

COMMITTEE DATE: 11th JANUARY 2024

APPLICATION No. 22/02673/FUL

APPLICATION DATE: 21/11/2022

ED: PENTWYN / LLANRUMNEY

APP: TYPE: FULL

APPLICANT: Curtis Hall Ltd

LOCATION: Cardiff East Park and Ride, Eastern Avenue, Old St Mellons, Cardiff CF23 8HH

PROPOSAL: Demolition of existing structures and redevelopment of the site to provide commercial floorspace (Use Classes B1, B2, B8, A3) and/or ancillary Class A1), associated drive-thru and car parking; the re-provision of the park and ride; a bridge across the Rhymney River; site wide landscaping and associated works.

RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.298 of this report and the conditions listed below in section 12.

RECOMMENDATION 2:

That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

1. BACKGROUND INFORMATION

1.1 This application is reported to Committee as it comprises 'major' (and EIA) development on a site owned by the council, with the proposals also being of general public interest.

2. DESCRIPTION OF THE SITE AND AREA

2.1 The application site comprises approximately 23.4 Hectares of land located to the immediate southeast of the A48. The site includes the existing Park and Ride which has approximately 900 car parking spaces, as well bus drop-off and pick-up points, an office/amenity building and various compounds. The Site is accessed from the A48 (Eastern Avenue).

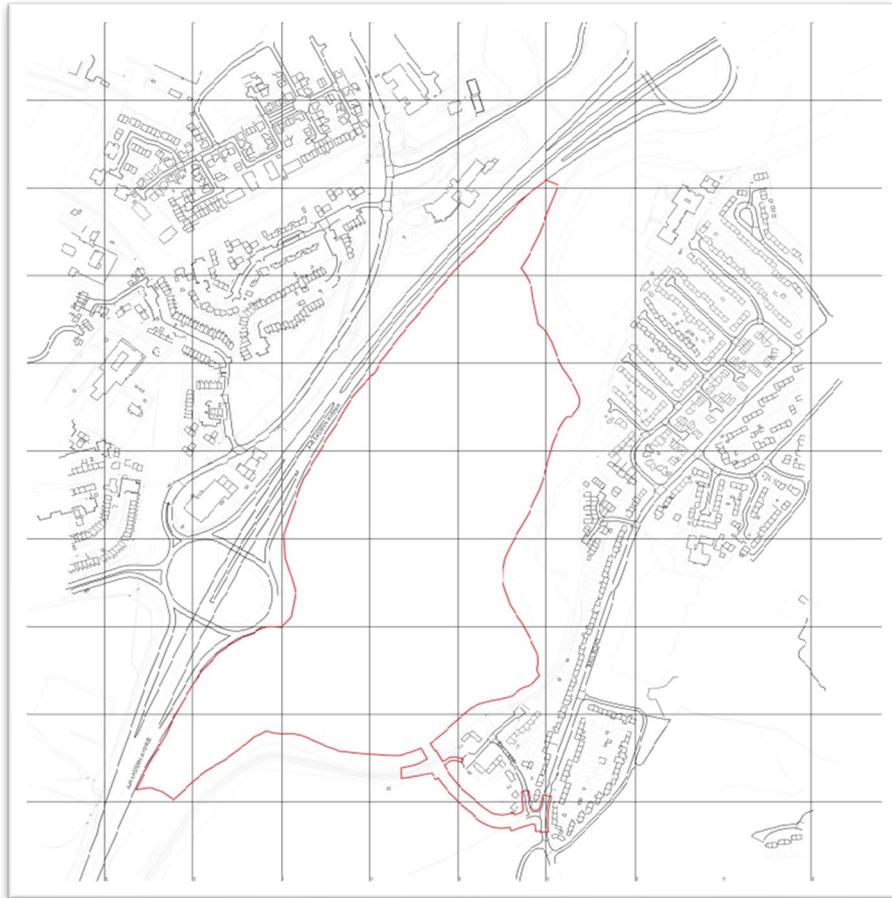


Figure 1: Site Location Plan

- 2.2 In addition to the Park and Ride, the site includes areas of woodland (including Ancient Woodland and TPO trees) and amenity/scrub land and is crossed by public rights of way and informal footpaths. The Rhymney River runs along the southern boundary of the site, with the Rhymney Trail running parallel to the river. The Rhymney Trail crosses the river via an existing footbridge to the south of the site.
- 2.3 The total developed site area would comprise approximately 8.6 ha (including the park and ride).
- 2.4 The north of the site and a corridor along the River Rhymney lies in an area of high flood risk from rivers and the rest of the site lies in low flood risk. The site lies within the River Rhymney River Corridor.
- 2.5 Beyond the A48 to the north lies the residential area of Pentwyn, while to the east lies the residential area of Llanrumney. To the south, on the opposing side of the river, planning permission for a residential scheme of 98 residential units has commenced development (approved under application ref:18/02594/MJR). The Llanrumney sports pitches / Cardiff Academy lie beyond the residential site.

3. DESCRIPTION OF DEVELOPMENT

Background to the Project

3.1 Following amendments made during the course of the application, detailed planning permission is now sought for the demolition of existing structures and redevelopment of the site to provide the following:

- Commercial floorspace including B1/B2/B8 industrial units, and drive-thru units (A3)
- New vehicular bridge road linking the A48 Eastern Avenue with Pentwyn and Llanrumney.
- Improvement to the existing park and ride facility, providing 440 car parking spaces (down from 900) with 34 accessible spaces.
- Landscaping enhancements to provide recreational uses for the Rhymney Trail for walking and cycling.
- Engineering works to improve the Flood Risk level of the Site.

3.2 The Site layout comprises a total of 23.4 ha (57.82 acres) of which 7.05 ha (17.41 acres) consists of the overall plot areas including building, car parking, and service yards.

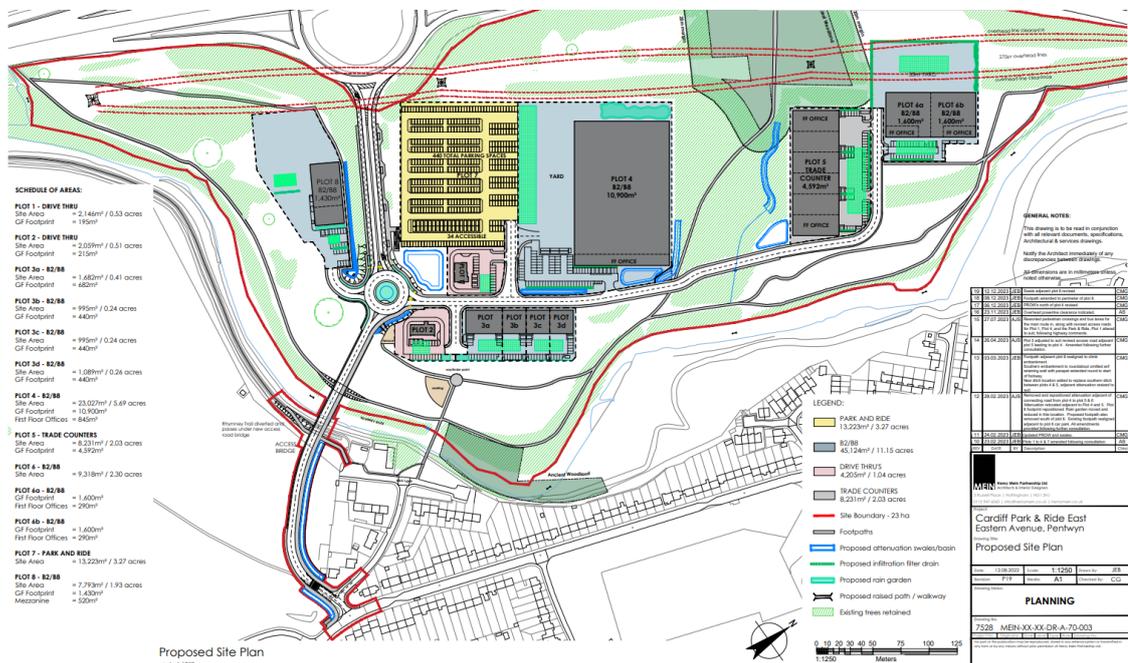


Figure 2: Proposed Site Plan

3.3 The proposals comprise 22,534 sq.m. of commercial development across 12 plots of between 0.24 and 5.69 acres in size, comprising 2 x Drive Through units, the park and ride plot and 9 no. B2/B8 plots, as identified on table 1 below.

Plot	Site Area (acres)	Use	Sqm GEA
Plot 1	0.53	Drive Through	195
Plot 2	0.51	Drive Through	215
Plot 3A	0.41	Class B2/B8	682
Plot 3B	0.24	Class B2/B8	440
Plot 3C	0.24	Class B2/B8	440
Plot 3D	0.26	Class B2/B8	440
Plot 4	5.69	Class B2/B8	10,900
Plot 5	2.03	Class B2/B8	4592
Plot 6A	2.30	Class B2/B8	1,600
Plot 6B	INCL.	Class B2/B8	1600
Plot 7	3.27	Park and Ride	
Plot 8	1.93	Class B2/B8	1,430
TOTAL	17.41		22,534

Table 1: Proposed Units / Floorspace

3.4 The new buildings range in height from 7.095m to 15.5 metres and are proposed to be constructed using a palette of materials (subject to approval under condition) to include smooth black cladding, silver profiled cladding, anthracite profiled cladding, external glazing, black fire escape doors, and black low-level brickwork. The design would use cladding with a horizontal emphasis and large areas of glazing. Buildings will have active frontages where possible, and office areas will have windows overlooking the river and landscaped areas. External materials for the seating areas and signage will include timber, slate and stone. Example elevations (plots 2 and 3) are shown in Figures 3 and 4 below.

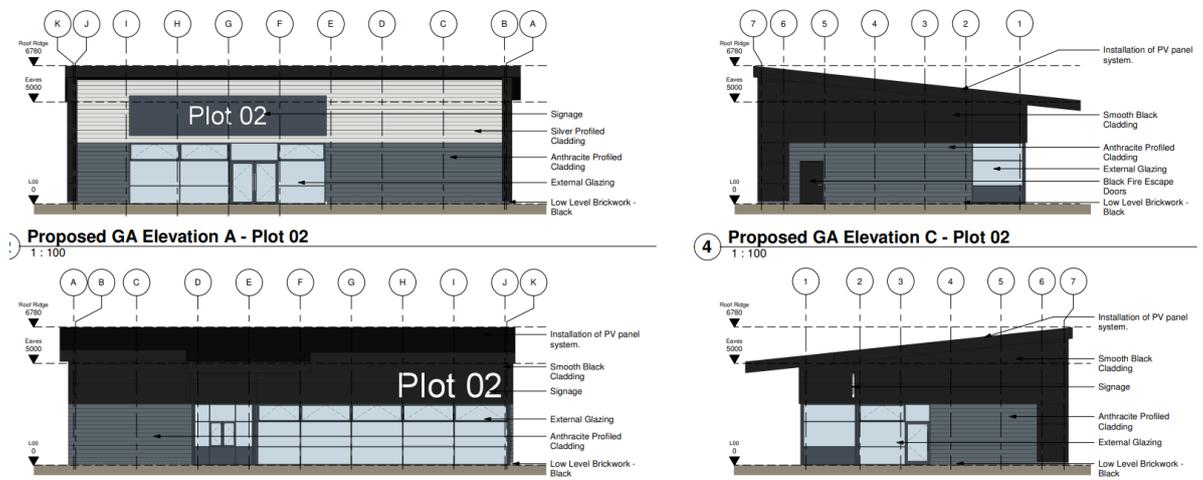


Figure 3: Plot 2 Elevations

impacts of development, including using native hedgerow, Woodland edge and Standard native trees to close the gap between existing vegetation while aiding to screen the development from Eastern Avenue. An enhanced landscape buffer would also be planted between the riverside and the development plots.

Access & Parking

- 3.7 The site will be accessed via the A48 Pentwyn roundabout, with a through route - and thus access from the south - created via the connecting bridge link. The bridge will have an overall width of 11.4m, including a 3.5m shared cycleway/footway and 6.3m carriageway, and would connect to the south with Ball Road (with an updated junction to Ball Lane).
- 3.8 The existing Public Right of Way / Rhydney Trail on north and south side respectively would pass through an underpass (via minor diversions), and would be retained throughout construction and operation. In addition, the intention is to connect and divert Public Rights of Way (PRoW) access routes across the central placemaking area of the Site at the roundabout and connect the existing informal walking/cycle route towards the north of the Site. The Rhydney Trail riverside walk through the Site will be retained and enhanced as part of the works, with better surfacing, amenity points and information points

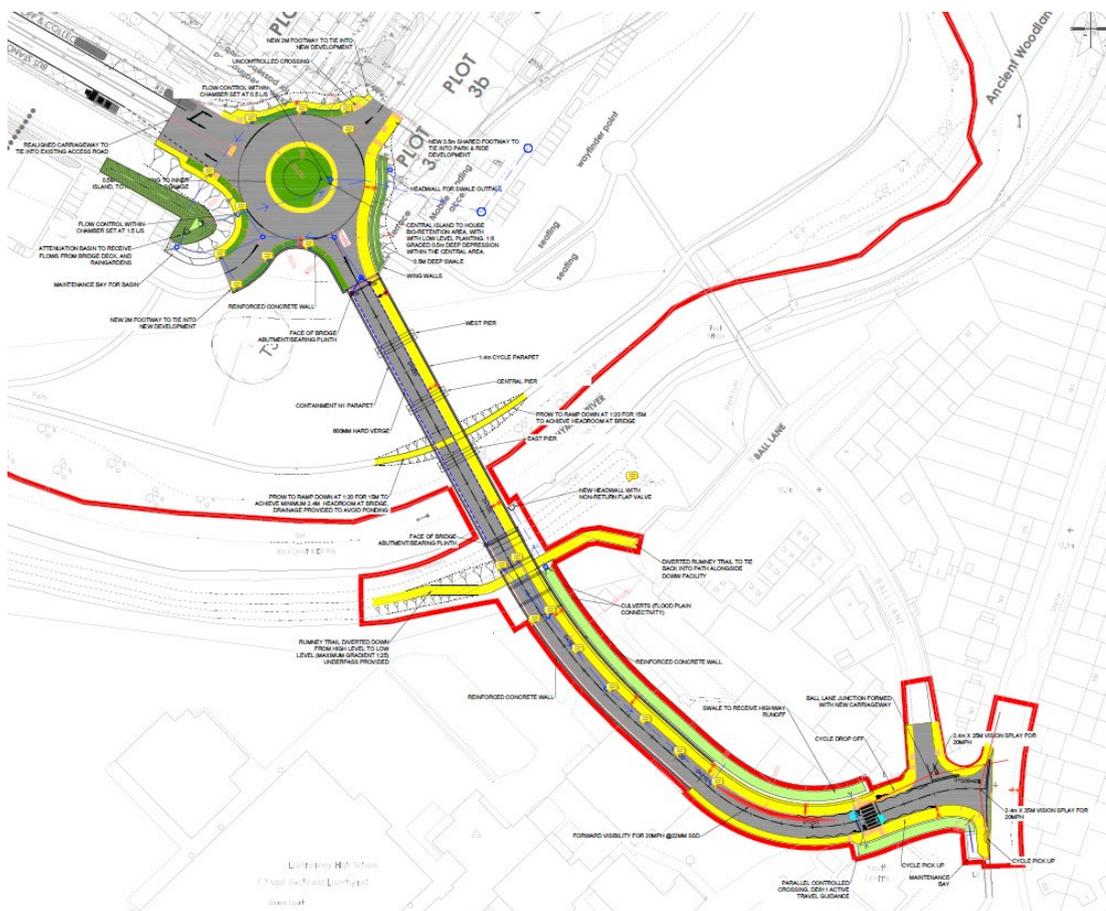


Figure 6: Proposed Llanrumney Bridge Link

- 3.9 In addition to the 440 parking spaces proposed for the park and ride (a reduction from the existing 900 spaces), a further 257 car parking spaces would be provided across the other 12 plots, to include the provision of electric vehicle (EV) charging in line with Future Wales guidance, which requires a minimum of 10% of all parking spaces to include for electric vehicle charging facilities.
- 3.10 Bike racks / cycle parking is also proposed in various locations across the 13 plots, with a minimum of one cycle storage unit at each plot.

Supporting Information

- 3.11 In view of the nature and scale of the Proposed Development and recognition that it has the potential to give rise to significant environmental effects, the Applicant voluntarily commissioned an EIA. The proposal is one that could fall within Category 10(a) and 10(b) of Schedule 2 of the EIA Regulations (Wales), as either an 'industrial estate development project' where the overall area of the development exceeds 5 hectares, or an 'urban development project' where the development includes more than 1 hectare of urban development which is not dwellinghouse development.
- 3.12 Cardiff Council provided their EIA scoping response in May 2022 confirming the ES requirements and agreeing that the development was EIA development.
- 3.13 The application has thus been identified as an EIA application as defined by the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and an Environmental Statement (ES) has been provided. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these are clearly identified.
- 3.14 The submitted Environmental Statement (comprising non-technical summary, main text and technical appendices) has identified 'the baseline conditions', and assessed the potential effects of the development, in relation to:
- Air Quality (Chapter 4)
 - Ecology and Preliminary Ecological Appraisal (Chapter 5)
 - Landscape and Visual Impact (Chapter 6)
 - Socio-economics (Chapter 7)
 - Transport and Access, and Transport Assessment (Chapter 8)
 - Water Resources and Flood Risk (Chapter 9)
 - Residual Impacts, Mitigation and Cumulative Effects (Chapter 10)
- 3.15 With regard to the Environmental Statement, an Environmental Statement Compliance Note (August 2023) has been prepared which details why the submission of additional information does not affect the conclusions of the ES with regard to likely significant environmental effects. The Environmental Statement Compliance Note identifies that there are no further environmental effects which would need to be addressed under the EIA Regulations as a result

of the changes to the scheme and further survey work. Given that there are no further environmental effects to be considered, the ES has not been updated and the Note details why the amendments and additional survey work do not (in their opinion) change the conclusions on the likely significant effects of the development.

3.16 Technical reports appended to Environmental Statement ('ES') include:

- Air Quality Assessment
- Preliminary Ecological Appraisal
- Socio Economics Assessment
- Transport Assessment including Travel Plan
- Flood Consequences Assessment
- Noise and Vibration

3.17 In respect of Further Environmental Information as a result of amendments through the course of determination of the application, supporting Documents include: -

- Sustainability Statement
- Design and Access Statement
- Employment Justification Report
- Energy Report
- Geo-environmental Investigation and Assessment
- Landscape Design Statement
- Statement of Community Involvement / Pre-Application Consultation Report
- Utility Summary
- Health Impact Assessment
- Arboricultural Impact Assessment
- Woodland Management Plan
- Tree Constraints Plan
- Dormouse Impact Assessment
- Ecological Impact Assessment
- Shadow Habitat Regulations Assessment
- Air Quality Assessment
- Red Lighting Technical Design Note
- External Lighting Strategy Report / Plans
- Flood Consequences Assessment
- Water Framework Directive Assessment
- Landscape and Visual Impact Assessment (LVIA)
- Hydraulic Modelling Report
- Transport Assessment
- Travel Plan
- Open Space Assessment
- Planning and Retail Statement
- Construction Environmental Management Plan (CEMP)
- Landscape and Soil Resource Survey

- Drainage Strategy
- Noise Impact Assessment
- Landscape Earthworks Specification

3.18 The assessment below has had regard to all environmental information submitted within the ES (and further environmental information) along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.

3.19 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/02673/FUL](https://www.cardiff.gov.uk/22/02673/FUL)

4. PLANNING HISTORY

4.1 The site has the following relevant planning history:-

- **SC/21/00018/MJR** Request for Scoping Opinion in relation to the development proposals at the existing Cardiff Park and Ride East, Pentwyn, Cardiff, CF23 8HH. Scoping Opinion Provided 26/05/2022
- **SC/21/00006/MJR** Request for a formal EIA Screening opinion for commercial development. EIA required 24/08/2021
- **09/00586/E** Revised layout to previously approved park and ride facility to incorporate facilities building, security building with nus operational office and lorry/coach parking area (previous planning permission 07/1374/E). Granted 11/6/2009
- **07/01374/E** Construction of park and ride facility and associated works. Granted 21/02/2008

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.

5.9 Planning Policy Wales 11 was partially updated on 11 October 2023 when an updated [Chapter 6](#) came into effect, which places a stronger emphasis on taking a proactive approach to green infrastructure, securing net benefit for biodiversity, strengthening the protection of Sites of Special Scientific Interest (SSSIs) and giving more consideration to the protection and enhancement of trees and woodlands.

5.10 It states that ‘development plan strategies, policies and development proposals should be formulated to look to the long term protection and enhancement of the special characteristics and intrinsic qualities of places, be these of natural, historic or built environments, ensuring their longevity in the face of change. This means both protecting and enhancing landscapes, habitats, biodiversity,

geodiversity and the historic environment in their own right as well as other components of the natural world, such as water resources or air quality.’

Technical Advice Notes

- 5.11 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 also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Noise (1997)
 - TAN 14 Coastal Planning
 - TAN 15: Development and Flood Risk (2004)
 - TAN 20: Planning and the Welsh Language (2017)
 - TAN 24: The Historic Environment (May 2017)
- 5.12 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.
- 5.13 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

- 5.14 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.
- 5.15 [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. In particular:

- Policy 1 (and 33) identifies ‘Cardiff Newport & The Valleys’ as one of three ‘National Growth Areas’ within which there will be growth in employment and housing opportunities and investment in infrastructure.
- Policy 33 emphasises that the Welsh Government supports Cardiff’s status as an internationally competitive city and a core city on the UK stage. Cardiff will retain and extend its role as the primary national centre for culture, sport, leisure, media, the nighttime economy and finance.
- Policy 3 – Supporting Urban Growth and Regeneration – encourages the Public Sector to unlock the potential of their land; take an increased development role, showing leadership and applying placemaking principles to support growth and regeneration for the benefit of communities across Wales.
- Policy 6 – Town Centre First. Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.
- Policy 9 – Resilient Ecological Networks and 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 assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

5.16 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

- KP4 Masterplanning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP15 Climate Change
- KP16 Green Infrastructure
- KP 18 Natural Resources

DETAILED POLICIES

Economy

- EC1 Existing employment land

Environment

- EN3 Landscape Protection
- 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
- EN11 Protection of Water Resources
- EN12 Renewable Energy and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk

Retail

- R1 Retail Hierarchy
- R8 Food and Drink Uses

Transport

- T1 Walking and Cycling
- T2 Strategic Rapid Transport and Bus Corridors
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- T8 Strategic Recreational Routes

Community

- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C5 Provision for Open space, outdoor recreation, Children's play and sport
- C6 Health

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

- 5.17 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Archaeology and Archaeology Sensitive Areas (July 2018)
- Food, Drink and Leisure Uses (November 2017)
- 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)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017)
- Waste Collection & Storage Facilities (October 2016).

6. INTERNAL CONSULTEE RESPONSES

- 6.1 The Council's **Ecologist** has been extensively involved in discussions throughout the course of the application, notably related to the essential importance of compensating (on and off-site) for the impacts on Protected Species and habitats.
- 6.2 In summary, the County Ecologist, while raising a number of areas of potential concern, has nevertheless raised no objection to the development subject to a significant number of conditions to address the identified impacts and need for mitigation, together with an appropriate legal agreement under section 106 relating to off-site habitat provision, tree planting and management, together with mechanisms to control the long-term (25 years) management of habitat within the site. Conditions are also recommended relating to matters including construction management, biodiversity enhancement, green infrastructure/landscaping, lighting, Invasive species, bat assessments, badger walkovers, and reptiles.
- 6.3 The applicant has submitted a [Shadow Habitats Regulation Assessment](#) (HRA) which concludes that without mitigation in place, there would be no Likely Significant Effect on the air quality of the Severn Estuary SAC, SPA and Ramsar during the construction and operational phases of works. As no Likely Significant Effects are anticipated as a result of the proposed development, either alone or in combination with other developments, an Appropriate Assessment is not considered necessary.
- 6.4 Following clarification on a number of queries, it is considered appropriate that the HRA "Shadow Habitats Regulations Assessment Cardiff Park and Ride East, Delta-simons, issue 6, August 23", can be adopted with regards to the Severn Estuary European Marine Site.
- 6.5 The **Operational Manager (Traffic and Transportation)** has been involved in ongoing discussions with the applicant throughout the course of the planning process. While there remain the following outstanding issues that need to be agreed, in summary she advises as follows and raises no objection subject to conditions:

- Usage of the bridge must be managed/controlled from day 1. The ANPR system must be installed and operational as soon as the bridge is constructed. The periods of control and potential users of the bridge will be determined by the Council;
- There will need to be controls introduced (TROs and signing) banning pedestrian access to the site via the gyratory system.
- The Ball Road junction will need to be re-designed and incorporate traffic signals, waiting restrictions and consider the existing traffic calming measures as part of the detailed design and S278.
- The link road between Ball Road and the bridge must be designed to accommodate two 12m buses passing each other without clashing.
- Construction Management Plan is required to minimise the impact on the highway arising from on-site and off-site construction activities during the construction period
- The proposed development impacts upon several existing walking and cycling facilities and public rights of way as well as the alignment of future routes included in the Council's approved Active Travel Network Map (ATNM). The routes on the ATNM are directly affected by the spine road of the development and the footprints of the buildings in the northern portion of the site. These routes could potentially provide useful links for walking and cycling journeys to the development from the Llanrumney, Pentwyn and Llanedeyrn areas. All these routes fall within the red line boundary of the application site. Therefore, it is reasonable to expect that provision be made within the scheme to develop these to an acceptable standard. All the active travel route improvements featured on the plans in the Annex would help to mitigate the movement impacts of the development by maximising access by walking and cycling.
- However, aside from the new section of path discussed above, the following measures should be regarded as priorities:
 1. Provide a suitable crossing of the spine road at the point marked with a red X on the plan – this could incorporate a table to minimise vehicle speeds and ensure the safety of pedestrians and cyclists.
 2. Upgrading of the rougher sections of path (coloured blue on the plans) with a 3- metre-wide bound surface.
 3. Widening of path (marked yellow on plans) with 3-metre-wide bound surface to link in with new section of path (marked red) in northern portion of the site.
 4. Lighting of subways to north and south of the site for security (marked by yellow spots on plans)
 5. Replacement of steps on western side of pedestrian bridge over River Rhymney (marked with red spot on plans) with graded ramp integrated with paths on western side of river.

