contribute to the restoration, regeneration and protection of Wales's inland water resources, harbours and docks and marine and freshwater wildlife should be encouraged, subject to there being no unacceptable adverse effects on the environment, water quality, biodiversity, the amenity of local residents and the enjoyment of the resource by other users (paragraph 3.32).
- 8.2 Paragraph 3.29 of the same document also advises that water related recreation can contribute to the physical and mental health and well-being of participants, contribute to the rural and urban economy and to environmental management.
- 8.3 This analysis assesses the impacts of this application, including the re-opening of the site to public access, upon designated sites (Sites of Special Scientific Interest and Sites of Importance for Nature Conservation) and biodiversity interests, trees and the environment, residential amenity and other material considerations including access and parking, place making and design, heritage, hydrology, crime prevention, and energy and sustainability.

Ecology

- 8.4 Section 2 of this report summarises the nature conservation designations within and adjacent to the application site. The designations within the site include two Sites of Special Scientific Interest (SSSIs) and three Sites of Importance for Nature Conservation (SINC).

Sites of Special Scientific Interest

- 8.5 Concerning SSSIs, Planning Policy Wales (PPW11) advises:
 - (i) Statutory designation of a site does not necessarily prohibit development, but proposals must be carefully assessed to ensure that effect on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated (paragraph 6.4.14);

- (ii) SSSIs are of national importance. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies, including planning authorities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest (6.4.17);
 - (iii) There is a presumption against development likely to damage a SSSI and this presumption should be appropriately reflected in development plans and development management decisions (6.4.17).
- 8.6 Prior to its submission, and during the processing of the application, Natural Resources Wales (NRW) have been consulted and made representations. Their consultation response begins at paragraph 6.10 of this report and confirms that they have 'significant concerns' that the proposed development will lead to damage to the SSSI features, and therefore they advise permission should only be granted provided their recommended conditions are attached to any permission.
- 8.7 They identified that the grassland fungi population, for which the Llanishen and Lisvane Reservoirs Embankments SSSI is designated, is likely to be impacted by re-opening the site to public access after a long period of closure by previous land owners (180,000 visitors per annum is targeted in the application). The construction of formal footpaths to guide visitors around the site will help reduce impacts though there is concern that some visitors may not follow these routes or respect on-site rules. They support the applicant's commitment not to allow cycling within the site to protect the ecology interests and for health and safety reasons.
- 8.8 Dog fouling on site is another threat to the grassland fungi population due to the soil enrichment that occurs. NRW also expressed concerns at management of dog fouling on site due to the projected visitor numbers. In order to safeguard the SSSI interest the application will manage this through imposing dog control orders requiring dogs to remain on short leads and owners to pick up dog faeces. Dog walking will also not be permitted around the northern edge of Lisvane Reservoir where the most sensitive grassland fungi habitat is located. The applicant will employ a minimum of two rangers on site at any one time during opening hours to monitor and manage visitor behaviour. These management measures would be secured through the conditions recommended by NRW, specifically the Landscape and Ecology Management Plan which includes an Adaptive Management Strategy Framework to facilitate ongoing monitoring and management of the site's nature conservation interests.
- 8.9 The picnic area to the west of Llanishen Reservoir was identified as an area where concentrated activity could damage the grassland fungi habitat through soil compaction, nutrient increase and fungi damage. The introduction of fencing around the picnic area to limit visitor encroachment and interpretation boards to educate visitors were welcomed by NRW to prevent adverse effects on the SSSI interests.

- 8.10 The application proposes to introduce a regime of cutting and removing vegetation instead of the current frequent cutting regime as this is recognised, and supported by NRW, to remove nutrients from the soil which in turn can lead to an increased grassland fungi abundance. Through the introduction of the LEMP, NRW consider that the risks to the embankments SSSI are likely to be manageable.
- 8.11 Concerning Lisvane Reservoir, which is designated for its overwintering birds, NRW expressed concern that gatherings around the reservoir edges, noise and water sports all have potential to disturb and displace the bird population that use the reservoir.
- 8.12 The introduction of two floating bird refuges, the closure of the footpath around the northern half of the reservoir during winter months (October to March), the closure of the upper footpath between both reservoirs for the same period, and prevention of water sports on Lisvane Reservoir during the same period were welcomed by NRW as effective measures to protect and enhance this designation. A condition is also attached to control light spill from the car park and visitor centre.
- 8.13 It is considered that LDP Policy EN5 (Designated Sites) has been satisfied insofar as it relates to these sites of national nature conservation importance.

Sites of Importance for Nature Conservation

- 8.14 The SINC's are a local designation and those within and adjacent to the site are summarised in Section 2. Essentially, beyond the SSSI designations, the land around Llanishen Reservoir or the water body itself is a designated SINC.
- 8.15 Where proposals affect such designations, LDP Policy EN5 (Designated Sites) requires the nature conservation importance of the designation to be maintained or enhanced and where this is not the case and the need for the development outweighs the conservation importance of the site, proposals need to demonstrate there is no satisfactory alternative location for the development and compensation measures ensure there is no reduction in the overall nature conservation value of the area or feature.
- 8.16 Having considered the amended plans and additional information accompanying the application, the Council's Ecologist advises that, whilst he has concerns regarding the development proposals, through attaching relevant conditions to secure appropriate mitigation and management, these designations can be protected. His consultation response is at paragraph 5.7.
- 8.17 During the public consultation exercises, representations were received regarding the proposals to construct a cycleway through the Nant Fawr Meadows, a designated SINC and concerns raised as to its future management. This SINC is located outside of the application site and it is the Council rather than the applicant who are proposing a dedicated cycleway through the Nant Fawr meadows as part of the vision to improve cycling and walking routes across the city. This proposed route will be subject to detailed design and does not form part

of this planning application. Any ecological impacts would be assessed and considered during the detailed design process.

