

PETITION

COMMITTEE DATE: 08/09/2022

APPLICATION No. **22/00347/MJR**

APPLICATION DATE: 18/02/2022

ED: Fairwater, Radyr/ Morganstown, Pentyrch/St Fagans

APP: TYPE: Discharge of Conditions

APPLICANT: Redrow Homes South Wales; St Fagans No 1 & 2 Trust And St Fagans No 3 Trust

LOCATION: Plasdwr, North West Cardiff

PROPOSAL: Re-discharge of condition 24 (strategic foul drainage masterplan) of outline planning permission 14/02733/MJR (condition 24 previously discharged under application 19/02887/MJR).

RECOMMENDATION: That condition 24 be re-discharged, subject to the advice provided in Section 11.

1. BACKGROUND INFORMATION

1.1 A valid petition of objection has been received. This application is, thus, brought before Planning Committee as the current scheme of officer delegation requires applications that have a valid petition of over 50 signatures to be determined by the Planning Committee.

1.2 The petition states that:

We are of the view that the above scheme will impact upon Llandaff North and neighbouring communities. We therefore request that the planning application is called before Cardiff council planning committee to enable a thorough, transparent, public examination of the documentation and decision-making; for the views of communities to be heard and enable any concerns to be addressed.

2. DESCRIPTION OF THE SITE AND AREA

2.1 The application site comprises the application site boundary for outline planning permission 14/02733/MJR.

2.2 The 299.3ha application site lies to the west of Radyr, Fairwater and Pentreban, to the north of the village of St Fagans and approximately 7km north-west of the City Centre. The north of the site is bounded by the A4119, Rhydlafr Farm, Goitre Fach Farm, Radyr Farm, Radyr Golf Course and existing development at Radyr. Crofft-y-Genau Road forms the western boundary of

the site. The southwest boundary follows a series of field boundaries, with those fields forming a buffer between the development site and St Fagans. The southern and eastern site boundaries also follow a series of established field boundaries, as well as the edge of the existing built development at Radyr, Fairwater and Danescourt. Pentrebanne Road runs through the southern part of the site.

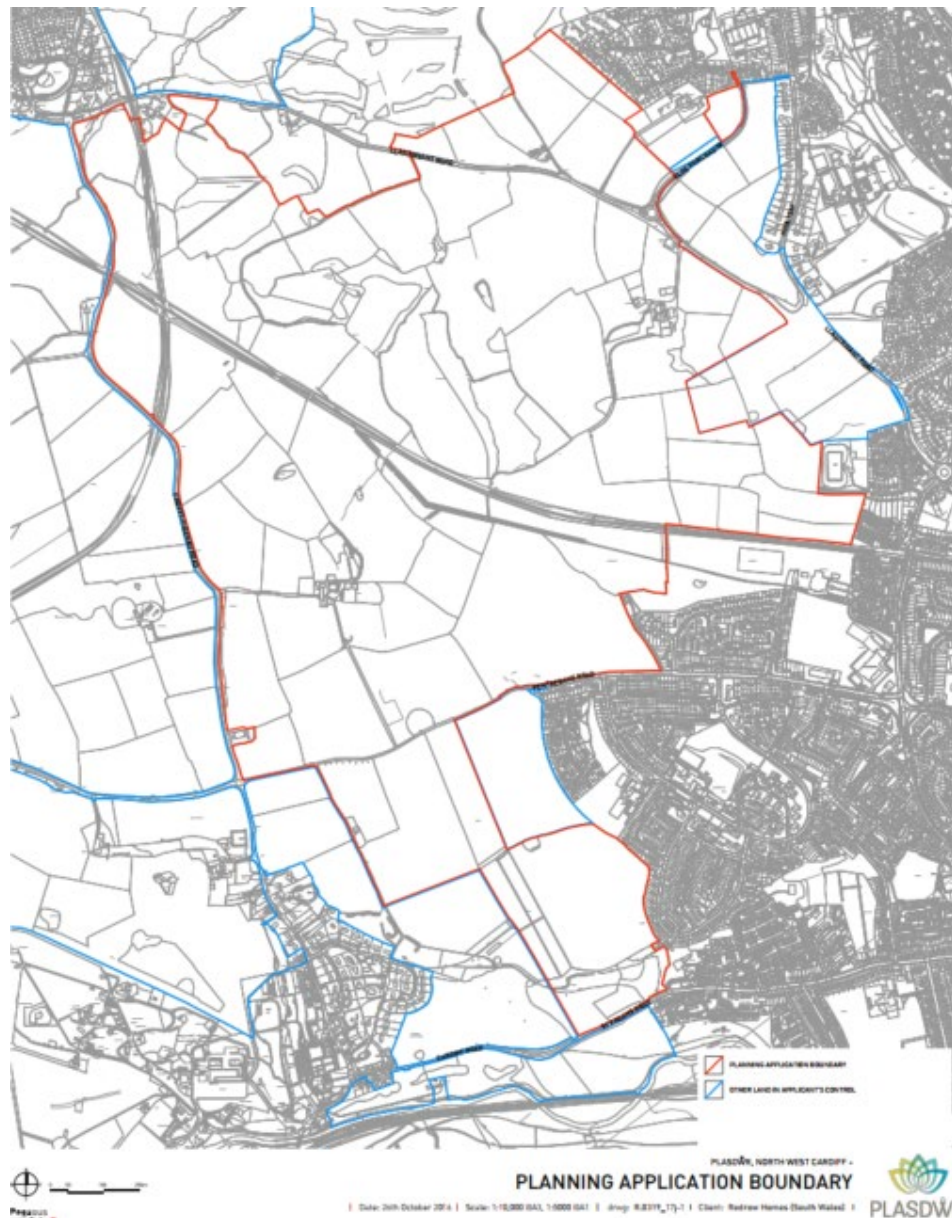


Figure 1: Site Location Plan

3. BACKGROUND CONTEXT

- 3.1 Plasdwr is a major residential-led mixed use development in North West Cardiff, comprising approx 7,000 new homes to be developed in phases. It is located within the Strategic Site C 'North West Cardiff', one of eight strategic sites allocated in the Cardiff Local Development Plan (2020 – 2026). This application relates to the largest outline planning application approved in

Strategic Site C – application no. 14/02733/MJR, comprising the majority of land (87%) in Site C. The application site immediately adjoins the site boundaries of the other 3 no outline applications approved within site C – 14/02157/MJR, 14/02188/MJR and 16/00106/MJR. Construction has commenced on all 4 outline applications, further to the approval of various subsequent reserved matter and discharge of condition applications.

- 3.2 Outline planning permission 14/02733/MJR was approved 20/03/2017, subject to conditions and a s106 Agreement for 5,970 units as part of a mixed-use development also including three local centres, one district centre, three primary schools and one secondary school. The development will be built out in Phases 1 - 6.
- 3.3 A series of strategic planning conditions were attached to the outline planning permission, which required discharge prior to any reserved matters being approved, to ensure the development was properly planned at a strategic level and could be built out in phases, with all parties knowing what the requirements are for each phase and reserved matters parcels. Condition 24 (Strategic Foul Drainage Masterplan) - the subject of this application - is one such strategic condition.

Condition 24 - Strategic Foul Drainage Masterplan

- 3.4 Condition 24 was imposed at the request of Dŵr Cymru Welsh Water (DCWW), the relevant statutory sewerage undertaker, and requires a strategic foul drainage masterplan to be submitted to demonstrate – at a strategic level - how the outline site can be effectively drained over the lifetime of the development, as successive phases and parcels of land are built out across the site, over time, by different developers. It sets out how the required foul drainage capacity will be provided and apportioned across the site, as new on-site and off-site sewerage infrastructure identified in the masterplan is delivered.
- 3.5 The condition wording requires the submission of a '*Strategic Foul Drainage masterplan for the whole outline application site, accompanied by a foul drainage catchment plan and informed by a Hydraulic Modelling Assessment of the foul drainage network*'. The condition wording requires the strategic masterplan to include details of suitable points of connection to the existing public sewerage system, to set out how each phase of the development will be drained to the existing sewerage system, to identify any improvement or reinforcement works required to the public sewerage system to accommodate the development and to provide an implementation programme.