- There may be a requirement to divert the Public Rights of Way Paths. Realignment of recorded Public Footpaths require a Section 257 Town and Country Planning Act Legal Order which is open to public consultation. To formalise the Rhymney Trail, the shared use cycle paths will require a Legal Order under the Cycle Track Conversion Act.

6.6 The **Operational Manager (Waste Management)** advises that changes to the Environment (Wales) Act 2016 are expected to make it a legal requirement for all businesses and non-domestic waste producers to separate waste streams for collection. As a result of this proposed change, recycling and waste storage areas will need to be designed to accommodate the needs of the above and the expansion of the business and anticipated increase in waste. Site plans need to clearly identify appropriate storage areas for separated waste and recycling materials, along with the proposed collection points.

6.7 A3/D2 uses should include adequate on-site refuse storage facilities for litter generated by the business. Refuse bags or receptacles left outside the premises, or on a nearby street, are not considered an acceptable means of storage. All class A3 units are required to provide a litter bin in order to prevent littering which could occur as a result of this development. This is particularly relevant when a take-away service is provided. See section 5.12 Food Drink and Leisure Uses SPG (www.cardiff.gov.uk/planning). These litter bins must be owned and maintained by the management. Please remind the agent/applicant that a commercial contract is required for the collection and disposal of all non-domestic waste. By law (Environmental Protection Act, 1990, section 34) all non-domestic premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

6.8 The **Operational Manager, Parks & Sport** responds as follows: -

Loss of Open Space

The Council's Technical Guidance Note for the Protection and Provision of Open Space provides detailed guidance in which the Council assesses development proposals which involve the loss of open space. The main factors against which proposals are listed below followed by our comments:

(i) Existing local provision of open space

The supporting Open Space Assessment states that "the site does not constitute designated open space and is not used as a public garden or for the purposes of public recreation". The site is used for public recreation – it is an accessible natural green space predominantly used for walking with a network of paths and trails including the Rhymney Trail.

The Council's open space survey classes the land as amenity functional accessible natural greenspace (ANG). While we have an adopted standard for functional open space we do not have a standard for accessible natural green space which could provide some guidance on the sufficiency of existing provision and what impact this proposal would have. Fields in Trust, which

issues guidance on open space provision referenced by Welsh Government, recommends 2ha per 1000 population for natural/semi-natural green space provision. This is the same level previously recommended by the Countryside Council for Wales (Natural Resources Wales). In applying this standard in Pentwyn and Llanrumney immediately adjacent, it would appear the wards have sufficient accessible natural green space to withstand the proposed loss. However, while there might be good provision across the wards, it is important to take account of the site's unique qualities and contribution to local provision which is addressed under (ii) and (iii).

ii) The functional or amenity value of the open space

The application site contains informal recreational space and a network of formal and informal footpaths including the Rhymney Trail which are well used. As well as the trail along the river, the site provides a viable traffic-free, non-road link between the two communities of Pentwyn and Llanrumney. As such it has high social value for those wards. When last assessed by Parks Services, it was ranked in the top quartile for both quality and value when compared with other natural and semi natural greenspace sites in the city.

Again while there is good provision of natural/semi-natural green space in both wards, the application is quite distinct in that it is predominantly scrub and bracken whereas other sites are mostly woodland.

iii) The quality of the open space (4.4)

As a natural green space the main appeal of the site is to offer visitors the opportunity to escape from built development and immerse themselves in greenery and nature. Research has shown that contact with nature benefits our health and wellbeing. As mentioned above, the site was ranked in the top quartile for quality when compared with other natural and semi-natural green spaces in the city. It is recognised that the main routes will be retained but the extent of the proposal means that the site's natural character will be affected.

iv) Any significant nature or historic conservation importance of open space which may be lost (4.5)

The application site comprises broadleaved semi-natural woodland (some of which is classified as ancient woodland) and large areas of dense scrub and bracken on the banks of the Rhymney River which is a Site of Importance for Nature Conservation (SINC).

The proposal involves a significant loss of habitat (including 2.3ha of woodland which act as vital corridors to the ancient woodland) and a bridge bisecting the SINC both of which will negatively impact biodiversity. The Ecological Impact Statement acknowledges "given that certain areas of woodland will need to be removed to facilitate the proposals, it may not be possible to achieve a net gain in biodiversity on-Site".

There is particular concern about the impact on dormice. Before the existing Park and Ride was developed, the site was known to have one of the densest populations in Cardiff. Surveys conducted as part of this application have found dormice on site in low numbers which suggests that the Park and Ride has had a significant impact and the extended development will reduce the population further.

To reduce the negative impact of the proposal, the Ecological Impact Assessment emphasises appropriate mitigation and close accordance with various plans including in particular the 25 year Woodland Management Plan. Adequate resources will be needed to ensure this plan is implemented properly. We request further details of proposed mitigation and early consultation.

v) Any compensatory provision for loss of open space (4.6)

It is stated that the remaining open space will benefit from improved accessibility, the footpaths will be brought into active management and the Rhymney Trail will have sensitive lighting installed. This is limited compensation considering a loss of open space of equating to 4ha so further improvements are suggested below.

Provision of Open Space

For large scale commercial developments, the Planning Obligations SPG requires provision of open space and/or improved links to nearby open space. The proposal does not provide new open space, instead it involves a loss of open space, but there will be improved links to the remaining space. In order to fully comply with this criterion, improved compensation is requested in lieu of provision of open space.

The Council has aspirations to improve the section of the Rhymney River corridor immediately south of the application site but funding is required. The concept proposals include new surfacing, natural play areas, artwork, picnic areas and softscape requiring a budget of approximately £600k.

Loss of Trees/Green Infrastructure

Policy EN8 Trees, Woodlands and Hedgerows of the LDP seeks to protect trees with mitigation required for any losses. The proposal involves the loss of 158 B category, 24 C category Trees which equates to a loss of woodland area of 2.3 ha. In mitigation, the planting or funding the planting of 2.3 ha of new native woodland in the 'local area' is proposed. However, it will take many decades for the new planting to achieve the same size and impact of the lost mature trees.

The Welsh Government now requires all local authorities to undertake annual carbon sequestration accounting for land in their ownership. This is carried out on the basis of 3 typologies - trees, grassland and water. As mentioned above, it will take many decades to replace the proposed loss of trees and the loss of grassland will be a significant issue too.

Clarification is sought on the location of the new planting as any areas suitable for planting on Council land have already been identified as part of the Coed Caerdydd target of an additional 836ha of extra woodland planting by 2030. If it is on Council land and already identified for planting then we will need to find a further 2.3ha to make up for this loss and stay on course for our target. We request further details of all mitigation tree planting.

Design

Illegal motorcycles are a severe problem at the site with all existing entrances currently designed with the aim of preventing their access. While the proposal improves the accessibility of the site for walking etc it also provides unrestricted access for motorcycles. The main concern is the new bridge over the Rhymney and the cycle route over the A48 to Pentwyn.

Consideration also needs to be given to unauthorized occupation and grazing of the open spaces. Suitable measures/barriers should be put in place but they are not evident in the designs.

New tarmac roads and pathways are proposed but their impact on adjacent trees needs to be considered. The supporting Arboricultural Impact Assessment acknowledges that where a new road or footpath is to be put in place within the Root Protection Areas of retained trees where there is no existing surface, it must be formed using a No-Dig method that will spread the weight to prevent compaction. No more than 20% of the RPA of retained trees can be covered by a hard surface.

We request full details of both hard and soft landscaping works relating to the open space and other green infrastructure including but not limited to existing and proposed finished levels of open space, scaled planting plans including schedules, tree pit sections and plan views, construction details of hard surfacing, construction details of access points/enclosure including fencing and site furniture.

Management and Maintenance

The majority of the application site is vested with Parks Services. The **Landscape Design Statement** states that the soft landscape will, for the initial 1 year period after Practical Completion, be maintained by the Landscape Contractor responsible for implementation of the works. After this period I presume the soft landscape/open space will be handed back to Parks Services? If so, we will need to inspect and decide whether or not practical completion has been achieved. If satisfied that all works have been completed to the agreed standard we will issue a Certificate of Practical Completion and the 1 year maintenance period can begin.

On completion of the 1 year maintenance period we will inspect the soft landscape/open space again and provided we are satisfied with the works we will issue a Certificate of Final Completion and transfer to Parks Services can take place.

The Landscape Design Statement lists several management and maintenance objectives for the landscape e.g. ensure successful establishment of trees during the development period and thereafter. Currently minimal maintenance takes place with the site left as a natural green space. Therefore, in order to meet the mentioned objectives funding will be required in the form of a commuted sum.

Japanese knotweed is an extensive problem but not mentioned in the Landscape Design Statement. This will need to be treated (incorporated into a soft landscape implementation programme) and on an ongoing basis as it unlikely to be completely eradicated due to the river – the Rhymney being the worst for knotweed in Cardiff. The commuted sum will need to reflect this obligation.

There is a separate 25 year **Woodland Management Plan** . Parks Services will be responsible for its implementation which involves a significant increase in our obligations compared to the existing. The Plan suggests this work will be funded by an annual charge on commercial tenants or possibly provision of a pre-determined sum to fund the 25 year programme. Parks Services will need to calculate the required annual charge/25 year sum.

6.9 The Council's **Tree Officer** requested additional submissions to address issues raised, and (in summary) comments as follows:

This site is a floodplain and the semi-natural vegetation that has developed on it will have adapted to the prevailing conditions of soil hydrology. This vegetation and the underlying soil intercepts, stores, utilises, filters and slows the flow of water. Certain species that feature in the TPO and ancient woodland such as common alder (*Alnus glutinosa*) are adapted to cope with inundation and waterlogging and in the case of common alder, a mutualistic association is formed with soil bacteria to increase nitrogen uptake by the tree. In turn, this allows alder to 'build' soil and create suitable conditions for succession by larger, longer lived trees such as our native oaks, that will not tolerate repeated inundation and waterlogging. Sudden changes in soil hydrology such as increased or decreased runoff, or infiltration, will impact on the vegetation and soil that has taken many hundreds (probably many thousands in the case of soil) of years to adapt and can impact catastrophically on the health of such vegetation because soil may become depleted in oxygen or suffer seasonal drought or more extreme fluctuations of dryness and wetness. Currently the movement of water towards the river through and beyond the woodland is able to spread in 'deltaic' fashion - i.e. it is able to fan out, being intercepted, stored, utilised and slowed by the expansive vegetation and soil coverage. In squeezing the vegetation corridors as proposed, water movement will also be squeezed and this may be exacerbated by increased or decreased runoff and infiltration due to the platform and hard surfaces of development.

Aside from potential impacts on vegetation due to changes in soil hydrology, the development will necessitate the loss of trees and other vegetation on a large scale along with the loss of soil (or loss of soil functionality) on an even greater

scale. The scale of this loss and consequently the scale of the impact in terms of amenity alone is significant. Most of the losses comprise 'B' category trees which I would expect to be retained and protected as part of development. Mitigating such losses can only be achieved in the long-term, not within the 20 years or so when the impacts of climate change will begin to hit hard. With regard to amenity tree planting in verges, car-parks etc, considering the scale of the impacts, one might reasonably expect car-parking designed to achieve near complete canopy cover for example – this would mean that essentially the entire car-parking areas need to be underlain by soil cells, sufficient to support the healthy, long-term growth of large, long-lived trees. Supermarket style planting with rowans and birch in grossly constrained verges for example, would not represent mitigation.

Ancient woodland requires a 'buffer zone' much larger than 15m. The 15m figure is relevant to woodlands in general as a default (and refers specifically to ecotones, measured as per our Trees and Development TGN), but ancient woodland that is also wet woodland as in this case should see 'buffer zones' (ecotones) of at least 30m in my view. Veteran trees for example are considered to have Root Protection Areas calculated by multiplying the trunk diameter by x15 rather than x12. So a 'normal' tree of 600mm trunk diameter would have a radial root protection distance of 7.20m, but a veteran would have a radial protection distance of 9m. Ancient woodland is a hugely complex ecosystem with innumerable potential sensitivities beyond the needs of individual trees and ancient wet woodland is even more problematic because of the particular soil hydrology. Currently the woodland has such ecotones in place, but these are removed in part or eroded by development. The ancient woodland is also vulnerable to 'storm resilience felling' due to the oversailing power cables – essentially power companies are afforded rights to clear and cut back trees that may interfere with their apparatus. This vulnerability is another reason why the 'buffer zone' requires increasing substantially.

No Soil Resource Survey (SRS) or Plan (SRP) compliant with our Soils and Development TGN has been prepared to characterise or quantify the soil resource. This is critical in determining the impact on this resource and its usability in the context of the proposed landscape types. Large scale soil loss, sealing and disturbance is clearly contrary to the principles of KP15 and when soil that has developed over thousands of years to the peculiarities of a site is stripped, stored, disturbed, compacted etc., its functionality is typically lost or impaired and the pedological clock set to zero. A nominal SRS is included amongst the new submissions but it has been prepared by geologists and unsurprisingly therefore has a geotechnical/geo-environmental emphasis, rather than comprising trial pit and laboratory investigation of soils from across the site to establish fitness for purpose in supporting the proposed planting types, both in-situ or stripped, stored and emplaced. The SRP should include full details on the suitability of site topsoil and subsoil to support different landscape types, stripping, storage, remediation, amelioration and placement methodologies (including profile depths) and full details of auditable site monitoring by the soil scientist. An SRS and SRP should be prepared by a soil scientist suitably experienced in this sort of work and this should then inform a finalised earthworks specification (the generic principles in the Barry Chinn

document are supported but it needs to be informed by an SRS and SRP, which it states itself it isn't) and in turn a finalised, detailed planting plan and planting and aftercare methodology (the broad planting strategy, tree pit details and woodland management plan are not objectionable, but the tree pit details may require amendment following the SRS and SRP and may require elaboration to cover different site scenarios such as constrained beds in car-parks, where soil cells may be required to extend root available soil volumes).

I would wish to see the above details upfront, but if conditions are proposed then the following should be appropriate: -

- A Soil Resource Survey - SRP should include full details on the suitability of site topsoil and subsoil to support different landscape types, stripping, storage, remediation, amelioration and placement methodologies (including profile depths) and full details of auditable site monitoring by the soil scientist.
- In turn a finalised, detailed planting plan and planting and aftercare methodology (the broad planting strategy, tree pit details and woodland management plan are not objectionable, but the tree pit details may require amendment following the SRS and SRP and may require elaboration to cover different site scenarios such as constrained beds in car-parks, where soil cells may be required to extend root available soil volumes).

6.10 The Council's **Public Rights of Way Team** advises that some sections of the Public Rights of Way footpaths will require diversion legal orders under section 257 if this application is approved. The sections which are then to be upgraded as shared use, regardless if they become adopted highway, will also require Cycle Track Conversion order. These are two separate legal order processes. These legal orders are open to public consultation and therefore having a good balance of leisure routes and active travel routes will help towards these being successful and the orders confirmed.

6.11 Unfortunately this area is known for fly tipping and illegal motorbike access. The site design needs to consider how the path network can be protected so that visitors and locals have a safe and enjoyable network they can use. Physical barriers obviously help at key junction and access points - this can be in the form of steel post and rail fences with kissing gates - however habitat planting can also help create natural barriers to areas as well. The leisure routes may not all require formal surfacing and could remain in their current natural condition. There may be some that may require some tarmac surfacing for the direct links but this could be agreed at a later stage.

6.12 **Shared Regulatory Services (Environment Team)**, having considered the application and accompanying Environmental Statement, notes that the submission includes a contamination and ground gas assessment based on a detailed desk study and limited site investigation works in 2021. The assessment identified localised hydrocarbon contamination in made ground within the existing park and ride facility which will need supplementary investigations to delineate the extent of the affected area and then provide an

appropriate remediation and verification strategy. An amended contamination condition is included in relation to this.

- 6.13 Given the limited nature of the 2021 investigation, SRS recommends that the applicant incorporate a strategy for dealing with any unforeseen contamination encountered during the development process as part of their environmental management procedure. If contamination is encountered during the development process, the developer will need to comply with the requirements of the requested 'unforeseen contamination' condition.
- 6.14 The development includes significant earthworks and the applicant has indicated a need for site won and imported materials. The 'landscape earthworks specification' report by Barry Chinn Associates Limited includes a scheme for the contamination assessment and screening of imported and site won material; to ensure the suitability of materials used at the development. Subject to adherence to this document does not consider there to be a need for additional conditions.
- 6.15 Shared Regulatory Services requests the inclusion of conditions and informative statement in accordance with CIEH best practice to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan:
- 6.16 **Shared Regulatory Services (Noise and Air)** raise no objections and (in summary) note as follows –
- Construction Environmental Management Plan (CEMP) required
 - Prior to beneficial use and implementation, a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from additional fixed plant and equipment on the site achieves a rating noise level below background at the nearest noise sensitive premises if operational during the day and night when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).
 - All vehicles, machinery and equipment fitted with reverse signals at site are to be of the 'white noise' signal variety when operating onsite.
 - Working hours (to be within CEMP) to be : 08:00 – 18:00 Monday to Friday 08:00 – 13:00 Saturday, with no noisy construction works to take place on a Sunday or public holiday. Plus any piling works are to be conducted between the hours of 10:00 – 16:00 from Mondays to Fridays.
 - In respect of air quality, advise that:
 - An air quality assessment (AQA) has been provided in chapter 4 of the environmental statement (ES). The AQA examines baseline and projected future pollutant concentrations at existing receptors for the operational phase of the development. A construction phase assessment is also included to assess the impact of demolition and construction on local air quality.

- The effects of all measured pollutants, NO₂, PM₁₀ and PM_{2.5} have been assessed and are considered **negligible** and **not significant** at all modelled receptors.
- Using the provided traffic data, which includes an allowance for the committed developments, the effect of the development is predicted to be 'negligible' at all receptors in the assessment year of 2023 which is considered **not significant**.
- The construction phase assessment has rated the potential impact of dust emissions as 'medium risk' without mitigation measures. The construction phase assessment lists site specific mitigation measures. It is anticipated that with these appropriate mitigation measures in place, the risk of adverse effects due to dust emissions from the construction phase will not **be significant**.
- Provided the site-specific construction phase mitigation measures are implemented. Shared Regulatory Services have no further concerns or observations regarding the proposed development and air quality.

6.17 **Drainage Team:** No objections. Sustainable Drainage Approval will be required and will deal with drainage matters. Ongoing discussions raise no significant issues of concern.

7. EXTERNAL CONSULTEE RESPONSES

7.1 **Dŵr Cymru Welsh Water:** Raise no objections, advising that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. Also confirm that capacity exists within the public sewerage network in order to receive the foul only flows from the proposed development site; and (potable water) that capacity is currently available in the water supply system to accommodate the development.

7.2 **Natural Resources Wales** has provided a number of representations and been involved in detailed discussions in respect of the development, notably in respect of its impact on dormice (a European Protected Species), flood risk and flood defences, each of which have required additional submissions from the applicants. Final formal comments are still awaited at the time of writing this report, however following consultation on the most recent submissions, NRW has confirmed that they raise no objection. Previous advice on critical areas is summarised below: -

- *Bats:* We welcome the surveys of additional trees on the east bank of the site that will be impacted by the development, undertaken in June 2023. We note these trees have been assessed to have low potential to support roosting bats and are satisfied there will be no significant risk to this species from impacts to trees.
- *Otter:* We previously advised that otter use the River Rhymanydd. We welcome

the design of the proposed new Rhymney bridge which we note sits above the western riverbank, which will allow otter to pass under the bridge freely along the bank during normal river flow. However, provision to enable otters safe passage during high flows is not included on the Proposed Viaduct General Arrangement drawing (70071035-STR-001, P05). We advise that provision for otter to pass safely under the bridge at high flows should be provided in the form of otter ledges. We would advise ledges 600mm wide, and 600mm below the bridge soffit. The ledges need to be connected to the dry riverbank, including during flood conditions. We advise this design feature is included on the approved plans, if permission is granted.

- *Dormice* : The creation of the existing park and ride was subject to a European Protected Species licence for dormouse in 2008. We note that recent submissions have confirmed the ongoing presence of this species on site and that dormouse habitat is to be removed to facilitate the proposed development. Dormouse mitigation/compensation habitat associated with the 2008 Park and Ride development and its European Protected Species licence, is proposed to be removed. The creation, successful establishment and long-term security of such habitat is a legal requirement of that licence. Therefore, in the first instance we advise against proposals that will impact these areas. As such, whilst we have no objection to the principle of the road and bridge, we continue to have concerns over the scale of loss of dormouse habitat on the site, required to facilitate the proposed commercial units.

Offsite Habitat creation proposal : We note the mitigation proposals outlined in the DIA, which includes creation of dormouse habitat off-site. In this instance, we consider that an off-site habitat creation area could contribute to the overall compensation package.

We note the submission of the 'Precedent Lighting Design' sketch which shows minimal light spill beyond the footprint of an example highway project. Delivery of a lighting scheme for the roads, bridges and PROWs which more closely meets this example would address our concerns in this regard. Similarly, proposals to manage the hours and/or intensity of light use, types of light and use of passive infrared sensors, could form part of the proposal.

- Flood Risk:

The planning application proposes less vulnerable development (mixed use). Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) as contained in TAN15. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of a flood consequences assessment (FCA), that the potential consequences of flooding can be

managed to an acceptable level.

To help expedite matters, we have carried out a full review of the FCA as submitted (notwithstanding the fact an update may be required). Our technical advice on the current FCA is as follows:

Acceptability of Flooding Consequences and TAN15 Criteria

A1.14 Criteria

During a 1% (1 in 100 year) plus climate change annual probability fluvial flood event, the FCA confirms most of the development site is designed to be flood free during this event. However, some areas will continue to be at risk of flooding during this event. Specifically, Plot 8 is predicted to flood within the access and edges of the yard (see section 4.1.1 of the FCA). Section 3.3 of the FCA confirms depths are less than 300mm with a corresponding low flood hazard classification. There is no flooding within the building of Plot 8 itself. On this basis, given the limited amount of flooding within the ancillary areas of Plot 8, the flooding is predicted to be shallow (a low flood hazard classification) we consider this predicted flood risk could be manageable. Therefore, subject to your authority being satisfied the proposal is acceptable and that the risk is manageable, we would not require any further changes or information to be submitted in accordance with A1.14 criteria.

A1.15 Criteria - Flood Depths

During a 0.1% (1 in 1000 year) annual probability fluvial flood event, depths of flooding presented in Section 3.3 of the FCA indicate depths will be generally no greater than 600mm. These flood depths are within the tolerable limits of A1.15 criteria (maximum flood depths of less than 600mm in the 0.1% event). However, you should note the areas within the edge boundary of Plot 8 may exceed 600mm within the access and yard areas.

A1.15 Criteria - Flood Velocities

Section 3.2 of the FCA indicates that most of the proposed development has been designed to ensure that the velocities during the 0.1% extreme event are limited i.e., less than 0.3 m/s, with corresponding low flood hazards. Velocity of less than 0.3m/s is within the tolerable limits of A1.15 criteria (maximum velocity of floodwaters 0.2 m/s in the 0.1% event). The flood depths during this scenario would support this conclusion. However, no specific values for velocity have been stated within the FCA.

A1.15 Criteria - Rate of Rise and Speed of Inundation

This has been covered Section 3.3 of the FCA for both the 1% (1 in 100 year) plus CCA and 0.1% (1 in 1000 year) events. The majority of the development site meets with the requirements of A1.15, but there is some exceedance in relation to depth within Plot 8.

