

PETITION, OBJECTIONS, LOCAL MEMBER, MS, MP

COMMITTEE DATE: 08/09/2022

APPLICATION No. 21/02608/MNR APPLICATION DATE: 08/11/2021

ED: Llandaff North & Llandaff

APP: TYPE: Full Planning Permission

APPLICANT: Welsh Water/Dwr Cymru

LOCATION: 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

PROPOSAL: 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

RECOMMENDATION: That planning permission be **GRANTED** subject to the conditions listed in Section 12.

1. BACKGROUND INFORMATION

- 1.1 The application is brought before the Planning Committee as the scheme of officer delegation requires applications that have a valid petition of over 50 signatures to be determined by the Planning Committee. Furthermore, local ward members have requested the application be determined by Planning Committee whilst Local Members of the Senedd and Parliament have also expressed concerns.
- 1.2 This planning application was deferred at Planning Committee on 6th April 2022 for a Members' site visit which took place on 27th June 2022 and is reported back for determination.
- 1.3 Following the site visit a significant level of amended and additional information has been submitted which largely seeks to provide information that it was previously recommended should be required to be submitted, by condition, prior to the commencement of development.
- 1.4 Additional detailed comments have been received from members of the public raising a number of environmental and procedural related matters which are

summarised at para. 8.8.

- 1.5 Members should also note that further consideration and discussions with the applicant (Dŵr Cymru Welsh Water) led to the submission of a request for a Screening Opinion relating to the wider sewer reinforcement scheme, comprising a pipe line from De Braose Close under the River Taff and across Hailey Park and incorporating the pumping station. This has been screened (ref: [SC/22/00007/MJR](#)) in accordance with the EIA Regulations, and has also informed an updated screening opinion for this development. This is discussed further at para. 3.7- 3.9.
- 1.6 An application (ref: [22/00349/MJR](#)) to discharge the 'Strategic Foul Water Masterplan' (Condition 24) of outline planning permission 14/02733/MJR is reported concurrently to the Planning Committee meeting on 8th September 2022.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site comprises two parcels of land within the wards of Llandaff North and Llandaff either side of the River Taff.



fig. 1. Site Location Plan

- 2.2 The primary site is located within Hailey Park which comprises an area of open space serving the local community. The park lies within and to the west of Llandaff North and to the south, across the Rhondda and Merthyr Railway line, of Whitchurch. The park extends eastwards from Llandaff North to the River Taff and the boundary of Radyr, the parks southern extremities are also bordered by the river over which is the principally residential area of Danescourt in Llandaff. The park is largely green fields bounded by mature trees and vegetation to its boundaries and groups of

mature trees and vegetation to the west of centre of the park and sporadically throughout with the west side being categorised as amenity open space of natural and semi-natural greenspaces. The east of the park provides an area of formal, comprising two rugby pitches or cricket pitch, and informal open space with areas of amenity open space of natural and semi-natural greenspaces to the fringes. To the north west of the playing fields lies a single storey changing room building and associated car parking, and additional car parking lies to the north east corner of the site. A vehicular access road off Ty-Mawr Road, to the north east boundary runs to the changing room building with the aforementioned additional car parking spaces being sited centrally on the access road and to its north with fringes of greenspace to the immediate south of the access road.



fig. 2. Aerial Imagery Hailey Park

- 2.3 This primary site lies approximately 10-11m south of the aforementioned access road directly opposite the northern car park upon existing overgrown greenspace including unmanaged grass and shrubs. The site is located within the Taffs River Corridor within largely Flood Zone B, however, partly within Flood Zone C1. The Hailey Park SINC lies in close proximity to the north, across the access road, and extends west across the amenity open space. The River Taff Sinc lies approximately 175m to the south. Radyr Community Woodlands and Radyr Cricket Ground SINC and the Hermit Wood LNR lie within 500m. The Glamorgan Canal LNR and Glamorgan Canal/Longwood SSSI lie within 1km. The internationally designated sites Cardiff Beech Woods SAC, Severn Estuary SAC, SPA and Ramsar sites lie within 10km.

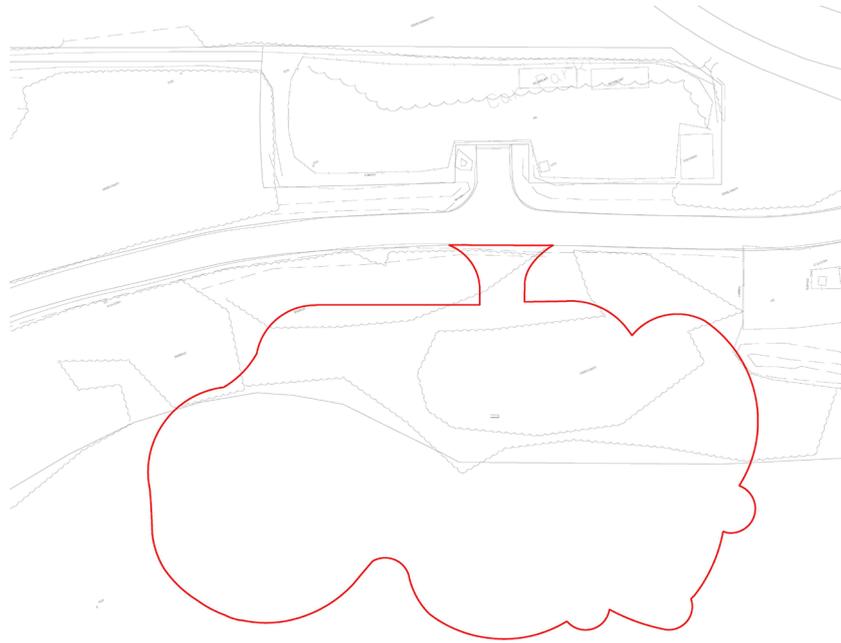


fig. 3. Primary Site Hailey Park

- 2.4 The secondary site is located nearly 0.5km south west from the principal site in Hailey Park, across the River Taff and within its river corridor, to the western end of De Braose Close, sited to the north of the turning head at the end of that road. The site has a nominal size of nearly 10sq.m is located on the fringe of an area of amenity open space, approximately 20m south of the Radyr Community Woodlands SINC and Hermit Wood LNR and outside, but in close proximity to, a group of protected trees.



fig. 4. Street view DeBraose Close

3. DESCRIPTION OF DEVELOPMENT

3.1 The total area of the site within Hailey Park would measure approximately 2,950sq.m (0.295ha), of which the pumping station itself relates to a development area of approximately 575sq.m (0.0575ha) upon amenity open space which would not infringe upon either the formal or informal open space. The remaining areas of the application site, would not be developed, however, reserved for soft landscaping enhancements and open space retention.