- 3.6 Condition 24 is worded as follows:

No reserved matter application shall be approved by the Local Planning Authority until a strategic foul drainage masterplan for the whole outline permission site, accompanied by a foul drainage catchment plan and informed by a Hydraulic Modelling Assessment (HMA), have been submitted to and approved in writing by the Local Planning Authority. The submitted strategic foul drainage masterplan shall include details of the following:

- a) *suitable points of connection for each foul drainage catchment to connect to the existing public sewerage system*
- b) *how each development phase within each drainage catchment will be effectively drained to the existing public sewerage system and demonstrate how each phase will accommodate and include a provision for foul drainage flows for all subsequent phases*
- c) *any improvement or reinforcement works required to the public sewerage system in order to accommodate the development*
- d) *an implementation programme, which shall take into consideration the phasing schedule and plan approved under condition 17 (PHASING).*

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent discharge of condition applications. No building shall be occupied on any reserved matters site until the works, identified by the Hydraulic Modelling Assessments and through part C of this condition, have been completed on the public sewerage system serving that reserved matters site.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained.

- 3.7 The site-wide masterplan, required by condition 24, would then form the starting point when designing the detailed foul drainage scheme that is required to be submitted for each reserved matters site in discharge of condition 64 (Detailed Foul Drainage Scheme). The wording of condition 64 requires the detailed drainage schemes for each reserved matters site to accord with the approved strategic foul drainage masterplan submitted under condition 24.

- 3.8 For information, condition 64 is worded as follows:

No reserved matter application shall be approved by the Local Planning Authority until a detailed foul drainage scheme for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall provide for the disposal of foul flows and shall accord with the approved strategic foul drainage masterplan submitted under condition 24. No building on that reserved matters site shall be occupied until the detailed foul drainage scheme has been completed in accordance with the approved details and until the necessary reinforcement works, identified by the Hydraulic Modelling Assessment and through part C of condition 24 (Strategic Foul Drainage Masterplan), have been completed on the public sewerage system serving that reserved matters site. The scheme shall be constructed in full.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained.

- 3.9 Condition 24 was previously discharged under discharge of condition application 19/02887/MJR on 29/04/21.

- 3.10 The masterplan approved under application 19/02887/MJR identifies three off-site connection points for the outline application (Clos Parc Radyr at connection point reference ST13791904; Station Road Llandaff via Herbert March Close – connection point ref ST14799490; and Pwllmelin Road via Pentrebane Rd – connection point reference ST14780104), as well as a requisition and a reinforcement scheme (Station Road Requisition and Pentrebane Road Reinforcement Works) in order to provide sufficient capacity for the development. The report also notes that the capacity at the point of connection at Station Road requires the prior removal of the equivalent flow of surface water upstream and that this is required as part of the requisition agreement. It is noted that DCWW would be responsible for the surface water removal (in their role as statutory sewerage undertaker), which would be funded by the developer as part of the requisition agreement (section 5.1). The report notes that the route from the site to the requisitioned sewer is to be determined by DCWW (in their role as statutory sewerage undertaker).
- 3.11 The approved masterplan also identifies five on-site foul pumping stations which would convey foul flows to a new strategic pumping station PS2, located in the centre of the site prior to outfalling to Herbert March Close to connect the site to the point of the Station Road Requisition, which in turn would connect to the Y&P trunk sewer in Llandaff. In addition, gravity flows were accepted by Herbert March Close, Pentrebane Road and Clos Parc Radur. The report notes that the on-site pumping station locations shown in Appendix C are ‘indicative’ and that *‘the precise location of each pumping station will be provided within the detailed foul drainage scheme required to be submitted in discharge of condition 64 and in the submission of reserved matters applications for that area’*.
- 3.12 As required by the condition 24 wording, the masterplan submitted under 19/02887/MJR was ‘informed’ by a Hydraulic Modelling Assessment (HMA). The HMA was undertaken by DCWW and was submitted by the Applicant as Appendix A to the Strategic Foul Drainage Masterplan submitted under application 19/02887/MJR. It is important to note that the condition wording does not require the HMA to be approved as part of the discharge of condition 24. This point was made clear in the condition discharge letter dated 29/04/21 for application 19/02887/MJR, wherein the HMA was not identified in the list of approved documents and the letter specifically noted that the condition was discharged ‘subject to ... acceptance that the application does not seek approval for the HMA and its appendices’.
- 3.13 Following discussions with DCWW, the current application was made on 29 June 2022 to re-discharge condition 24 based on an updated and amended drainage masterplan.

Application 21/02608/MNR

- 3.14 An application (ref [21/02608/MNR](#)) for a pumping station and associated compound and kiosk is currently being processed by the Local Planning Authority and is also due to be considered at the Planning Committee meeting on the 8th September 2020. Application 21/02608/MNR forms part of a wider

sewer reinforcement scheme that would extend from the existing sewerage network within De Braose Close to Ty Mawr Rd and includes a below ground level pipeline and the Hailey Park pumping station and related kiosk (further details are provided in the report for 21/02608/MNR). The pipework would have a total length of approximately 558 metres. The below ground works are considered to constitute 'permitted development' in their own right, by virtue of Order of Welsh Government, and do not form part of the application 21/02608/MNR. The works are the subject of a negative screening opinion – see [SC/22/00007/MJR](#).

4. DESCRIPTION OF DEVELOPMENT

- 4.1 Technical approval is sought from the Local Planning Authority (LPA) for the re-discharge of condition 24 (Strategic Foul Drainage Masterplan) of outline planning permission 14/02733/MJR. As noted above, condition 24 was previously fully discharged on 29/04/2021 (under discharge of condition application ref 19/02887/MJR).
- 4.2 The following details have been submitted under application 2200347/MJR, as amended:
- Planning Application Boundary (drawing no R.0319_17j-1)
 - Strategic Foul Drainage Masterplan (PLDR-ARP-DGF-ZZ-RP-CD-000001 Rev P13, as updated and dated 22 August 2022)
 - Appendix A: Foul Hydraulic Modelling Assessment (DCWW, Developer Services Hydraulic Modelling Report, 080 – Cardiff West Strategic Sites HMA, Rev v4.0 dated 29/1/2018).
 - Appendix B: Revised Residential Phasing Plan (drawing no P18 – 0655_37-1H)
 - Appendix C: Foul Masterplan with s106 Catchments (PLDR-ARP-DGF-ZZ-DR-CD-000001 Rev P11)
 - Appendix D: Foul Catchments with Dwelling Numbers (PLDR-ARP-DGF-ZZ-DR-CD-000004 Rev P06)
- 4.3 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link:
- [22/00347/MJR | RE-DISCHARGE OF CONDITION 24 \(STRATEGIC FOUL DRAINAGE MASTERPLAN\) OF OUTLINE PLANNING PERMISSION 14/02733/MJR \(CONDITION 24 PREVIOUSLY DISCHARGED UNDER APPLICATION 19/02887/MJR\). | PLASDWR, RADYR, NORTH WEST CARDIFF, CF5 6LD](#)
- 4.4 The Strategic Foul Drainage Masterplan, as amended, comprises the following key elements:
- Strategic Foul Drainage Masterplan Report (Rev P13) dated 22/08/22*
- The report outlines the proposed connection points to the existing foul drainage network and the method of connection to these points, through requisition and reinforcement works.