A1.12 Criteria

All criteria (relevant to this proposal) under A1.12 of TAN 15 has been complied with apart from flooding elsewhere.

Flooding Elsewhere

Section 4.5 of the FCA confirms there are predicted increases in flooding elsewhere which does not accord with the policy position in TAN15. These increases are located within land under the ownership of Cardiff Council. The FCA states 'may therefore be considered suitable if they consider that the change in risk is acceptable'.

The change (increase) in flood risk within the playing fields of Glan yr Afon School immediately upstream of the site have been accepted by the Programme Director for School Organisation within Cardiff Council. This is evidenced within Appendix C of the FCA. however other areas of land within Cardiff Council's ownership is predicted to be at an increased flood risk. This is a matter we have previously highlighted in our response dated 3rd March 2023 (reference: CAS-204404-S4W9) we advised:

'Section 4.5 of the FCA confirms that the increase occurs (as detailed above) within land under the ownership of Cardiff Council and may therefore be considered suitable if they consider that the change in risk is acceptable. We recommend your Authority confirms this prior to determination of the application. If your authority is satisfied with the change in risk to these areas, we would not seek further information from the developer on these increases of flooding'.

Therefore, if your Authority is satisfied with the change in risk to these areas, we would not seek further information from the developer on these increases of flooding, subject to reviewing an updated FCA, if submitted to address our above concerns over inconsistencies with the application. If an updated FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we may object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures, and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles

during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

- **NRW Maintained Flood Defences**

We note the development site is near to a NRW maintained flood defence wall and embankment. Section 4.1.2 of the FCA confirms there is no reduction in the Standard of Protection (SoP) because of the new development.

With reference to the 'Off Site Dormice Habitat Landscape Plan', Drawing Number 2190-21-07/S5 Revision P1, there is a significant area of habitat creation/planting proposed immediately along the landward toe of the flood embankment. Also, the proposed dormice bridges may have an impact on our flood alleviation scheme.

No detail on the future operation, maintenance and improvements, in relation to access to the flood defence or maintenance has been submitted for us to provide an informed response to this element of the dormice mitigation/compensation package.

These proposals will require a Flood Risk Activity Permit (FRAP) from us, which may be refused if we assess the proposal to have a negative impact on our operational requirements or future improvements.

Access requirements to our flood scheme are still not agreed as per our email (from Richard Davies, NRW) of 31st August 2023. Any proposed dormice compensation habitat, and on-going management, in this area could further complicate issues, either from an access perspective or a dormice habitat loss / creation perspective. We continue to advise further consideration on how access and the maintenance of NRW flood defences can be acceptably retained post development prior to determination. However, if your Authority consider this can be appropriately controlled through a planning condition, we would welcome further discussion with you.

- *Flood Risk Activity Permit (FRAP)*

The proposed works to construct a new bridge/viaduct (reference to FCA, Appendix A: Proposed Viaduct – General Arrangement, Drawing No. 70071035-STR-001/P05) across the River Rhymney and its floodplain (defended and undefended) will require a FRAP. This will also need to include details relating to how NRW can suitably access the existing flood scheme for operational and maintenance activities, including future improvements. Please be aware that NRW may refuse a FRAP application if this aspect is not acceptable. All guidance and details for FRAPs are available on this link [Natural Resources Wales / Flood risk activity permits](#)

- **Pollution Prevention**

The development site is adjacent to the River Rhymney which is hydrologically linked to and has supporting Annex 1 habitats for the Severn

Estuary European Marine Site. Therefore, we consider the construction stage represents a risk to this sensitive water environment.

We note the following documents submitted in support of the above application:

- '*Construction Environmental Management Plan*', prepared by Curtis Hall, revision 2, dated September 2022 (revised CEMP)
- '*Drainage Strategy*', prepared by Pinnacle Consulting Engineers, document reference 210204-PIN-XX-ZZ-RP-C-00021, dated 3rd August 2023

We have reviewed the revised CEMP and our previous advice is unchanged. We repeat our advice below for your convenience.

We welcome that soil storage will be on the western side of the site (away from the River Rhymney) and no nearer than 15m away from a hydrological receptor (Sections 4.51 and 4.80).

We note reference to a pollution prevention plan being in place prior to the commencement of works however, no specific methods of locations are mentioned (i.e. what/where mitigation is needed and the locations of stockpiles etc.). We recommend this detail be included with any subsequent CEMP.

Section 4.86 states all chemicals including fuels will be stored in a way that can be easily moved in the event of a flood. We recommend the CEMP be amended to include that fuel and other chemicals should be stored in a 110% volume equivalent bunded area. Please also note, that the locations of the above activities should be over 10m from surface water drains and watercourses. Furthermore, we recommend any subsequent CEMP ensures that wheel/plant washing is carried out in a bunded area, and the contaminated water is either discharged to foul sewer or tankered away.

Section 4.66 mentions silt fencing being used to filter run-off, however this should not be the only barrier. We recommend that settlement lagoons are also considered and if deemed inappropriate for the site, the reasoning must be clearly stated within the CEMP. The intended maintenance regime and regular inspection of installed silt fencing and other mitigation must also be clearly stated within the CEMP prior to approval and works commencing on the site.

We recommend specific reference must be made to NetRegs GPP5 in Section 4.68, the proposed sediment management and water quality monitoring should be included in the CEMP (Section 4.79) and that NRW will be contacted in the event of a pollution incident on our hotline.

In the absence of additional information in a comprehensive Construction Environmental Management Plan being provided in support of this proposal, we advise that sufficient control of pollution prevention is

achieved by imposition of the following condition, or an amended version is attached to the planning permission:

- **Severn Estuary European Marine Site**

The application site lies approximately 5km from the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), Wetland of International Importance (Ramsar Site) and Site of Special Scientific Interest (SSSI).

The application site is hydrologically connected to the Severn Estuary by the River Rhymney. We would recommend the competent authority carry out a test of likely significant effect under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

- **Ancient Woodland**

We note part of the application site is Semi-Natural Ancient Woodland. We further note without an overlay of the proposed development over the ancient woodland designation boundary, it is difficult to be clear as to whether there will be semi-natural ancient woodland loss and if so the extent of it.

More information can be found on our website, which details our advice to Planning Authorities considering proposals affected ancient woodland Natural Resources Wales / Advice to Planning Authorities considering proposals affecting ancient woodland. In particular, we draw your attention to the following advice:

‘Should a planning application be submitted, we would advise the Local Planning Authority that Planning Policy Wales recognises the significant value of ancient woodlands and makes provision for their protection against damage or loss. We advise that planning permission should be refused if development will result in the loss or deterioration of ancient woodland, given that ancient woodland is irreplaceable unless there are wholly exceptional reasons. Where a decision maker is satisfied there is a wholly exceptional reason, every endeavour should be made to minimise and compensate for loss.’

They also advise that based on the information submitted to date, a condition regarding pollution prevention should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

OFFICER NOTE: Further responses are expected from NRW on potential additional control mechanisms / conditions to address any remaining areas of concern.

- 7.3 **Glamorgan Gwent Archaeological Trust (GGAT)** note that the Historic Environment Record shows no noted buried archaeological features or findspots within the area of the proposed development. The proposed development is in an area which has been already developed for some time, therefore the impact upon any archaeological resource is considered to be low. It is considered unlikely that significant archaeological remains would be encountered during the proposed development. Consequently, as the archaeological advisors to your Members, it remains the case we have no objections to the positive determination of this application.
- 7.4 **South Wales Police** (Designing Out Crime Officer) have provided observations, including the need to condition/control matters such as: - Perimeter security, vehicular access when unoccupied, CCTV, lighting, secure bike and bin stores, building shell security (first two metres of external walls), access control, door/window security.
- 7.5 **South Wales Fire & Rescue** has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

8. REPRESENTATIONS

Pre-Application Consultation (PAC)

- 8.1 The application was subject to statutory Pre-Application Consultation ('PAC'), which ran for 28 days beginning on the 26th of September 2022 and concluded on the 24th of October 2022. This included notifications to 151 adjoining landowners / addresses, and Statutory consultees, including Pentwyn and Llanrumney ward members.
- 8.2 Following submission, the application was advertised on the Council Website and by way of neighbour notification letters, site notices and advertisement in the local press (as EIA development).
- 8.3 Following receipt of additional information in support of the application in respect of biodiversity and nature conservation, and flood risk, additional publicity was undertaken in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site and press notice providing an additional 30 day's consultation).
- 8.4 In response, to date two letters of representation have been received, neither 'objecting' but raising following (summarised) areas of concern: -
- HGV access/use others. Assume coaches will use to access Cardiff City Academy/BMX/Rugby Club etc.
 - Cycle lanes on new bridge - if included, why? The current footbridge is a safer route
 - Vandalism prevention - will the structures become a target for spray painting? Will lighting/security measures be improved sufficiently?

- On & off slips A48 - are these to be improved?
- Flood alleviation - the current BMX development has not been developed to initial plans in respect of drainage. The rugby fields and BMX development plot are now worse than ever in terms of drainage. The combined developments within this catchment will add further to the inability of the catchment to naturally soak away. Measures are needed to mitigate this. The focus on drainage & flooding seems casual at the very least!
- Have measures been implemented to prevent any significant protests within Llanrumney or the A48?
- The link to the A48 is very much needed & most residents are pleased that it is to be developed.
- Bridge / new road from Ball Road - Can a weight limit be put on the bridge? The bridge and new road must not be an option for HGVs and must not be available on HGV sat-navs. The traffic surveys in the application process showed no/very few HGVs on Ball Road, and it should stay that way. It must not be possible for HGVs to use the bridge as a cut through to the Newport Road and drive through residential areas of Llanrumney.
- Potential for rat run. The planning application notes that access to the bridge may be limited to bus/cycle/pedestrians at peak times. Surely this defeats the object of reducing traffic from Llanrumney accessing Newport Road at peak times and prevents Llanrumney residents having another option for leaving the estate at peak times. Is it possible to have an 'out' only flow for cars in the morning peak and an 'in' only flow for cars at the evening peak?
- Junction on to Ball Road. The new bridge junction on to Ball Road is very close to the junction of Hartland Road/Ball Road. Has there been a local junction assessment on the safety of these being so close, and to show that there will be no adverse effects on queueing or backlog on Hartland Road especially in view of the new housing and sports facilities to be accessed via Hartland Road. Currently at peak usage times for the existing sports facilities there are already long queues at the junction, tailing back and gridlocking Hartland Road.
- In relation to the new housing. Has there been an assessment of the potential impact of the bridge and road to Ball Road on the new housing being built on the old Llanrumney High School site, as the road will skirt the edge of the new housing. What is the potential impact for noise and privacy? What will be the height of the new road passing the housing? The plans show the road going past an empty field or past the now demolished Llanrumney High School
- Flooding. Is it certain that the flood mitigation measures proposed for the new development on the north side of the river will not increase the flood risk on the south side especially to residential properties? After the storms of early 2020 the river level was up to the height of the current footbridge and the water was running all through the 'wild' area around the Park and Ride site on the north bank, which is the area of the proposed development. The flood bank on the south side was overwhelmed in some places leading to flooding of the Llanrumney Riverside playing fields. The damaged flood bank has not been repaired.

8.5 All public representations made on the application are available to view in full on the Council's website at: - [22/02673/FUL](https://www.llanrumney.gov.uk/22/02673/FUL)

9 ANALYSIS

9.1 The key material considerations in the determination of this application are:

- Land Use / Principle of Development
- Landscape and Visual Impacts
- Trees / Green Infrastructure
- Transportation / Highway Impacts
- Heritage and Archaeology Impacts
- Impact on Amenity
- Flood Risk
- Impact on Biodiversity / Ecology
- Renewable Energy / Low Carbon Technology
- Waste
- Socio-Economics

Land Use / Principle of Development

Park and Ride

9.2 Since the application was submitted, the Park & Ride no longer operates a service to the city centre (due to the X59 service being stopped), and instead currently operates a service to/from the University Hospital.

9.3 The principle of a park and ride use on the site has been established by its existing use and the proposed development would update the existing facilities and improve the operation of the facility (albeit currently for the University Hospital). The proposed development seeks to retain 440 spaces at the park and ride and would update the existing facilities and improve the overall operation of the park and ride, including improvements to the amenity space and landscaping. Through the provision of the new bridge and bus facilities, the site would also continue to provide opportunities of enhanced accessibility, which in turn would reduce vehicular traffic into the City Centre and local area.

New Active Travel Bridge to Llanrumney

9.4 The proposed development would facilitate (and through the associated legal agreement, largely fund) the delivery of a vehicular, pedestrian and cycle bridge to link the site and wider area with Pentwyn and Llanrumney to the east.

9.5 The bridge would run between the existing site and connect to the south with Ball Road (with an updated junction to Ball Lane) and would represent a significant new piece of transport infrastructure in enhancing accessibility and connectivity to the A48, the rest of Cardiff and the Strategic Road Network. The proposed new bridge connection would allow faster bus journeys westwards towards the city centre and Heath Hospital, while also providing the opportunity for future rapid bus connections to the new railway station proposed at Cardiff Parkway in St Mellons.

- 9.6 The bridge has been designed with an overall width of 11.4m, including a 3.5m shared cycleway/footway and 6.3m carriageway, to ensure that the link would facilitate two way bus use plus enhanced cycle and pedestrian linkages north and south over the River.
- 9.7 One of the LDP objectives is to ‘respond to evidenced economic needs and provide the necessary infrastructure to deliver development’ including ...
- To quantify critical strategic infrastructure required to realise development aspirations and set out clear mechanisms for delivery including sustainable transport solutions for strategic sites;
 - To establish Cardiff as a sustainable travel city by reducing the need to travel, increasing the use of sustainable travel modes and networks (particularly walking and cycling), decreasing private car use and improving the city’s key transport hub based at the adjacent central bus and train stations.
- 9.8 Policy KP4 states that major development should accord with masterplanning General Principles, including the need to set out *“the phasing of development along with a timely provision of supporting infrastructure”*. Policy KP6 then seeks to ensure that new developments, irrespective of their size, location, or land use, make appropriate provision for infrastructure. It further notes that specific infrastructure requirements will be dependent upon the scale and nature of proposed development, and may be required to facilitate development (essential/enabling) or to make development acceptable (necessary).
- 9.9 Policy T1 – Walking & Cycling – states that to enable people to access employment, essential services and community facilities by walking and cycling the Council will support developments which incorporate:
- i. High quality, sustainable design which makes a positive contribution to the distinctiveness of communities and places;
 - ii. Permeable and legible networks of safe, convenient and attractive walking and cycling routes;
 - iii. Connections and extensions to the Cardiff Strategic Cycle Network and routes forming part of the Cardiff Walkable Neighbourhoods Plan;
 - iv. Measures to minimise vehicle speed and give priority to pedestrians and cyclists;
 - v. Safe, convenient and attractive walking and cycling connections to existing developments, neighbourhoods, jobs and services;
 - vi. Infrastructure designed in accordance with standards of good practice including the Council’s Cycling Design Guide;
 - vii. Supporting facilities including, signing, secure cycle parking and, where necessary, shower and changing facilities; and
 - viii. The provision of Car-Free Zones
- 9.10 Policy T2 (Strategic Rapid Transport and bus Corridors) then addresses the need for bus corridor enhancements, including the Eastern Bus Corridor (which relates well to the application site and proposals). These corridors form a

central element of the city's strategic public transport network, with a significant proportion of daily inbound commuter journeys to Cardiff from the region being by car. These movements create congestion on the city's strategic highway network which makes bus journeys longer and services less reliable.

- 9.11 Policy T2 seeks to address these issues by making provision for improvements to maximise the efficiency and attractiveness of bus services through reducing journey times and improving journey time reliability. Improvements to the city's wider bus network, including the provision of new infrastructure and the introduction of new routes and services will be supported where these are necessary to provide sustainable travel options and address the movement impacts of new development.
- 9.12 Within the above Policy context, it is important to emphasise that the bridge is being delivered first and foremost as an active travel link between communities and is not proposed as a 24/7 vehicular access to address any existing deficiencies. It is also being proposed as part of an 'enabling' development that seeks to enable its delivery (i.e. the wider business park scheme is proposed to part-finance delivery of the bridge, which would not be delivered alone). The assessment below, however, considers the principle of the bridge alone, with the impacts and benefits of the development as a whole considered later in this report.
- 9.13 The East Cardiff Industrial Strategy specifically outlines the need for investment in connectivity to improve the economic outcomes of the area:
- “New and improved cross-area active travel links allowing access to work and skills development and linking staff to social infrastructure, open space and local retail facilities, supporting the local economy. Links may double as recreational routes and safe routes to schools.”*
- 9.14 Delivering environmental improvements and better access arrangements for existing communities is an important aspect of the strategy. In particular, the strategy aims to ensure that residents of existing communities in the East of Cardiff have better access to new job opportunities on their doorstep, and a key project in this regard is the proposed new bridge linking the Llanrumney community to the A48 to provide improved public transport connectivity.
- 9.15 The Strategy also sets out the need to address natural barriers within the local area, notably the River Rhymney, and in particular states that “The railway, River Rhymney and A-road network are major barriers to movement between residential and employment areas, increasing reliance on cars for access to work and limiting accessibility to the coastal area...Routes across the Rhymney River are limited, with access only available at Lamby Way and Newport Road, with hostile environments around highway junctions. Other routes through the area are also disconnected and poorly identified.”
- 9.16 In addition to the improvements to bus routes/journeys referred to above, the new bridge will enable improved cycleway links between the communities of Llanrumney, Rumney, Pentwyn and Llanedeyrn providing better links to

schools in the area and green spaces including the Rhymney Trail. It is also anticipated that new Active Travel infrastructure as part of the North East Cardiff development will further enhance and complement connectivity of the emerging Cycle Super Highway networks links.

- 9.17 The principle of providing the new active travel bridge is thus considered to accord with Policies KP4, KP6, T1 and T2.
- 9.18 The intention will be to encourage a significant improvement to bus priority measures and consequently attract more bus passengers as service provision will become more reliable. A direct link onto the A48 at peak times for buses will also provide access to existing bus priority measures and enable quicker (limited stop services) access into the city centre.
- 9.19 However, as an unrestricted road bridge would not meet the same tests for acceptability (insofar as it would not achieve the required benefits to active travel through encouraging improvements to bus journeys and corridors) it is considered essential that vehicular access across the bridge is controlled at morning and evening peaks to encourage modal shift in line with the Council's transport objectives and targets.
- 9.20 Access across the bridge would therefore need to be controlled through condition, including provision of appropriate control mechanisms on site, such as bus gates and/or ANPR cameras. Further modelling will also be required, and measures enacted accordingly to avoid creating new 'rat runs' by limiting through traffic from the A48 using the residential streets on the Llanrumney estate.
- 9.21 During off-peak hours, use of the bridge would open up for 'regular' vehicular traffic, which has the potential to help to reduce traffic flows on local and residential roads to the east of the A48.
- 9.22 It is noted that the new active travel connection would be unlikely to be achieved without the enabling development proposed through this application. The above benefits of providing the new bridge are therefore considerable, and while provision of the bridge in this context is considered to be acceptable, the benefits are also considered further as part of the overall planning balance later in the report.

Employment Uses

- 9.23 One of the LDP objectives is to 'respond to evidenced economic needs and provide the necessary infrastructure to deliver development' including ...
- To effectively respond to Cardiff's role as capital city for Wales, seat of the National Government and centre of the city-region in terms of providing a range and choice of economic opportunities that will drive the prosperity of the region;
 - To ensure a range and choice of employment land and business

premises at sustainable locations across the city is provided to assist economic competitiveness, encourage entrepreneurship, promote the growth of indigenous businesses of all types and size and attract inward investment.

- 9.24 While the site is not allocated for employment use and is not designated under Policy EC1 as existing employment land to be protected for B Use Class Employment, Policy EC7 permits B Use Class employment on unallocated land provided:
- i. the proposal cannot reasonably be accommodated on existing employment land;
 - ii. the site falls within the settlement boundary and has no specific designation;
 - iii. the use is compatible with the surrounding area, and;
 - iv. the proposal is well related to the primary highway network and accessible to sustainable modes of transport.
- 9.25 The Planning Statement submitted in support of the application provides evidence to demonstrate the employment floorspace proposed satisfies the above criteria and can therefore be considered policy compliant.
- 9.26 Furthermore, the Employment Justification report submitted in support of this application identifies that Cardiff's industrial and logistics property market is undersupplied and there is urgent demand for new floorspace, particularly B2 and B8, due to a historic shortfall in delivery of industrial floorspace when compared with Cardiff's Local Plan targets for providing 4-7 hectares of industrial (B1b/c, B2 and B8 space annually).
- 9.27 There is a strong demand and a lack of supply of B use class floorspace in the A48 corridor and this site would provide approx. 5.74 ha of industrial space. The Employment Justification report has reviewed alternative sites and identified that all other sites are not suitable and/or available. The site is located within a settlement and has no specific land use allocation or designation.
- 9.28 An employment use is considered compatible with the existing park and ride use of the site, and it is sufficiently located away from any sensitive users. The nearby residential dwellings would also provide a potential workforce for the proposal. The site has direct access via the A48 and would be attractive to the type of occupiers which are likely to take space at the proposed development while the improved bus service opportunities / park and ride would also provide a sustainable mode of transport into the City Centre.
- 9.29 It is noted that Future Wales Policy 6 – Town Centre First – states that 'significant' new commercial, development must be located within town and city centres, where they have good access by public transport. This development is not considered to be 'significant' in scale such that a sequential approach to site location is required.

- 9.30 In summary the principle of employment floorspace at the site accords with Policy EC7.

Ancillary Retail

- 9.31 The scheme proposes 2 no. A1/A3 'drive through' commercial retail units which would be operated as a coffee shop/café (Class A1/A3). As a retail proposal in this out-of-centre location, LDP Policies R1, R6 and R8 are of relevance, along with advice in Planning Policy Wales 11.

- 9.32 LDP Policy R1: Retail Hierarchy identifies the Central Shopping Area (CSA) as the head of the retail hierarchy supported by a range of district centres and smaller local centres which are identified on the Proposals Map. Retail proposals outside these identified centres are assessed against Policy R6: Retail Development (Out of Centre) which only allows for retail development outside the Central Shopping Area, District and Local Centres if the proposal would meet the following criteria:-

- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need).
- (ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Areas, within a District or Local Centre.
- (iii) The proposals would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres.
- (iv) The site is accessible by a choice of means of transport; and
- (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.

- 9.33 Nevertheless, while Policy R6 relates strictly to any proposals that introduce additional retail floorspace, Policy R8: Food and Drink Uses sets out the most appropriate locations for food and drink uses. In this respect, although the guidance generally directs such uses to designated centres, it is recognised that food and drink uses may be acceptable in other commercial areas, depending on the character of the area and whether there are residential properties nearby.

- 9.34 In this instance, the applicant sets out that the commercial units would be operated as a coffee shop/café which would provide a complementary food and drink use for employees on the site and commuters using the park and ride facilities and therefore would be a compatible use in this location.

- 9.35 Policy EC2 also supports such conclusion insofar as it considers the provision of food and drink uses to be appropriate in industrial and warehousing developments, provided the facility is of an appropriate scale and nature and intended primarily to meet the needs of workers in the vicinity and therefore not

attract significant levels of visitor traffic into the area of exacerbate existing traffic conditions.

- 9.36 In this instance, the retail floorspace proposed comprises 410sq m (i.e. less than the TAN 4 threshold of 2,500sq.m). At this scale the retail floorspace is considered an ancillary/complementary component of the wider redevelopment of the site, catering predominantly for employees and those using the park and ride facility and would not act as retail destination attracting significant levels of visitor traffic. As such it is considered there would be no detrimental impact on the vitality and viability of designated centres.
- 9.37 However, having regard to the application submissions, it is recommended that the A3 retail is conditioned to a coffee shop/cafe only.

Impact on River Corridor / Open Space

- 9.38 The majority of the site (excluding the existing park and ride) is identified as open space in the most recent open space survey and the whole site lies within the River Rhydney River Corridor defined on the LDP Proposals Map.
- 9.39 In view of this Policy C4 Protection of Open Space and EN4 River Corridors of the adopted Local Development Plan (LDP) and approved Supplementary Planning Guidance (SPG) including the Green Infrastructure SPG Technical Guidance Notes (TGNs) relating to Protection and Provision of Open Space in New Developments and River Corridors (November 2017) are relevant.
- 9.40 Looking first at Open Space, Policy C4 (Protection of Open Space) sets out to protect open space of significant functional, conservation, environmental or amenity value, stating that development will not be permitted on areas of open space unless:
- i. it would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
 - ii. the open space has no significant functional or amenity value; and
 - iii. the open space is of no significant quality; or
 - iv. the developers make satisfactory compensatory provision; and, in all cases;
 - v. the open space has no significant nature or historic conservation importance.
- 9.41 LDP Policy C4 reflects guidance contained within [Technical advice Note \(TAN\) 16: Sport, Recreation and Open Space](#) (2009) which defines 'Open Space' as "*all open space of public value, including land, and water areas like rivers, canals, lakes, reservoirs and disused dock basins which offer opportunities for sport, recreation and tourism.*"
- 9.42 The application site is classified as an area of 'Amenity Functional' open space (natural / semi-natural green space) as shown in green on figure 7 below.