- 8.18 An objection was also received expressing concerns about the impact of the development on Gwern-y-Bendy Woods, a designated SINCC. This ancient semi-natural woodland has no public access and is proposed to be managed by a volunteer group to introduce enhancements to the site, details of which are contained within the draft Woodland Management Plan accompanying the application. A condition is recommended to control any new enclosures proposed to be erected on the site perimeter.

European Protected Species

- 8.19 Dormice and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed.
- 8.20 Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.
- 8.21 One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. These requirements are translated into planning policy through PPW11, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). Local Planning Authorities should take them into account when considering development proposals where a European Protected Species is present.
- 8.22 NRW accept that the assumed population of dormice within the site can be protected through submission and approval of a management plan prior to the commencement of development.
- 8.23 A condition is also recommended to require surveys of trees for their roosting potential for bats to be carried out before any felling takes place in order to ensure for the protection of these species.
- 8.24 Conditions are also recommended to ensure any lighting does not adversely impact European Protected Species either during construction or operation.
- 8.25 An otter lying-up site is located within the south of the site which would remain unaffected by the development.
- 8.26 Having considered NRW's advice in this respect, the guidance in PPW11 and LDP Policy EN7 (Priority Habitats and Species) and through the use of relevant conditions, it is considered that the legal tests and planning policies are satisfied. The development would not have a significant adverse effect on the continued

habitats or the species and through mitigation and management, maintenance is expected to occur.

UK Protected Species

- 8.27 Through appropriate mitigation and management to ensure for the resilience of the ecosystems on site, maintenance and enhancement of these species is expected to occur as advised by the Council's Ecologist.

Conclusion

- 8.28 Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure) (February 2021) seeks to maintain and enhance biodiversity (providing a net benefit), secure ecosystem resilience and green infrastructure provision which must be demonstrated in development proposals through innovative, nature-based approaches.
- 8.29 The re-opening of the site to public access is not without some risks to nature conservation interests, as communicated by Natural Resources Wales and the Council's Ecologist in their consultation responses. However, by concentrating pedestrian and dog activities to newly-constructed footpaths, and introducing the range of mitigation and management measures discussed above, together with on-going monitoring and review mechanisms secure via condition, it is considered that the amended proposals have satisfactorily demonstrated that maintenance and enhancement of biodiversity, ecosystem resilience and green infrastructure provision will occur.

Tree Impacts

- 8.30 The trees losses that would occur to accommodate the development and the access road works are summarised in Section 1 of this report. 56 no. individual trees including 2 no. category 'A' trees and 16 no. category 'B' trees would be felled. These losses are not insignificant however they must be considered against the proposed compensatory planting measures across the site (comprising 35 no. specimen trees, 40 no. woodland trees, 407 no. woodland edge trees and 3,745 hedgerow plants) and the wider scheme benefits. It is also worth noting that the original proposals, now superseded, would have required the removal of 54 no. category 'B' trees and 52 no. category 'C' trees.
- 8.31 LDP Policy KP16 (Green Infrastructure) states that Cardiff's natural heritage, including trees, woodlands and hedgerows, will be protected, enhanced and managed to ensure the integrity and connectivity of the City's multi-functional green resource and the protection and conservation of this heritage network needs to be reconciled with the benefits of development. The policy requires green infrastructure to be considered and integrated into development proposals and compensation provided for any losses. LDP Policy EN8 (Trees, Woodlands and Hedgerows) advises that where unacceptable harm occurs to trees, woodlands and hedgerows of significant public amenity or cultural heritage value, or that make a significant contribution to mitigating the effects of climate change, development will not be permitted.

- 8.32 The majority of tree losses will occur to the access road and visitor centre and car park. The amended access proposals are the minimum width necessary in order to meet adoptable standards. Despite these amendments the Council's Tree Officer considers that the impact of tree losses cannot be adequately mitigated because it is not possible to recreate the wet woodland as part of the development given the site's constraints and characteristics. He welcomes mitigation planting either side of the access road and elsewhere on site together with the proposed woodland management plan.
- 8.33 Turning to the tree impacts in the car park area, the amended proposals confirm the provision of 7 no. Italian Alders to the landscaping strips, each to be provided with 30m³ root crates as requested by the Tree Officer. He welcomes these amendments which he considers will recreate something akin to wet woodland, albeit in a much more engineered context. He also welcomes the introduction of Italian Alders in line with his earlier comments as he considers these are ideal trees for the context, being tolerant of inundation and dry soil, but growing quickly to achieve a significant landscape impact.
- 8.34 Elsewhere in the car park he remains concerned at incursions into RPAs adjacent to the watercourse which may threaten retained trees where the incursions are significant. Whilst these concerns are recognised, through the use of sensitive construction methods secured via condition (e.g. no dig construction), the retained trees can be protected.
- 8.35 The tree losses proposed to accommodate the development proposals are acknowledged. The applicant has amended the proposals to reduce the tree losses as far as possible, and has also amended its compensatory planting plan to align with the advice of the Council's Tree Officer where possible. The replacement planting strategy more than compensates for the tree losses in quantitative terms, though not, in the opinion of the Tree Officer, in qualitative terms as the losses to the existing wet woodland cannot be replaced.
- 8.36 Whilst the tree losses are acknowledged, they must be considered against other benefits including the proposed compensatory planting proposals, woodland restoration and management proposals for Gwern-y-Bendy Woods and Rhyd-y-Penau Woods and the wider scheme benefits of re-opening of the site to public access and realising its full potential as a leisure and recreation destination. It is considered that the harm that would result is not unacceptable when considered in this context against the aforementioned LDP policies.

Transportation

- 8.37 The design requirements for ensuring a suitable access to adoptable standard to serve the proposed development were subject to extensive discussions with Council officers during the pre-application process. A carriageway of sufficient width to support two-way traffic along its entire length has been an essential requirement to meet adoption requirements. As a consequence of these discussions, the original carriageway reduced in width from 5.5m to 4.8m and the adjoining 3m wide shared footway/cycleway was re-designed to become a 2m

wide footpath (given Lisvane Road has no segregated cycling it was agreed that any cyclists could use the access road carriageway).