- Foul Drainage Connection points – 3 of-site connection points are proposed, comprising Clos Parc Radur at connection point reference ST13791904, Hailey Park at connection point ref ST14794501 and Pwllmelin Road via Pentreban Rd – connection point reference ST14780104.
- To provide sufficient capacity for the development, a requisition and a reinforcement scheme have been identified; Hailey Park Requisition and Pentreban Road Reinforcement Works.
- Hailey Park Requisition- It should be noted that the Hailey Park connection point and requisition proposal is new, replacing the Station Road connection point identified in the masterplan approved under application 19/02887/MJR. The report notes that the Hailey Park connection will accommodate the majority of the proposed flows from the development, with flows for 6,028 units from Phases 0 – 6 as well as commercial development and schools introduced over six phases.
- The report states that the Hailey Park connection point to the Y&P trunk sewer is approx 1.2km from the site and that any proposed route will be required to cross the River Taff and the Radyr to Cogan (Taff Vale) Railway Line. The foul flows will enter the foul sewer at Herbert March Clos, with the report noting that *'the proposals for the route and design of the foul system from the site to the connection point are being developed by DCWW, separately from the development'* (Table 1). A requisition has been submitted to DCWW for connection to this sewer under the Water Industry Act 1991 and DCWW are currently engaged in this work.
- The report also notes in section 5.1 that, as part of the requisition agreement, it is proposed that that for the proposed foul flow which is to be connected to the Y&P trunk main at Hailey Park, the equivalent amount of surface water is to be removed from the trunk sewer upstream. It is noted that DCWW would be responsible for this surface water removal, which would be funded by the developer as part of the requisition agreement.
- Pentreban Rd Reinforcement Scheme – as noted above a point of connection has been provided by DCWW for a connection on Pwllmelin Rd subject to the completion of reinforcement works within the existing network, which are being undertaken by DCWW.
- Foul Pumping stations – 9 no. pumping stations are identified within the outline site– refs PS2 – PS10. Pumping stations PS2, PS8, PS9 and PS10 connect the site to the point of the Hailey Park requisition, via the Gateway Linear Park gravity sewers and Herbert March Close, and the remaining five pumping stations allow drainage from the peripheries of the site to outfall to PS2 and PS10. The existing pumping station on the Pentreban Road development will be diverted to the DCWW sewer on Pwllmelin Road as part of the Pentreban Road Reinforcement Scheme.
- Importantly, the report notes that the on-site pumping station locations shown in Appendix C are 'indicative' and that *'the precise location of each pumping station will be provided within the detailed foul drainage scheme required to be submitted in discharge of condition 64 and in the submission of reserved matters applications for that area'*.
- The masterplan report provides a table showing the location and number of units for each connection, along with the maximum permissible unit numbers agreed with DCWW for both the pre and post requisition and reinforcement scenarios (Table 1). The report also sets out the proposed

phasing and the number of units connecting to the pumping stations in each phase.

Appendix A: Foul Hydraulic Modelling Assessment

- The Hydraulic Modelling Assessment (HMA) was undertaken by DCWW and submitted by the Applicant as Appendix A to the submitted Strategic Foul Drainage Masterplan.
- The HMA identified that there was insufficient capacity in the network to allow the development to connect to the foul drainage system and identified 4 high level solutions for further consideration.
- The HMA is unchanged from that submitted under application 19/02887/MJR.

Appendix B: Revised Residential Phasing Plan (drawing no P18 – 0655_37-1H)

- This shows the residential phasing plan approved in discharge of condition 17, whose phasing is unchanged from that submitted and approved as part of approved under application 19/02887/MJR.

Appendix C: Foul Masterplan with s106 Catchments (PLDR-ARP-DGF-ZZ-DR-CD-000001 Rev P11)

- This plan shows the boundaries of the catchments, indicative pumping station locations, the outfall locations and a table showing the max unit numbers for the development phasing.

Appendix D: Foul Catchments with Dwelling Numbers (PLDR-ARP-DGF-ZZ-DR-CD-000004 Rev P06)

- This plan shows the number of units proposed to contribute to each outfall from parts of the development.

4.5 Following consultation, application 22/00347/MJR was amended in June 2020 to address comments raised by DCWW and third parties. The initially submitted masterplan report (Revision P12 dated 15/02/22) was revised (as Revision P13 dated 29/04/22), along with Appendix C (Revision P11) and Appendix D (Revision P06). The Agent also submitted a Comments Schedule (dated 21/06/22) responding to the various comments raised following the initial consultation. The key changes proposed to application 22/00347/MJR in the June 2022 are as follows:

- Removal of erroneous references to Station Road requisition, thereby confirming that the off-site point of connection to the Y&P trunk sewer has changed from Station Road to Hailey Park
- Table 1 captures the fact that the 16 remaining units from the residual capacity from Land N&S of Llantrisant Rd (14/02157/MJR) will now be allocated to Parcel P2 and that no further dwellings will connect prior to the strategic requisition.

4.6 Following consultation, a further amended report was submitted August

23/08/22 to address DCWWs comments of 21/07/22. This included a minor change to the report, adding the following text to Table 1 to identify more fully which parcels a residual capacity of 60 units, that was previously identified, would be allocated to.

“Of these 76 residual units, 60 units (30 in Phase 1-2A and 30 in Phase 1-2B) are proposed to connect into the existing sewer in Herbert March Close via a gravity sewer in Llantrisant Road. The remaining 16 units located in Phase 2-P2 are to discharge to the Herbert March Close sewer via pumping station PS2.”

Proposed revisions to the approved masterplan under application 19/02887/MJR

- 4.7 The masterplan, as approved under 19/02887/MJR, has been updated and under application 22/00347/MJR identifies three additional pumping stations within the site (identified as PS 8, PS 9 and PS 10), albeit that the number of units contributing to each connection point remains unchanged. The proposed off-site point of connection to the Y&P trunk sewer has also changed from Station Road under 19/02887/MJR to Hailey Park under application 22/00347/MJR, albeit that there were some errors in the report as initially submitted, in that there were still some references to the Station Road requisition in places, in error. These were corrected in the June 2020 submission (as noted in the above paragraph).
- 4.8 Appendix A (the HMA) and the phasing shown in Appendix B (Revised Residential Phasing Plan) are unchanged from application 19/02887/MJR. (Whilst the drawing revision numbers for appendix B are different – Revision 1M for application 19/02887/MJR and Revision 1H for this application - the phasing shown is, importantly, the same.) Appendix C (Foul Masterplan with s106 Catchments) has been amended to reflect the revised strategy. Appendix D is a new appendix, showing site wide foul drainage catchments and the number of units proposed to contribute to each outfall. No appendix D was approved under 19/02887/MJR.)

Reason for amendments to approved masterplan under application 19/02887/MJR

- 4.9 In response to objections received, the Applicant has confirmed the reason for the key amendments to the masterplan approved under 19/02887/MJR as follows in their Comments Schedule of 21-06-22:

Change in connection point from Station Road to Hailey Park –

- 4.10 *The route and requirements of the reinforcement are dictated by DCWW who control the design. This condition therefore only seeks to amend the connection point in line with the DCWW detailed design. The connection point to the existing trunk sewer is now in Hailey Park as opposed to the previous proposal at Station Road, as the DCWW requisition design team have determined that this connection point has sufficient capacity in the existing drainage system. This avoids significant amounts of disruption to the existing road network to connect foul sewers from Hailey Park to Station Road. Surface water removal*

will take place on the sewer network by DCWW to offset the increase in flows from the Development. The proposals upstream of the connection point remain unchanged since the previous C24 approved condition.

Change to include 3 additional pumping stations –

We can confirm that the overall volume and flow from Plasdŵr to the agreed point of connection remains the same as that previously approved and tested. However, in line with programme and efficient land use, this volume has been distributed between smaller pumping stations instead of one large pumping station.

The three additional pumping stations are required to reduce the size of the Pumping Station 2 which is proposed to be built as part of the Pendown Infrastructure Works (22/00136/MJR). These additional pumping stations will be constructed at a later date, in line with their adjacent phases of development. Reducing the catchment for Pumping Station 2 means that there will be a reduced time where it will be receiving low flows compared to its final capacity. This in turn reduces the risk of odour and septicity occurring within the foul drainage network.