Figure 7: Designation of Open Space

9.43 Paragraph 3.12 states *“Open space, particularly that with a significant amenity, nature conservation or recreational value should be protected. Local planning authorities should identify these areas in the development plan and establish criteria against which sites should be assessed if development pressures arise. It is important that urban vacant and underused land is not unnecessarily protected from development where the land is not of significant amenity, nature conservation or recreational value, as it may potentially relieve development pressures in more sustainable locations.”*

9.44 Planning Policy Wales 11, also states the following:

Formal and informal open green spaces should be protected from development particularly in urban areas where they fulfil multiple purposes. As well as enhancing quality of life, they contribute to biodiversity, the conservation of the historic environment, nature and landscape, better air quality, the protection of groundwater and as places of tranquillity. Such open spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce the effects of urban heat islands.

9.45 In order to fully comply with Policy C4 of the adopted LDP, the application needs to be considered and assessed against the following criteria, found within Section 4.1 of the TGN:

- Existing local provision of open space
- The functional or amenity value of the open space
- The quality of the open space
- Any significant nature or historic conservation importance of open space which may be lost; and

- Any compensatory provision for loss of open space

9.46 The applicant has submitted an Open Space Assessment in support of the planning application. This assessment considers the impact of the proposed development on the existing open space provision on the site assessed against the policy framework set out above.

i) Existing Provision

9.47 The submitted open space assessment notes that quantitatively the existing site consists of approximately 23.4ha of land, with a hard-surfaced area of 3.8 ha, comprising the Park and Ride and surrounding roads. The total developed site area would comprise 8.6 ha (including the park and ride), resulting in a 4.8Ha reduction in open space on the site.

9.48 The Open Space Survey 2022 classifies the whole of the site as amenity functional accessible natural greenspace (ANG), which contributes to the overall figures for recreational open space within the Pentwyn (and adjacent Llanrumney) wards.

9.49 The applicants have noted that the findings of the Pentwyn Open Space Survey (2021), identifies 121.68ha of existing amenity open space in Pentwyn, and that this quantum of amenity open space is significantly higher than neighbouring areas such as Llanrumney (61.01 ha) and Rumney (73.03 ha).

9.50 While there is no adopted standard for accessible natural green space (such as exists for functional open space) Fields in Trust, which issues guidance on open space provision referenced by Welsh Government, recommends 2ha per 1000 population for natural/semi-natural green space provision. In applying this standard in Pentwyn and Llanrumney immediately adjacent, the Parks Officer advises that the wards have sufficient accessible natural green space to withstand the proposed loss.

9.51 However, while there might be good provision across the wards, he notes the need to take account of the site's unique qualities and contribution to local provision which is addressed below.

ii) Functional and amenity value of the open space;

9.52 Although noting a 4.8Ha loss of amenity open space lost in the River Corridor, the applicant concludes that this amenity space has no significant value as it has limited accessibility and any loss of visual amenity value will be offset through the proposed Woodland Management Landscape Strategy.

9.53 The Assessment further states that "this area is not designated open space, and the areas of woodland and scrubland and other features of ecological significance would not be developed on. Therefore, no open space of significant functional or amenity value would be lost, and the impact of the proposals on such open space would be negligible, in line with LDP Policy C4".

9.54 The above assessment is, however, considered to underplay the value of the site or the potential impacts of the development on the area. The site contains informal recreational space and a network of formal and informal footpaths including the Rhymney Trail which are well used. As well as the trail along the river, the site provides a viable traffic-free, non-road link between the two communities of Pentwyn and Llanrumney. As such it has high social value for those wards, and the information from the Parks team is noted insofar as they state that when last assessed, it was ranked in the top quartile for both quality and value when compared with other natural and semi natural greenspace sites in the city.

iii) Quality of Open Space

9.55 When looking at the quality of the open space it is considered that the submitted open space assessment does not adequately recognise the amount of people who access and use this area and given this the important value of this area of open space. The assessment also fails to recognise the important wider role it plays as a continuous river corridor of open space linking the urban area with the countryside as evidenced by the footpaths/trails running through the area.

9.56 The following paragraphs of the Protection and Provision of Open Space TGN are particularly relevant in this respect:

4.3.5 The amenity value of some areas of open space is important both locally and in the context of the whole city, including major parks like Roath Park and Bute Park and the designated Country Parks at Forest Farm and Parc Cefn Onn.

4.3.6 The river corridors of the rivers Ely, Taff, Rhymney, Nant Fawr and Nant Glandulais provide continuous corridors of open space linking the urban area with the countryside. These areas although not all publicly accessible create features of city wide importance and have potential for further improvements. Proposals which could cause unacceptable harm to the integrity of these areas will be opposed. The River Corridors SPG provides further information about this.

9.57 In considering qualitative matters, it is noted that: -

- The application site contains informal recreational space and a network of formal and informal footpaths including the Rhymney Trail which are well used.
- As well as the trail along the river, the site provides a viable traffic-free, non-road link between the two communities of Pentwyn and Llanrumney.
- As such it has high social value for those wards, being ranked in the top quartile for both quality and value when compared with other natural and semi natural greenspace sites in the city.
- As a natural green space the main appeal of the site is to offer visitors the opportunity to escape from built development and immerse themselves in greenery and nature.

9.58 As a natural green space the main appeal of the site is to offer visitors the opportunity to escape from built development and immerse themselves in greenery and nature, and while the scheme has been significantly amended since submission, to build on part of the existing park and ride and avoid areas of existing open space, it is clear that the development will have a negative impact on parts of the site such that the site's natural character will be affected. Nevertheless, it is also the case that the main route through the site in E-W and N-S directions will be retained, re-directed as necessary and (through this application) enhanced.

iv) Any significant nature or historic conservation importance of open space which may be lost

9.59 The application site comprises broadleaved semi-natural woodland (some of which is classified as ancient woodland) and large areas of dense scrub and bracken on the banks of the Rhymney River which is a Site of Importance for Nature Conservation (SINC).

9.60 The proposal involves a significant loss of habitat (assessed below under biodiversity / trees) and the report identifies the need for impacts to be offset on and off-site, as well as considered as part of the 'planning balance'.

9.61 Subject to the detailed mitigation and compensation plans secured through conditions and legal agreement, no objections are raised under point (iv).

v) Any compensatory provision for loss of open space (4.6)

9.62 The original submissions indicated an intention to provide additional lighting as part of a proposal to improve accessibility through active management. Lighting has, however, been removed due to potential issues with ecological mitigation. Instead, a condition is attached which will secure active travel enhancements including: Provision of new footpaths and upgrades to width and surfacing of existing/relocated footpaths within the site ; Replacement of steps on the western side of the existing pedestrian bridge over River Rhymney with a graded ramp integrated with paths on western side of river; and suitable measures/barriers to control access other to the site than by pedestrians/cyclists.

9.63 Such enhancements would, while not offsetting loss of open space, provide some compensatory provision. Nevertheless, the scheme is considered to broadly comply with Policy C4 given its acceptability under criterion (i) to (iv).

River Corridor

9.64 In addition to the above, Policy EN4 (River Corridors) also outlines the Council's position on protecting and enhancing Cardiff's River Corridors, stating that "*The Natural Heritage, character and other key features of Cardiff's river corridors will be protected, promoted and enhanced, together with facilitating sustainable access and recreation.*"

9.65 The River Rhymney is one of Cardiff's four river corridors, and is designated as making a unique contribution to the character and form of the city providing continuous green corridors between the Severn Estuary and the countryside beyond the urban edge. Supporting paragraph 5.97 states the following:

The watercourses and adjoining open spaces possess high recreational, biodiversity, historic, cultural and landscape value. Additionally, they are located close to local communities and offer excellent opportunities for off-road access routes that can provide part of the wider strategic recreational routes and everyday network of routes.

9.66 The area of the site which lies within the designated river corridor is shown on figure 8 below.

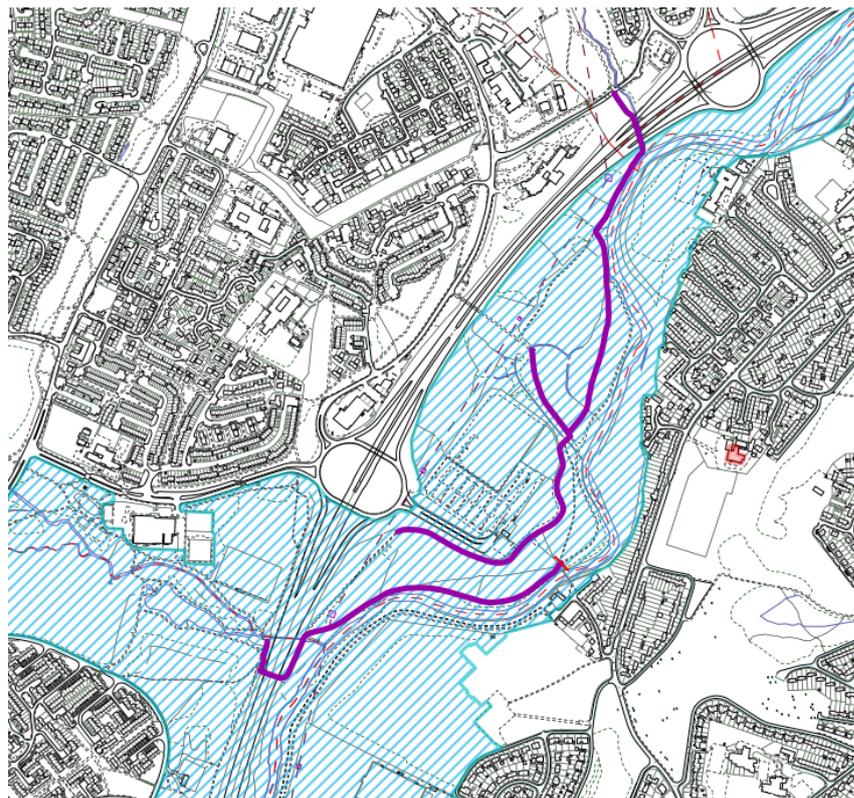


Figure 8: Extent of River Corridor (Policy EN4)

9.67 Policy EN4 emphasises the importance of the River Corridors, but does not amount to a ban on development in such areas where they fall within the settlement boundary and are considered acceptable against other policies within the Plan.

9.68 The assessment under Policy C4 identifies that the scheme is broadly compliant and, while there is acknowledgement that the construction of new development on existing areas of open space, and involving the loss of woodland/trees, will have a demonstrable impact on character in the NW part of the site, the scheme has also sought to address and balance the need to protect and integrate green infrastructure into the scheme.

9.69 The Cardiff Green Infrastructure SPG (November 2017), in section 2, states that “*Planning submissions that are likely to significantly impact upon green infrastructure will be considered to ensure that:*

- The existing green infrastructure resource on the development site, and the potential impacts upon it, have been adequately considered
- The benefits of green infrastructure are reconciled with benefits of development
- Green infrastructure is integrated into proposals
- Opportunities for enhancement of green infrastructure, for the benefit of the community, have been taken as far as is reasonably possible.

9.70 It is clear that the proposals will have an impact on the River Corridor through loss of open character by building on the NW parts of the site. Nevertheless, the main part of the corridor is retained, as are the routes through it. Moreover, green infrastructure has been integrated into the proposals, with a key objective to protect and enhance the areas of nature and conservation importance, with a focus on ecological improvements, including: -

- Native hedgerow, Woodland edge and Standard native trees proposed to close the gap between existing vegetation while aiding to screen the development from Eastern Avenue.
- An enhanced landscape buffer between the riverside and the development plots to aid in diminishing the scale of the massing of the built form from the public right of way and Rhymney Trail.
- Tree planting to enhance Park and Ride, with car parking zones broken up by rows of native trees set within native hedgerows and bordered by shrub planting.
- Scrub mosaic and invasive weeds would be maintained and managed in accordance with ecologist’s recommendations, in order to enhance biodiversity, amenity and usability of the riverside for people, flora and fauna.
- Similarly, scrublands would also be retained and managed to prevent encroachment into native grassland areas. These areas would also be seeded with native wildflowers

9.71 Having regard to the above, while acknowledging a degree of harm to the character and setting of the River Corridor, given the extent of new built development proposed on existing open areas of the site, the integration of green infrastructure in the scheme (controlled through condition and s106 agreement) is considered to have maximised opportunities to enhance access to green infrastructure space. Moreover, the SPG specifically notes the need to ensure “The benefits of green infrastructure are reconciled with benefits of development”, such that any degree of harm is considered also as part of the planning balance later in this report.

Access to and Improvement of River Corridor Open Space

9.72 The Parks team has confirmed that there are aspirations to improve the section of the Rhymney River corridor immediately south of the application site. The

concept proposals include new surfacing, natural play areas, artwork, picnic areas and softscape (requiring a budget of approximately £600k). In addition, both parks and public rights of way teams note the need to give consideration to unauthorised occupation and grazing of the open spaces, including the need for suitable measures/barriers to be put in place (albeit these are not evident in the designs).

- 9.73 As noted earlier, enhancements to the pathways etc through the site are to be secured through condition, along with a hard and soft landscaping scheme which will seek to enhance the quality of the space and encourage greater use. These works can be considered alongside other potential options for enhancement identified by Parks. Overall, the proposals serve to protect, promote and enhance the value and character of the open space and river corridor, in line with LDP Policies C4 and EN4.

Landscape and Visual Impact

- 9.74 Policy KP5 states that all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by ... responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals.
- 9.75 Chapter 6 of the submitted ES presents an assessment of the likely significant landscape and visual effects of the proposed development, and notes that the main landscape effects on the application site itself will be a result of:
- Site clearance, including the removal of grassland and topsoil strip (Short term effect during construction).
 - Removal of a number of trees and blocks of native scrub.
 - Changes in landform to establish development platforms.
 - Construction of a combination of unit sizes together with associated access and internal estate road, parking and service yards.
 - Creation of soft landscape green infrastructure associated the Proposed Development, internally between plots and to site boundaries.
- 9.76 From outside of the site, notably to the north and west, views into and towards the site are in the majority of views obscured by the significant belts of mature planting that form the boundary of the Site with the A48 such that the impact of additional new built development will be limited in wider views.
- 9.77 The zone of existing woodland located along the northern boundary with the A48 is to be retained and managed. This provides a significant level of screening to the development when viewed from the north and west and forms a strong back drop to the development. Along the south-eastern boundary with the river corridor the mature vegetation will be retained. These are an important feature of the landscape and contribute to the setting of the Rhymney Trail and river corridor.

9.78 Views from the south / east are only partially-screened in closer views by the planting along the River Rhymney corridor, with the site visible from in and around Ball Lane and Road (see figures 9 and 10).



Figure 9 : View from Ball Lane (adjacent pedestrian river crossing)



Figure 10 : View from Ball Road

9.79 As the ground rises towards the residential area of Llanrumney there are greater views back towards the site, as shown in the views (and associated wireframe) from Glastonbury Terrace. In such longer range views there will be an inevitable change in character of the site, due to the introduction of new built development in an otherwise open site (including lighting of the main area). However, such new development will be partially-screened and sit within the

longer backdrop of vegetation, and the LVIA views are accepted insofar as they conclude that the high-quality design, retention of large zones of vegetation and trees around the perimeter of the site and along the southern edge of the river corridor will combine with the proposed mitigation planting to absorb the proposed development and soften the overall effect.

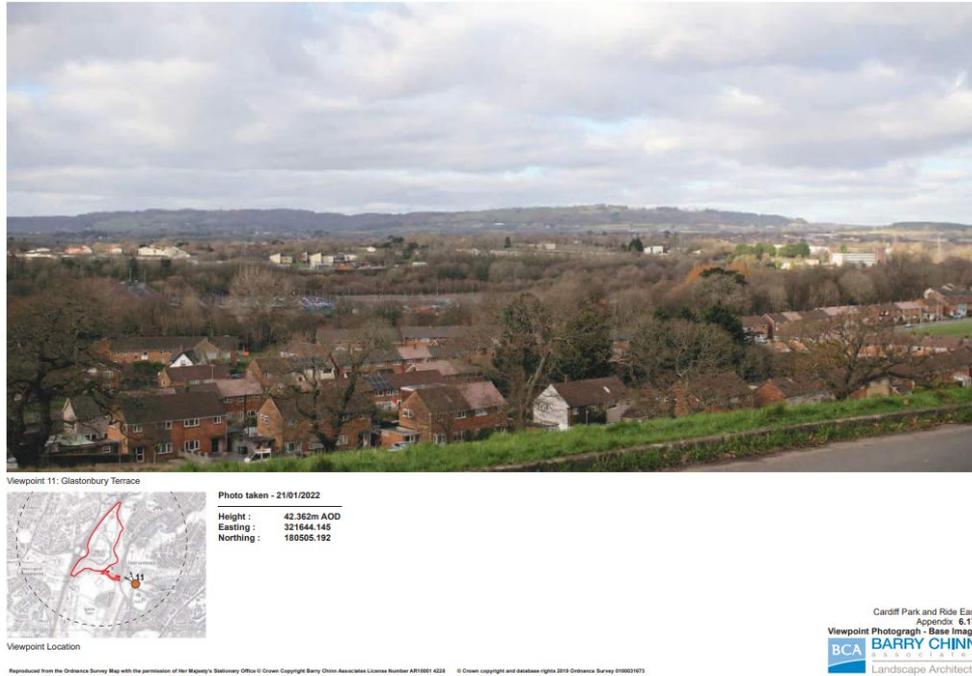


Figure 11 : View from Glastonbury Terrace

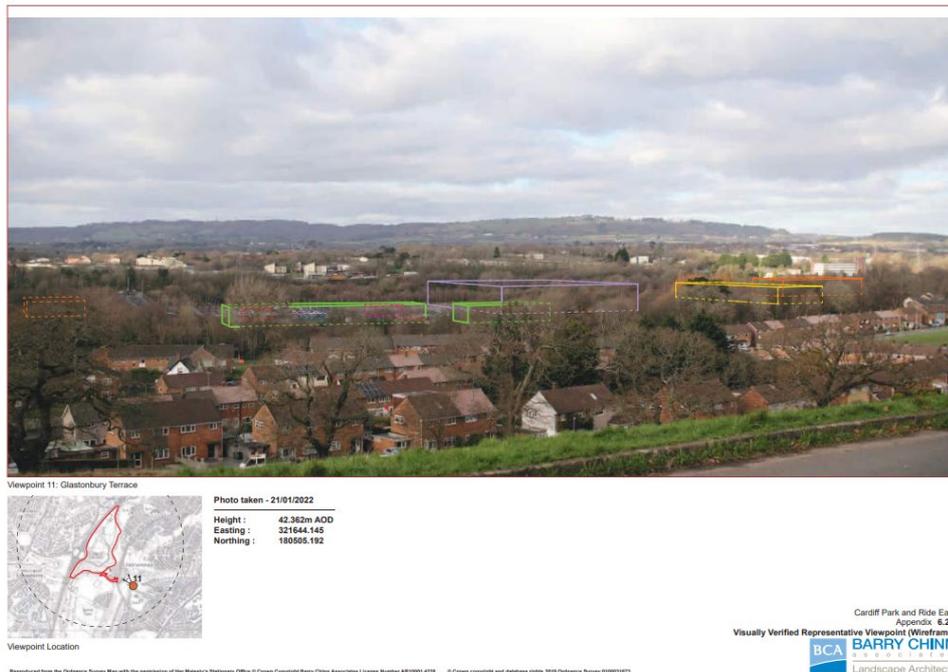


Figure 12 : View from Glastonbury Terrace (Wireframe added)

9.80 While users moving towards the area will have their views largely obscured from distance due to the mature vegetation and flatter low lying topography, as they approach and move through the application site the impact of the changes

in landform to create the development plateau, and new built development, will be much greater such that it will inevitably change the existing natural character of the north/western part of the site.

- 9.81 The landscape design strategy identifies the impacts and principles underlying the design approach as follows: -

“The design principles are based on provision of a high-end industrial development, using a mixture of higher quality wall panels, larger areas of glazing, generous roof overhangs, and interesting roof/building forms for the key buildings near the centre of the Site. The large building types required for the development cannot easily be hidden within a natural environment, and the economics of the development do not allow for large swathes of landscaping to conceal the proposed buildings from all directions

The design stance taken with the scheme is to provide well detailed buildings against the backdrop of the natural, existing landscape. The landscape to the main routes through the Site is enhanced to soften the visual impact of the buildings from within the Site, and the proposal for significant site signage and internal wayfinding will provide a strong site character and visual cohesion. The buildings are in muted, dark/neutral colours which will have them visually recede within the setting. The introduction of a strong, primary colour in limited but key locations will draw the eye to these key features, and again provide a visual coherence through the development.”

- 9.82 The above, and the layout and design of the site and buildings, is considered to be an appropriate response to views of the site from within the site. There remain some concerns about the general layout insofar as there could be improvements made to the areas around the drive-throughs and the amenity terrace and seating areas, alongside pedestrian movement, cycling facilities and crossing points to encourage greater active travel. Further consideration of such matters however can be the subject of a condition.
- 9.83 The landscape effects of the development are thus largely confined to local views, and through implementation of the landscape strategy the shrub and tree planting proposed will mature to provide an attractive landscape setting, which in time will ensure the new development assimilates into the immediate surroundings.

Lighting

- 9.84 While the application originally proposed additional lighting of public rights of way, there has been considerable discussion over the potential impact of such lighting on protected species. As a consequence, the scheme has been amended to exclude new lighting to footpaths, and to carefully design/ limit the lighting of other areas, to ensure there would be no unacceptable light spill which would affect existing or new habitats created.
- 9.85 The submissions indicate that the lighting design strategy has been informed by ‘Ecological Lighting Design Principles’, which states that in order to mitigate

against the impact of artificial lighting on bats, their roosting, migration, and feeding patterns, further stipulations include: -

- The use of lights utilising light emitting diodes (LED) without UV elements, therefore reducing the attraction of invertebrates to the lights.
- Only luminaires with 0% upward light ratio should be used and fitted on the horizontal to avoid excessive up-lighting, back lighting and light spill onto boundary hedgerows and trees.
- A warm white spectrum (between 2000-3000 degrees Kelvin) should be used in order to reduce blue light component, therefore reducing the number of invertebrates attracted to the lights.
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats.
- Ideally the Site boundary lux level should be below 1 lux as this is within the range of natural moonlight.
- The vegetation planted on site and any roosting habitats should be unlit.

9.86 Lighting plans have been submitted which seek to demonstrate that acceptable levels can be achieved without comprising such interests of acknowledged importance. This scheme is largely considered to be acceptable, but given the essential need to ensure that there would be no unacceptable impacts on the habitats required to mitigate for the impact on dormouse, a detailed lighting scheme condition is attached to ensure that full and detailed attention is given to all such matters, and once approved to ensure that there can be no incremental changes thereafter that might undermine the overall objectives of an approved lighting strategy.

Trees / Green Infrastructure

9.87 Key objectives of the Welsh Government Natural Resources Policy are to maintain and enhance the resilience of ecosystems and the benefits they provide, with Planning Policy Wales outlining how the planning system should contribute towards these goals and Future Wales setting out specific policies that: safeguard areas for the purposes of improving the resilience of ecological networks and ecosystems services, to identify areas for the provision of green infrastructure and to secure biodiversity enhancement (net benefit).

9.88 As noted in section 5, during the course of determination of the current application Planning Policy Wales 11 was partially updated on 11 October 2023 when an updated [Chapter 6](#) came into effect, which places a stronger emphasis on taking a proactive approach to green infrastructure, securing net benefit for biodiversity, strengthening the protection of Sites of Special Scientific Interest (SSSIs) and giving more consideration to the protection and enhancement of trees and woodlands.

9.89 Future Wales Policy 9 – Resilient Ecological Networks and Green Infrastructure – also emphasises the importance in all cases, of action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), stating that the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative,

nature-based approaches to site planning and the design of the built environment.

- 9.90 Policy KP16 (Green Infrastructure) recognises the need to protect, enhance and manage Cardiff's network of green infrastructure, albeit that this needs to be reconciled with the benefits of development. Proposed development should therefore demonstrate how green infrastructure has been considered and integrated into the proposals. If development results in overall loss of green infrastructure, appropriate compensation will be required.
- 9.91 Policy EN8 Trees, Woodlands and Hedgerows of the LDP seeks to protect trees with mitigation required for any losses. Development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.
- 9.92 There are three blocks of existing woodland on-site that are covered by Tree Preservation Orders (TPO) and comprise of mainly Oak and Alder. These include:
- TPO 22 Ref: W07 (part of woodland cross convert parcel no. 563)
 - TPO 22 Ref: A14 (trees along the west bank of the Rhymney River within parts of parcel no's. 575, 574, 573 and 572.)
 - TPO 22 Ref: A15 (trees along the north bank of the Rhymney River parts of parcels no. 633, 579 and 578).
- 9.93 Figure 13 identifies the TPOs (green outline) and the extent of tree loss (hatched in red). In total:
- B Category Trees - Eight tree groups with a total area of 8,444.38 m² and one individual tree (T6) will require removal.
 - C Category Trees - Seven groups with a total area of 2,911.35m²; 32 trees within the groups (TG15, TG17, and TG19) and one individual tree (T16) will require removal
- 9.94 While the initial scale of woodland loss has been reduced through negotiation, that loss still remains as 1.14ha.