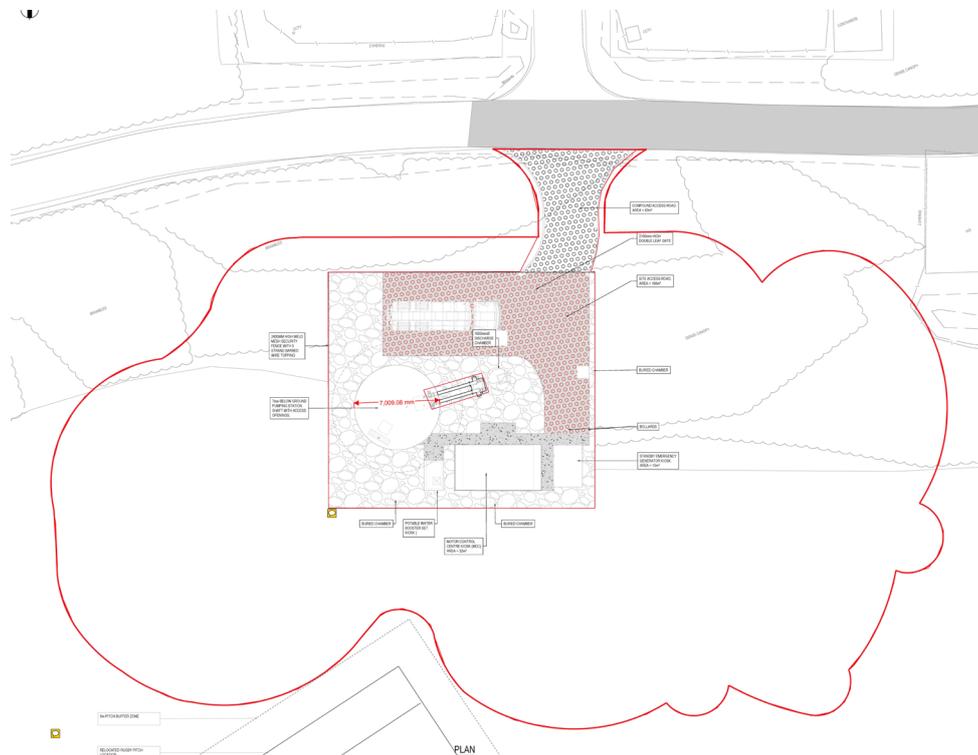


fig. 5. Proposed Site Plan – Hailey Park



fig. 6. Proposed Landscaping Plan – Hailey Park

3.2 Development would consist of a compound which would be enclosed by a 2.4m mesh fence laid with predominately stone, partly in cellular paving in high traffic areas comprising the Site Access Road running parallel to the north and east boundaries. A Motor Control Centre Kiosk of 32sq.m and 2.5m in height, a Standby Emergency Generator Kiosk of 10sq.m and 2m in height and a small Potable Water Booster Set Kiosk which would run parallel to the rear compound boundary would be provided to the south east corner of the site accessed via a small area of concrete footpath. To the western boundary at approximately a central location, north to south, within the compound would be sited the 7m diameter below ground Pumping Station served by above ground pipework, of an area of circa. 10sq.m and largely not exceeding 1m in height but with a single vertical protrusion of up to 2m in height, located centrally within the compound. Several buried chambers would be provided within the compound. A 63sq.m access road, of naturally filled cellular paving, would run south to the compound off the existing vehicular access through the park directly opposite the existing access to the northern car park.