5. PLANNING HISTORY

5.1 The following planning history is relevant to the application:

- Outline planning permission [14/02157/MJR](#) - Development of up to 630 Residential Dwellings (Use Class C3, including Affordable Homes), Primary School (Use Class D1), Visitor Centre/Community Centre (Use Class D1), Community Centre (Use Class D1), Open Space (including Children's Play Spaces), Landscaping, Sustainable Urban Drainage, Vehicular Accesses, Bus Lanes, Pedestrian and Cycle Accesses and related Infrastructure and Engineering Works – Approved – 09/08/2016
- Outline planning permission [14/02188/MJR](#)- Development of up to 290 Residential Dwellings (C3), Open Space (including Childrens Play Space), Landscaping, Sustainable Urban Drainage, Vehicular Access, Pedestrian and Cycle Accesses and related Infrastructure and Engineering Works – Approved – 13/12/2016
- Outline planning permission – [14/02733/MJR](#) – With all matters reserved apart from strategic access junctions for residential-led mixed use development, to be developed in phases, including preparatory works as necessary including demolition and re-grading of site levels; up to 5,970 residential units (Use Class C3, including affordable homes); 3 no. local centres providing residential units, convenience shops and facilities/services (including up to 7,900 sq m in Use Classes A1-A3) and 1no. district centre providing residential units, up to 12,000 sq m in Use Classes A1-A3 including up to two food stores (up to 5,000 sq m gross) with associated parking, up to 15,500 sq m of Use Class B1(a), B1(b) And B1(C); provision of up to 5,100 sq m of community and healthcare facilities across the district and local centres (Use

Classes D1 And D2); provision for 3no. primary schools and 1no. secondary school; open space including allotments; parks; natural and semi natural green space; amenity green spaces; facilities for children and young people; outdoor sports provision including playing pitches; associated infrastructure and engineering works including new vehicular accesses, improvement works to the existing highway network, new roads, footpaths/cycleways, a reserved strategic transport corridor; up to 1 no. electricity primary-substation and landscaping works (including suds) – Approved – 20/03/2017

- Outline planning permission [16/00106/MJR](#) - With all matters reserved apart from strategic vehicular, cycle and pedestrian access into the site) for the demolition of existing buildings and residential development of up to 300 dwellings on site to include open space (including children's play space), landscaping, sustainable urban drainage, vehicular access, pedestrian and cycle accesses and related infrastructure and engineering works – Approved – 27/04/2017
- Discharge of condition application [19/02887/MJR](#) to discharge condition 24 (Strategic Foul Water Masterplan) of outline pp 14/02733/MJR – fully discharged 29/04/2021.
- Reserved matters application [19/03279/MJR](#) – APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (APPEARANCE, SCALE, LAYOUT, LANDSCAPING AND NON-STRATEGIC ACCESS) FOR THE DEVELOPMENT OF 167 DWELLINGS, FORMING PARCEL 2B AND PART OF PARCEL 2A OF PHASE 1 PURSUANT TO OUTLINE PLANNING PERMISSION 14/02733/MJR – approved 18/02/2022.
- Discharge of condition application [20/02521/MJR](#) to discharge condition 64 (Detailed Foul Drainage Scheme) of outline pp 14/02733/MJR in respect of Parcel 2B – partially discharged 15/02/2022 sufficient to allow 19/03279/MJR to be determined.
- Reserved matter application [21/00826/MJR](#) in respect of Parcel 2E/F of Phase 1 – APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (APPEARANCE, SCALE, LAYOUT, LANDSCAPING AND ACCESS) FOR RESIDENTIAL DEVELOPMENT, FORMING PARCEL 2E/F OF PHASE 1 (LAND OFF PENTREBANE DRIVE AND NORTH OF ST FAGANS RD), PURSUANT TO OUTLINE PLANNING PERMISSION 14/02733/MJR - not yet determined.
- Discharge of condition application [21/02111/MJR](#) to discharge condition 64 (Detailed Foul Drainage Scheme) of outline pp 14/02733/MJR in respect of Parcels 2E/F – not yet determined.
- Reserved matters application [22/00133/MJR](#) for Parcel P2 of Phase 2– APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (APPEARANCE, SCALE, LAYOUT, LANDSCAPING AND NON-STRATEGIC ACCESS) FOR THE DEVELOPMENT OF 139

DWELLINGS FORMING PARCEL P2 OF PHASE 2 PURSUANT TO OUTLINE PLANNING PERMISSION 14/02733/MJR - not yet determined.

- Reserved matters application [22/00136/MJR](#) for Phase 2, Land N of Pentrebane Rd - APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (APPEARANCE, SCALE, LAYOUT, LANDSCAPING AND NON-STRATEGIC ACCESS) PURSUANT TO OUTLINE PLANNING PERMISSION 14/02733/MJR FOR THE DEVELOPMENT OF INFRASTRUCTURE TO SERVE PARCEL P2, PENDOWN AND OTHER PHASE 2 PARCELS, INCLUDING THE RHODFA SPINE ROAD FROM JUNCTION 12, DRAINAGE INFRASTRUCTURE INCLUDING BASINS, FOUL WATER PUMPING STATION AND RISING MAINS– not yet determined.
- Discharge of condition application [22/00211/MJR](#) to discharge condition 64 (Detailed Foul Drainage Scheme) of outline pp 14/02733/MJR in respect of Parcel P2 of Phase 2– not yet determined.
- Discharge of condition application [22/00349/MJR](#) to discharge condition 64 (Detailed Foul Drainage Scheme) of outline pp 14/02733/MJR in respect of area covered by reserved matters application 22/00136/MJR – not yet determined.
- Full planning application [21/02608/MNR](#) – Land either side of River Taff comprising land south of existing access road within Hailey Park and land at eastern turning head of De Braose Close, Danescourt, Cardiff – The Construction of Sewerage Pumping Station and Associated Compound within Hailey Park Connecting to the Existing Gated Hard Standing Access Road Including Internal Kiosk Units with Security Fencing and Landscape Planting to the Eastern, Western and Southern Boundaries to Prevent Landscape Impacts on Hailey Park. The De Braose Close Development Would Include A 1.2m Tall Actuation Valve Kiosk Upon Overgrown Scrubland Adjacent to the Eastern Pedestrian Footway - Currently undetermined. This was presented to Planning Committee on 6 April and deferred for a site visit, and is now the subject of a separate report brought concurrently to this Committee.
(The wider Hailey Park requisition scheme includes a below ground level pipeline running below the River Taff and pipelines connecting to Ty Mawr Rd. DCWW consider the works to be permitted development under Part 15 Class A (a) of the GPDO, not requiring planning permission.)
- [SC/22/00007/MJR](#)– Request For Screening Opinion - Proposed Sewer Reinforcement Scheme.

6. POLICY FRAMEWORK

The Development Plan

- 6.1 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

KEY POLICIES

- KP1 Level of Growth
- KP2 Strategic Sites
- KP2(C) North West Cardiff
- KP3(B) Settlement Boundaries
- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP14 Healthy Living
- KP15 Climate Change
- KP16 Green Infrastructure
- KP 18 Natural Resources

Environment

- 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
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- T9 Cardiff City Region 'Metro' Network
- C3 Community Safety/ Creating Safe Environments
- C4 Protection of Open Space
- C6 Health

Supplementary Planning Guidance:

- 6.2 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -
- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
 - Planning for Health and Wellbeing (November 2017)

- Planning Obligations (January 2017)

6. INTERNAL CONSULTEE RESPONSES

Response to initial consultation

- 6.1 The **Operational Manager (Transportation)** 04/03/22 notes that there are a number of potential conflicts illustrated on Appendix D: Foul Catchments with Dwelling Numbers (drawing no PLDR-ARP-DGF-ZZ-DR-CD-000004 Rev P06)
- A section of the proposed foul rising main (running NE adjacent to PS8) appears to be located within the protected LRT route
 - A section of the rising foul main appears to be within the protected LRT route (as it runs through the centre of the site)
 - Pumping station (PS10) appears to be proposed on the same protected LRT route.
- 6.2 The **Operational Manager (Drainage/Lead Local Flood Authority)** (11/04/22) raise no objection. Whilst noting that it may be more applicable to reserved matters applications, they query how the Applicant plans to discharge foul water should the connections not be in place before the DCWW connections are made. They note that the Council as the LLFA do not generally support the use of tankering away of foul waste from the final manhole if the connection is not in place.

Response to consultation on amended submission (June 2022)

- 6.3 The **Operational Manager (Traffic and Transportation)** note they have reviewed the response from the Applicant in the comments table and note that the locations of the items is not yet determined and will be further reviewed at RM stage. Furthermore, they note that should the responses regarding construction be adequate to accommodate TfW standards then I would raise no further objections.
- 6.4 No further comments were received from the OM (Drainage/LLFA).
- 6.5 No internal consultees were consulted on the August 2022 submission, given the minor extent of the changes, as described above.