- 8.38 It is inevitable that tree losses will occur in order to construct the access to adoptable standards. However, it should be noted that the amended proposals would avoid the felling of 38 no. 'B' category trees and 17 no. 'C' category trees. The amended access proposals comprise the minimum adoptable standards that would be acceptable to the Highways Authority and therefore the tree losses must be weighed in the planning balance against the scheme benefits and compensatory tree and hedgerow planting proposals.
- 8.39 The amended access designs would retain vehicular access to the South Rise Allotments which, together with the application site access, would benefit from new gates at the entrance points.
- 8.40 A condition is recommended to secure details of the access road design to inform the detailed approval process under relevant Highways legislation. These details would include any requirements for parking restrictions (e.g. yellow lining) and street lighting.
- 8.41 It is noted that the Operational Manager, Transportation, is now satisfied with the amended Transport Assessment accompanied by additional Technical Notes (paragraph 5.1).
- 8.42 He is also satisfied with the additional information provided regarding trip generation and projected parking demand and supply, recognising that some assumptions have been necessary due to the bespoke nature of the development proposals. He notes the forecast demand of up to 98 no. spaces for the 114 space car park, though he considers that demand could exceed this in peak times (and during the initial opening period). The proposed car park management, parking fee regime and restrictions introduced onto the access road and Lisvane Road will help manage any excess demand. However, there is a recognition that on-street parking in the vicinity of the three new pedestrian entrances could also occur (Black Oak Gate, Rhyd-y-Penau Gate and Towy Gate). To mitigate any excessive in these locations the applicant has agreed to enter into a Section 106 Agreement with the Council to secure £20,000 towards the review of parking problems that may occur as a result of the development, and for the implementation of appropriate parking restrictions (via a TRO process) to deal with any problems that may arise.
- 8.43 The updated cycle parking strategy provided for 23 no. stands (46 no. spaces) outside the visitor centre and 5 no. stands (10 no. spaces) at each of the 3 additional pedestrian gates around the site perimeter. No cycling would be permitted within the site itself for ecology and health and safety reasons. Under a separate project, the Council has plans to create a dedicated cycleway through the Nant Fawr meadows as part of the vision to improve cycling and walking routes across the city. This route, which is subject to detailed design, would extend and improve the Nant Fawr Trail, a strategic recreational route. It is considered that the new access points around the site perimeter, together with the opportunity for future connections to the improved Nant Fawr Trail, would

encourage active travel in accordance with LDP Policies EN4 (River Corridors) and T8 (Strategic Recreational Routes). The precise location, design and amount of cycle parking provision within the site is recommended to be secured via condition in the event that permission is granted.

- 8.44 A further pedestrian entrance into the site was considered from the north during discussions however this was discounted in order to limit impacts on the northern and eastern embankments of Lisvane Reservoir, where some of the most sensitive habitats of the SSSI are located. A footpath connection was also considered through Coed-Ty-Llwyd woods however this has not been pursued due to land ownership restrictions. It is considered that the main access via Lisvane Road together with the 3 new pedestrian access points around the site perimeter would ensure for satisfactory and convenient access to the site from the surrounding residential communities.
- 8.45 In response to other transport-related representations received during the public consultation process:
- (i) A Construction Environmental Management Plan (CEMP) would be secured via pre-commencement condition to ensure that the development proceeds in an acceptable manner to safeguard the amenities of neighbouring occupiers; and
 - (ii) Provision of a sign at Llanishen Station advising passengers to alight for the facility is not something that could reasonably be required via this application.
 - (iii) Reference has been made to a previous appeal decision for a different development proposal which commented on the impact of the proposed mini-roundabout junction on the rural nature of Lisvane Road (Council ref: 11/00383/DCO). The existing junction would be retained, albeit widened, and no mini-roundabout at the Lisvane Road junction is proposed in this application. However it is acknowledged that the tree losses under the current application would be greater as a result of the proposed access road widening works. As mentioned above, this is a matter to be weighed in the planning balance against the replacement tree planting proposals which would be provided and the other benefits that would arise from the development proceeding; and
 - (iv) It is not considered that an additional vehicular access is required to serve the proposed development beyond the main access proposed via Lisvane Road and the access via Rhyd-y-Penau Road which will be restricted for maintenance vehicles, some disabled parking and pre-arranged visits (e.g. school trips and volunteer groups). A condition is recommended to secure details of the management strategy for this secondary access which would ensure that the traffic impacts can be satisfactorily controlled together with the amenities of neighbouring occupiers.
- 8.46 Having considered the additional information and amended plans the application, subject to the completion of the legal agreement to secure the financial

contribution and relevant conditions, is now considered to satisfy LDP Policies T5 (Managing Transport Impacts) and T6 (Impacts on Transport Networks and Services).

Placemaking, Design and Appearance

- 8.47 The proposed visitor centre is considered to be of a striking, contemporary design that is well-positioned to make the most of its secluded setting. Its position responds well to the reservoir embankments through the creation of a bridge providing direct access from the first floor balcony to the upper footpath proposed around Llanishen reservoir.
- 8.48 From longer range views the ground floor of the centre will largely be hidden from view due to the difference in levels with the reservoir embankment. Locating the changing facilities, equipment storage and offices/meeting rooms on ground floor with the cafe/restaurant at first floor to take advantage of views across the reservoirs is agreed to be a sensible approach to arranging the various functions. The building is considered to respond well to its environment and the bold, three-storey design is not considered to be too large for its location nor would be visually harmful.
- 8.49 The simplicity of the palette of materials is welcomed, with steel framing, timber cladding and zinc standing seam roofing being the dominant materials which are considered to be appropriate for its natural location next to the water with trees and woodland providing a backdrop. These details give confidence that the building will have a high quality finish appropriate for its setting and its function as a public venue. A relevant condition to secure the proposed finishes is recommended together with a condition to secure the use of non-reflective glazing to protect bird populations.
- 8.50 The positioning of the visitor centre in the southern end of the car park area is considered to enable the available land in this part of the site to be used efficiently, facilitating the creation of the car park, circulation space and access arrangements together with retention of existing trees and new landscaping.
- 8.51 A representation received during one of the public consultation exercises suggested the scheme would benefit from a covered outdoor seating area with a café, however this has not been pursued by officers. A 'grab and go' refreshment hatch is located at ground floor to the south elevation. The Local Planning Authority seeks amendments where such changes are essential to make a scheme acceptable. It is the Local Planning Authority's duty to consider each application on its own merits.
- 8.52 The proposed boat maintenance shed and adjoining cleaning enclosure is more functional in its design, being a single-storey mono-pitch design constructed using profiled metal cladding. It is sensibly located in the south west corner of the car park away from the main public areas to reduce potential conflicts with visitors.
- 8.53 Other structures located within and around the site include a Welsh 'Roundhouse' in the southern part of the site and two no. bird hides providing views across