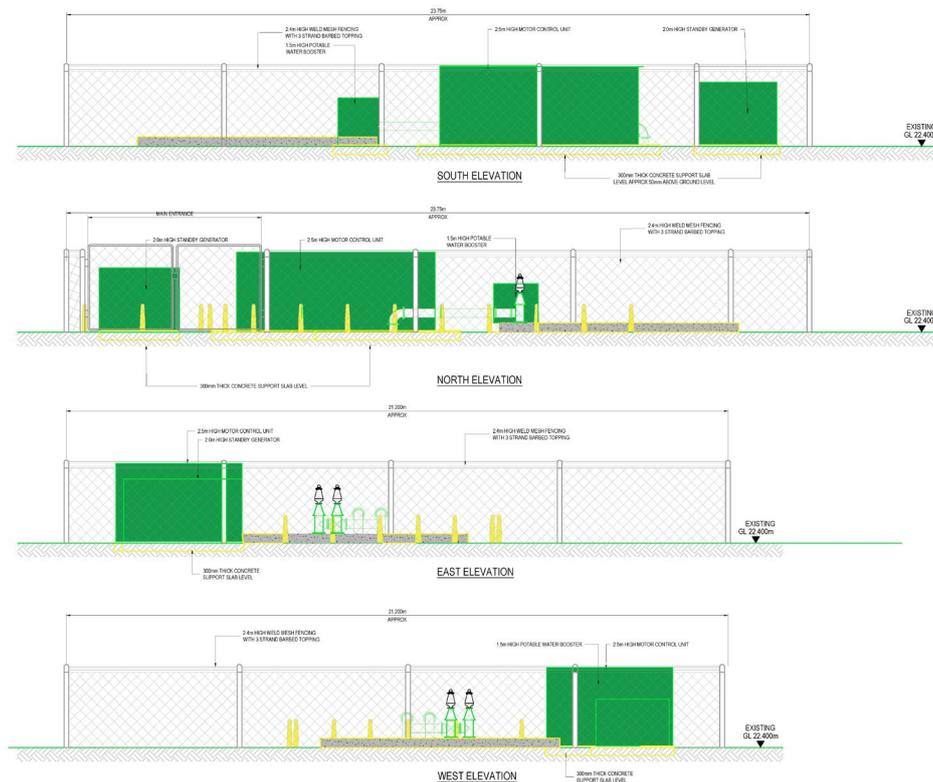


fig. 7. Proposed Compound Elevations – Hailey Park

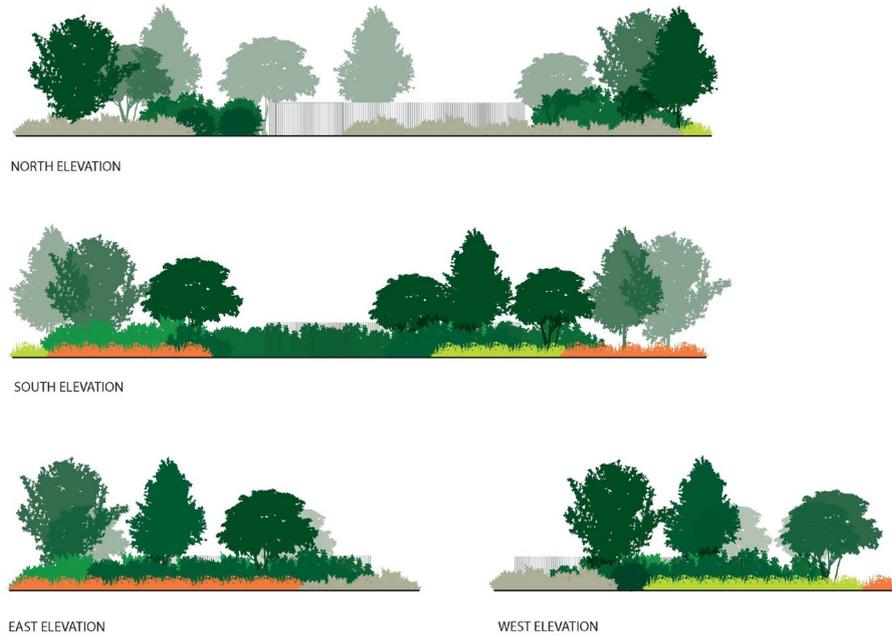


fig. 8. Proposed Section Elevations – Hailey Park

3.3 The secondary site, off De Braose Close, would accommodate a 'Valve Control Kiosk' with a footprint of 1.2m x 0.4m and 1.2m high on a 150mm thick concrete base with a footprint 150-300mm greater than the kiosk itself.

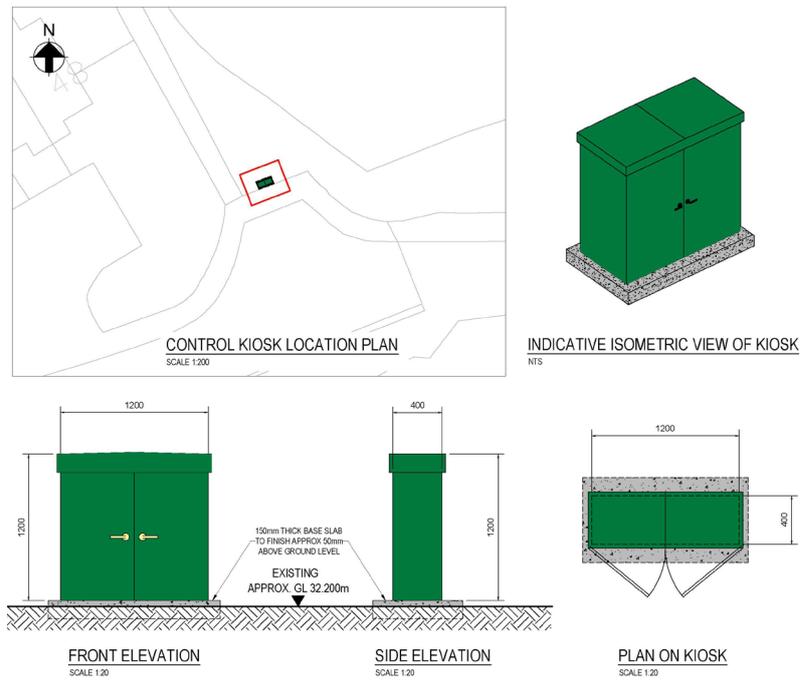


fig. 9. Proposed Valve Control Kiosk – De Braose Close

3.4 The development is required to reinforce the sewerage system infrastructure serving the existing and wider area as a result, but not solely to serve, a significant population increase from a major residential development in Radyr which will include approximately 6,000 new dwellings. This development is an allocated strategic site under the provisions of the LDP and, therefore, constitutes a significant delivery of residential development during the plan period. The existing sewer network

located in the Danescourt area, on the west side of the Taff, discharges to the Cog Moors Waste Water Treatment Works, however, the downstream section of the existing network does not have capacity for increased flows. A bifurcation gravity sewer is, therefore, required to transfer excess flows beyond the River Taff to the proposed pumping station at Hailey Park which subsequently would discharge excess flows into the existing trunk sewer line which connects to the Cardiff Wastewater Treatment Works.