7. EXTERNAL CONSULTEE RESPONSES

Response to initial consultation

- 7.1 **Transport for Wales** make the following comments 29/03/22 on the basis that an electrified track-based metro could be adopted along the route of the dismantled rail corridor in the future:
- *We would have concerns regarding the location of PS8, PS9, PS10 and the proposed foul sewer & rising main where they run parallel to the proposals for a track-based metro along the safeguarded corridor and also where the proposals branch off towards the district centre. It is recommended that the proposed foul masterplan be re-visited to ensure that TfW are not*

prejudiced in the future when constructing their rail proposals (including not conflicting with the location of the proposed stations). It would be beneficial if the revised arrangement could be indicated/overlaid onto the latest Masterplan, in order to better understand the relationship/context.

- *In order to avoid future interface issues, build over / build nearer agreements and potential costly diversionary works being required at a later date, it is recommended that where the proposed foul sewer and foul rising main cross underneath the dismantled rail corridor, that the undertrack crossings (UTX) be constructed in accordance with Network Rail Standards, namely: Drg. **NR/CIV/SD/610 Rev F** (copy attached) together with Specification **NR/L2/CIV/044** "Planning, design and construction of undertrack crossings", clause 8.4.1 (which indicates depth of cover to be applied).*
- *In addition to the above it would be recommended that a co-ordinated approach between the utility companies and TfW be adopted to ensure that all requirements are considered before any new apparatus is installed under or within the immediate vicinity of the dismantled rail corridor.*
- *It is considered that a Section 85 Notice (New Roads and Street Works Act 1991) be issued by the Statutory Authority in order to ensure that the appropriate codes of practice are invoked/adhered to prior to any diversionary works being undertaken (if not already in place).*

7.2 **Dŵr Cymru Welsh Water** (05/04/22) requested the following changes to the reports to ensure they reflect all discussions and provide further clarity/detail and consistency:

- *Address the fact that the point of adequacy off site has changed from station road to Hailey Park*
- *Within table 1 pages 3-5 (masterplan) capture the fact that the remaining 16 units from the residual capacity from Land N&S Llantrisant Road will now be allocated to parcel P2 and that no further dwellings will connect prior to the strategic requisition*
- *Amend report for condition 64 (Parcel P2) on page 5 where it mentions that flows will drain to "station road via Herbert March Close prior to the requisition"*

7.3 **Natural Resources Wales** (06/06/22) confirm they have no comments to make.

7.4 **St Fagans Community Council** OBJECT on the following grounds:

"We expressed our concerns when this was originally discharged. We are concerned by this new application which requires an additional 3 pumping stations. We appreciate that some adjustments to plans may be required: but drainage is a key issue for any development, and was known to be a particular issue for this development given the state of the drainage systems in north west Cardiff. Where is the evidence of effective master planning for this critical issue? It is easy to describe something as a "Masterplan" when in fact it is anything but."

Response to consultation on amended submission (June 2022)

- 7.5 **Natural Resources Wales** confirm they have no comments to make and note the Applicant should be advised that in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.
- 7.6 **DCWW** (21/07/22) note the applicants' response to their comments submitted in DCWW's letter to the LPA dated 17th May- that the Applicant advised;
- The Strategic connection point is to an existing sewer at Hailey Park as opposed to the previous connection point at Station Road. Alterations have been made to the submitted plans to reference Hailey Park instead of Station Road, Llandaff on all drawings.
 - An allocation of 16 units located within Parcel P2 from the total 'residual capacity' available (76 residential units) will drain to Herbert March Close in advance of the completion of the strategic connection point.
 - Alterations would be made to submissions to discharge of condition 64, to reflect the arrangements set out above.

DCWW request a further breakdown of the residual 76 units with their connection points noted. They note they can see from 'table 1' of the drainage masterplan document there is reference to 16 units draining to the public sewer in advance of the strategic offsite connection, but note the document is silent on the remaining 60. They note their understanding is that 30 units will be from Parcel 2A (20/02521/MJR), 30 from 2B (20/02521/MJR) and 16 from P2 (22/00211/MJR). DCWW advise that once this information has been received, they will be in a position whereby we can offer their support to re-discharge condition 24

- 7.7 **St Fagans Community Council** (15/07/22) OBJECT on the following grounds

St Fagans Community Council has consistently raised issues regarding both foul water drainage and surface water drainage proposals. These have been dismissed/disregarded by both Cardiff Council planners and the developers, both content to rely on outdated data and standards (such as 1 in 100 years + 30% for climate change) that are no longer applicable to the current world.

We are concerned by this application which actually aims to make substantial changes to what was previously proposed: three additional pumping stations are proposed in addition to the five previously planned. Why has the need for three additional stations only just been recognised? The core components of the Plasdwr development - schools, number of residences etc - have been known for several years.

The limitations of the existing drainage facilities in north west Cardiff were well known long before the current LDP was devised, yet Cardiff has allowed developers to gloss over the potential impact on new and existing residents. There has been no true and forensic assessment of the requirements for both surface water and foul water drainage. Instead we are left with a "let's make it up as we go along" approach.

Although the application stresses that this application is not about the Hailey Park pumping station, it clearly assumes that this will be approved. At the most basic level this application cannot be considered until application for Hailey Park has determined. As has been pointed out by Robert Hailey, grandson of the man who donated the land to the city, the donation was for “providing a recreation ground for the people of Llandaff North”. It will be a source of embarrassment to the City if it allows a sewerage pumping to fall within the definition of a “recreation ground”.

The developers must go back to the beginning and present serious, sustainable plans for drainage for Plasdwr.

7.8 No further responses were received.

Response to consultation on amended submission (August 2022) – only DCWW were consulted given the extent of the amendment

7.9 **DCWW** (24/08/22) note the requested information to show where the remaining 76 dwellings will discharge, namely 30 in phase 2A, 30 in phase 1 parcel 2B and 16 in phase 2 parcel P2, and confirm their support to discharge condition 24.

8. REPRESENTATIONS

8.1 There is no statutory requirement to publicise the application. The application was advertised on the Council Website and Local Ward Members for Radyr, Fairwater and Pentyrch/St Fagans (and previously as Creigiau / St Fagans) were consulted.

8.2 A number of extremely detailed **objections** were received from the owner/occupier of a property in Bromley Drive, Caerau (dated 16/05/22, 09/06/22, 10/07/22, 11/07/22, 13/07/22, 27/07/22, 07/08/22), all of which can be viewed on the Council’s website. In addition to these, 7 further **objections** were received from the owner/occupiers in St Margaret’s Rd, Whitchurch, Velindre Road, Whitchurch, Pommergelli Road, Llandaff North, Station Road, Llandaff North, Hawthorn Road West, Llandaff North, Ty Mawr Rd, Llandaff North, and Gabalfa Rd, Llandaff North. The objections received are summarised as follows, with full details available on the Council’s website:

Environmental impacts

- The existing sewerage provision in Llandaff North is already overloaded
- Huge negative impact on a well-used area of natural habitat by the proposals which would erode, degrade, urbanise and destroy the area and introduce risk of sewerage overflows, leaks and toxic smells, with risk of further expansion and development
- There are a number of serious potential environmental impacts.
- The two treatment works being used by this proposal are overloaded and regularly discharge raw sewage into the Severn Estuary. This proposal will only increase the number of discharges.
- Welsh Water state that they aim to reduce the risk of network failure to the wider community.