Llanishen Reservoir. These single-storey timber structures do not raise any concerns and relevant conditions are attached to agree their precise design and appearance.

- 8.54 The proposals are considered to fulfil the requirements of Local Development Plan Policy KP5 (Good Quality and Sustainable Design) in that the development will be of a high quality and sustainable design that will make a positive contribution, not only to the application site, but also to the wider Nant Fawr river corridor through which the strategically important recreation route, the Nant Fawr Trail meanders.

Heritage

- 8.55 Llanishen Reservoir Dam is a Grade II listed asset, first designated on the 24th July 2009 (Cadw: 87591). Llanishen Reservoir is an integral part of the 19th century water-supply infrastructure designed to support Cardiff during its rapid industrialisation.
- 8.56 When considering planning applications which affect a listed buildings or their setting, LPAs are required by section 66(1) of the LB&CA Act to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest which it possesses.
- 8.57 Since acquiring the site the applicant has sought approval, and gained listed building consent, for the restoration and repair of various structures and apparatus remaining on and within the listed structure. A corresponding application for listed building consent is reported to this Committee to repair, replace and restore existing stairways, construct a footbridge from the Visitor Centre onto the listed structure, construct a vehicle access from the car park to the slipway and construct footpaths around the listed structure.
- 8.58 The Heritage Impact Statement (HIS) accompanying this application concludes that the proposed works would result in harm to the significance of Llanishen Reservoir as defined by the Wales Planning Policy Framework as a result of having some physical impacts on the structure of the encircling dam (through the construction of footpaths and replacement and creation of stairways on the outside of the dam structure). However, the HIS concludes that bringing the asset and wider site into greater public use will ensure the long-term sustainability and viability of the site whilst preserving the asset in its entirety. The impact of the proposed modifications to the fabric of the listed structure is therefore thought to be outweighed by the benefits of the scheme both for the public, in enhancing appreciation of the significance of the heritage asset, and also for the viable longer-term preservation of the asset. In order to maximise the opportunity to enhance public appreciation and also the understanding of this important heritage asset, which can contribute to place making and local identity, the HIS recommends that some consideration is given to providing public heritage information boards or other such interpretation.
- 8.59 LDP Policy EN9 (Conservation of the Historic Environment) states that development will only be permitted where it successfully demonstrates that the

asset's architectural quality, historic and cultural significance, integrity and/or setting is preserved or enhanced. The supporting text to this policy states that, more often than not, a heritage asset will be an opportunity for retaining local identity through the repair and reuse of historic assets and strengthening this through respect for local characteristics of design for the interpretation of hidden heritage assets, or for the enhancement of the characteristic natural environment. There is agreement with the conclusions of the HIS that whilst some minor harm would occur through the works described, this is more than outweighed by the benefits of opening up the site to public asset so that the asset can be appreciated and its longevity preserved. It is considered that the development proposals will ensure for the future protection, management and enhancement of the asset in accordance with LDP Policy KP17 (Built Heritage).

Flood Risk & Hydrology

- 8.60 According to the latest Development Advice Maps, parts of the site and approximately 50% of the area for the proposed visitor centre and car park lies within a C2 Flood Zone. This is an area of flood zone without significant flood defence infrastructure. Technical Advice Note 15 (Development and Flood Risk) (TAN15) advises that only less vulnerable development should be considered in such locations, subject to a justification test.
- 8.61 Less vulnerable development includes, *inter alia*, employment and commercial development and it is agreed with Natural Resources Wales' position that the application falls within this development category. Consequently, the justification test in Section 6 of TAN15 applies, for which there are three stages.
- 8.62 The first stage in the justification test is the necessity of development, either as part of a local authority initiative or strategy or as a contributor to key employment objectives. Local Development Policy EN4 (River Corridors) is relevant in this regard, which states: *"The natural heritage, character and other key features of Cardiff's river corridors will be protected, promoted and enhanced, together with facilitating sustainable access and recreation."* The application is consistent with the stated aims of this policy and therefore would satisfy part (i) of the justification test, as it comprises a *"local authority strategy required to sustain an existing settlement."*
- 8.63 Secondly, the application is considered to accord with the aims of Planning Policy Wales 11 (PPW11) and meets the definition of previously development land in PPW11 (p37), being land that is occupied by a permanent structure and associated fixed surface infrastructure.
- 8.64 Thirdly, the Flood Consequences Assessment (FCA) submitted with the application seeks to demonstrate that the potential consequences of flooding can be managed to an acceptable level. The FCA confirms the visitor centre will have a finished floor level of 45.10m AOD and predicts:
- (i) the visitor centre will be flood free during a 1% (1 in 100 year) plus 25% climate change allowance annual probability fluvial flood event, complying with A1.14 of TAN15;