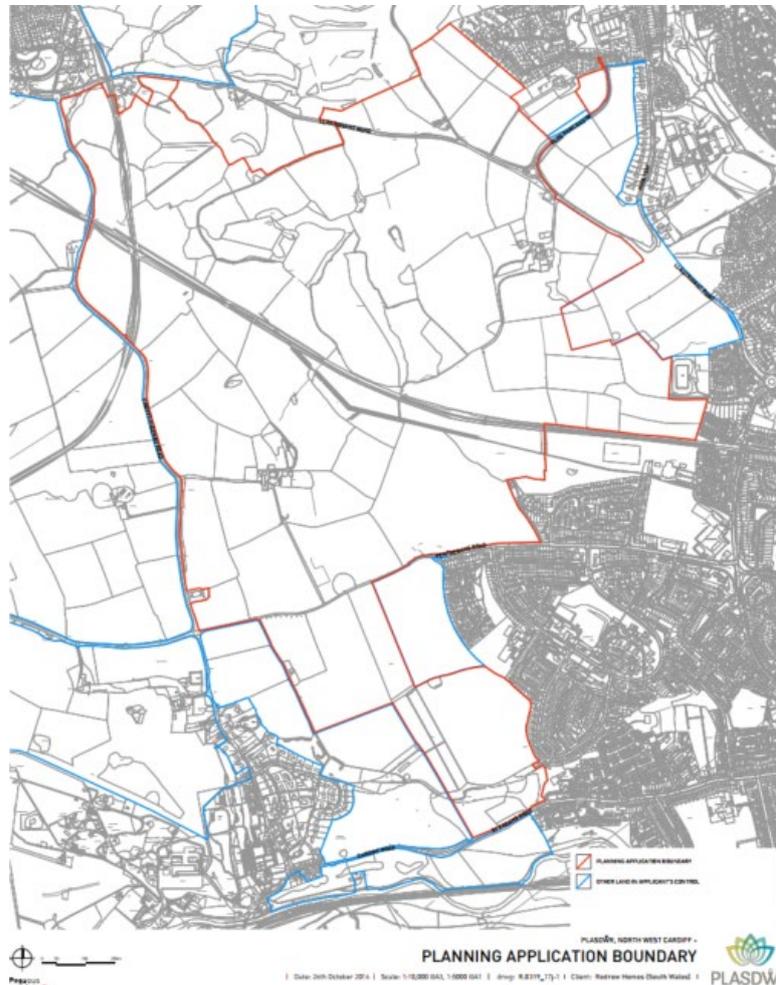


fig. 10. Site Location Plan - Plasdŵr

- 3.5 The wider Sewer Reinforcement Scheme includes a below ground level pipeline, nominal diameter of 1.5m, connecting to the existing sewer system west of the River Taff in De Braose Close thereafter running north easterly below the River Taff, to a minimum depth of 4m, to the proposed pumping station and connecting to the system at Ty Mawr Road. The pipework would have a total length of approximately 558 metres. These works have recently been the subject of a negative screening opinion from the LPA (i.e. they do not constitute EIA development) and are thus considered to constitute 'permitted development' in their own right, by virtue of Order of Welsh Government, and do not form part of the application for planning permission (see paras 3.7 – 3.13). The pumping station requires permission as it is not on the statutory undertaker's operational land.

- 3.9 Further information, however, was requested from the applicant in respect of the wider infrastructure works, and subsequently a screening request was submitted (ref: SC/22/00007/MJR) in respect of the proposed 'Sewer Reinforcement Scheme'. In considering such submissions, it is acknowledged that the proposal includes the wider works, detailed at para. 3.5, and with regard to legal precedent (*Burridge v Breckland DC [2013]*) given the facts of the case it has been considered that the proposal forms part of a larger infrastructure project for the purposes of EIA screening as the two developments (pumping station and pipeline) are inextricably interlinked.
- 3.10 A negative Screening Opinion (a conclusion that the works do not constitute EIA development) has recently been adopted relating to the proposed development extending from the existing sewerage network within De Braose Close to Ty Mawr Road including the Hailey Park Pumping Station, which concludes that the development does not exceed the relevant thresholds, nor is the site in a 'sensitive area' (as defined by the Regs). Full details relating to the determination can be viewed on the Council's website using the following link: [SC/22/00007/MJR](https://www.burridge.gov.uk/SC/22/00007/MJR)
- 3.11 It is again noted that the initial screening opinion for the pumping station was previously considered under Schedule 2 11(c) - Waste Water Treatment Plants. However, having regard to the above Opinion, and following further consideration, it is considered that neither the reinforcement scheme in its entirety, or the pumping station alone, would fall under category 11(c). This is primarily on the grounds that although the pumping station could be considered to be a 'plant', the sewer reinforcement scheme does not actually include any element whereby the waste will be *treated*.
- 3.12 Detailed consideration has also been given as to whether the 'Sewer Reinforcement Scheme' forms part of the same project as the strategic mixed-use development of Plasdŵr. However, it was concluded that there are a number of factors that militate strongly against the scheme being an extension to the mixed-use scheme including that the proposal is:
- 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.
- 3.13 In light of the above, Members should note that a revised Screening Opinion has been adopted for the current application, which mirrors the Opinion for the overall infrastructure works (i.e. is not considered under 11(c) and is concluded to not amount to EIA development).

4. PLANNING HISTORY

4.1 The following planning history is relevant to the site:

- Full planning permission – [00/02169/W](#) – Reinstatement of public open space, relocation/reinstatement of car parking, the removal of the mineral railway bridge and one abutment and change in levels under and adjacent to the railway bridge – Approved – 02/01/2001
- Full planning permission – [01/02274/W](#) – Re-instatement works after Y&P sewer installation¹, including demolition of railway bridge and disused railway embankment – Approved – 17/12/2001

4.2 The following planning history is considered directly relevant to the application:

- Screening Opinion – [SC/22/00007/MJR](#) – Proposed Sewer Reinforcement Scheme –

4.3 The following planning history, relating to the Strategic Site referenced at para. 3.4, is considered of some relevance 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.

¹ The Ystradyfodwg and Pontypridd (Y & P) trunk sewer is a key asset delivering sewage from the Rhondda Valley (including Pontypridd) through central Cardiff to the Treatment Works at Cardiff Bay. T

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 – [19/02887/MJR](#) – Strategic Foul Water Masterplan (Condition 24) of outline planning permission 14/02733/MJR – Fully Discharged – 29/04/2021
- Reserved matters – [19/03279/MJR](#) –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 – [20/02521/MJR](#) - Detailed Foul Drainage Scheme (Condition 64) of outline planning permission 14/02733/MJR in respect of Parcel 2B – Partially Discharged – 15/02/2022
- Reserved matters – [21/00826/MJR](#) –Parcel 2E/F of Phase 1 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 – Undetermined
- Discharge of condition – [21/02111/MJR](#) – Detailed Foul Drainage Scheme (Condition 64) of outline planning permission 14/02733/MJR in respect of Parcels 2E/F – Undetermined
- Reserved matters – [22/00133/MJR](#) – Parcel P2 of Phase 2 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 – Undetermined
- Reserved matters – [22/00136/MJR](#) – Phase 2, Land North of Pentrebane Rd 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 – Undetermined

- Discharge of condition – [22/00211/MJR](#) – Detailed Foul Drainage Scheme (Condition 64) of outline planning permission 14/02733/MJR in respect of in respect of Parcel P2 of Phase 2 – Undetermined
- Re-discharge of condition – [22/00347/MJR](#) – Strategic Foul Water Masterplan (Condition 24) of outline planning permission 14/02733/MJR – Undetermined
- Discharge of condition – [22/00349/MJR](#) – Detailed Foul Drainage Scheme (Condition 64) of outline planning permission 14/02733/MJR in respect of area covered by reserved matters application 22/00136/MJR – Undetermined