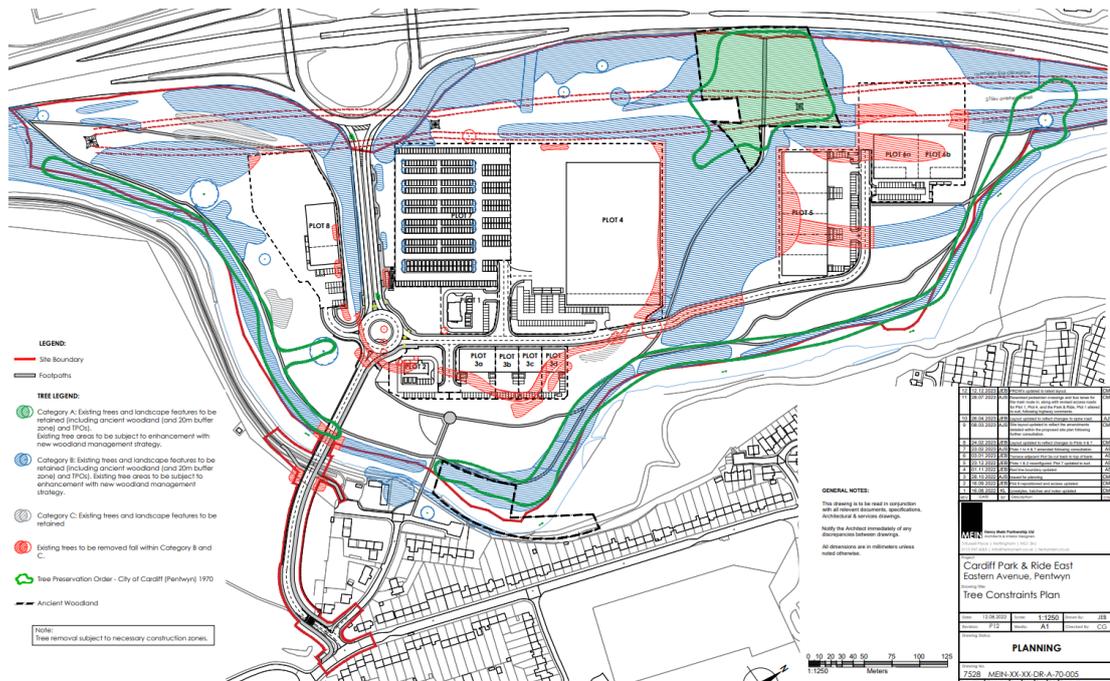


Figure 13: Tree Constraints / Tree Loss

- 9.95 The submitted Tree Report identifies that, from an Arboricultural standpoint, the proposed development will involve the loss of around 8% of the trees on site. However, they consider that the combination of proposed new tree planting and implementation of a 25-year Woodland Management Plan will represent a significant increase in tree cover species diversity in the local area. In total 8508 new trees will be replanted (6000 in the WMP and 2508 off site) a replacement ratio of 17 new trees for each one lost. The considerable funding provided by the project will ensure the sustainable management of the site and prevent its slow degradation for the benefit of local wildlife and local residents alike.
- 9.96 The loss of any trees is, of course, regrettable, notably so when it involves the loss of a significant number of Category B trees that should normally be retained. Nevertheless, in cases where the benefits of development are considered to outweigh the conservation interest (such matters being addressed later), mitigation and/or compensation measures will be required to offset adverse effects and appropriate planning obligations sought.
- 9.97 In this regard, as well as the green infrastructure / landscape proposals within the site, and the off-site planting (dormouse mitigation) which will cover approx. 3.5Ha and in time provide a woodland resource, the applicant has agreed mitigation in the form of funding a further 1.14ha of a mixture of parkland trees (complimenting existing veterans/veteranizing trees) and native mixed broadleaved woodland planting with a mix of standards, scrub and ecotone in the 'local area', to be secured through the legal agreement. However, it must be acknowledged that it will take many decades for the new planting to achieve the same size and impact of the lost mature trees. Therefore, while the long term could see additional tree coverage and more sustainable management of the site, the short-term loss of canopy coverage etc. must be considered as part of the overall planning balance.

- 9.98 In terms of specific impacts, it is noted that new tarmac roads and pathways are proposed and their impact on adjacent trees needs to be considered. The supporting Arboricultural Impact Assessment acknowledges that where a new road or footpath is to be put in place within the Root Protection Areas of retained trees where there is no existing surface, it must be formed using a No-Dig method that will spread the weight to prevent compaction. No more than 20% of the RPA of retained trees can be covered by a hard surface.
- 9.99 Submitted details are not currently at acceptable levels in terms of the information on matters such as root soil volume etc. however these can be suitably controlled through conditions, including the need for hard and soft landscaping works relating to the open space and other green infrastructure including but not limited to existing and proposed finished levels of open space, scaled planting plans including schedules, tree pit sections and plan views, construction details of hard surfacing, construction details of access points/enclosure including fencing and site furniture.

Transportation / Highway Impacts

- 9.100 The site will be accessed via the existing access to the P&R site from the A48 roundabout as shown on the Site Layout plan at Figure 2. An internal roundabout junction will provide access to the different land uses at the proposed development, with a new road constructed from the internal roundabout across the Rhymney River to connect to Ball Road, providing access from Llanrumney to the site. This road would be lit to appropriate highway design standards so it can be used by pedestrians, cyclists and vehicles.
- 9.101 The application has been accompanied by a Transport Assessment, which itself has been updated following extensive discussions with the Council's Highway Officers.
- 9.102 In terms of traffic analysis (covering traffic forecasting, distribution and capacity assessments), there has been extensive discussion with highways colleagues from early on in the consultation process. The revised Transport Assessment does begin to consider inter-network peak times, primarily the peak of school closing and local sport facility use, however issues remain over the limited assessment of through movement, the reluctance to restrict general traffic at peak times and the forecast use of other modes where potentially these may not now perform as originally intended and consequently car use may be higher than forecast.
- 9.103 Some concern has also been expressed about the severance which exists due to the A48, given the limited number of connection points and their quality in combination raise issues with the ability of the employment uses and leisure and retail areas to be accessed in a sustainable way. There is also a potential issue that the A48 roundabout, whilst not designed for pedestrian use, could instead be targeted to cross into the development areas due to the presence of lighting and the largely hard landscaped surface of maintenance routes. It may be that the focus on provision and enhancement of safe connections could now

be diverted to this location, such that there is a requirement to include a condition / S106 requirement to introduce a pedestrian ban on the gyratory to deter pedestrian access.

9.104 In that context, the Highway officer also notes that the above findings may also prevent the Travel Plan from reaching intended mode share transference goals.

9.105 The internal access arrangements from the A48 roundabout have been developed following discussions and bus lanes are now shown in place along both the access and egress to the site. Minor changes may be required to ensure these are cut back to finish ahead of both external and internal roundabouts to allow for better general traffic lane access and circulation, however this can be dealt with this via an appropriately worded planning condition.

9.106 Although the submitted report suggests that the proposed highway design could be constructed with future proofing in mind for installation of traffic exclusion and monitoring infrastructure, in order to fully satisfy Highway Authority requirements, this infrastructure would be required to be installed and made operational from the onset. This is addressed through an appropriate condition.

9.107 In summary, no objection has been raised by the highway Authority to the scheme taking into account the content of the revised Transport Assessment. While the following matters require further approval of details it is agreed that these are matters that can be controlled through condition: -

1. Usage of the bridge must be managed/controlled from day 1. The ANPR system must be installed and operational as soon as the bridge is constructed. The periods of control and potential users of the bridge will be determined by the Council
2. There will need to be controls introduced (TROs and signing) banning pedestrian access to the site via the gyratory system
3. The Ball Road junction will need to be re-designed and incorporate traffic signals, waiting restrictions and consider the existing traffic calming measures as part of the detailed design and S278
4. The link road between Ball Road and the bridge must be designed to accommodate two 12m buses passing each other without clashing.

9.108 The above matters will require addressing through conditions and/or s278 process before the internal carriageway and bridge are a candidate for adoption by the Council.

Construction Impacts

9.109 The number of HGV movements resulting from the demolition and construction work is anticipated to vary from phase to phase, dependent on the build out rate of commercial/ industrial units, and other infrastructure activities. It is noted that there will be some overlap between the phases during which time there may be a higher number of daily movements depending on when the peak construction traffic is for each phase.

9.110 All construction traffic will enter and leave the site via the A48, and the impact of construction vehicles will be controlled via an agreed Construction Environmental Management Plan (CEMP) which will set out how construction traffic will be managed on the local highway network during the anticipated construction period. The CEMP will control the timings, routing and volume of traffic entering/leaving the Site during this period. The vehicle movements will be spread over the course of the working day, with the prescribed hours of work to be agreed.

Active Travel / Travel Plan

9.111 A framework Travel Plan has been prepared as a guide to managing travel to and from the Proposed Development, with the overarching strategy of promoting sustainable travel to and from the site and limiting the number of single occupancy car trips to and from the proposed development.

9.112 The Highway Officer notes that the current draft Travel Plan does not contain any meaningful measures to reduce car use beyond standard considerations such as travel packs, awareness of alternatives and personalised travel planning, and therefore requires further work through condition to ensure as far as practicable the Travel Plan can be effective in suggesting and also sustaining alternative modes to car use.

9.113 While final Travel Plan(s) will be required through condition, the submissions indicate that the developer will commit to incentives, such as financial contributions towards a travel bond for cycle vouchers and holding various events to encourage walking and cycling as part of everyday commuting. The Travel Plan will also encourage car sharing from the proposed development, with preferential spaces for car sharers. The development may also provide future improved bus services to the site in due course through the new link road from the development to Ball Road across the Rhymney River.

Car Parking Provision

5.18 In addition to the 440 parking spaces proposed for the park and ride, a further 257 spaces would be provided across the other 12 plots. The number of parking spaces proposed per plot is outlined in the table below:

Plot 1	Class A1/A3 Drive Through	19
Plot 2	Class A1/A3 Drive Through	20
Plot 3A	Class B2/B8	32
Plot 3B	Class B2/B8	
Plot 3C	Class B2/B8	
Plot 3D	Class B2/B8	10
Plot 4	Class B2/B8	76
Plot 5	Class B2/B8	48
Plot 6A	Class B2/B8	29

Plot 6B	Class B2/B8	
Plot 7	Park and Ride	440
Plot 8	Class B2/B8	23
TOTAL		697

9.114 The level of provision is in line with the Council’s SPG and raises no objection from the highway authority.’

Impact on Rights of Way

9.115 LDP Policies T1, T6 and T8 look to enhance people’s accessibility to sustainable transport routes and the provisions for walking and cycling.

9.116 There are no footways present on the A48 Eastern Avenue/Bryn Celyn Road junction or on the access road to the P&R and, as identified above, a condition seeks to ensure the provision of appropriate barriers (as applicable) and /or signage preventing access to the A48 gyratory. There are however a number of Public Rights of Way that cross the application site and wider character area. The existing formal PRow are identified in purple on Figure 14 below, with other unmarked informal paths also shown crossing the site (and connecting into the formal PRow) E-W and N-S, the latter in particular facilitating movement across the River towards Pentwyn through the existing site and beyond the A48 (over the footbridge).

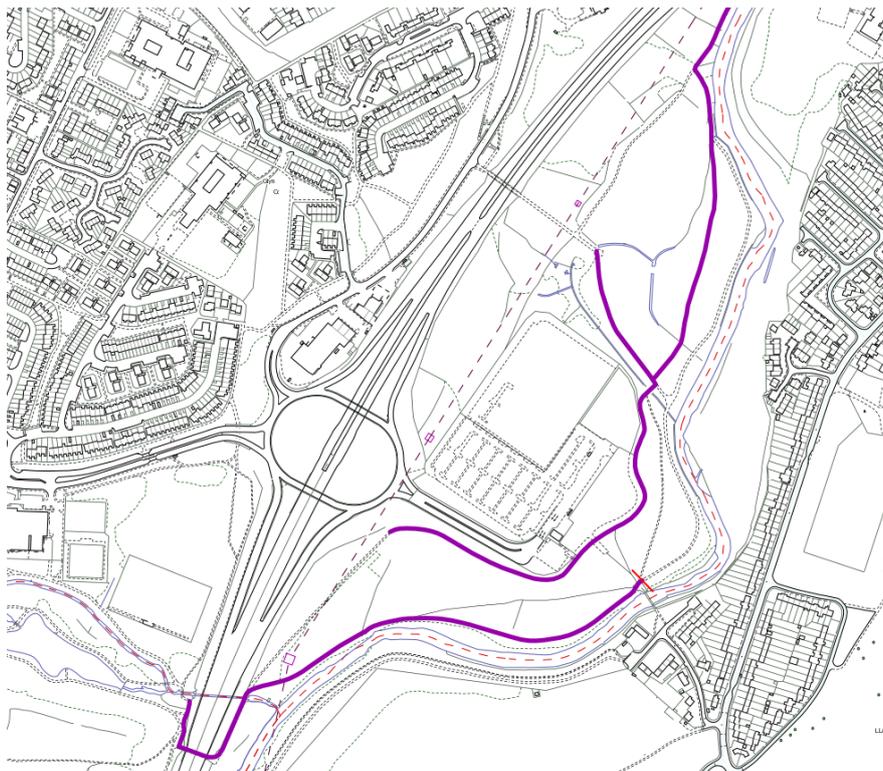


Figure 14: Formal Public Rights of Way (PRow)

9.117 These PRow / walking routes provide connectivity to the north, east, west and south of the site. To the east of the site, PRow routes connect with Ball Lane via a footbridge over the Rhymney River. Ball Lane includes footways on either side of the carriageway and connects with the wider walking network along Ball Road. To the north of the site, PRow routes connect with a footbridge over the A48. This provides connectivity to Pentwyn Road which also includes footways, and a number of local facilities.

9.118 The Active Travel Act requires local authorities in Wales to produce maps of walking and cycling networks, and to deliver year-on-year active travel improvements along the mapped routes and their related facilities. These routes should be coherent, direct, safe, comfortable and attractive. The maps are known as Active Travel Network Maps (ATNM) – showing existing routes and future routes which shall combine the Existing Routes Map and the Integrated Network Map required by the Act.

9.119 The proposed development impacts upon several existing walking and cycling facilities and Public Rights of Way, with the alignment of future routes included in the Council's approved Active Travel Network Map (ATNM) (shown in dashed red line in Figure 15 below) directly affected by the spine road of the development and the footprints of the buildings in the northern portion of the site.



Figure 15 : Active Travel Network Map (ATNM)

9.120 As part of the application, these footpath routes are to be retained or (subject to separate regulatory process) re-directed, all as identified on Figure 16 below. These routes could potentially provide useful links for walking and cycling journeys to the development from the Llanrumney, Pentwyn and Llanedeyrn areas and, as they fall within the boundary of the application site, it is

reasonable to expect that provision will be made within the scheme to develop these to an acceptable standard thereby improving the recreational resource.

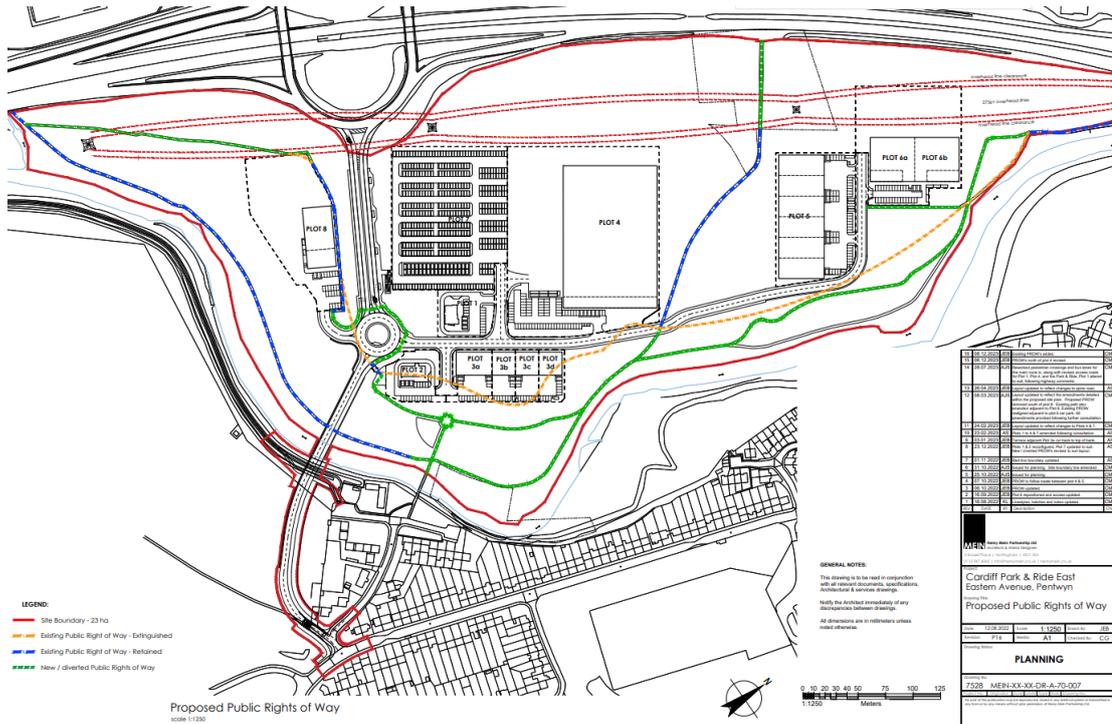


Figure 16 : (Existing and) Proposed Rights of Way

9.121 The proposed link road/ bridge will interrupt the existing right of way and Rhymney Trail, but access will be retained through a lowered PRow level and cycle underpass respectively, as identified on figure 17 below.

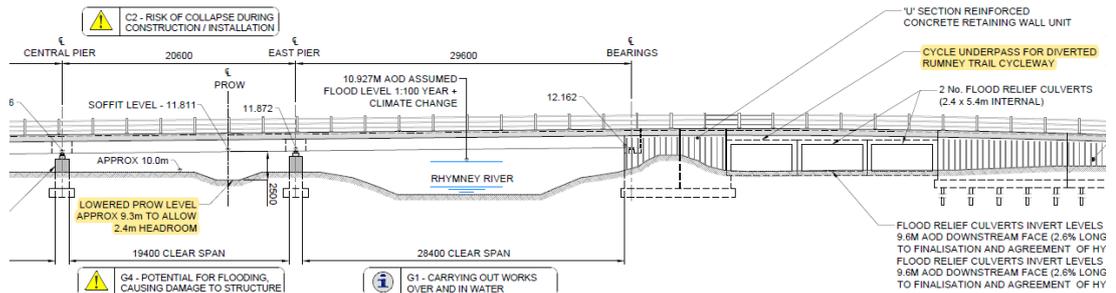


Figure 17 : Extract from Highway Plan identifying changes to levels to accommodate routes of existing PRow to north and south of the River below new bridge structure

9.122 The submitted documents emphasise the need to ensure the site can integrate and link with communities both sides of the A48. While the lighting upgrades proposed have now been removed due to ecological (protected species) constraints, it is proposed to provide improved Crossing Facilities to construct a new Zebra crossing with adjacent cycle crossing across Pentwyn Road, as at present there is no clear continuation of the route. This would allow users to safely traverse Pentwyn Road from the existing bridge crossing of the A48 (see Figure 18 below), and thus access the pedestrian network leading to Pentwyn. This is covered in the required s106 legal agreement Heads of Terms.



Figure 18: Existing bridge crossing PRoW across A48

- 9.123 The applicant also indicates that additional signage / finger posts can be provided throughout the site at the junctions of the PROW to direct the users of the routes, which can be extended to the south of the site from the river to Ball Road and to the north of the site to direct pedestrians and cyclists to the existing network of routes to the north of the A48. This is dealt with through condition.
- 9.124 The Highways team have also reviewed potential necessary improvements, which include the opportunity to upgrade / widening specified pathways to a 3m wide bound surface, minor reconfiguration of the path as it passes near Plot 6a and Plot 6b to avoid sharp angled turns for cyclists and ensure good forward visibility for users; provision of a suitable crossing of the spine road; Lighting of subways at far east and west of site; and replacement of steps on western side of pedestrian bridge over River Rhymney with graded ramp integrated with paths on western side of river. A condition is attached to require approval of such details.
- 9.125 The Rights of Way Officer has reviewed the Public Right of Way alignment and raises no objections subject to the above matters being addressed through conditions.
- 9.126 All of the active travel route improvements would help to mitigate the impact on rights of way and associated movement impacts of the development by maximising access by walking and cycling. The scheme will also encourage increased recreational use of the area by providing a convenient and attractive route in accordance with the national principles of Planning Policy Wales (Edition 11) and the Wellbeing of Future Generations (Wales) Act 2015, thus complying with Policies T1, T6 and T8 of the Local Development Plan.

Construction Impacts on Rights of Way

- 9.127 During the construction period, existing rights of way entering and leaving the site from the west and east, and the Rhymney Trail, will be retained throughout. The intention as highlighted in Figure 3.11 (drawing ref: 7528-XX-XX-DR—A-70-007), is to connect and divert Public Rights of Way (PRoW) access routes across the central placemaking area of the Site at the roundabout and connect the existing informal walking/cycle route towards the north of the Site.

Heritage and Archaeology Impacts

- 9.128 LDP Policy EN9 (Conservation of the Historic Environment) requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 9.129 The Council's archaeological advisors, GGAT, note that the proposed development is in an area which has been already developed for some time, therefore the impact upon any archaeological resource is considered to be low. Given their knowledge of the historic environment in the immediate area, it remains they consider it unlikely that significant archaeological remains would be encountered during the proposed development. Consequently, they raise no objections to the positive determination of this application, nor consider any need for conditions.

Impact on Amenity

- 9.130 LDP Policy EN13 (Air, Noise, Night Pollution and Land Contamination) states that 'Development will not be permitted where it would cause or result in 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'.

Noise / Dust Impacts

- 9.131 Technical Advice Note 11 (Noise) remains extant guidance, albeit the Welsh Government has recently consulted on proposed changes to the 'Noise and Soundscape Action Plan' which seek to move from traditional noise control to a more inclusive soundscape-based approach, taking on board local communities' views on their sound environments, in terms of both what they value and what they think needs to be improved.
- 9.132 The application has been accompanied by a Noise Impact Assessment (K R Associates) (attached as an Appendix to the Environmental Statement), which considers in general terms the noise and vibration associated with the operation of the proposed development on the surrounding environment including noise sensitive properties.

9.133 For the purposes of the assessment, the nearest noise sensitive receptors (NSR) were identified as the following (see Figure 19):

- Group 1 246 Bryn Celyn : 2 Storey semi-detached residential dwelling
- Group 2 3 Ball Lane : 1st floor residential flat
- Group 3 10 Ball Close : 2 storey detached residential dwelling

9.134 It is also noted that new dwellings are currently being constructed off Ball Lane, albeit the impacts of the development can be appropriately considered having regard to the above NSRs.

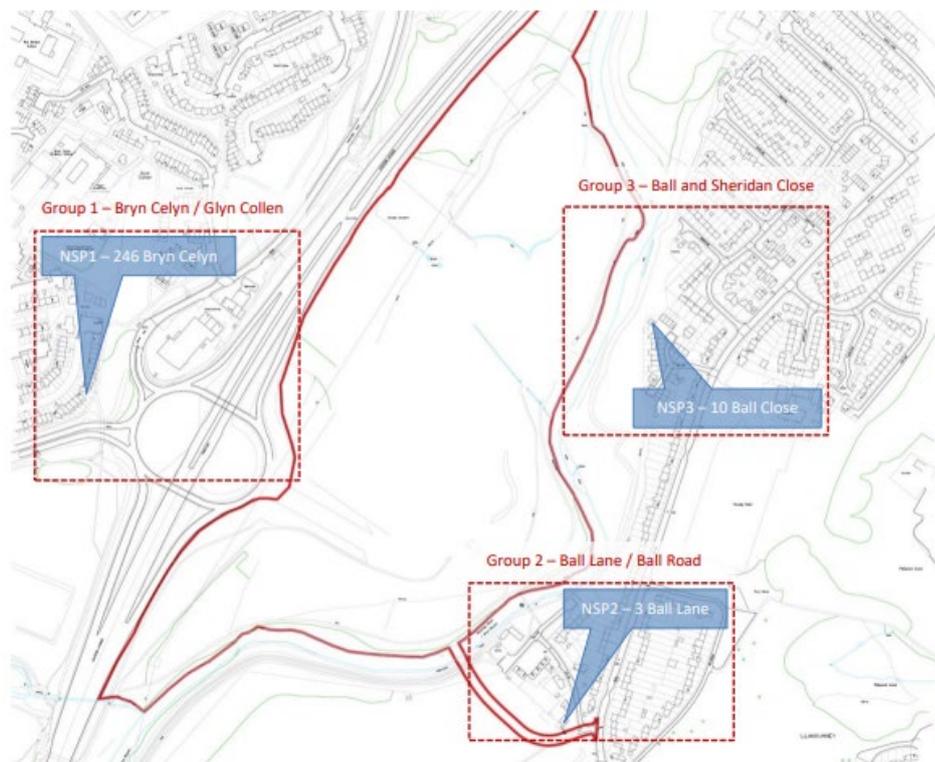


Figure 19: Nearest Noise Sensitive Receptors

9.135 The submissions indicate that the existing background noise levels are driven by the noise of traffic on the A48 Eastern Avenue, albeit there is a significant drop between 22:00 and 06:00 hours. The assessment recommends that in terms of the sensitivity of residential dwellings the period 22:00 to 07:00 should be considered sensitive due to the underlying background noise levels falling 6 – 8 dB(A) depending on the day of the week.