Submission details

- Requests for clarification and queries, including notification of incorrect references in the initial report (since corrected)
- Sewerage plans have not been sufficiently developed or detailed, with alternatives not outlined. Alternatives, including the option included in the original HMA, to build a new treatment works on the site of Plasdwr must be more appropriate, whilst certainly not ideal.
- Good sustainable alternatives, including the option included in the original HMA to build a modern treatment works at Plasdwr which would discharge clean water at all times, will be much more environmentally sustainable and provide a beneficial solution for both the natural environment and future generations than this proposal
- Given the totally unacceptable level of Combined Storm Overflows (CSOs) recorded in detail over a number of years, then any proposed revision should include betterment on this issue.
- The proposed compensatory reduction in surface water flows elsewhere in the combined system is totally undefined and the effectiveness is uncertain at best. Proposals should be designed and incorporate a proper allowance for the increasing levels of rainfall caused by climate change. This work needs to form an integral part of the new HMA.
- The Hailey Park proposals cannot be claimed by Welsh Water as essential for the Plasdwr development, as there are other options previously proposed by the applicant and accepted by Cardiff Council. These appear to be less environmentally damaging.
- Any new application should be supported by detailed reasons to explain why the previous discharge of Condition 24 was based upon totally incorrect information regarding Cog Moors WWTW.
- The claim (4.2.3 of ARUP Planning Statement 3 November 2021) that the Hailey Park sewer would futureproof the existing sewerage network and would accommodate additional population growth and housebuilding in Northern Cardiff, is unsupported and not credible.
- Cardiff Council needs adequate information to fully consider the long-term impact of the decisions that they make.
- A new / revised HMA is needed / DCWW do not disclose an amended HMA. An HMA study is part of the environmental information necessary to assess the application. A Hydraulic Modelling Assessment (HMA) was a requirement of the original planning permission. The HMA carried out and attached to the most recent planning application includes four options, none of which involve Hailey Park. There is no new or amended HMA to consider the impacts of directing sewage through a pumping station in Hailey Park. There is nothing to demonstrate that there has been any assessment of whether the proposal will have sufficient capacity and no modelling has been done on the likelihood of flooding and/or spills.
- Evidence of need for the Hailey Park scheme is needed and for DCWW's changed position
- DCWW should supply their long term plans to accommodate the further developments in north Cardiff agreed in the existing LDP – to comply with 'sustainable development' and the Future Generations Act.

- There is no explanation or rationale for the option being put forward or for why it is being pursued over the four options included in the original HMA. There is no justification for the assertion that this proposal is "essential".
- Further detail of the surface water removal proposals is needed as they may have significant environmental effects. The applicant states that surface water will be removed further upstream within the trunk sewer to offset the increased flows. However, the areas where surface water will be removed have not been identified and, again, none of this has been considered as part of a HMA. It is vital there are detailed plans for any separate surface water drainage prior to this application being decided. Given how overloaded the treatment works already are, any new drainage system should be installed and its effectiveness proven prior to approval of this proposal.
- Hydraulic modelling of the Y&P sewerage system is also needed in case of default, resulting in the extra Plasdwr load on the Y&P sewer and Cardiff sewage works
- stormwater removal works are likely to take rather longer than the construction of the pumping station. Would it, therefore be reasonable to propose that those works be completed (or 75% completed) prior to the start of any work in Hailey Park?
- It would appear DCWW's plans have changed from reading their newsletter
- Information is requested on DCWW claims that alternatives Options in the HMA would all risk widespread disruption across key travel routes, keeping the carbon footprint low compared with other options and the foul sewage from Plasdwr "can be treated" in Cardiff sewage works, when this frequently discharges untreated sewage (71 occasions for 710 hours in 2021)

Process

- The previous determination in relation to Condition 24 cannot be undone, and to change the approved plan to meet Condition 24 requires a fresh and fully detailed application to vary the Conditions attached to 14/02733/MJR.
- There is no new EIA / an addendum or revised EIA is needed, noting the new significant effects on Hailey Park and new risk of untreated sewerage
- we strongly disagree that the new proposal does not raise any significant environmental effects beyond those which were previously considered, as stated. The Council has failed in its duty under Reg 9 of the EIA Regulations 2017 to seek further information.
- A new Addendum should consider the effects of the lack of capacity of the Cog Moors and Cardiff (East Moors) sewerage treatments works
- Officers should ask officers with experience of SuDS schemes in Grangetown to supply detail of the environmental impacts of diverting surface water from sewers to inform the requirement for an ES Addendum
- No proper consideration has been given to the impact that these proposals will have on Future Generations.

- The proposals take no account of the Welsh Government declaration of a Climate Emergency and Nature Emergency, and Cardiff Council's declaration of a Climate Emergency and Nature Emergency.
- The environmental conditions, legal framework, Welsh Government and Cardiff Council policies have changed since 2014, particularly the above declarations, the Well-being of Future Generations (Wales) Act 2015, and the planning process for this application has not taken sufficient account of the planning requirements arising from these.
- This proposal is neither future-proofed in the context of predicted additional house-building nor sufficient for the scope of the PlasDwr development.
- This new proposal will clearly have a significant impact on Hailey Park, the local area and local residents but the PlasDwr Section 106 agreement has not been modified to mitigate the impact of the development on the Llandaff North Ward.
- Notes the requirements of c24, which should include all works to the public foul water system

Miscellaneous

- The rampant profiteering of developers who have not worked out their sewage disposal should not fall onto the residents or wildlife of another locality - 'Unacceptable Cardiff Council, communities and people come first'
- Public access to the Planning Department is still wholly unacceptable, and is having a continued detrimental effect upon the democratic planning process.

Petition

- 8.3 The application has also been the subject of an electronic petition which was submitted 12 May 2022 to the LPA by Cllr Dilwar Ali on behalf of the Llandaff North Residents' Association. This contained the name and post code of 148 people. However, this was declared invalid, as for an electronic petition to be valid it has to include the name, full postal address and email address (in lieu of signature) of not less than 50 Cardiff electors, a substantial proportion of whom could reasonably be expected to be affected by the matter to which the petition relates.
- 8.4 A valid petition with 84 signatories was subsequently submitted for the following reasons:

We are of the view that the above scheme will impact upon Llandaff North and neighbouring communities. We therefore request that the planning application is called before Cardiff council planning committee to enable a thorough, transparent, public examination of the documentation and decision-making; for the views of communities to be heard, and enable any concerns to be addressed.

- 8.5 The following additional comments (summarised) were submitted as part of the petition's invitation to make additional comments:

Process

- *This planning application requires full and transparent scrutiny, not a behind-closed-doors decision.*

Masterplan proposals and impact

- *The original plans for the estate should have included plans for dealing with foul drainage/sewage allocating space in that area to deal with these issues. This should be done without using or damaging more of the green space either there or in Hailey Park. If they have to have a few less houses in order to crest the space to deal with these issues then so be it. The council are not acting in the best interests of nature, green space or the voters right to access them if they allow these plans to be passed*
- *Don't understand why the people of Llandaff North need to pay the price for new houses elsewhere*
- *Please protect Llandaff North from this inappropriate planning application*
- *I have just moved, formerly Llandaff north resident. Hailey Park and all parks in Cardiff are what make Cardiff great. Stop building over them.*
- *No to pumping station in Hailey Park*
- *This pumping station is for the housing on Llantrisant road why can it not be built on the housing estate there?*
- *Llandaff North Residents and users of Hailey Park have not given permission for it to be developed*

- 8.6 All public representations made on the application are available to view in full on the Council's website at: - [22/00347/MJR](https://www.cardiff.gov.uk/22/00347/MJR)

9 ANALYSIS

- 9.1 Members' attention is drawn to the fact that this application is submitted to discharge technical matters associated with the approved planning permission, namely to re-discharge condition 24 (Strategic Foul Drainage Masterplan) of outline planning permission 14/02733/MJR.

- 9.2 The key test in determining the application is whether the submitted details are satisfactory to re-discharge the condition, taking into consideration the responses to consultation, noted above, and any other material planning considerations. It is considered that the following matters are relevant to the determination of the application:

Effect of the application

- 9.3 This is an application to discharge a planning condition. It is not an application for planning permission and it is important to note that discharge of the condition would not grant planning permission for any of the sewerage infrastructure or related works identified in the submitted masterplan and associated details. Any consents or planning permission (where required) for the off-site works are a matter for DCWW as statutory sewerage undertaker and not the Applicant.