5. POLICY FRAMEWORK

National Policy

- 5.1 The ***Well-being of Future Generations (Wales) Act 2015*** (WFG) imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’.
- 5.2 ‘Sustainable development’ means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.3 ‘Sustainable development principle’ means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 5.5 The ***Environment (Wales) Act 2016*** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 5.6 [Planning Policy Wales \(Edition 11\)](#) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, Future Wales - the National Plan 2040 (see below) and to deliver the vision for Wales that is set out therein.
- 5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 5.9 PPW is supported by a series of more detailed [Technical Advice Notes \(TANs\)](#), of which the following are of relevance:
- TAN 5: Nature Conservation and Planning (2009) (noting the Chief Planning Officer letter dated 23/10/19: Securing Bio-Diversity Enhancement);
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)

On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

- 5.10 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to

recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan

- 5.11 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.12 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 5.13 Should it be relevant and necessary/appropriate to do so, then you can add relevant extracts or policies from FW here.
- 5.14 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

- Policy KP1: Level of Growth
- Policy KP2: Strategic Sites (KP2(c) North West Cardiff)
- Policy KP3(B): Settlement Boundaries
- Policy KP5: Good Quality and Sustainable Design
- Policy KP6: New Infrastructure
- Policy KP7: Planning Obligations
- Policy KP9: Responding to Evidenced Economic Needs
- Policy KP13: Responding to Evidenced Social Needs
- Policy KP14: Health Living
- Policy KP15: Climate Change
- Policy KP16: Green Infrastructure
- Policy KP18: Natural Resources

Detailed Policies

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

Community

- C3: Community Safety/Creating Safe Environments
- C4: Protection of Open Space

Supplementary Planning Guidance

5.15 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

6.1 The **Operational Manager (Shared Regulatory Services – Pollution Control)** advises:

The details confirm that the proposal shall ensure that the nearest residential receptor outside of the boundary of the site is exposed to an odour concentration of no more than 5.0ouE/m³. A concentration of no greater than 3.0ouE/m³, 98th percentile of hourly mean concentrations, at a minimum should be achieved and preferably concentrations of no more than 1.5ouE/m³ shall be achieved. A condition is recommended to requiring an Odour Management Plan is requested.

The amended details take into consideration previous advice in respect of beam angle to reduce glare which is considered appropriate. Should any installation give rise to statutory light nuisance then beam angle should be lowered more or have shields to prevent glare.

It should be noted that no works audible at the site boundary should take place outside of the hours 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.

All noise from plant must be -10dB below background level as there is no exposed above ground equipment this requirements should be met.

6.2 The **Operational Manager (Shared Regulatory Services – Environment Team)** advises:

The proposed development is located on an historical landfill site, there is

the potential for ground contamination and gas emissions, however, a precautionary approach of advising the developer is considered appropriate)

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. Conditions and Advisory Notes are requested.

6.3 The **Operational Manager (Flood & Coastal Risk Management)** has been consulted, no representations have been received.

6.4 The **Operational Manager (Parks Services)** advises:

In line with Policy C4 Protection of Open Space of the LDP, I would generally be opposed to any non-ancillary development taking place in Cardiff's Parks unless certain criteria can be met. It would appear however that the proposal satisfies Policy C4 in that it does not exacerbate a deficiency of (functional) open space, the open space has no significant functional or amenity value, the open space is of no significant quality and has no significant nature or historic conservation importance.

Whilst generally even where a proposal might satisfy Policy C4 development may likely be opposed due to the possible precedent it may set allowances for essential public infrastructure works carried out by statutory undertakers is made.

Parks Services have been extensively consulted by the applicant from an early stage and have considered various issues. This has included - possible locations and size of the compound, the area and type of public open space being lost, the impact on the pitches and associated changing rooms, the landscaping proposals to mitigate the loss of trees and visual impact of the compound, ongoing access of the site by Welsh Water operatives. There are no objections.

6.5 The **Councils Planner (Trees and Landscaping)** advises:

Whilst the loss of low quality trees does not conflict with Policy EN8 the loss of vegetated soils is at odds with the principles of KP15. Proposed landscaping, however, would be sufficient to mitigate both loss of trees and vegetated soil.

No soil resource survey or plan has been submitted and, therefore, further details and clarification of proposals based upon this information will be required. A condition is recommended.

6.6 The **Councils Ecology consultant** advises:

Detailed information has been submitted, including an Ecological Impact Assessment supported by an Extended Phase 1 Habitats Assessment of the

wider area, which conforms to best practice which identifies the sites and habitats referenced at para. 2.2.

The areas of the works are within or alongside scattered scrub, dense scrub, amenity grassland, woodland (adjacent) and hardstanding.

The HDD passes under the River Taff. The planning application boundaries only shows that of the kiosk and the pumping station in Hailey Park and not that of temporary works or the HDD length (as this is considered permitted development by the applicant).

The applicant, their consultants and NRW have not provided recommendation for a Habitat Regulations Assessment to be undertaken for any aspect of the work. It is understood that best practice will be followed with regards the potential for water pollution and therefore it is unlikely there would be significant effects on the River Taff or connected River Severn Ramsar, SAC, SPA, SSSI.

If site clearance does not commence in respect of the development within 18 months from the date of the most recent Extended Phase 1 survey the approved ecological measures shall be reviewed and, where necessary, updated.

Details in respect of construction management, precautionary methods of working, dormouse conservation, lighting and biodiversity enhancement have been provided and are considered appropriate.

7. EXTERNAL CONSULTEE RESPONSES

7.1 **Natural Resources Wales** advise:

- The ecological submissions have been reviewed and are welcomed. Dormice, Otters and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed. Where a European Protected Species is present and the 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'. No concerns are raised with regards to the impact upon Dormice subject to a Conservation Plan being provided and it is noted a single tree which would not be affected by development provides moderate roosting potential for bats;
- The site is considered sensitive due to the underlying aquifer and proximity to the River Taff. This site is also recorded as a historic landfill, however the landfill is very historic. Given this and the redline boundary representing a small part of the larger landfill no immediate concerns are raised;

- Our Flood Risk Map confirms the application site lies partially within Zone C1 of the Development Advice Map (DAM) as contained in TAN15. Given the nature of the proposed development (and in the absence of a flood consequences assessment (FCA)), we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks.

Conditions and advisory notes are requested.