Construction Impacts

9.136 The indicative delivery programme for the Proposed Development is estimated to be approximately 3 years.

9.137 During the construction phase, there are likely to be impacts in terms of the impact on landscape features and landscape character, from noise 'pollution' due to the operation of machinery including piling activities and excavation of landscape features, together with associated dust and general movements/

activities. For example, the submissions indicate that limited piling will be required, but will only be undertaken between 10:00 and 16:00 on weekdays with the resultant noise and vibration levels very unlikely to have an adverse impact on any residential dwellings. This activity is estimated to take no more than around 10 working days to complete for Plots 5 and 6.

- 9.138 Dust emissions escaping the work area may cause nuisance through, for example, surface soiling, loss of visibility due to deposition, and effects on nearby flora and fauna. Measures will be required to prevent dust from being generated at source and good practice site mitigation measures, such as covering of stockpiles, on-site traffic management, wheel washing and good plant and vehicle maintenance, will be employed to minimise these effects as far as practicable.
- 9.139 All such potential construction impacts arising will be addressed through the development of a detailed Construction Environmental Management Plan (CEMP) that sets out the controls to be implemented during construction to effectively manage environmental risks such as noise, dust and tranquillity, pollution, amenity and health are minimised. This will be required by condition.

Operational Impacts

- 9.140 The key noise sources are considered the traffic movements generated by the development, the use of the various car parks, mechanical service noise from the air source heat pumps (or other equipment) and deliveries to each of the sites.
- 9.141 The Assessment indicates that due to the high residual noise level at the three noise sensitive properties, the noise from the development will not be audible above the existing traffic noise. It also concludes that *“The proposed development will generate noise and some vibration but will not have an adverse impact on the existing noise sensitive properties. The design of the scheme has been maximised with passive mitigation measures to ensure that impact of noise and vibration is kept to a minimum. The site speed limit has been set at 20mph which will ensure the noise emitted from cars, buses and delivery vehicles will be from the engine only as the speed will be below threshold at which tyre noise becomes audible”*.
- 9.142 The Council’s Pollution Control officer has raised no objections to the development subject to conditions addressing the construction and operational impacts including that: -
- Prior to beneficial use and implementation, a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from additional fixed plant and equipment on the site achieves a rating noise level below background at the nearest noise sensitive premises if operational during the day and night when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). Rationale: To ensure the prevention of Background creep due to additional plant equipment/ machinery at site.

- All vehicles, machinery and equipment fitted with reverse signals at site are to be of the 'white noise' signal variety when operating onsite. Rationale: To prevent noise disturbance to the nearest sensitive receptors.
- Working hours are 08:00 & 18:00 Monday to Friday; 08:00 & 13:00 Saturday, with no noisy construction works to take place on a Sunday or public holiday.
- The specifics around piling, i.e. Any piling works are to be conducted between the hours of 10:00 & 16:00 from Mondays to Fridays are satisfactory.

9.143 Subject to such matters being controlled by condition the development is considered to have no unacceptable impacts on nearby amenity, thus according with Policy EN8.

Air Quality

9.144 An Air Quality Assessment (AQA) has been provided in chapter 4 of the environmental statement (ES), which examines baseline and projected future pollutant concentrations at existing receptors for the operational phase of the development. A construction phase assessment is also included to assess the impact of demolition and construction on local air quality.

9.145 In summary this assessment concludes that: -

- Construction Phase: The potential effects during the demolition and construction phases include fugitive dust emissions from site activities, such as earthworks, construction and trackout. During the construction phase, site specific mitigation measures will be implemented, and with these mitigation measures in place, the effects from the construction phase are not predicted to be significant.
- Operational Phase: Detailed dispersion modelling of traffic pollutants has been undertaken for the proposed development. The impacts during the operational phase take into account exhaust emissions from additional road traffic generated due to the proposed development. The long-term (annual) assessment of the effects associated with the proposed development with respect to Nitrogen Dioxide (NO₂) is determined to be 'negligible'. With respect to PM₁₀ and PM_{2.5} exposure, the effect is determined to be 'negligible' at all identified existing sensitive receptor locations.

9.146 Mitigation measures include adoption of the 'highly recommended' and 'desirable measures in the IAQM Guidance on the Assessment of Dust from Demolition and Construction (table 7.1 and 7.2 of AQA), all of which will be required through approval of a final Construction Environmental Management plan (CEMP).

9.147 The Air Quality Officer has accepted that the effects of all measured pollutants are considered *negligible* and *not significant* at all modelled receptors, and provided the site-specific construction phase mitigation measures are implemented, confirms that they have no further concerns or observations regarding the proposed development and air quality.

Flood Risk / Drainage

9.148 Technical Advice Note 15 and Local Development Policy EN14 (Flood Risk) are relevant, with EN14 stating development will not be permitted: -

- i. Within tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to alleviate the threat and consequences of flooding over its lifetime;
- ii. Where it would increase the risk of flooding from fluvial and/or tidal flooding or from additional run-off from the development in any location;
- iii. Where it would hinder future maintenance or improvement schemes of flood defences and watercourses;
- iv. Where it would cause adverse effects on the integrity of tidal or fluvial defences;
- v. Where ground floor bedrooms are proposed in areas at high risk of flooding.
Where appropriate the developer should demonstrate that they have considered the need to incorporate environmentally sympathetic flood risk mitigation measures such as Sustainable Urban Drainage Systems (SUDS).

9.149 The purpose of Policy EN14 is to divert 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.

9.150 A site-specific Flood Consequences Assessment (FCA) has been prepared (WSP(UK)Ltd) to support the planning application for the proposed development which provides greater detail on flood risk and mitigation measures being taken, which include the delivery of a sustainable drainage strategy. The proposed strategy seeks to manage surface water runoff through the provision of a network of features, including swales, detention basins, filter drains and bioretention systems, to restrict the rate of surface water runoff discharging from the site to the greenfield runoff rate. This will ensure the risk of flooding both on-site and within the surrounding area is mitigated, minimising the risk to both future residents and property.

9.151 The submitted FCA notes that: -

- The site is bound to the east by the Rhymney River (Afon Rhymni), a main river flowing north to south past the site, and to the west by the

A48/Eastern Avenue.

- The site slopes generally from the west to the east, towards the river, with a high point of approximately 17.0 m AOD along the boundary of the A48 and a low point of approximately 9.0 m AOD along the edge of the river.
- In the wider hydrographic environment, there are three watercourses flowing west to east:
 - i. The Nant Pontprennau a main river which passes under the A48 and confluences with the Rhymney River 50 m to the north of the site boundary,
 - ii. An unnamed water feature that historic mapping suggests may arise in Cross Covert and may be culverted under the A48,
 - iii. The Nant Glandulais a main river which passes under the A48 and confluences with the Rhymney River on the southern edge the site.

Existing Flood Risk

9.152 In terms of existing flood risk, the majority of the site is considered to have an elevated risk of flooding, emanating from the Rhymney River on its eastern boundary. The Natural Resources Wales (NRW) Development Advice Map (DAM), identifies that most of the site falls within DAM Zone C2 (land not currently defended by significant flood defence infrastructure) with some limited areas along the western boundary on higher grounds adjacent to the A48 in Zone A (considered to be at little or no risk of fluvial or coastal/tidal flooding) and Zone B (areas known to have flooded in the past) around the arm of the A48 roundabout.



- Zone C1: Served by significant infrastructure, including flood defences
- Zone C2: Without significant flood defence infrastructure
- Zone B: Areas known to have been flooded in the past
- Zone A: Considered to be at little or no risk of fluvial or coastal/tidal flooding

Figure 20: NRW Development Advice Map (DAM)

9.153 The Flood Map for Planning (FMfP) – which is now up-to-date and reflecting more recent flood modelling - shows a variation to the DAM, with less of the site falling within Flood Zone 3 (which is broadly reflective of the current C2 classification in TAN15).

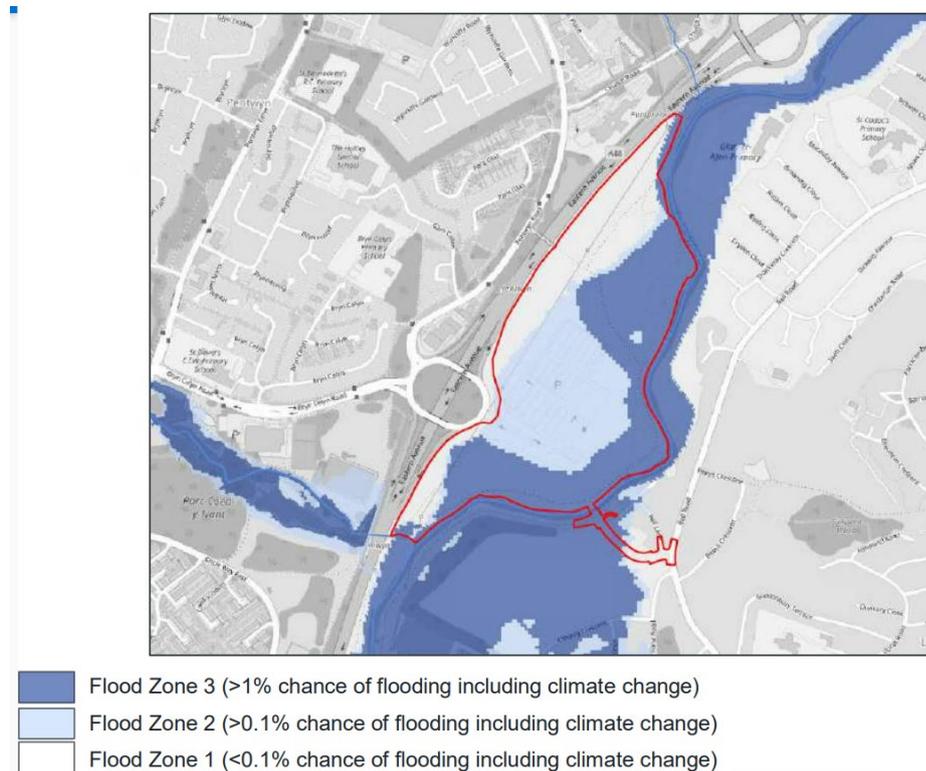


Figure 21: NRW Flood Map for Planning (FMfP)

9.154 The submitted FCA has sought to achieve a goal of being dry in the design event (1%CE AEP) with external shallow water flooding in the extreme event (0.1%) and acceptable off-site effects. Following various iterations of design and modelling, design changes have included: -

- To ensure compliance with TAN15 requirements, ground levels need raising across the site.
- The level of the proposed spine road within the development site needed to be raised to provide access to the northern areas as well as additional flood protection to the Park and Ride and the units adjacent to it.
- The development area in the north of the site could not extend too close to the river or too far north and east without resulting in an afflux which would generate unacceptable third party impacts.
- The development area east of the existing Park and Ride could not extend too close to the river or too far north and east without resulting in an afflux which would generate unacceptable third party impacts.
- There was sufficient space to accommodate an appropriately sized development parcel to the south of the A48 roundabout arm (Plot 8), with external shallow flooding to the yard and carpark in the design event (but the building remaining dry) extreme event (0.1%) and acceptable off-site

effects.

- The underpass beneath the proposed link road over the river needed to be of sufficient size to convey flows out of bank in the extreme event, and to accommodate the continuation of the Rhymney Trail.
- A bypass/secondary channel between the built form of the development and the river to mitigate the effect of the development proposals would impact on existing trees and habitat area.
- The raising existing flood defences to mitigate the effect of the development proposals would need to be extensive and would further raise flood levels within the river channel, across the site and upstream. It would also increase the reliance of those that are protected on the integrity of the flood defence infrastructure.

9.155 The FCA modelling then outlines the post-development scenario with the scheme in place, with figure 22 below indicating the change from baseline in the 'design' (1%CE) event and figure 23 in the 'extreme' 0.1%CE event.



>100cm reduction	Less than 0.5 cm change	≥ 0.5 cm increase
≥ 30 cm reduction	Was Dry Now Wet	≥ 30 cm increase
≥ 0.5 cm reduction	Was Wet Now Dry	> 100 cm increase

Figure 22: Max. Flood Stage Comparison - Change from baseline in the 'design' (1%CE) event



>100cm reduction	Less than 0.5 cm change	≥ 0.5 cm increase
≥ 30 cm reduction	Was Dry Now Wet	≥ 30 cm increase
≥ 0.5 cm reduction	Was Wet Now Dry	> 100 cm increase

Figure 23: Max Flood Stage Comparison - Change from baseline in the 'extreme' (0.1%CE) event

9.156 In summary this means that for the worst case 'extreme' event: -

- The proposed development is predicted to flood to shallow depths in some internal areas. The deepest flooding to onsite external areas (excl. drainage features) occurs at the interface between the development and the existing Park and Ride where levels need to tie-in, excluding the last section of access road sloping down to the Park and Ride, the rear of Plot 1 and Plot 4 flood to a maximum depth of circa 0.55 m with a moderate hazard over the majority of the rear of Plot 4 and a significant hazard on the rear of Plot 1.
- Internal flooding is predicted at Plots 8 (0.15 m), and plot 1 (0.20 m) both at a low hazard classification. Whilst the site still floods, the increased ground levels at the northern end prevent the river overtopping, and bypassing the meander to flood the site as it does in the Baseline Scenario, however this increases floodwater levels immediately upstream up to circa 66 cm around Ysgol Glan yr Afon playing fields (see below re. third party detriment) and then tailing off to a negligible quantum before the A48 river crossing near Bronte Crescent.
- There is additional overtopping into the buffer alongside the Cardiff Living Scheme, but impact to the playing fields to the south of this scheme are generally beneficial including up to Mendip Road, with negative downstream effects remaining in-channel or between channel and A48. Further the Cardiff Living Scheme benefits from the proposed bridge approach channelling flows into the riparian buffer and reducing flood risk to key

features.

- There is also increased overtopping around the existing footbridge at the end of Ball Lane, but all detrimental effects occur within Council owned land.
- Whilst the existing Park and Ride still floods as it does in the baseline depths are reduced by a substantial amount (16 cm).

Assessment

9.157 TAN 15: Development and Flood Risk categorises the development proposals as 'Less Vulnerable', with section 9 stating that less vulnerable developments may be permissible in Zone C2, subject to a *Justification Test*.

9.158 Section 6 of TAN15 outlines the Justification Test, stating that Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region.
And:
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 4.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

9.159 Having regard to these tests, the proposed development is considered to meet test (ii) insofar as development of the site would meet economic objectives, while also providing for a new active travel link to Rhymney and beyond, and potential to link into future links to Cardiff Parkway (subject to consent being forthcoming).

9.160 The existing park and ride site is 'previously developed' complying with criterion (iii). Development of the remaining greenfield parts of the site comprise a technical divergence from TAN15, but not to the extent that it is considered the scheme as a whole would breach the TAN, such that it allows the scheme to progress to test (iv) in terms of the acceptability of the consequences of the development.

9.161 The submitted FCA has considered the consequences of flooding at this site, and makes recommendations as to how the risks and consequences can be reduced, and these have been considered by NRW in their consultation response who have not raised objection on flooding grounds, subject to the following: -

Flood Compensation / Third Party Effects

9.162 The existing site is at risk of fluvial flooding and the submitted FCA identifies that ground levels will be raised to reduce flooding to a manageable level. Without mitigation this would consequently increase flood levels locally; however, the hydraulic model study identifies that this increase occurs solely within land under the ownership of Cardiff Council.

9.163 In summary all detrimental effects identified in the extreme event are constrained to the channel itself, the undeveloped riparian corridor and the open playing fields of Glan yr Afon School immediately upstream of the site. It should be noted that these areas show an increase in depth and are predicted to be flooded in the Baseline event, during this storm event it is highly unlikely that they would be in use.

9.164 The change in flooding to Glan yr Afon School is accepted by the Programme Director for School Organisation within Cardiff Council who notes that:

The north east side of the Glan yr Afon school boundary is currently used as playfields for the school but access is limited due to the difference in levels on site and also the proximity to the river and the fact that the area is low lying. This area of the school playfields are often flooded and therefore there is no additional impact on the school. We therefore have no objection to this arrangement continuing as the area has limited school use.

9.165 Two other Council-owned sites/buildings are identified as being adversely affected: -

- The 'Scruffy Pups' cafe (former TA building) is predicted to increase in flood depths by circa 20 cm to circa 10.57 m AOD in this extreme event, noting the building has a raised threshold surveyed at > 11 m AOD (i.e. no internal flooding).
- The compound at the end of Mill Lane (below Bronte Crescent), it is believed only the riparian structure(s) are predicted to flood and the increase in stage level is predicted to be 2 cm, depths in the compound adjacent to the river in this extreme event are predicted to be between circa 70 to 100 cm.

9.166 While increasing flooding elsewhere is not in line with TAN15 requirements, meaning that any scheme that results in such detriment cannot fully comply, emails have been provided from the Council's departments confirming acceptance of the third-party flooding on Cardiff Council land. The FCA has thus considered and assessed the relevant requirements of TAN15 and provides sufficient information to inform a decision. NRW accepts this position.

9.167 The applicant has also emphasised that, whilst TAN15 gives limited emphasis to beneficial effects, the following are of note:

- There is a substantial reduction in risk predicted to the existing Park and Ride with the onset of flooding reduced from the 10% AEP present day event to an event in excess of the design event and lowering predicted

depths in the extreme event by a substantial amount (circa 16 cm).

- There is a reduced amount of overtopping at the lowpoint on the defences by the southern end of the site. This reduces flood levels in the fields downstream in the design event by a couple of centimetres, and whilst the magnitude remains similar in the extreme event, the area benefitting from this expands to cover Mendip road and the eastern side of Hartland Road including the Rumney RFC.
- The third and final key area of benefit is to the Cardiff Living Scheme, where the proposed approach road to the new bridge re-directs the currently predicted flowpath (in the extreme event) away from properties in the northern corner of the scheme. The elevated highway is predicted to divert this floodwater into the housing scheme's associated riparian buffer. Despite the fact that there is a large area of existing hardstanding surface within the site boundary, the proposals will result in an increase of impermeable area; however, SuDS features included within the Drainage Strategy will ensure no increase in runoff rates and will convey surface water flows safely around the site.

9.168 Section 7.2 of TAN15 states that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development.

9.169 Flood warnings are available in this location and ground levels are understood to be set high enough to enable safe access. Section 7.3 of TAN15 notes that if a development is justified, mitigation measures should be incorporated into the design to make it as safe as possible. While this does not eliminate risk entirely, it is considered that the developer has accepted the acceptability of consequences, with NRW raising no objections on such matters. Accordingly, subject to mitigative measures to reduce the level of risk and the consequences of flooding being incorporated into the detailed design, addressed through condition, there is no objection on grounds relating to flood risk and thus the development complies with TAN15 and Policy EN14.

Sustainable Drainage

9.170 The development will require separate approval from the Sustainable Drainage Approving Body (SAB), with the Drainage team raising no issues of concern in respect of the submitted scheme.

Impact on Biodiversity / Ecology

9.171 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.

- 9.172 LDP Policy EN 8 states development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.
- 9.173 PPW recognises the importance of protecting and enhancing biodiversity and the resilience of ecosystems, guidance which has been strengthened in October 2023 by the update to chapter 6 (see policy section above).

Statutory Designated Sites - Severn Estuary European Marine Site

- 9.174 European sites are those designated under The Conservation of Habitats and Species Regulations 2017 (as amended) (“Habitats Regulations”) as Special Protection Areas (“SPAs”), Special Areas of Conservation (“SACs”) or Sites of Community Importance (“SCIs”).
- 9.175 The application has been accompanied by a Shadow HRA – August 2022 (*sic* 2023) (Delta Simons) which found that without mitigation in place, there would be no Likely Significant Effect on the air quality of the Severn Estuary SAC, SPA and Ramsar during the construction and operational phases of works. As no Likely Significant Effects are anticipated as a result of the proposed development, either alone or in combination with other developments, an Appropriate Assessment is not considered necessary. The County Ecologist agrees and has adopted the shadow Habitats Regulation Assessment (HRA).

Statutory Designated Sites – SSSI, Local Nature Reserves

- 9.176 SSSIs and LNRs have been appropriately assessed and the CEMP is considered the appropriate medium to prevent dust deposition to these sites within 2km. A CEMP has been provided and will be subject to condition for a number of amendments. Subject to conditions this would be considered compliant with the Wildlife and Countryside Act 1981 (as amended), National Parks and Access to the Countryside Act 1949 and Policy EN5.

Non-Statutory Sites – Sites of Importance for Nature Conservation

- 9.177 The River Rhymney SINC is on and directly adjacent to the site. The County Ecologist is satisfied that the CEMP will ensure the River Rhymney SINC will be protected during construction and operation. This is considered in relation to water pollution- chemical to silt runoff. Further, details have been provided on how the bridge will be constructed, this indicates limited foundational works, with the deck precast and bought to site.
- 9.178 Lighting has been subject to significant control following comments, with lighting excluded directly above the River Rhymney SINC and along its length through removal from footpaths, which is welcomed and reduced the significance of impacts upon this ecological network, the river corridor also being considered a dark corridor in this area. This conclusion was reached following assessment of pathways through the active travel audit tool. Light spill will be further refined via a Lighting Design Strategy condition.

- 9.179 A specific Green Infrastructure and Landscape Management Plan - Onsite, as an amendment to the Woodland Management Plan via condition, will appropriately include the long term management of the SINC, and surrounding habitats. Enhancements will be added along the river especially in relation to bat boxes and the removal of rubbish from within the river, this specified within the Net Benefits for Biodiversity Condition.
- 9.180 Llanedeyrn Woodlands Complex SINC and Pontprennau Wood SINC have been appropriately assessed and the CEMP is considered the appropriate medium to prevent dust deposition to these sites. A CEMP is provided and subject to condition requiring amendments.
- 9.181 With respect to the River Rhymney SINC and additional SINC, compliance with the Environment (Wales) Act 2016, Planning Policy Wales 11 (PPW) chapter 6 and Policy KP16, EN4 and EN6 is considered met.

Habitats

- 9.182 Broadleaved semi-natural woodland, large area of dense scrub, bracken, hardstanding, scattered scrub, scattered trees, a building, bare ground, poor semi-improved grassland, seasonal standing water and running water amongst others are present at the site. The values associated are appropriate. Ancient woodland has also been identified. The mosaic of habitats, especially connected to the river is also of importance at the site for providing for the lifecycle of many species.
- 9.183 The loss of woodland from the site is regrettable in consideration of PPW11. Nonetheless, a number of relevant documents have been put forward that indicate management of retained woodland and wider site habitat for 25 years (likely 30 years as part of the dormouse licencing process). Whilst the Woodland Management Plan has relevant information related to woodland and other onsite habitats, that indicate appropriate management, the document will be subject to retitle and amendment via a Green Infrastructure and Landscape Management Plan - Onsite condition. This will ensure all landscaping associated with the build out and not just the retained green infrastructure of the site is considered. Further detail at condition will include greater detail on follow up management of planted areas, the monitoring requirements and a fire plan. This will be considered appropriate to ensure habitat long term at the site is protected and managed.
- 9.184 In respect to woodland loss the initial scale of loss has been reduced, however that loss still remains as 1.14ha. There is an argument that part of the dormouse mitigation off-site planting will provide a woodland resource, through a hazel coppice with oak standards (this woodland type planting will cover ~3.5ha). In addition, an additional commuted sum of £80,800, is to be required through the 106 legal agreement to Cardiff Council for the planting of a further 1.14ha of a mixture of parkland trees (complimenting existing veterans/veteranizing trees) and native mixed broadleaved woodland planting with a mix of standards, scrub and ecotone within Cardiff. These woodland stands will also aim to connect an existing woodland resource. It is however recognised that this is offsite and not

of the same type as being lost. The implementation and management of offsite areas will be controlled through Section 106 agreement.