- (ii) the visitor centre will flood to a maximum depth of 187mm, at a velocity of 0.15m/s, during a 0.1% (1 in 1000 year) annual probability fluvial flood event, which is within the tolerable limits of A1.15 of TAN15;
 - (iii) other parts of the site will flood to a maximum depth of 490mm during both a 1% (1 in 100 year) plus 25% climate change allowance and a 0.1% (1 in 1000 year) annual probability fluvial flood event;
 - (iv) some marginal changes in flood depths and flow velocities will occur within the site as a result of changes in the ground profile.
- 8.65 It is noted that NRW, having considered the FCA and its conclusions, has no objection to the proposals in respect of flood risk matters.
- 8.66 It is also noted that the FCA proposes to manage any residual flood risk by recommending an evacuation route should a flooding event occur, the production of flood event action plan, and signing up to NRW's flood warning service.
- 8.67 It is considered that the risks and consequences of flooding can be acceptably managed in accordance with TAN15 and the application is therefore considered to be compliant with LDP Policy EN14 (Flood Risk). A relevant condition is recommended in the event that permission is granted to ensure the visitor centre is built to a finished floor level of 45.10m AOD as this height has been used in the assessment. An advisory note is also recommended to draw the applicant's attention to the FCA's recommendations for managing any residual flood risk.
- 8.68 NRW have accepted the preliminary designs for the retaining wall to be constructed where the Nant Fawr stream meanders in close proximity to the access road. They accept the use of a product that is capable of developing diverse habitat potential and the conclusions of the Water Framework Directive Assessment that there would not be a deterioration in the ecology of the watercourse.

Residential Amenity Issues

- 8.69 Objections have been received stating the relationship between proposed footpaths on the west embankment of Llanishen Reservoir and properties on Usk Road would be overbearing on these neighbouring properties resulting in harm to their amenities and a loss of privacy through overlooking. A distance of approximately 21 metres would be retained between the site boundary and the lower footpath and approximately 41 metres with the upper footpath on the crescent of the embankment. The length of the rear gardens (approximately 11 metres) must also be taken into account. It is considered that these distances are sufficient to ensure that no loss of privacy through overlooking into the rear gardens of these neighbouring properties would arise from development proceeding. It is recognised that the upper footpath would be more visible from neighbouring occupiers, and users of this path would appear above boundary enclosures, however the distance in excess of 40 metres to the site boundary is considered to be more than enough to avoid a serious loss of amenity. Users of

the path would also be visible momentarily from neighbour properties. The proposals are therefore considered to ensure no undue effect on the amenity of these neighbouring occupiers in accordance with LDP Policy KP5(x) (Good Quality and Sustainable Design).

- 8.70 The proposed access improvement works have also generated objections and concerns on the grounds that the footpath and widened access would create opportunities for overlooking resulting in loss of privacy, as well as noise and light pollution from vehicles and associated street lighting. The retained woodland either side of the improved access would be a minimum of approximately 20 metres deep, creating a significant buffer to neighbouring properties such that adverse losses of privacy are not considered to arise. One dwelling at 8 Crofta, does shares a boundary with the Nant Fawr stream and the access route does pass in close proximity to rear garden boundary. However, mindful of the retained woodland, and that the rear garden of this neighbour is approximately 60 metres long, it is not considered that unacceptable harm to the amenities of this neighbour would arise nor would an unacceptable loss of privacy occur. A condition is proposed to secure details of street lighting to ensure no unacceptable light spillage occurs in the interests of nature conservation.
- 8.71 Reference has been made in representations to the proposals being contrary the Council's Infill Sites Supplementary Planning Guidance (SPG) (November 2017) and the Residential Design Guide (January 2017) where they contain guidance regarding the privacy and amenity of existing and future residents. The Infill Sites SPG is generally applied to minor residential development and defines infill sites as gap site development with a street frontage, backland development or site redevelopment (where the replacement of an existing building is proposed) (Paragraph 1.1). None of these definitions apply to this development proposal and therefore this SPG is not directly relevant to this application. Nevertheless the general themes of privacy and amenity for neighbouring occupiers is clearly a material consideration.
- 8.72 With respect to the Residential Design Guide, the same conclusion is reached. This SPG provides guidance on design issues for major new residential (i.e. 10 or more dwellings) and therefore is not directly relevant to this application.
- 8.73 Notwithstanding the materiality or otherwise of these two SPG documents, the issues of privacy and amenity for neighbouring residential properties in two key areas where the application site adjoins existing dwellings and it is considered that the relationships are acceptable and in accordance with the LDP policies referenced.
- 8.74 Some concerns and objections have also been expressed to the proposed opening hours of the visitor centre café/restaurant until 11pm 7 days a week. The description of development has been amended to make specific reference to this aspect of the proposals and a public consultation on this amendment has taken place. The applicant has confirmed that the visitor centre is expected to close to public use at 8pm every night and any use of the café/restaurant after this time would be by the applicant, community groups or by private booking. The café/restaurant will not be open to the general public for evening meals. Shared

Regulatory Services (SRS) Neighbourhood Services Officer has considered this potential noise generating-use and, mindful of the distances separating the centre and neighbouring residents, he does not consider noise or odour to be likely to cause an adverse amenity impact (paragraph 5.8(vi)). It is considered that the application is in accordance with the advice within Technical Advice Note (TAN) 11 (Noise) and LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination) as an unacceptable degree of disturbance will not arise. A relevant condition is attached to control the hours of operation of the development.

- 8.75 Paragraph 4.5 of TAN 16 (Sport, Recreation and Open Space) states that, where there is potential for significant levels of noise to be generated, the frequency of noise occurring and the disturbance likely to be created should be taken into account. Cumulative effects of different activities in the same area should also be considered. No motorised water sports would occur at the facility and a relevant condition is recommended to control this. The boat maintenance shed has the potential to generate some noise though it would not be used outside of the normal opening times of 0800 – 1800 and therefore it would not generate significant disturbance. It is not considered that the proposed activities would generate significant levels of noise, either individually or cumulatively to an extent that unacceptable levels of harm to residential amenity would occur.
- 8.76 It is not expected that the anticipated increase in vehicle movements arising from the development would be so great as to cause unacceptable harm to health and local amenity contrary to LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination).
- 8.77 Concerns have been expressed by some residents regarding security of their properties where they share a boundary with the application site. A relevant condition is attached to require the Local Planning Authority to approve details of any new boundary enclosures before they are erected, however there are few instances of the application site adjoining residential properties.
- 8.78 Any access from private rear gardens on Rhyd-y-Penau Road to the woodland at the rear would need the approval of the Council's Parks Service as they own the land; the applicant's boundary does not extend to the rear gardens of properties on Rhyd-y-Penau Road.
- 8.79 It is not considered that any enhancements to the Glow-worm habitat to the western boundary of the site through enhanced landscaping will adversely affect the amenities of neighbouring occupiers. Loss of views (outlook) are not a material consideration and any landscaping measures are unlikely to result in acceptable loss of light.