8. REPRESENTATIONS

- 8.1 The application was publicised by way of neighbour notification letters and Local Ward Members were consulted, on the 15th November 2021.
- 8.2 A valid petition of 114 signatories, from the Llandaff North Residents Association, has been received objecting to the proposal. A petition by a greater number of signatories has been received, however, was not valid in accordance with committee procedures.
- 8.3 Letters of representation have been received from 20 individual members of the public objecting to the proposal.
- 8.4 Letters of representation have been received on behalf of the Llandaff North Residents Association and the Glamorgan Anglers Club objecting to the proposal.
- 8.5 Cllrs Dilwar Ali and Jennifer Burke-Davies, local members for Llandaff North, object to the proposal supporting the concerns of members of the public.
- 8.6 Julie Morgan MS, Andrew RT Davies MS and Anna McMorris MP have made representations in support of some of the concerns raised by members of the public.
- 8.7 A summary of the reasons for objection are detailed below:
 - loss of green public open space;
 - visual appearance/uncharacteristic development;
 - lack of landscaping/screening;
 - impact upon ecology and biodiversity;
 - affect of flooding;
 - pollution of local area;
 - impact of noise and smell from facility;
 - impact upon health and well-being;
 - loss of outlook;
 - disruption from construction works including impact upon highway network;
 - principle of siting infrastructure to serve the Strategic Development within the park that serves another ward;
 - failure of the application to acknowledge the Afon Taff Viaduct Grade II

Listed structure;

- insufficient consultation and transparency of process;
- effect upon property values/saleability.

8.8 Additionally, the following summarised comments have been received which are relevant specifically to the interrelated matter with regard to the Plasdŵr Strategic Development and an application in respect of the Strategic Foul Drainage Master plan (ref: 22/00347/MJR – Condition 24 14/02733/MJR):

- It is necessary to deal with the application to update the Plasdŵr Strategic Foul Drainage Masterplan prior to that for the Sewerage Pumping Station and associated works;
- 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 Plasdŵr must be more appropriate;
- Good sustainable alternatives, including the option included in the original HMA to build a modern treatment works at Plasdŵr 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 Plasdŵr development, as there are other options previously proposed by the applicant and accepted by Cardiff Council which appear to be less environmentally damaging;
- 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;
- 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 Plasdŵr 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;
- 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 Plasdŵr “can be treated” in Cardiff sewage works, when this frequently discharges untreated sewage (71 occasions for 710 hours in 2021);
- There is no new EIA / a 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 Plasdŵr development;
- This new proposal will clearly have a significant impact on Hailey Park, the local area and local residents but the Plasdŵr 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;
- 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.

8.9 Objections have also been raised with regard the use of land within the Councils ownership donated for use by members of the public as open space, including by a family member of Claude Hailey 'the original donor'. It is emphasised, however that land ownership is not a material planning consideration and, therefore, such matter does not form part of the assessment of the application for planning permission.

8.10 Cllr Sean Driscoll, local member for Llandaff, does not object to the proposal acknowledging that the main development is within the Llandaff North ward. It is raised, however, that some material considerations, principally in respect of the ecological impact, should be given due consideration and may have wider impact.

8.11 Public representations made on the application are available to view on the Council's website at: [21/02608/MNR](https://www.cardiff.gov.uk/21/02608/MNR)

9 ANALYSIS

9.1 Land Use / Principle of Development

9.1.1 The application site lies within the defined settlement boundary where there is a general presumption in favour of development.

9.1.2 The principal site, however, is located within an area of open space and Policy C4 seeks to protect open space that has significant functional, conservation, environmental or amenity value and proposals will only be acceptable where:

- *'They would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and*
- *The open space has no significant functional or amenity value; and*
- *The open space is of no significant quality; or*
- *The developers make satisfactory compensatory provision; and in all cases*
- *The open space has no significant nature or historic conservation importance'.*

9.1.3 This policy reflects national planning policy relating to open space set out in Planning Policy Wales and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009). The survey classifies the site as amenity open space. Therefore, in order to accord fully with Policy C4 the application will need to be assessed against criteria including:

- The functional and amenity value of the open space;
- The quality of the open space.

9.1.4 Having regard to the criteria it is noted that the site comprises low quality overgrown and unmanaged vegetation providing limited functional and amenity value and its loss would not negatively impact the adjacent designated areas of informal and formal recreational open space. The actual footprint of the compound and access road would result in the loss of less than 0.06 hectares of open space. Thereafter, the large majority of the site area would be utilised to provide additional planting of scrub, wildflowers and trees which would enhance the amenity value and environmental quality of the open space.

9.1.5 Given this and the evidenced need for this sewerage infrastructure the principle of the proposal is considered acceptable subject to other material considerations.

9.2 Impact on the Character of the Area

9.2.1 As noted earlier, the Welsh Government publication Building Better Places: The Planning System Delivering Resilient and Brighter Futures contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

9.2.2 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.

9.2.3 PPW11 also embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

9.2.4 Policy KP5 seeks to ensure that new development responds *'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density. Colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'*.

9.2.5 The proposed compound and associated development within Hailey Park is of a standard utilitarian appearance and is not of significant architectural value as would be expected for such a scheme. The development is, however, of a

limited height and the proposed scheme of planting would effectively screen the development from views with the significant areas of planting proposed of a significant benefit to the area including to its visual appearance and environmental quality. The colour of the structures would ensure that the proposal further merges with the background.

- 9.2.6 The proposed development at DeBraose Close is of a limited scale and a feature which is characteristic within the streetside setting it would occupy.
- 9.2.7 Accordingly, it is considered that the proposal has been adequately designed to mitigate its impact and would result in an overall enhancement of the visual appearance of the area having no adverse impact upon its character.

9.3 Impact on Amenity of the Area and Neighbouring Occupiers

- 9.3.1 Policy KP5 states all new development will be required to ensure there is '*no undue effect on the amenity of neighbouring occupiers*'. Policy EN13 seeks to ensure that development is '*not permitted where it would cause unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination*'.
- 9.3.2 The proposed landscape screening would effectively make the development indistinguishable within its parkland setting the appearance of which would at least be mitigated if not be enhanced, therefore, it is considered that there would, on balance, a negligible or positive impact upon the general amenity of the area.
- 9.3.3 The proposal is sited at a considerable distance from neighbouring properties and, therefore, would have no overbearing impact in this regard.
- 9.3.4 The facility is unlikely to give rise to operational nuisance from sources of pollution and conditions are recommended in this regard to ensure that no adverse impact results.
- 9.3.5 Accordingly, it is considered that the proposal would have no detrimental impact upon the amenity of the area or neighbouring occupiers.