- 9.4 As part of the requisition process under the Water Industry Act 1991, DCWW design, construct and commission public sewers, pumping stations and any other associated apparatus that are required to provide a) communication with an existing public sewer or, as a consequence of the provision of the new sewer, b) reinforcement of the existing public sewer network to ensure the development and the local area has an effective sewerage system. DCWW are entitled to recover the costs in providing a requisitioned sewer from the developer. It should also be noted that DCWW as a statutory undertaker enjoys certain permitted development rights for sewerage related development under Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 9.5 Where planning permission is required for any off-site works, this will be sought by DCWW as the statutory sewerage undertaker and not by the Applicant. One such application is full planning application 21/02608/MJR, submitted by DCWW, for the construction of a sewerage pumping station and associated compound within Hailey Park and a kiosk at the eastern turning head of De Braose Close, Danescourt, which is reported concurrently to Planning Committee.
- 9.6 Nor would discharge of the condition grant permission for the on-site works, including the pumping stations. As noted in the report, the location of the pumping stations is 'indicative' only and their approval would only follow at reserved matters stage, following the approval of the detailed foul drainage scheme required to be submitted in discharge of condition 64 of outline planning permission 14/02733/MJR (Detailed Foul Drainage Scheme).

Scope of the Application

- 9.7 The application is submitted to discharge technical matters associated with the approved outline planning permission 14/02733/MJR. It is not an opportunity to re-consider the outline planning permission. Addressing some of the third-party comments raised, neither is it an opportunity to consider the need for any additional housebuilding beyond that approved at outline stage or an opportunity to ask whether the masterplan is future-proofed in the light of any such need. Nor is it an opportunity to revisit the signed s106 agreement.

Previous discharge of the condition

- 9.8 It is important to note that condition 24 has already been discharged. As such, it is right that the focus should be on the elements of the masterplan that have changed in this submission— namely, the change in the connection point from Station Road to Hailey Park, the introduction of the additional pumping stations within the application site, and the change in the phasing of the number of units draining into the public sewer, prior to and post the various requisition and reinforcement works and the apportionment of the drainage capacity over successive phases and parcels of land.

Whether the submitted details meet the condition requirements

- 9.9 The condition wording requires the submission of a '*Strategic Foul Drainage masterplan for the whole outline application site, accompanied by a foul drainage catchment plan and informed by a Hydraulic Modelling Assessment of the foul drainage network*', and lists the required details in criteria a) – d). Each of these elements have been provided, in accordance with the condition requirements.

Representations

- 9.10 A number of matters have been raised by other consultees and third parties. Those key matters that are material to the consideration as to whether it is acceptable to discharge of this condition have been considered below in the determination of the application.

Responses to consultation from DCWW, the Operational Manager Drainage/ Lead Local Flood Authority and NRW, as technical consultees

- 9.11 As noted above, the condition is a technical drainage condition requested by DCWW, the statutory sewerage undertaker at outline stage, who have recommended discharge of the condition, further to the submission of amended details. This is a material consideration of significant weight.
- 9.12 The Operational Manager Drainage/ Lead Local Flood Authority has also raised no objection, only noting a concern – which they accept may be more applicable to reserved matters applications - that the LLFA generally do not support the use of tankering away foul sewerage should the infrastructure not be in place at the appropriate time. The Applicant confirms that this is not currently proposed and also agree that this is a matter more appropriately addressed through reserved matters applications. This is accepted and it is considered that the matter raised does not constitute reasonable grounds to withhold discharge of the condition.
- 9.13 NRW have not raised any objection to the discharge of the condition, confirming they have no comments to make.

Transport / Highways Impacts

- 9.14 Transport for Wales (TfW) and the OM Transportation raised initial concerns about the location of the on-site pumping stations PS8, PS9 and PS10 and the proposed on-site foul sewer and rising main (running NE and through the centre of the site) and their impact on the protected LRT route (also known as the South Wales Metro). Transport for Wales have advised - in order to avoid future interface issues, build-over/build nearer agreements and potentially costly diversionary works – that, where the proposed foul sewer and rising main cross underneath the dismantled rail corridor, that the undertrack crossings be constructed in according with specified standards and that a co-ordinated approach between the utility companies and TfW be adopted to ensure that all requirements are considered before any new apparatus is installed under or within the immediate vicinity of the dismantled rail corridor, and provide further advice.

- 9.15 The Applicant provided a response to the comments in their Comments Schedule of 21 June 2022 which was issued for consultation, as part of the June 2022 submission. They note, correctly, that the proposed pumping station locations are indicative only, with the precise locations to be determined through condition 64 and reserved matter applications (which Transport for Wales and Transportation colleagues would be consulted on). Similarly, the technical details for the rising mains would also be the subject of condition 64 and RM applications and further consultation with those parties. It is also noted that the future reserved matters applications would be required to comply with condition 7 (Rapid Transit Corridor/ Metro) of outline pp 14/02733/MJR and would also be assessed against LDP policies KP2C (North West Cardiff) and T9 (Cardiff City Region 'Metro' Network), all of which would provide further control.
- 9.16 Reassuringly, the Applicant has also noted that the Network Rail standards referenced are being followed in application 22/00136/MJR where the rising main crosses the disused railway line. It is also noted that neither Transportation and TfW have raised any objection to the amended submission. The advice provided by TfW in respect of technical standards is attached to the recommended decision letter for the record. Taking into consideration the above, the matters raised are not considered reasonable grounds to withhold discharge of the condition.

Environmental Impact Assessment matters

- 9.17 As the outline permission is EIA development, as defined by the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations'), this application seeking approval of details reserved by condition has been identified as a 'subsequent application' to EIA development. Therefore, in order to comply with Regulation 9(2) & (3) of the EIA Regulations, the Council has to consider whether the environmental information available to them from the Environmental Statement submitted with the outline permission, but also from the environmental information available concerning the Hailey Park Reinforcement scheme, is adequate to assess the significant effects on the environment, including any cumulative environmental effects from the two developments. If the Council consider that it is not, they are required to serve notice requiring further information under Regulation 24(1). Where the Council considers that the environmental information before them is adequate to assess the significant effects of the development on the environment, they must take that information into consideration in their decision for subsequent consent, under Regulation 9(3).
- 9.18 Third parties have raised a number of EIA related objections. It is questioned whether an EIA-screening has been done and whether an EIA addendum is needed, particularly noting the information in the public domain about the impact, including new risks of untreated sewerage, of the proposed new sewerage pumping station and compound proposed in Hailey Park (21/02608/MNR) which is identified as an improvement work to the existing sewer network in the submitted Strategic Foul Drainage Masterplan report under 22/00437/MJR. This query was responded to by the Applicant in their Comments Schedule of 21 June 2022 which was issued for consultation, as part of the June 2022 submission.

9.19 Taking the comments received into consideration, it is considered that the environmental information available is adequate to assess the significant effects on the environment, including cumulative effects, taking the following into consideration:

- The material submitted to re-discharge condition 24 is not considered to raise any significant environmental effects beyond those which were previously considered in the ES and ES Addendum submitted with the outline planning application.
- The details submitted respond to a condition that was attached to the outline permission and do not seek to change the outline scheme that was tested as part of the ES and ES Addendum.
- The original ES included the requirement for off-site drainage works, including reinforcement works and this scenario has already been tested. The original ES did not identify any significant environmental effects in respect of off-site works. The planning permission and accompanying ES and ES Addendum always envisaged that a HMA was required, and that this assessment would inform off-site upgrading / reinforcement works to the sewer network that would be designed and carried out by DCWW as the statutory sewerage undertaker. Further details and ES addendum references are provided by the Applicant in their Comments Schedule of 21 June 2022.
- Beyond the environmental information submitted as part of the outline permission, the environmental information available concerning the wider sewer reinforcement scheme (which includes the pumping station at Hailey Park) is relevant. The ES to the outline permission did not identify significant environmental effects in respect of the off-site works and this has been evidenced through the Hailey Park application submitted by DCWW and related screening request and opinion (SC/22/00007/MJR). Both the officer's report presented to Committee on 6 April and the report presented concurrently to the September Committee recommend approval of this application, and it has been formally concluded through an EIA screening request that the wider Hailey Park sewer reinforcement scheme does not comprise EIA development. Taking this environmental information into consideration and in considering any likely cumulative effects, it is considered that the findings of the original Plasdwr ES are correct and robust such that it is not considered that further environmental information is required.
- In coming to this conclusion, the wider Plasdwr sewer reinforcement scheme is not considered to be part of the same project as the Plasdwr mixed use scheme and is not considered to be an extension to the mixed use scheme, falling within Schedule 2, para 13. There are a number of factors that militate strongly against the scheme being an extension to the mixed-use scheme, namely:
 - being constructed on/under land which is not directly connected or adjacent to the mixed-use scheme and, in reality, is an expansion of the existing public sewerage network and, therefore, they are effectively stand-alone projects;
 - being undertaken by Welsh Water, a statutory undertaker, not the developer of the mixed-use scheme and on land within separate

ownership;

- being undertaken not to serve only the foul needs of the mixed-use scheme, but also of existing (and potential future) developments in the area, therefore, whilst there is a functional relationship there is no functional interdependence.