- 9.185 Further, retained woodland within the site will be subject to management and replanting, to benefit dormouse and vegetation regeneration. Whilst it is suggested in the Woodland Management Plan, that planting within woodlands on site, during management, will make up for tree loss, this is more likely to be retarded than any new potential woodland resource outright. Thus, a combination with offsite planting is more appropriate to indicate that the resource is not reduced within a county context.
- 9.186 Whilst planting ~3.5ha of scrub/woodland resource for dormouse, 1.14ha through a mixture of parkland and native mixed broadleaved woodland and onsite retained woodland habitat management, it is accepted that this is not an exacting model, of that suggested by PPW Chapter 6 October 2023 update. That said, the area is equivalent, and subject to the correct management, would provide managed and appropriate woodland types for the local area in the future.
- 9.187 Reduced impacts on retained habitats have been made through a significant reduction in light spill at the site, especially the removal of lighting from the path network. A condition is imposed "Lighting Design Strategy", to further control remaining light spill to retained habitats.
- 9.188 A specific Green Infrastructure and Landscape Management Plan - Onsite, as an amendment to the Woodland Management Plan (including the title) to be provided via condition, will appropriately include the long-term management of all site habitats. A further "Net Benefits to Biodiversity" condition is applied in respect to ensuring an appropriate number of enhancements applicable to the site are provided. A Soft Landscape Audit condition to cover arboricultural protection, compliance with soil resource survey and the landscape plans, will track and ensure these elements are applied as per documents supplied and agreed through other conditions. This condition is imposed, as a result of poor compliance with ecological conditions within Cardiff generally and ensures we actively tackle/stop this issue and the Nature Emergency.
- 9.189 Subject to application, these aspects with regards to habitats would be considered acceptable with respect to the Environment (Wales) Act 2016, PPW11 chapter 6 and Policy EN6 and EN7.

European Protected Species

- 9.190 Dormice, otter and all species of British bats are European Protected Species (EPS), 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.
- 9.191 Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having

satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.

- 9.192 These requirements are translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.
- 9.193 Planning Policy Wales advises (at 6.4.22) that "the presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained".
- 9.194 At 6.4.23 it further advises that "Proposals for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'. Derogations are granted by a licence issued by NRW who should notify planning authorities when a licence application has been granted. Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals where a European Protected Species is present.

Hazel Dormouse

- 9.195 The site contains Dormouse, which are a European Protected Species, and includes land which has previously been subject of an EPS License due to presence of dormouse as part of the original development of the park and ride.
- 9.196 The County Ecologist finds it regrettable that dormouse surveys did not cover a greater extent of the site and used more tubes, especially when the site area was expanded and was subject of previous dormouse mitigation. In this context, although the submitted EclA considers that the population of dormouse had decreased, the county Ecologist disagrees due to the limited extent of the survey that took place. He also considers the population to be of County value (even up to regional) given previous survey results and mitigation.

Regardless, mitigation in the order of 2:1 is required for the site to ensure that the favourable conservation status of dormouse is maintained.

9.197 Following extensive discussions he notes that all scrub and woodland is considered suitable dormouse habitat, and requires mitigation if lost. The development proposals will result in the permanent loss of approximately 2.6 ha of suitable dormouse habitat (equating to circa 20.6% of total suitable dormouse habitat present on-Site), including circa 1.22Ha of woodland. The development will also result in the loss of small areas of the compensatory habitat that was created as part of the previous 2008 licence. A small further area surrounding Plot 5 will be impacted through temporary ground protection which involves the removal of scrub and understorey, this will be considered temporary loss of dormouse habitat.

9.198 Throughout the course of the application there have been extensive discussions with the applicant's ecologists, as well as Officers within Natural Resources Wales. These discussions have resulted in significant changes to the original submissions, largely to address the concerns relating to landscape character and impact on protected species within the site.

9.199 The final submissions have now included a revised Hazel Dormouse Impact Assessment, which in summary states as follows: -

- The revised Site Plan shows a considerable reduction in tree loss with an additional 0.8 ha of woodland now retained.
- The Woodland Management Plan (WMP) area totals 17.23 ha of which 3.18 ha is open ground leaving around 14.8 ha of retained woodland containing an estimated 2,960 trees.
- The revised Hazel Dormouse Impact Assessment (HDIA) reflects the revised lesser impacts to the habitat of the dormouse and also further details the benefit of the 25-year Woodland Management Plan (WMP) alongside the management and maintenance that will be specified with in the required European protected Species Licence (EPSL) will greatly enhance and protect the onsite habitats, therefore maintaining a Favourable Conservation Status (FCS) of the on-site dormouse population.
- It is acknowledged that there is some loss (0.99 ha) to the previous compensatory habitat created in 2008 under licence WAG 1279 for the creation of the original park and ride. However, the retained habitats and newly created areas support large amounts of invasive weeds, Japanese knotweed and Himalayan balsam which have degraded these habitats. If left in its current state, the site will deteriorate further and valuable habitat for dormice and many other species will be lost.
- The mitigation hierarchy has been followed where practical with careful planning of the development to retain and enhance the existing woodland habitats (approximately 9.9 ha of woodland, scrub and areas of bracken), maintain habitat connectivity and reduce habitat fragmentation.
- The development has been designed with footprints away from the key sensitive dormouse habitat alongside the A48 and ancient woodland. It is proposed to create 0.8 ha of suitable dormouse habitat on Site
- In addition to the proposed on -Site habitat planting and woodland

- The off-Site compensation area currently supports areas of amenity grassland currently used as sports fields, areas of poor semi-improved grassland that are subject to less management, and areas of scattered scrub and small areas of woodland.
- It is proposed to plant up areas adjacent to the River Rhymney connecting up to an area of amenity grassland and poor semi improved grassland (old sports fields) which will also be subject to additional planting of species suitable to support dormice. In addition to the areas of grassland, the areas of scrub and woodland are also present and will be enhanced as part of the proposals
- The area will total approximately 4.2 ha and connect existing areas of woodland and scrub, therefore, providing additional habitat and connectivity should dormice be present in the immediate area.
- It is proposed to install dormouse bridges over the river to connect up the habitats and aid in the dispersal and breeding of dormice. The type and design has not been finalised but it is anticipated that an Animex bridge or similar structure will be used. <https://animexbridge.com/> (subject to s106/ consent).

9.200 The submissions also indicate the view that the funds generated by the development deliver two distinct benefits:

- Initial works to enhance and protect key dormouse habitat include the planting of over 0.5 ha of trees and scrub mix of native species favourable to dormice and over 2.1 km of new native hedgerows with species again favourable to Dormice. The immediate installation of 50 nest boxes in the retained woodland and scrub areas will mitigate the previous lack of monitoring and maintenance of the previous compensatory habitat and deliver immediate enrichment to the site for dormice.
- The 25-year WMP and management specifications within the future EPSL will set out how the woodlands and open ground will be managed over a twenty-five-year period on an ecologically sound and sustainable basis. The focus of the plan is enriching, retaining, and preserving important elements of the landscape and food source for the dormice and other floral and faunal species through the removal of invasive species, thinning of the woodland to allow stronger understory, and important coppicing of hazel. This will over time produce much-improved biodiversity and a far more resilient woodland for the successful enhancement of dormice and other species.

9.201 The County Ecologist has no objections to the development, subject (in summary) to a suite of ecological conditions and associated section 106 requirements (relating to off-site compensation), and addressing the following:-

- Dormouse Boxes – Number to be expanded and to cover off-site mitigation area
- The applicant is yet to address when planting will occur at the offsite mitigation area, or within the site itself, given the extent of clearance. This will be addressed through the licence, but risks delaying the

process, if not upfront or immediately prior to clearance. It is expected all management plans will run for 30 years, in line with dormouse licence documentation.

- Efforts in coordination with the Local Planning Authority have been made to identify a site of appropriate size to accommodate replacement dormouse habitat, close to and with the ability to connect to the site boundary, together with potential dormouse bridge locations and on-site habitat creation areas.
- An area of land totalling 4.81ha, has been identified to the south west of the site (offsite), surrounding an existing regenerating area of scrub, small woodland fragments and scrubby hedgerow. It is appropriately close to the river to support a connection. The site is on an existing SINC, but effort was made to place this replacement habitat sensitively, around the feature and avoid areas of species rich grassland. Approximately two thirds of the area is outside of the SINC, within existing open land. Further, planting will follow the river corridor to broaden connectivity in that area.
- In addition, areas totalling 0.45ha have been identified on the site itself, for appropriate planting
- Five dormouse bridges, four over the river and one over the access road will strengthen links and encourage the dormouse population to new expanded territories. The new planting will include a high proportion of hazel in mixture with a range of other woody shrubs providing food for dormice.
- The extent of lighting has been significantly reduced at the site, albeit it is considered that lighting can be further reduced via a Lighting Design Strategy condition.
- Further, conditions are also being applied to ensure dormouse is protected during development, including editing existing documents. This includes edits to the CEMP, provision of Landscape Implementation – onsite and a Green Infrastructure and Landscape Management Plan - Onsite.
- Updates to the Dormouse Impact Assessment, the provision of confirmed dormouse bridge locations, Landscaping Implementation – Offsite and a Green Infrastructure and Landscape Management Plan – Offsite, will be provided via the Section 106 agreement, including aligning all drawings.
- The overall site along with offsite elements are likely to be fully managed via a Management Company. Therefore, all Section 106 sign offs and conditions, will need to ensure they align and where required, refer back to the dormouse licence. It is assumed that an individual in the Management Company may ultimately hold the licence, through future licence amendment.
- Initial concerns about the funding of on and offsite habitat management have been addressed. It is considered via the Section 106, that the owner of the site will fund all initial works, including management in year one and two via construction. Following year two, the Management Company will be formed. The developer/ owner will fund management

from then on, regardless of whether units are rented. If any unit is sold, the new owner will still be obliged to pay their share of management costs through being a signatory to the Section 106 agreement and they will pay the Management Company the monthly/yearly amount to account for all onsite and offsite management.

9.202 The County Ecologist concludes that provided all Section 106 schedules be met and all conditions met and discharged, favourable conservation status of dormouse could be maintained, although the ultimate decision is made through a European Protected Species Licence being issued by NRW.

EPS License – 3 Tests

9.203 It will be necessary for the developer to apply for a development licence from the Welsh Government (relating to European Protected Species), and the applicants are fully aware of such legislative requirements.

9.204 Before a licence can be granted the “three tests” specified in the Habitats Directive have to be met, and where a European Protected Species is found to be present on site, the Local Planning Authority should consult with NRW to seek their advice on whether test (ii) is met before the granting of a consent.

9.205 The “Three Tests” are as follows: -

- (i) There is “no satisfactory alternative” to the derogation.
- (ii) The derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.
- (iii) The derogation is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

9.206 Of the tests, the Local Planning Authority is required to ensure that tests 1 and 3 have been satisfied and NRW need to ensure that test 2 is satisfied.

9.207 In considering test (i), it is accepted for all the reasons expanded upon in this report that there is no satisfactory alternative to the site / development, while similarly in relation to test 3, it is considered that the scale and nature of the application, and its acknowledged economic and other benefits, mean that there are overriding reasons why this test is met.

9.208 In respect of test (ii) the County Ecologist is satisfied, and NRW – following extensive consideration and detailed discussions, has confirmed that they are satisfied.

9.209 Accordingly, provided that the commitments are translated into, and implemented as, enforceable conditions as part of any planning permission, NRW has raised no objection, and therefore it is concluded that the applicants have satisfactorily demonstrated that test (ii) would be met in that there will be

no detriment to the favourable conservation status of protected species at the site.

9.210 As a result, it is considered the protection afforded via the Conservation of Habitats and Species Regulations 2017 (as amended) can be secured, along with the maintenance and enhancement of dormouse populations through the Environment (Wales) Act 2016, PPW11 and Policy EN7.

Birds

9.211 No Phase 2 birds surveys were undertaken at the site, only incidental records during the Phase 1 survey were noted. There is moderate habitat structure present, although the applicant argued moderate disturbance at the site. It was considered the impact upon birds prior to mitigation was moderate adverse.

9.212 Whilst there is woodland and scrub loss from the site. Replacement habitat provided by the Dormouse Impact Assessment would offset this (having expanded in size from that originally proposed), although, mostly beyond the site boundary. The management of existing habitats, especially the woodlands, should diversify the structure which will be beneficial, along with retaining scrub edge to grasslands. Whilst it is disappointing surveys were not undertaken, the overall habitat mitigation provided should ensure this is overcome. Enhancements for birds will be provided via Net Benefits for Biodiversity condition.

9.213 Subject to condition, these aspects with regards to habitats of benefit to birds would be considered acceptable with respect the Environment (Wales) Act 2016, PPW11 and Policy EN7.

Great Crested Newt (and other Amphibians)

9.214 No phase 2 surveys were undertaken for great crested newt, as they were considered unlikely to occur due to the lack of suitable waterbodies. One water body was overlooked by the proposals to the north of the A48, however, this is a dammed section of stream, and the County Ecologist was aware this contain carp and is an angling spot, significantly reducing risk of great crested newt occurrence. No records of great crested newt are known from the area.

9.215 Section 7 species toad were overlooked, however aspects in relation to the CEMP condition and especially reptile clearance supervision, would ensure the protection of individual toads should they occur.

9.216 Additionally, retained habitat and habitat management on site will be of benefit to the species. A number of conditions contain elements that will benefit the toad, short and long term, including those considering enhancement.

9.217 Subject to condition, these aspects with regards to habitats of benefit to amphibians would be considered acceptable with respect the Environment (Wales) Act 2016, PPW11 and Policy EN7.

Reptiles

- 9.218 Reptile surveys were undertaken within approximately 25% of the site, prior to a significant expansion in the development footprint. Further follow up surveys were not undertaken. No reptiles were found during the initial survey, but dense vegetation was also a limitation.
- 9.219 It is unfortunate that reptile surveys were not more extensive at the site and not limited, and it is considered that assumption of absence is premature. There are numerous areas of habitat above the floodplain that are suitable for common reptile species, although of declining quality due to scrub ingress as to be considered of moderate suitability. They remain excluded from the impact assessment.
- 9.220 To address this matter, it has been considered that to attach a condition requiring a Reptile Mitigation Strategy with caveats including additional procedures to be enacted if a certain number of reptiles is reached, will ensure legislative and policy commitments can be met. Reptiles will also be considered through the CEMP condition, referring back to key elements of the strategy.
- 9.221 As a result, subject to sign off and application of conditions, the protection afforded via the Wildlife and Countryside Act 1981 (as amended) can be achieved, along with the maintenance of any population through the Environment (Wales) Act 2016, PPW11 and Policy EN7.

Hedgehog

- 9.222 No specific onsite surveys have been undertaken for hedgehog, however this is acceptable given their current legislative and policy consideration. It has been assumed that hedgehog is present, which is considered correct, given the locality. Whilst there is loss of suitable habitat at the site, the off-site dormouse habitat, replacement woodland planting contributions and onsite habitat management will be of benefit to the species. Appropriate safeguards are suggested through the EclA and a CEMP condition is applied.
- 9.223 As a result, subject to sign off and application of conditions, the maintenance of any population through the Environment (Wales) Act 2016 can be secured, along with the consideration of PPW11 and Policy EN7.

Otter

- 9.224 One otter survey was undertaken on the 26th April 2022, and only appears to have been undertaken from the site side, this will have significantly limited this survey given the nature of this rivers width and debris/lack of access.
- 9.225 Whilst an otter survey was undertaken, there are notable limitation regarding lack of survey of the southern bank of the River Rhymney. Although, it is accepted that no otter signs were noted during the first survey. Equally with details of the bridge structure provided, much of the floodplain will remain open for otter to pass through during flood. No lighting will be found within the river

corridor except along the road and bridge, that is elevated and will be subject to further light spill control via a Lighting Design Strategy condition.

- 9.226 As otters are mobile animals and signs can be removed through river flooding, it is appropriate to impose a pre-commencement otter survey, this can be detailed as part of the CEMP condition. This would be a survey of both banks and should evidence of a holt or a layup be noted appropriate licencing could be put in place to secure the favourable conservation status. As part of the Net Benefits for Biodiversity condition, rubbish will be removed from the riverine environment adjacent to the site.
- 9.227 A condition will also seek details of otter passages/ledges in the final bridge design, as required by NRW.
- 9.228 As a result, subject to sign off and application of conditions, the protection afforded via the Conservation of Habitats and Species Regulations 2017 (as amended) can be secured, along with the maintenance of any population through the Environment (Wales) Act 2016, PPW11 and Policy EN7.

Water Voles

- 9.229 Water vole were ruled out during the PEA. No evidence of water vole was noted during the otter survey. This is acceptable, especially given the enclosed wooded nature of the river in this location, a propensity to flood over a large vertical area of bank and lack of water vole records in this area/mink and rats.

Fish

- 9.230 While it would have been advisable for fish surveys to be carried out, latter evidence of the design of the bridge structure has indicated limited foundational works, with the deck precast and brought to site. Lighting is being directly excluded above the river, and a condition will be applied to further reduce light spill along the road either side of the bridge. Further, a CEMP condition shall be applied to ensure finalisation of the pollution prevention measures required to protect the River Rhydney.
- 9.231 As a result, subject to sign off and application of conditions, the protection afforded via the Conservation of Habitats and Species Regulations 2017 (as amended) (specific fish species on Annex 2) can be secured, along with the maintenance of any population through the Environment (Wales) Act 2016, PPW11 and Policy EN7.

Bats

- 9.232 The existing building at the site has been determined to have negligible potential for roosting bats. There was also initial concern about the coverage of the Preliminary Ground Level Roost Assessment (PGLRA) of trees, however, the applicant confirmed the site was covered fully where impacts will occur. One area that remains un-surveyed is the location of the road bridge. Bat activity surveys covered approximately three quarters of the site (which could have been expanded following boundary changes), returning records of greater

horseshoe and myotis species which are light averse. Lighting was initially a concern regarding the favourable conservation status of this species group, however, this has been significantly overcome through the removal of lighting within the River Rhymney corridor, through the Ancient Woodland and directly above the river itself. Further efforts to reduce lighting can still be made to the retained green infrastructure and to ensure retained trees with bat potential are not lit.

9.233 A condition requiring the assessment of each tree to be felling via a Preliminary Ground Level Roost Assessment, will be applied during the development to ensure the data is accurate and further surveys undertaken if required. Nonetheless, it is considered that if a roost was located, the Favourable Conservation Status could be assured. The CEMP will further consider the construction level impacts on bats, and conditions surround landscaping implementation and management will be applied. The Woodland Management Plan to be amended, should ultimately be positive. Offsite habitat planting, especially woodland elements will be beneficial to the local bat population long term. The light spill at the site will be further reduced through a Lighting Design Strategy condition. A number of types of bat boxes will be erected on structures and trees at the site, including the river corridor, via a Net Benefits for Biodiversity condition.

9.234 As a result, subject to sign off and application of conditions, the protection afforded via the Conservation of Habitats and Species Regulations 2017 (as amended) can be secured, along with the maintenance and enhancement of bat populations through the Environment (Wales) Act 2016, PPW11 and Policy EN7.

Badgers

9.235 An initial survey for badger was undertaken as part of the Preliminary Ecological Appraisal, during which a number of disused badger setts were located. On a walkover of the site, the County Ecologist noted a potential further sett closer to the development footprint. It has been considered that any badger sett could come back in to use. The EclA whilst updated, had not made clear reference to a closer potential set noted by the County Ecologist.

9.236 Given the proximity of the potential sett noted by the County Ecologist to the development (and thus potential direct impact), a preconstruction Badger Walkover Survey via condition, will be employed to ensure badger setts are not impacted. The general green infrastructure at the site that remains will be managed thorough a Green Infrastructure and Landscape Management Plan via condition, that will build upon that initially provided in the Woodland Management Plan, this should be of benefit to badger. Diversified grassland locations should also be of benefit.

9.237 As a result, subject to sign off and application of conditions, the protection afforded to Badger via the Protection of Badgers Act 1992, consideration of the Wild Mammals (Protection) Act 1996 and the considerations of PPW11 and Policy EN7 should be met.

Plants

- 9.238 No targeted surveys have been undertaken for plants, especially given the Ancient Woodlands value, and possible greater extent (latterly confirmed as likely the extents noted). Initial botanical surveys were undertaken when snow was present. The Ancient Woodland remains protected and buffered by 20m or greater, although no ecotone is provided around plots. Other areas of higher diversity include banks near Plot 8, that will be lost. The woodlands and all habitats, including new landscaping will be subject to management, which will provide more niches for greater plant diversity. Equally, offsite ecotones to dormouse habitat creation will be managed and of benefit.
- 9.239 Areas of higher importance for plants are generally maintained, especially the Ancient Woodland. A Green Infrastructure and Landscape Management Plan condition is being applied, that will amend the supplied Woodland Management Plan. The Net Benefits for Biodiversity condition will include the requirement to move plant material and topsoil to increase species diversity in retained/created habitat areas.
- 9.240 Subject to application, these aspects with regards to plants, could be considered acceptable with respect to the Environment (Wales) Act 2016, PPW11 and Policy EN6 and EN7.

Invertebrates

- 9.241 It is regrettable that no further targeted invertebrate surveys were undertaken given the scale of the development. A number of changes have been made to the development which are positive, this includes the removal of lighting from the river corridor, and a reduction in spill around plots which would have otherwise been detrimental. Further, a management plan for all habitats will cover on and off sites elements.
- 9.242 A Green Infrastructure and Landscape Management Plan condition will be applied that amends the Woodland Management Plan for the site. Further enhancements will be provided via the Net Benefits for Biodiversity condition, such as bee banks. Offsite management will be secured via Section 106 agreement.
- 9.243 Subject to application, these aspects with regards to invertebrates could be considered acceptable with respect to the Environment (Wales) Act 2016, PPW11 and Policy EN6 and EN7.

Invasive Species

- 9.244 One of the objectives of the twenty-five year Woodland Management Plan prepared for the site (which also forms part of the wider strategy for EPS) is the eradication of all invasive species within the site, in particular Japanese Knotweed (*Reynoutria japonica var. japonica*) and Himalayan Balsam (*Impatiens glandulifera*). The aim is to begin the control measures in the first

year of the plan with complete eradication by year five. However, ongoing control of any new infestation will be continued throughout the plan period.

- 9.245 Without their control, these species could potentially negatively impact mitigation for a range of species, and reduce available remaining habitat at the site. It is expected the extent of these species is greater than known by the applicant.
- 9.246 Following expressions of concern from the County Ecologist and NRW to ensure invasive species are removed from many areas, and significantly retarded elsewhere, an Invasive Non-native Species Management Plan will be required to be addressed via condition.
- 9.247 Subject to discharge of conditions it is expected the legislative considerations/requirements of the Wildlife and Countryside Act 1981 (as amended) can be met and the consideration of Environment (Wales) Act 2016 with respect to maintaining biodiversity, PPW11 and Policy EN6 and EN7.

Net Benefits for Biodiversity (On-Site enhancements / Off -Site enhancements)

- 9.248 It has been argued that woodland management is considered an enhancement, but while this is considered to be part of the picture, a large proportion is considered mitigation in consideration of extensive woodland and scrub loss. There is also a lack of firm commitment to the elements in section 6.3 of the Ecological Impact Assessment, with many of the elements discussed not firmly designed at this stage.
- 9.249 The removal of invasive species should be beneficial, but is somewhat linked with mitigation due to the need to provide suitable areas for dormouse.
- 9.250 As such, the County Ecologist has considered the enhancements that should be provided to ensure the scheme looks towards achieving net benefits for biodiversity, given the initial habitat losses to the scheme (that are r subject to mitigation). This will be secured via condition.

Ancient Woodland

- 9.251 Ancient Woodland lies within and in close proximity to the site in two separate blocks. One of the woodlands is to the north of the site near Eastern Ave, whilst the other site edges the Rhymney River close to the proposed new bridge.
- 9.252 The ASNW woods to the north of the site are, in many places, surrounded by woodland which, while thought to be relatively recently naturally regenerated, are very similar in terms of tree size and species mix to the ASNW.
- 9.253 Planning Policy Wales recognises the significant value of ancient woodlands and makes provision for their protection against damage or loss, with NRW advising that planning permission should be refused if development will result in the loss or deterioration of ancient woodland, given that ancient woodland is irreplaceable unless there are wholly exceptional reasons. Where a decision

maker is satisfied there is a wholly exceptional reason, every endeavour should be made to minimise and compensate for loss.