9.4 Impact on Natural Environment

- 9.4.1 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 9.4.2 Policies KP15 seeks to mitigate against the effects of climate change and Policy KP16 seeks to ensure that Cardiff's distinctive natural heritage which provides a network of green infrastructure is protected, enhanced and managed to

ensure the integrity and connectivity of this multi-functional green resource is maintained. Policy KP18 details that in the interests of the long-term sustainable development of Cardiff the need to minimise impacts on the city's natural resources and minimise pollution must be taken into full account, including the protection of the quality and quantity of water resources and minimising air pollution. These policies are further supported by detailed policies EN4, EN5, EN6, EN7, EN8, EN10, EN13, EN14 and C4.

9.4.3 The application is supported by considerable detail in this regard which has been reviewed by the relevant consultees, refer to para.4.8, 6.4, 6.5 and 7.1. It is considered that it has been demonstrated that in principle no adverse impact would result in this regard and sufficient precautionary and mitigative works would be secured, by condition, to ensure no harm results and that there would be an overall enhancement in this regard.

9.4.4 Accordingly, it is considered that the proposal would have no adverse environmental impact.

9.5 Drainage and Flooding

9.5.1 Chapter 6 of PPW and guidance within TAN15 surface water drainage is a material planning consideration and consideration to flooding caused by heavy rainfall and runoff from development in areas of known flooding is required to be given on a case by case basis.

9.5.2 Policy KP15 seeks to ensure new development is avoided in areas susceptible to flood risk, in accordance with national guidance, and development which increases flood risk is prevented. Policy EN10 details that '*development should apply water sensitive urban design solutions*' the process of integrating water cycle management with the built environment through planning and urban design. Furthermore, the purpose of Policy EN14 '*is to avert development from where it would be at risk from river, ordinary watercourse, coastal, surface water flooding or where it would increase the risk of flooding or additional run off from development elsewhere*'.

9.5.3 The application site is located partially within the C1 Flood Zone, which comprises '*areas of the floodplain which are developed and served by significant infrastructure, including flood defences*', and largely within Flood Zone B, areas known to have flooded in the past. Zone C1 is '*used to indicate that development can take place subject to application of justification tests, including acceptability of consequences*'. Zone B is to be used as part of a precautionary approach.

9.5.4 Cardiff is allocated as a national growth area in Future Wales (NDF) were there is a focus on economic and housing growth the proposal is required to reinforce existing infrastructure to serve the city and a strategic development, therefore, there is an evidenced need for the development and the development is, therefore, justified on the basis that it is required to meet a wider identified policy need and to sustain Cardiff as an important existing settlement within the region. Furthermore, the potential consequences of a flooding event for the particular type of development have been considered and given the nature of

the development there would be no adverse impact.

9.5.5 The proposal includes a range of permeable surfacing and considerable levels of planting which would mitigate any marginal increase in run-off.

9.5.6 Accordingly, it is considered, there would be no adverse impact in this regard.

9.6 Other Matters Not Assessed Above

9.7.1 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- Some disruption and inconvenience is likely to result from demolition and construction works, however, given the scale and nature of the works it is considered that no significant harm should result, subject to works being undertaken in accordance with the submitted CEMP. It should be noted that the contents of the CEMP are wide ranging and separate legislation, including control in respect of health and safety and over noise and other sources of pollution, are relevant in respect of some matters. The Local Planning Authority would only seek to enforce relevant matters that are not subject to equivalent or stricter controls.
- Property values nor saleability are material planning considerations.

10 CONCLUSION

10.1 The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cardiff Local Development Plan (2011–2026) adopted January 2016.

10.2 Although introducing new built development into the existing park, it is concluded that the proposed pumping station would accord with Policy C4 insofar as it would not exacerbate a deficiency of (functional) open space, while it would have no unacceptable impacts that cannot be mitigated to an acceptable degree by conditions, such that the proposals would accord with the relevant policy context set out in this report. Moreover, notwithstanding the acceptability of the development, it also amounts to essential infrastructure proposed by a statutory undertaker, which has been afforded significant weight given that it will serve the local and wider community, and help sustain Cardiff as an important settlement and achieve the required level of growth.

11 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

11.1 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.

- 11.2 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.
- 11.3 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. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.
- 11.4 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.

12 RECOMMENDATION

12.1 That planning permission be **GRANTED** subject to the following conditions:

Conditions

TIME LIMIT

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

APPROVED PLANS

2. The development, except where explicitly required by the ensuing conditions, shall be carried out in accordance with the following approved plans and details:

- B13194-102503-XX-XX-DR-TA-PN9060 Rev. P2 – Site Location Plan
- B13194-102503-XX-XX-DR-TA-PN9062 Rev. P2 – Site Layout Proposed
- B13194-102503-XX-XX-DR-TA-PN9064 Rev. P2 – Proposed Compound Elevations
- 1969-XX-ZZ-DR-L-90-0003 Rev. 01 – Section Elevations
- B13194-102503-XX-XX-DR-TA-PN9065 – Valve Control Kiosk
- Issue Rev A | 29 July 2022 - Planning Statement
- Arboricultural Impact Statement, dated 7th October 2021
- Arboricultural Method Statement and Tree Protection Plan, dated 11th July 2022
- Arboricultural Method Statement Plan, dated 09/2021
- Tree Retention/Removal Plan, dated 03/2022
- 1094 Rev 1 – Site Specific Environmental Management Plan
- Issue | 3 November 2021 – Ecological Impact Assessment
- B13194-102503-XX-XX-RP-NA-EI0969, Issue | 14 April 2022 – Precautionary Method of Working
- B13194-102503-XX-XX-RP-NA-EI0468, Issue 14 April 2022 – Biodiversity Enhancement Specification
- B13194-102503-XX-XX-RP-NA-EI0766, 001 | 11 April 2022 – Dormouse Conservation Strategy
- B13194-102503-XX-XX-DR-TA-PN0067 Rev. P2 – Lighting Plan
- Odour and Noise Clarification V2.0, dated 6 July 2022