Crime Prevention and Security

- 8.80 The comments of the South Wales Police Crime Prevention Design Advisor are noted, who offers recommendations for reducing crime and welcomes the applicant's commitment to meet Secured by Design standards throughout the development (paragraph 6.80). A copy of this advice has been sent to the agent

and an advisory note is recommended to be attached to any planning permission that is granted.

- 8.81 A separate condition is recommended to secure details of all external lighting for the operational phase of development, which must balance the need for safety and security of site users as well as the need to protect and enhance nature conservation interests on the site, noting too that this privately-owned site will be secured outside of the proposed opening hours (0800 – 1800).
- 8.82 A condition is also recommended to secure details of all new enclosures to be constructed around the site perimeter, including access gates.
- 8.83 It is therefore considered that the proposals accord with LDP Policy C3 (Community Safety/Creating Safe Environments) which requires new development to promote a safe and secure environment, minimising opportunities for crime to occur through maximising natural surveillance, designing spaces well to facilitate convenient movement without comprising security, maintain distinction between public and private spaces, ensuring provision of a good standard of lighting, and considering management and maintenance to discourage crime in the present and future.

Energy & Sustainability

- 8.84 LDP Policy EN12 (Renewable Energy and Low Carbon Technologies) requires development proposals to maximise the potential for renewable energy. Future Wales Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) confirms the Welsh Government's strong support for the developing renewable and low carbon energy from all technologies at all scales to meet future energy needs.
- 8.85 The amended application provides for photovoltaics to the roof of the Visitor Centre which would generate in the region of 12,221KWh per annum (approximately equivalent to 6,000 showers) and off-setting approximately 3,129kg of carbon dioxide. This a welcome feature of the proposals.
- 8.86 Passive design measures (maximising natural lighting and ventilation), efficient plant design and waste water heat recovery will also contribute to the environmental sustainability of the scheme.
- 8.87 10 no. electric vehicle charging points will also be provided within the visitor car park in line with the expectations of Future Wales Policy 12 (Regional Connectivity).
- 8.88 These measures demonstrate the application's environmental sustainability credentials and compliance with the aforementioned policies.

Other Representations

- 8.89 The Council's EIA Screening Opinion issued in June 2019 concluded that the proposed development did not constitute EIA development. The Council is

satisfied that its opinion was issued for a development proposal of the same character and description as this application. Whilst approximately 16 months passed between the issuing of the Screening Opinion and the application submission there has been no material change in circumstance that necessitates the proposals to be re-screened.

- 8.90 The agent has confirmed that 8 Crofta was one of approximately 7,000 neighbouring and nearby properties that received the applicant's newsletter and therefore were notified of the pre-application consultation.
- 8.91 The Pre-Application Consultation Report submitted with the application summarises the applicant's response to representations that were received during the pre-application consultation exercise and any amendments that were made to the proposals in response.

Other Matters

- 8.92 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 8.93 *Equality Act 2010* – The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of 'protected characteristics'. The 'Protected Characteristics' are age, gender reassignment, sex, race (including ethnic or national origin, colour or nationality), disability, pregnancy and maternity, marriage and civil partnership, sexual orientation and religion or belief (including lack of belief). The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 8.94 *Well-Being of Future Generations Act 2015* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle 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). This duty has been considered in the evaluation of this application. It is, therefore, considered that the recommendation complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Act.
- 8.95 *Human Rights Act 1998* – The rights of the occupiers of the site under the Human Rights Act 1998 have been considered. Protocol 1 Article 1 states a person has the right to peaceful enjoyment of all their possessions including their home and

other land. Article 8 identifies that everyone has the right to respect for his private and family life, his home and his correspondence. It goes on to say that there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