9.20 A further EIA matter raised by a third party is that there is an implicit screening request in Lichfields cover letter of 16/02/22. For the avoidance of doubt, a formal request for a screening opinion has not been made by the Applicant in respect of application 22/00347/MJR and the contents of the covering letter cannot be construed as a request for a screening opinion. However, as noted above, there is a requirement for the Council to consider whether the information available to them under Regulation 9(2) & (3) of the EIA Regulations is adequate to assess the significant effects on the environment, and this has been done, as is set out above.

9.21 Related to the above, a third party has suggested that the officer's request that the Applicant to clarify their position, set out in their initial covering letter dated 16/02/22 (ref 31112/25/GW/AE/20640043v1), as to why an ES Addendum or revised EIA wasn't needed, implies that additional information is necessary, further to regulation 24(1). To be clear, formal notice was not served under regulation 24(1), with the effect that the related publicity requirements relating to 'further information' were not triggered either.

9.22 An objector has also queried whether the officer is aware that an exemption from EIA is being sought. This is not the case.

Impact of off-site drainage infrastructure

9.23 Third parties have also raised concerns over the need for further detail on the various off-site works detailed in the condition 24 submission and their impacts – including the proposed requisition and reinforcement works and the proposals for surface water removal. Impacts referred to include construction traffic impacts, environmental effects, ecology, carbon footprints etc. However, as noted above and further below, the application does not seek permission / consent for any off-site works, which – along with the detailed design of those works - are a matter for DCWW as statutory sewerage undertaker and fall outside the scope of condition 24, which simply seeks to agree a strategic foul drainage masterplan. It is noted that NRW have not raised any objection to the discharge of the condition, confirming they have no comments to make.

Why a revised HMA is not needed

9.24 Third parties have questioned why a revised Hydraulic Modelling Assessment (HMA) has not been submitted or requested. The submitted report provides background information on the HMA in Section 2, noting that an HMA was undertaken to assess the impact of the development flows on the wider sewer network, was completed and issued on 29th January 2019, and determined that immediately adjacent to the site there was insufficient capacity to allow the fully completed development to discharge. The HMA was not prepared by the Applicant (Redrow Homes South Wales, Trustees of St Fagans No 1 & 2 Trust

and Trustees of St Fagans No 3 Trust) but rather by Arup on behalf of DCWW, the statutory sewerage undertaker.

- 9.25 A revised HMA is not needed to discharge the condition as the wording of condition 24 does not require a Hydraulic Modelling Assessment (HMA) to be submitted for approval, but simply requires the HMA to 'inform' the masterplan. The submitted Strategic Foul Drainage Masterplan Report (Revision P13) notes that after the Foul HMA was completed and high-level solutions identified, a series of meetings were held with DCWW to discuss the proposals and how to achieve a solution that was suitable for the developer and DCWW, with the results set out in Section 3 of the Strategic Foul Drainage Masterplan Report. The HMA did not recommend a preferred solution to be taken forward – but a series of options for further consideration. In this way, the HMA 'informed' the proposed Strategic Foul Drainage Masterplan, as required by the condition wording, with the drainage works captured in part c of condition 24. The previous application to discharge condition 24 (ref 19/02887/MJR) was determined on this basis, with the decision letter even making it clear that the approval did not extend to the approval of the HMA.
- 9.26 Taking into consideration the above, it is considered that the objections raised in respect of the HMA and related concerns that the HMA doesn't cover the Hailey Park Requisition, or the surface water removal measures, would not justify any refusal to re-discharge condition 24.

Concern that condition 24 has been previously discharged

- 9.27 Condition 24 was previously discharged under application 19/02887/MJR on 29/04/21. The fact that the condition has been previously discharged, in itself, is not problematic, as there is no limit to the number of times a condition can be re-discharged, contrary to the assertions of third party objectors. Indeed, if a proposal changes and details previously approved in discharge of a condition cannot or will not be complied with, then an application to re-discharge a condition would need to be submitted by the Applicant to seek approval for the amended details, in order to avoid being in breach of condition.
- 9.28 St Fagans Community Council have raised concerns that the application requires an additional 3 pumping stations, compared to the masterplan previously approved under application 19/02887/MJR and question the evidence of effective masterplanning. The Applicant has explained the reason for the 3 additional pumping stations in their Comments Schedule of 21/06-21 and these are replicated in section 3.
- 9.29 St Fagans Community Council have also raised concerns that the application clearly assumes that Hailey Park pumping station will be approved, noting that this application cannot be considered under the application for Hailey Park has been determined. In this vein, the Hailey Park will be presented to Planning Committee concurrently but in advance of this application.

Other Matters Not Assessed Above

9.30 The following respond to the additional points raised by third party objectors that have not already addressed above:

- The LPA can only consider the application before them and not the contents of a DCWW newsletter.
- The request for the application to be determined Planning Committee has been met, by virtue of submission of a valid petition, in line with the current scheme of officer delegation.
- Condition 24 does not require proposals to be put forward to secure betterment on the level of Combined Storm Overflows
- The profit levels of developers is not a material planning consideration.
- The concerns raised over public access to the planning department are noted and are being considered by senior management.

10 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

10.1 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, noting the scope of the application.

10.2 Equality Act 2010. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. 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, over and above any other person, noting the scope of the application.

10.3 Well-Being of Future Generations Act 2016. 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 considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision, noting the scope of the application.

10.4 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems,

so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning);
- (e) The adaptability of ecosystems.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above, as far as possible, given the scope of the application.

11 RECOMMENDATION

11.1 That, having taken the environmental information into consideration, subsequent application 22/00347/MJR and the following documents be approved in FULL re-discharge of condition 24 (Strategic Foul Drainage Masterplan) of outline planning permission 14/02733/MJR:

- Planning Application Boundary (drawing no R.0319_17j-1)
- Strategic Foul Drainage Masterplan (PLDR-ARP-DGF-ZZ-RP-CD-000001 Rev P13) as updated and dated 22 August 2022
- Appendix B: Revised Residential Phasing Plan (drawing no P18 – 0655_37-1H)
- Appendix C: Foul Masterplan with s106 Catchments (PLDR-ARP-DGF-ZZ-DR-CD-000001 Rev P11)
- Appendix D: Foul Catchments with Dwelling Numbers (PLDR-ARP-DGF-ZZ-DR-CD-000004 Rev P06).

11.2 Informative: It is also recommended that the following advice is set out in the decision letter:

- This approval does not extend to Appendix A: Foul Hydraulic Modelling Assessment (DCWW, Developer Services Hydraulic Modelling Report, 080 – Cardiff West Strategic Sites HMA, Rev v4.0 dated 29/1/2018).
- That the Applicant note the advice of Transport for Wales as follows:
 - a) In order to avoid future interface issues, build over / build nearer agreements and potential costly diversionary works being required at a later date, it is recommended that where the proposed foul sewer and foul rising main cross underneath the dismantled rail corridor, that the undertrack crossings (UTX) be constructed in accordance with Network Rail Standards, namely:
 - b) Drg. **NR/CIV/SD/610 Rev F** together with Specification **NR/L2/CIV/044** “Planning, design and construction of undertrack crossings”, clause 8.4.1 (which indicates depth of cover to be applied).
 - c) In addition to the above it would be recommended that a co-ordinated approach between the utility companies and TfW be adopted to ensure that all requirements are considered before any new

apparatus is installed under or within the immediate vicinity of the dismantled rail corridor.

- d) It is considered that a Section 85 Notice (New Roads and Street Works Act 1991) be issued by the Statutory Authority in order to ensure that the appropriate codes of practice are invoked/adhered to prior to any diversionary works being undertaken (if not already in place).