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

ACTION

3. Construction work shall not commence until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - A soft landscaping implementation programme.
 - Finalised, scaled planting plans prepared by a qualified landscape architect and that are based on the outcome of a Soil Resource Survey and Plan prepared in accordance with the Cardiff Council Soils and Development Technical Guidance Note.
 - Finalised schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect and that are based on the outcome of a Soil Resource Survey and Plan prepared in accordance with the Cardiff Council Soils and Development Technical Guidance Note.
 - Finalised, scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree and that are based on the outcome of a Soil Resource Survey and Plan prepared in accordance with the Cardiff Council Soils and Development Technical Guidance Note. The tree pit detail shall incorporate full details of aeration/irrigation methods, including piped inlets. The tree pit detail shall provide for a mulch circle with only a thin skim (25mm) of mulch applied over the root-ball surface.
 - 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 Resource Survey and Plan), 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 by a Soil Scientist who is familiar with the planting types proposed and that includes the parameters for all imported planting soils to ensure they will be suitable for all the planting types proposed.
 - 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 submitted 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: In the interests of green infrastructure and biodiversity to mitigate the effects of the development and enhance the area in accordance with Policies KP5, KP15, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan 2006-2026.

4. Prior to beneficial use of the development, hereby approved, an Ecological Compliance Audit, to include an Ecological Clerk of Works record, shall be submitted to the Local Planning Authority to demonstrate all works, so far as practicable, were undertaken in accordance with the approved details (ref: B13194-102503-XX-XX-RP-NA-EI0766 001 | 11 April 2022 & B13194-102503-XX-XX-RP-NA-EI0969, Issue | 14 April 2022)
Reason: In the interests of protected species in accordance with Policies KP16, EN6 and EN7 of the Cardiff Local Development Plan 2006-2026.

5. Prior to beneficial use of the development, hereby approved, the 'Biodiversity Enhancement Specifications' (ref: B13194-102503-XX-XX-RP-NA-EI0468 Issue 14 April 2022) shall be implemented in accordance with the approved details
Reason: In the interests of enhancing biodiversity in accordance with Policies KP15, KP16, KP18, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

6. Prior to beneficial use of the development, hereby approved, an Odour Management Plan shall be approved by the Local Planning Authority which shall seek to achieve an odour concentration level not exceeding 1.5ouE/m^3 , and no more than 3.0ouE/m^3 as a maximum, when measured at the nearest residential receptor. The Management Plan shall include:
 - a summary of the site, sewerage system, odour sources and the location of receptors;
 - details of the site management responsibilities and procedures for reporting faults, identifying maintenance needs, replenishing consumables and complaints procedure;
 - odour-critical plant operation and management procedures (e.g. correct use of plant, process, materials; checks on plant performance, maintenance and inspection);
 - operative training;
 - maintenance and inspection of plant (both routine and emergency response);
 - spillage management procedures;
 - record keeping – format, responsibility for completion and location of records;
 - emergency breakdown and incident response planning including responsibilities and mechanisms for liaison with the Local Authority;

Furthermore, a timetable for submission of odour monitoring and the undertaking of UKAS accredited odour sampling shall be agreed with the Local Planning Authority. Should the proposed monitoring and sampling demonstrate that an odour concentration level below 3.0ouE/m^3 is not achieved, at the nearest residential receptor, mitigation works to be approved by the Local Planning Authority shall be undertaken to achieve such level.

Reason: In the interests of protecting amenity in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

REGULATORY

7. The operational land within Hailey Park shall be limited to the confines of the 'site compound', as enclosed by the 2.4m high weld mesh fence as shown on dwg. no. B13194-102503-XX-XX-DR-TA-PN9062 REV. P2.
Reason: For the avoidance of doubt to the extent of the operational land as defined by Sec. 263 of The Town & Country Planning Act 1990.
8. If the development, hereby approved, does not commence within 18 months from the date of the most recent extended Phase 1 survey (and that which it encompassed, bats (trees), badger and invasive plants), the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of botanical aspects (including invasives, badger evidence or suitability of bats in trees and ii) identify any likely new ecological impacts that might arise from any changes.
Reason: In the interests of protecting the local environment in accordance with Policies KP15, KP16, KP18, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.
9. The development, hereby approved, shall be undertaken in accordance with the approved Construction Environmental Management Plan (ref: 1094 Rev 1).
Reason: In the interests of protecting the local environment in accordance with Policies KP15, KP16, KP18, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.
10. No lighting other than that, hereby approved, shown on the approved Lighting Plan (ref: B13194-102503-XX-XX-DR-TA-PN0067 Rev. P2) shall be installed without the prior consent of the Local Planning Authority.
Reason: In the interests of protecting the local environment and amenity in accordance with Policies KP5, KP16, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.
11. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than -10dB(A) at any residential property when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard).
Reason: In the interests of the amenities of the area and neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 20006-2026.
12. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become

seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 3, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of green infrastructure and biodiversity to mitigate the effects of the development and enhance the area in accordance with Policies KP5, KP15, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan 2006-2026.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies KP18 and EN13 of the Cardiff Local Development Plan.

14. 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 LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policies KP18 and EN13 of the Cardiff Local Development Plan.

15. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only

material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policies KP18 and EN13 of the Cardiff Local Development Plan.

13 INFORMATIVES

1. Natural Resources Wales recommends that developers should:
 - Follow the risk management framework provided in Land Contamination Risk Management (LCRM).
 - Refer to Land Contamination: A Guide for Developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 - Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection'.
2. The application site is located partially within Zone C1 of the Development Advice Map (DAM) the developer should be aware of the potential flood risks. Please refer to NRW for more information.
3. 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.
4. Attention is drawn to the provisions of Part III of the Environmental Protection Act 1990 in respect of statutory nuisance relating to dust and noise where there is prejudice to health or a nuisance.
5. The developer be advised the proposed development is located upon a historic landfill site and appropriate precautions/mitigation during the construction and incorporation of any measures/changes to the design that are considered appropriate should be undertaken as necessary.

The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due

diligence when assessing these impacts, however you are minded that the responsibility for

- i. determining the extent and effects of such constraints;
- ii. ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- iii. the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

6. Schedule 3 of the Flood and Water Management Act 2010 effects all new developments where the construction area is of 100m² or more and, therefore, may be subject to surface water drainage proposals under the SAB application process. It is recommended that the developer engage in consultation with the Cardiff Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk. In the meantime if you require further information please review our website: <https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>