9. SECTION 106 AGREEMENT

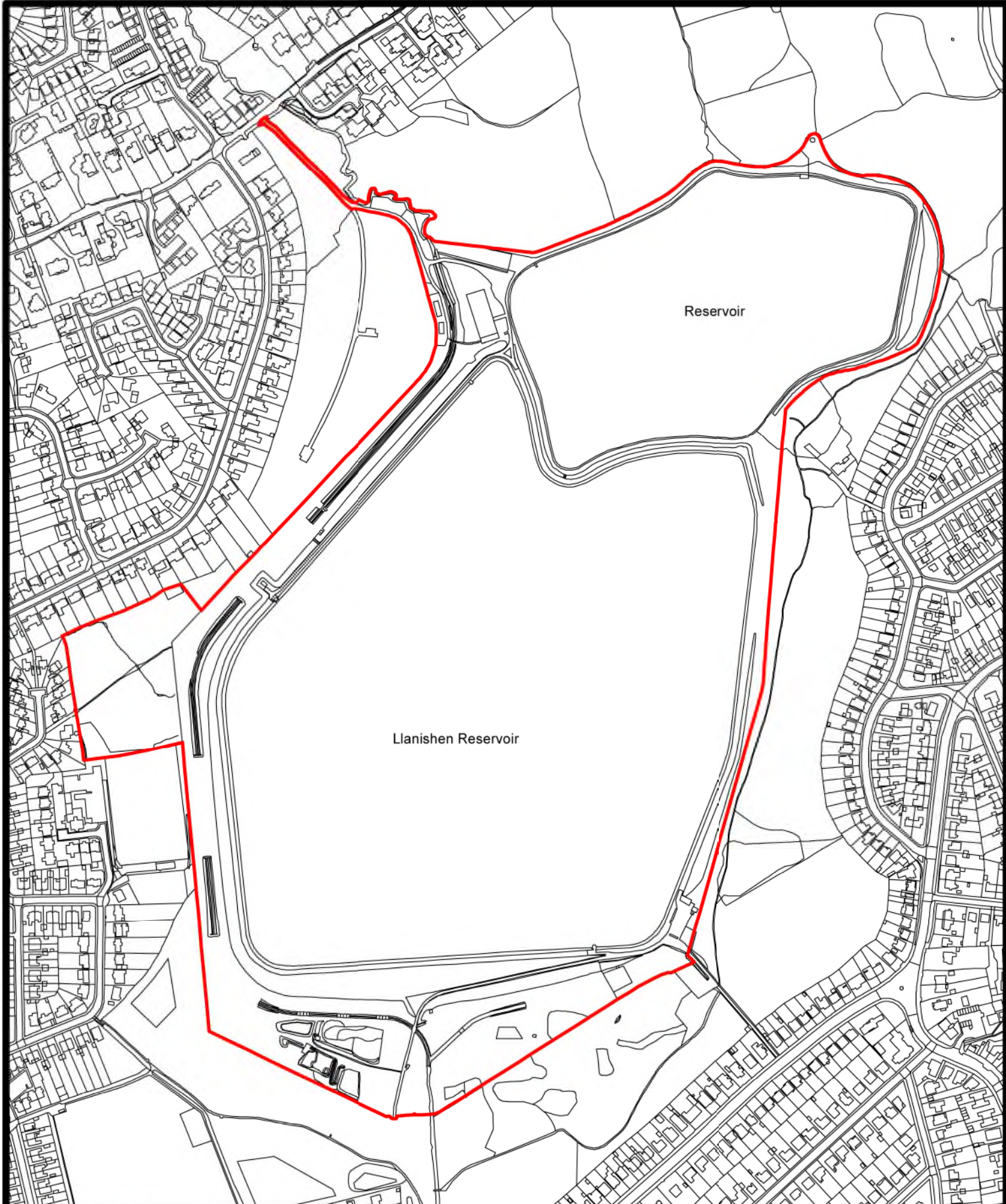
- 9.1 The legal tests for when planning obligations can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. The tests are:
- (i) necessary to make the development acceptable in planning terms;
 - (ii) directly related to the development;
 - (iii) fairly and reasonably related in scale and kind to the development.
- 9.2 LDP Policy KP7 (Planning Obligations) confirms that obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis.
- 9.3 A sum of £20,000 has been agreed with the applicant in order to try and mitigate against excessive parking demand at the 3 no. pedestrian entrance points (Black Oak Gate, Rhyd-y-Penau Gate and Towy Gate) where vehicles could use free on-street parking. The contribution would be used towards a review of parking problems that may occur as a result of the development, and for the implementation of appropriate parking restrictions (via a TRO process) to deal with any problems that may arise. It should be noted that this is separate from parking restrictions that would be introduced on the access road and Lisvane Road, and which would be addressed via the detailed design (Section 278) stage, although the above financial contribution could still be used towards solving additional problems that may occur on Lisvane Road post-opening should it be required.

10. CONCLUSIONS

- 10.1 There are many scheme benefits associated with re-opening this site to public access after a long period of closure. The introduction of non-motorised watersports, formal footpath routes and multiple pedestrian access points around the site will promote active travel, healthy living and well-being and will unlock the site's potential as a leisure and recreation destination, mindful of its strategic location within the Nant Fawr River Corridor.
- 10.2 The Visitor Centre is considered to be a bold, striking, high quality and modern design of an appropriate scale and massing for its setting, well-positioned and orientated to take advantage of views across the reservoirs to the east and south.
- 10.3 Through extensive pre-application discussions and consultations with Natural Resources Wales and the Council's Ecologist, it is considered that the national

and local nature conservation designations of the site, species and their habitats will be maintained and enhanced ensuring the resilience of these ecosystems through future management and monitoring.

- 10.4 Some tree losses are inevitable for a scheme of this scale and are required to accommodate the necessary access road widening works, visitor centre and car park. Through reducing the access road width to the absolute minimum necessary to meet standards for future adoption, these losses have been kept to a minimum. It is considered that retained trees in the visitor centre can be safeguarded through ensuring appropriate methods of construction via conditions. In addition to compensatory planting measures, woodland management plans will be implemented to bring enhancements to existing woodlands within the site.
- 10.5 The application makes appropriate provision for car parking within the site as well as promoting active and sustainable travel. The financial contribution, to be secured via a Section 106 Agreement, will enable further parking restrictions to be imposed should they be required.
- 10.6 The negative impacts of the development are considered to be more than outweighed by the positive benefits that would take place from the development proceeding, including the opening of this private site to public access and encouraging healthy living, active travel and well-being through a range of leisure and recreation activities.
- 10.7 It is therefore recommended that planning permission be approved, subject to the completion of a Section 106 Agreement to secure the measures in paragraph 9.3, and relevant conditions.



LEGEND	
	Sluice Valve
	Air Valve SINGLE
	Tap
	Pressure Reducing Valve
	Meter
	Bulk Meter
	Fire Hydrant
	Cap
	Non Dwr Cymru
	Existing Distribution Main
	Gravity Sewer
	Rising Main
	Outfall
	Pumping Station
	Lamphole
	Combined Sewer Overflow
	Special Purpose Chamber
	Treatment Works
	Private Sewer Transfer
	Lateral Drain
	Inspection Chamber

NB: Sewer symbol colour indicates the sewer type.
 RED - Combined
 GREEN - Surface Water
 BROWN - Foul

Notes:
 --- Type notes here ---
 --- Remembering to manually add line breaks ---

Whilst every reasonable effort has been taken to correctly record the pipe material of DCWW assets, there is a possibility that in some cases pipe material (other than Asbestos Cement or Pitch Fibre) may be found to be asbestos cement (AC) or Pitch Fibre (PF). It is therefore advisable that the possible presence of AC or PF pipes be anticipated and considered as part of any risk assessment prior to excavation.

Dŵr Cymru Cymreig (the Company) gives this information as to the position of its underground apparatus by way of general guidance only and on the strict understanding that it is based on the best information available and no warranty as to its correctness is intended in the event of excavations or other works made by the vicinity of the company's apparatus. The area of locating apparatus includes carrying out any excavations with entirely on you. The information which is supplied by the Company is given as a guide only and does not constitute a warranty of accuracy and is given as a guide only and does not constitute a warranty of accuracy. It should be noted that the records that are available to the Company may not disclose the existence of a water main, sewer, storm drain or disposal main, or any associated apparatus located before 1 September 1988, or, if they do, the position thereof including their position underground may not be accurate. It must be understood that the furnishing of this information is entirely without liability to the person of the New River, and Dŵr Cymru Cymreig and the Company's right to be compensated for any damage to its apparatus.

Service pipes are not generally shown but their presence should be anticipated.

EXACT LOCATIONS OF ALL APPARATUS TO BE DETERMINED ON SITE.

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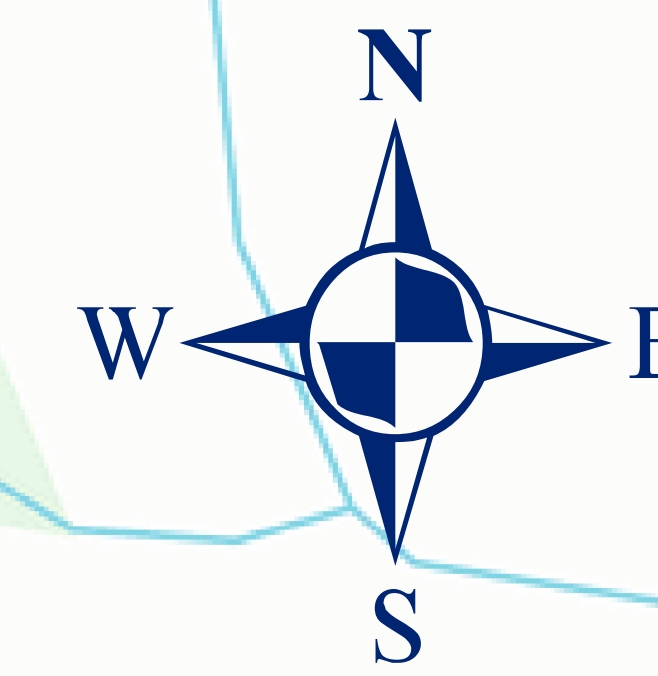


Map Ref: 318,741, 181,842
 Map scale: 1:5,000
 Printed by: sgrey
 Printed on: 04/10/2018

Llanishen & Lisvane Draft Master Plan

Produced by:
IMS and Asset Information
DCWW 761-01 Feb 2020

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Boggy ground / board walks
Removal of invasive species -
Holly and Cherry Laurel

Install
bat boxes

Enhance habitat for
glow-worms

4 - Towy Road Gate

Enhance Habitat
- Coppicing Alders and removal of
Cherry Laurel
- Restoration of Ponds

1 - Main Entrance

Coed-tv-llwyd

Disabled
bird hide

A

Bird Refuge

Bird hide

2 - Black Oak Gate

3 - Rhyd Y Penau Gate

DCWW Boundary

Upper Footpath

Lower Footpath

National Cycle Track

Amenity Grass

Pollinators and Wildflower Fringe

Priority areas with high fungi/plant diversity

Priority areas with medium fungi/plant diversity

SSSI

Proposals

- ① Access Road upgrade
- ② Car Park and Visitor Centre
- ③ Slipway and Floating Pontoon
- ④ Water access pontoon
- ⑤ Picnic Area
- ⑦ Gwerny-Bendy-Wood Conservation Zone
- ⑧ Education Zone
- ⑩ Viewpoint/Rest point
- ✕ Lisvane Gates - Winter No Entry

- ↑ 1 - Main Entrance
- ↑ 2 - Black Oak Gate
- ↑ 3 - Towy Road Gate
- ↑ 4 - Rhyd Y Penau Gate

Under Consideration

- ⑨ Recreation Zone

Other

- ⑪ Llanishen - Water Sports
- ⑫ Lisvane - Winter Conservation

5.0 Visitor Hub

5.3 External Views



View of Visitor Hub from Lisvane Reservoir at night

5.0 Visitor Hub

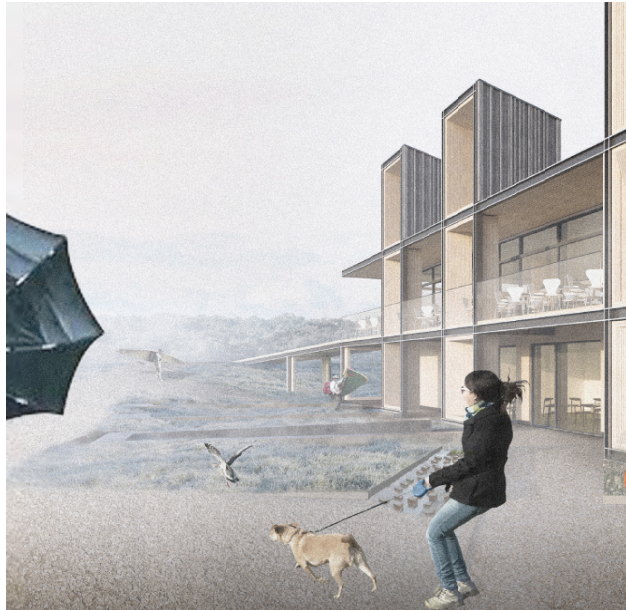
5.4 External Views



View of Visitor Hub from South West at dusk

5.0 Visitor Hub

5.4 External Views



The Visitor Hub from the North East - Winter



Approach to the Visitor Hub from the North East - Summer