- 9.254 The development does not involve the loss of any area of Ancient Woodland within the site, but does impinge on surrounding woodland, with a 20m buffer proposed for the central, larger Ancient Woodland area, which will be edged with 865 m of native mixed hedging where it meets the built environment.
- 9.255 As per the Woodland Management Plan, the existing areas of Ancient Woodland would be protected and enhanced through thinning/coppicing, which would be positively managed to enhance the quality of the ecology and general biodiversity. The smaller section would also be improved for better ecology and biodiversity.
- 9.256 The Tree Officer has expressed significant concern being of the view that Ancient woodland that is also wet woodland as in this case should see 'buffer zones' (ecotones) of at least 30m. He notes that Ancient woodland is a hugely complex ecosystem with innumerable potential sensitivities beyond the needs of individual trees and ancient wet woodland is even more problematic because of the particular soil hydrology. Currently the woodland has such ecotones in place, but these are removed in part or eroded by development. The ancient woodland is also vulnerable to 'storm resilience felling' due to the oversailing power cables – essentially power companies are afforded rights to clear and cut back trees that may interfere with their apparatus. This vulnerability is another reason why the 'buffer zone' requires increasing.
- 9.257 Having regard to these concerns, and the emphasis in PPW of the need to protect such trees and woodlands should be afforded "protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits", the buffer zone has been increased from the 15m originally proposed to 20m. While this remains smaller than sought by the Tree Officer, the developer has been unable to make further changes (having already made significant changes to reduce overall woodland loss). This is considered, on balance, to achieve the necessary protection to ensure no unacceptable deterioration of the adjoining ancient woodland. Nevertheless, the inability to achieve the requested 30m buffer zone, and potential consequential impacts on the ancient woodland, are therefore matters to be considered as part of the overall planning balance.

Green Infrastructure

- 9.258 Whilst objectionable that 1.14ha of woodland is being lost to the development (in accordance with separate considerations of the Tree Officer), there is an argument that part of the dormouse mitigation off-site planting will provide a woodland resource, through a hazel coppice with oak standards (this woodland type planting will cover ~3.5ha). In addition, an additional commuted sum of £80,800, is to be provided to the Local Planning Authority for the planting of a further 1.14ha of a mixture of parkland trees (complimenting existing veterans/veteranizing trees) and native mixed broadleaved woodland planting with a mix of standards, scrub and ecotone. These woodland stands will also

aim to connect existing woodland resources in Cardiff. It is however recognised that this is offsite and not of the same type lost.

- 9.259 Further, retained woodland within the site will be subject to management and replanting, to benefit dormouse and vegetation regeneration. Whilst it is suggested in the Woodland Management Plan, that planting within woodlands on site during management will make up for tree loss, this is more likely to be retarded than any new potential woodland resource. Thus, a combination with offsite planting is more appropriate to indicate that the resource is not reduced.

Ecosystem Resilience

- 9.260 In terms of the general consideration of Ecosystem Resilience and Diversity, Extent, Condition, Connectivity, Adaptability (DECCA), the following remarks can be made following queries and changes to documents and plans.
- 9.261 Diversity – within the site itself, the diversity of habitats will remain and a broad mosaic of habitats along the river corridor. The diversity of species present is expected to stay the same, and many will benefit from more active management of woodland/scrub.
- 9.262 Extent – The extent of woodland and scrub at the site, will decrease. Nonetheless dormouse habitat proposed, should offset this impact, with a 2:1 ration being provided. Equally, the replacement planting, will not just benefit dormouse, but a range of species that rely on woodland and scrub. Management of all habitats on and offsite will take place.
- 9.263 Condition – It is not expected that the condition of any habitats shall decrease that is retained, with a management plan and implementation plans being secured via conditions and Section 106 agreement.
- 9.264 Connectivity – whilst on a broader sense some areas connecting the site more centrally are being lost to the development, connectivity from the Ancient Woodland the river corridor remains, and a band of vegetation remains around the site. The bridge proposed does not block connectivity.
- 9.265 Adaptability – Any loss of habitat natural or subject to significant human alteration, will inevitably have an impact on the adaptability of any ecosystem or habitat. Nonetheless, design alterations have sought to limit this, including a bridge on piers ensuring connectivity beneath, ensuring a corridor which species can move through, lighting on the most part removed from the corridor that has not only been shown to impact nocturnal species, but the lifecycle of many invertebrates, thus lighting removal is significantly positive.

Construction Impacts

- 9.266 The applicant has committed to produce a Construction Environmental Management Plan (CEMP) prior to commencement of works. The CEMP will detail the environmental management and mitigation actions required during the construction phase. Monitoring of the CEMP will be undertaken by the Environmental Clerk of Works (ECW). Supporting the ECoW would be an

appropriately qualified Ecologist (as an Ecological Clerk of Works, ECoW) and Archaeologist.

Conclusion

9.267 The assessment has identified that the development will result in a degree of harm to the site through creation of additional built development on areas of existing open space which have biodiversity value, including supporting protected species and ancient woodland. The scheme, has also, however, sought to mitigate for such identified impacts through a combination of design changes, on-site mitigation and off-site compensation.

9.268 Subject to conditions and legal agreement, the scheme has been found to be policy compliant in respect of biodiversity impacts, nevertheless, the impacts as a whole form part of the consideration of the overall planning balance, having regard to identified benefits of the proposal.

Renewable Energy / Low Carbon Technology

9.269 LDP Policy EN12 (Renewable Energy and Low Carbon Technologies) requires development proposals to “maximise the potential for renewable energy”, and states that the Council will “encourage developers of major and strategic sites to incorporate schemes which generate energy from renewable and low carbon technologies”.

9.270 In responding to the above Policy requirement, the application has been accompanied by an Energy Report (Hydrock) and Sustainability Statement (Iceni Projects). The proposed energy strategy is based upon the principles of the Energy Hierarchy on the basis that it is preferable to reduce carbon dioxide emissions through reduced energy consumption above decarbonisation through alternative energy sources.

9.271 The submissions advise that: -

- Solar thermal systems will be used to pre-heat water supplies and employment of highly efficient air source heat pumps (ASHP) systems will service space heating and cooling demands whilst incorporating guidance against Building Regulations Part L:2013 for best levels of CO2 emissions targets.
- Building materials have been specifically chosen to help minimise heat and air loss and promote the harnessing of natural daylight.
- Rainwater harvesting on Plot 4 and low-volume dual flush toilets and sensor taps will be fitted to help contribute to reduced water consumption on-site.
- By not installing gas utilities, installing photovoltaic panels and incorporating solar water heating panels, rain water harvesting, ultra-efficient LED lighting, we are supporting this policy in the reduction of carbon emissions. Sufficient energy metering will be install in order to enable the end user to effectively manage their energy consumption
- There is potential for large-scale, roof-mounted photovoltaic (PV) systems to be implemented to generate zero-carbon electricity on-site.

9.272 The Energy Report notes that further carbon dioxide emissions reductions may be achieved through the following:

- Employment of large-scale, roof-mounted photovoltaic (PV) systems to generate zero-carbon electricity on-site (with the roof structure enhanced to facilitate the fitting of a large-scale roof mounted Photo Voltaic system)
- Installation of CO2 sensors and motorised dampers within large meeting rooms
- Use of external lighting control air lux to allow for each external light fitting to be controlled individually

9.273 As identified earlier, and in order to comply with Future Wales, the scheme would also include a minimum of 10% of EV charging spaces, with duct/power infrastructure installed to facilitate extension by Tenants to meet the projected increase in electric vehicles on the road forecast in the next 20 years.

9.274 Given the above, the submissions are considered to sufficiently demonstrate an awareness of the need to minimise energy use and maximise opportunities for use of renewables, and subject to these measures being implemented (including the strengthening of roof structures to facilitate future fitting of a large-scale roof mounted Photo Voltaic system), the scheme is considered to be compliant with Policy EN12 and the objectives of Future Wales.

Waste

9.275 Policy W2 (Provision for Waste Management Facilities in Development) and the Council's approved SPG 'Waste Collection & Storage Facilities' seek to ensure appropriate controls for waste in construction and operation.

9.276 The management of waste to minimise impacts on the environment will be addressed through the required CEMP condition seeking a scheme for recycling/disposing of waste resulting from demolition and construction works.

9.277 In addition, as required by Waste colleagues conditions are imposed requiring appropriate storage areas for separated waste and recycling materials, along with the proposed collection points, together with litter bins to serve the A3 commercial units in order to prevent littering which could occur as a result of this development

Socio-Economics

9.278 PPW11 presents the land use policies of the Welsh Government in full consideration of the Well-being Goals as presented within the Well-being Act. It makes the link that the goal for a more equal Wales can be achieved by promoting employment and enterprise opportunities and building on economic strengths.

9.279 TAN 23 (Economic Development) also states (at para 1.2.5) that "*local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than*

prevent or discourage such development” and further emphasises that while planning should seek ‘win-win’ outcomes whereby economic objectives are not necessarily in conflict with environmental and social objectives 2.1.1 where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary (para.2.1.2).

9.280 Chapter 7 of the submitted ES addresses socio-economic factors relating to the development in detail. In particular, it notes that : -

- The [Cardiff Capital Region Industrial and Economic Plan \(2019\)](#) sets out the priorities facing the region over the next 20 years; Indicates that the region performs relatively poorly in terms of economic productivity and competitiveness when compared to other UK regions; Recognises that infrastructure is a key priority in boosting productivity and prosperity including employment spaces to meet the needs of businesses; and outlines the need to target the most deprived communities by supporting regenerative growth
- The [Cardiff Capital Region City Deal Strategic Business Plan Wider Investment Fund 2021-2026](#) sets out the current understanding of what is required to achieve Cardiff City Region’s long-term objectives, including (under prosperity and opportunity) the need to nurture the economic environment by providing the right infrastructure and supporting all businesses to become more productive such as by enhancing the business climate.

9.281 In establishing the baseline context, it is pertinent to note that the site is located in an area that is extremely deprived in terms of income, employment, health, education, community safety and physical environment. Moreover when focusing on the Employment and Income domains of deprivation – the site being in the 10% most **employment deprived** in Wales - the surrounding area shows a particularly high percentage of residents in receipt of employment and income-related benefits and tax credits, highlighting the need for the employment opportunities that the proposed development provides of which a proportion will be entry-level roles making them accessible to a wide range of skills levels.

Construction Effects

9.282 The submission indicates that the capital construction cost of the development is £52m. This will represent a significant injection of private sector investment within Cardiff in the short term which in turn will support direct and indirect employment as well as generate economic output. It is expected that the redevelopment of the Site will take approximately 20 months.

9.283 In terms of direct employment from construction, while the number of construction workers on-site at any one time will vary as the development phases progress, the ES calculates that there would be 437 construction jobs throughout the build, which is the equivalent of 273 jobs per year of

construction. The estimated level of employment over the construction period represents a 5% increase in the number of construction jobs in Cardiff.

9.284 Applying additionality assumptions to the estimated direct construction jobs it is estimated that the Proposed Development is likely to support a further 549 indirect jobs across Wales during the construction period and 290 jobs indirect jobs in Cardiff.

9.285 In terms of economic Value Added, the contribution of construction work to the economy can be measured by Gross Value Added (GVA)n which is a measure of the contribution to GDP made by an individual producer, industry, sector or in this case development. The average GVA in the Welsh construction industry is £75,823 per worker, such that applying this to the direct construction employment impact of the proposed development results in a direct GVA of over £33 million over the build period.

Operational Employment

9.286 It is anticipated that the proposed development will be operational in 2025. The precise number of jobs that will be supported will depend on the end-users that occupy the scheme, however it is possible to estimate the employment generation by applying average employment densities to the proposed commercial floorspace. In this respect it has been assumed that the scheme will deliver either 100% B2 space or 100% B8 floorspace (providing the highest and lowest estimation employment numbers).

9.287 It is estimated that there will be between 344 and 619 jobs created within the Proposed Development. To ensure that residents benefit from the new jobs created it is advised that the applicants should consider the development of an employment and skills plan with Cardiff Council to ensure local people have access to employment opportunities.

9.288 As identified on table 2 below, it has been estimated that the Proposed Development could support between 344 – 619 jobs.

Use Class Type	Floorspace GEA (sqm)	Employment Density	Conversion 1	Total Jobs	FTE Jobs
Drive Thru (Use Class E)	410	1 job per 20sqm2	0.8	16	11
B2/B8	22,788	B2 applies 1 job per 36sqm	0.95	326 to 601	297 to 573
		B8 applies 1 job per 70sqm	1		
Park and Ride	-	Operators estimate	-	2	2
Gross Jobs				344 – 619	310 – 586
Net Jobs (minus 2 jobs on Site)				342 – 617	308 – 584

Source: HCA Employment Density Guide (2015)

Table 2: Direct Employment (Operational)

- 9.289 It could reasonably be expected that the new jobs created will primarily fall within the retail and warehouse/distribution sectors, which would support jobs at a range of skill levels to provide employment opportunities for residents and help to diversify the local economy.
- 9.290 In addition to the 344 – 619 direct jobs, some indirect employment would also be created by additional spending on goods and services by the new employment-generating occupiers of the Site. In this context, the ES estimates that the development would support up to an additional 356 jobs in Cardiff and 464 across Wales. Overall, this represents an estimated indirect job providing an uplift in the total number of jobs in Cardiff by 0.2%.
- 9.291 In terms of economic Value Added, the average GVA in the Welsh wholesale and retail trade industry is £35,827 per worker, and applying this to the direct operational employment impact of the proposed development results in direct GVA of between £12 and £22 million per annum.

Local Employment Opportunities

- 9.292 The submissions also indicate the opportunity for measures or initiatives to maximise the local benefits of the scheme. Examples of such measures may include: providing full and fair employment opportunities, training and education opportunity for residents; encouraging procurement opportunities for local businesses to source products and services locally where possible and practical; and, establishing links with local businesses to offer training and employment opportunities via work experience and apprenticeship schemes.

SECTION 106 PLANNING OBLIGATIONS

- 9.293 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case-by-case basis in line with Planning Policy Guidance”.
- 9.294 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.
- 9.295 The Planning Obligations SPG sets out the Council’s approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.
- 9.296 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and

kind to the development.

9.297 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations relate specifically to highway and biodiversity matters, each requiring off-site contributions or implementation of agreed works.

9.298 Such matters are addressed in the main body of this report, but in summary the proposed broad Heads of Terms for the required section 106 agreement are therefore as follows: -

- Timing / Delivery of Bridge Crossing, together with all necessary controls to restrict/enforce against use by all vehicles other than public transport during peak hours
- Delivery of or financial contribution to provide improved Crossing Facilities (new Zebra crossing with adjacent cycle crossing) across Pentwyn Road, as identified in Transport Assessment.
- Delivery of or financial contribution to provide improved lighting to 2 no. underpasses under A48 at each end of site
- Updates to the Dormouse Impact Assessment, the provision of confirmed dormouse bridge locations (to link Off-site habitat creation areas to existing habitat; including long term maintenance), Landscaping Implementation plan – Offsite (including as appropriate, any necessary bond/guarantee) and updated Green Infrastructure and Landscape Management Plan – Offsite
- Financial contribution of £80,800 towards off-site Woodland / Tree Planting.

9.299 Having regard to the legal and policy test outlined above, it is clear that the requested monies are necessary and reasonable to mitigate the impacts of the proposed development and thus ensure that the proposal accords with planning policy.

OVERALL ASSESSMENT – ‘THE PLANNING BALANCE’

9.300 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

9.301 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.

9.302 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

9.303 Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal; what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.

9.304 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.

9.305 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.

9.306 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.

Balancing Environmental, Social and Economic Impacts

9.307 The assessment above has concluded (amongst other things) that: -

- the development broadly complies with Future Wales, and although there are identified impacts from the development, it would also in principle accord with the Cardiff Local Development Plan.

- The proposed development would have no unacceptable impacts on biodiversity in the long term, would ensure adequate on-and off-site compensation for impacts on protected species and trees, and would provide biodiversity enhancement, subject to implementation of the proposed mitigation and enhancement measures which can be required by condition and legal agreement;
- Amenity impacts from both construction and operation of the facility can be adequately controlled via planning conditions in order to avoid unacceptable impacts; and
- There would be no unacceptable impact on other matters including Highways, drainage, and heritage.

9.308 Notwithstanding the above, as noted in section 5, during the course of determination of the current application Planning Policy Wales 11 was partially updated on 11 October 2023 when an updated [Chapter 6](#) came into effect, which places a stronger emphasis on taking a proactive approach to green infrastructure, securing net benefit for biodiversity, strengthening the protection of Sites of Special Scientific Interest (SSSIs) and giving more consideration to the protection and enhancement of trees and woodlands.

9.309 The following impacts arising from the development, are matters that should be given significant weight following the Chapter 6 update: -

- The construction of new built development on open space in the River Corridor;
- The need to provide on- and off-site mitigation / compensation to ensure no unacceptable impact on protected species;
- A 1.14Ha loss of on site woodland. Including significant number of category B trees
- It will take many years (decades) for the compensatory on- and off-site woodland planting to achieve the same size and impact of the lost mature trees (albeit long term canopy coverage should increase)
- The scheme only achieves a 20m buffer zone to the Ancient Woodland, which is less than the 30m sought by the Council's Tree Officer

9.310 Set against these impacts, however, are the wider economic benefits that would arise from the development, notably as set out in 9.278 onwards above.

9.311 For planning purposes the Welsh Government defines economic development as "*the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes*", and having regard to the above and all identified impacts within this report, the following matters are of particular note and should be given appropriate weight in the 'planning balance':-

- The proposed development will enable delivery of a new public transport / active travel bridge to improve links between the communities of Llanrumney, Rumney, Pentwyn and Llanedeyrn, providing better links to

employment, schools and green spaces including the Rumney Trail. Additionally, the new Active Travel infrastructure to be provided in the future as part of the LDP North East Cardiff development will further enhance and complement connectivity of the emerging Cycle Super Highway networks links.

Control of the use of the bridge at morning and evening peaks will encourage modal shift in line with the Council's transport objectives and targets. This will create a significant improvement to bus priority measures and should consequently attract more bus passengers as service provision will become more reliable. A direct link onto the A48 at peak times for buses will provide access to existing bus priority measures and enable quicker (limited stop services) access into the city centre.

Providing access to the park and ride facility will also increase the range and choice of bus service to local residents providing better access to employment destinations at Cardiff Gate, the city centre, Heath Hospital and further afield.

Outside of peak periods, car movements from and to Llanrumney will have improved access to the strategic highway network. The proposed new bridge connection would allow faster bus journeys westwards towards the city centre and Heath Hospital. It would also provide the opportunity for rapid bus connections to the new railway station being developed at Cardiff Parkway in St Mellons.

- Although there will be a reduction in car parking numbers, the changes to the park and ride along with the opportunity for buses to be routed through the site, will improve the facility and encourage greater use and improve sustainable travel into Cardiff. This will directly improve residents' access to services which will help improve the deprivation of the area.
- The delivery of a significant quantum of new employment floorspace, including trade counters and drive thru units, and the subsequent increase in employment for a range of occupations and skill levels.
- There will be short-term economic benefits during the construction phase, and long term/ permanent benefits at operational level, through direct employment of between 344 – 619 jobs, and supporting up to an additional 356 jobs in Cardiff and 464 across Wales.
- The mixed-use nature of the proposals has the potential to facilitate wider regeneration for this part of Cardiff and is likely to stimulate catalytic regeneration which will have a direct impact on the prosperity of residents, and further benefit the wider area through an increase in local spending.

9.312 It is also notable that Future Wales Policy 3 – Supporting Urban Growth and Regeneration – encourages the Public Sector to “unlock the potential of their land” and to “take an increased development role, showing leadership and

applying placemaking principles to support growth and regeneration for the benefit of communities across Wales”.

9.313 In this regard it is notable that the development has come forward on land owned by the Council, and forms part of a wider ‘Llanrumney Development Strategy’, seeking to enable delivery of the new bridge and road link (which would be predominantly funded and delivered through the development, with a partial contribution by the Council) to connect the A48 to the Llanrumney ward as part of the Council’s ‘East Cardiff Industrial Strategy’.

9.314 The East Cardiff Industrial Strategy: -

- identifies transport improvements as the key driver to unlocking access to employment opportunities for local communities, with the proposed new bridge link “*to provide improved public transport connectivity*” being identified as a key project.
- outlines the need for investment in connectivity to improve the economic outcomes of the area: “*New and improved cross-area active travel links allowing access to work and skills development and linking staff to social infrastructure, open space and local retail facilities, supporting the local economy. Links may double as recreational routes and safe routes to schools.*”
- aims to ensure that residents of existing communities in the East of Cardiff have better access to new job opportunities on their doorstep.

9.315 As noted earlier, the generally positive and permissive Technical Advice Note 23 (Economic Development) emphasises that where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary.

9.316 In this regard, and having particular regard to the advice in PPW and TAN23, along with the guidance on post Covid-19 recovery in Wales: *Building Better Places: The Planning System Delivering Resilient and Brighter Futures*, and having considered the likely significant effects of the development on the environment – which can largely be mitigated by conditions – it is concluded that in the overall planning balance the proposal would create significant social and economic benefits which would outweigh the identified impacts caused by the development.

9.317 Overall, these support the conclusion that subject to conditions and the requisite legal agreement to address the need for off-site compensation, planning permission should be granted for the development.

Other Matters Not Assessed Above

9.318 As identified earlier in this report, 2 no. representations were received in response to the publicity exercise, neither ‘objecting’ but raising areas of concern. In response to the main issues raised which have not been

addressed elsewhere in this report, the following comments are made:

- There are currently no proposals to limit access off-peak for HGVs, including any coaches using Cardiff City Academy/BMX/Rugby Club etc. nor is it considered that there are foreseen issues in respect of any potential unacceptable impacts arising from use by HGVs. However, the Highway Authority has powers to consider any further limitations should future use create unforeseen issues affecting the highway network;
- Cycle lanes are provided on the new bridge as a safer, active travel connection
- Potential vandalism is not a material planning matter, however the bridge and footpath underpasses will be appropriately lit.
- On & off slips A48 - There is no requirement identified for improvements to the existing slip roads.
- Drainage will be addressed through the need for Sustainable Drainage Approval.
- In response to suggestions for an 'out' only flow for cars in the morning peak and an 'in' only flow for cars at the evening peak, it is emphasised that the bridge is proposed primarily to enhance active travel infrastructure, and it is important to ensure any use by private vehicles does not undermine such objectives and justification.
- Subject to highway conditions, officers are satisfied that there would be no unacceptable effects on queueing or backlog on Hartland Road.

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. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration.
- 10.2 The technical assessments that have been prepared in support of the planning application have demonstrated that there will be no unacceptable effects arising from the proposed development in terms of landscape and visual impacts, while impacts on biodiversity / ecology can be mitigated through condition and legal agreement. Moreover, identified impacts will, in any event, be outweighed by the clear economic and social benefits arising from the development and the associated construction of the new bridge link to Llanrumney. Any short-term impacts of the construction phase of development will be mitigated through conditions.
- 10.3 The proposed development is fully in accordance with the provisions of national planning guidance as well as those policies of relevance within the Local Development Plan. As such, it is considered that there is a compelling case for approval of the development.

10.4 Accordingly, the proposed development is in accordance with Future Wales, in particular: Policies 1, 3, 9 and 33, and LDP Policies KP4, KP5, KP6, KP7, KP15, KP16, KP18, C4, C4, EN3, EN4, EN5, EN6, EN7, EN8, EN11, EN12, EN13, EN14, R1, R8, T1, T2, T5, T6, T8 and W2, and approved Green Infrastructure SPG.

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 RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.298 of this report and the conditions listed below.

12.2 RECOMMENDATION 2:

That delegated authority is given to the Head of Planning & Operational Manager: Strategic Development & Placemaking, to make changes to the conditions subject to consultation with the Chair of Planning, up to the point where the planning permission issued.

12.3 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, unless otherwise required by the ensuing conditions, shall be carried out in accordance with the following approved plans and details:
 - Proposed Site Plan Dwg no. 7528 MEIN-XX- XX-DR-A-70-003 Rev P19 (in respect of building and hardscape only).
 - Proposed Public Rights of Way Dwg no. 7528-MEIN-XX-XX-DR-A-70-007 Rev P16
 - Public Rights of Way Dwg no. 7528-MEIN- XX-XX-DR-A-70-021 Rev P12
 - Tree Constraints Plan Dwg no. 7528- MEINXX-XX-DR-A-70-005 Rev P12
 - On and Offsite Supplementary Habitat Planting 7528-MEIN-XX-XX-DR-A-70-025 P12

- External Lighting Sec 1/3 Dwg no. 10341- EXT-100 Rev P14
- External Lighting Sec 2/3 Dwg no. 10341- EXT-101 Rev P14
- External Lighting Sec 3/3 Dwg no. 10341- EXT-104 Rev P1
- Existing Park and Ride Lux Levels Drawing no, 10341-EXT-103 Rec P01
- Proposed Block Plan Dwg no. 7528-MEIN- XX-XX-DR-A-70-004 Rev P9
- Landscape and Boundaries Plan Sheet 01 Dwg no. 7528-MEIN-XX-XX-DR-A-70-008 Rev P9
- Landscape and Boundaries Plan Sheet 04 Dwg no. 7528-MEIN-XX-XX-DR-A-70-011 Rev P8
- Landscape and Boundaries Plan Sheet 06 Dwg no. 7528-MEIN-XX-XX-DR-A-70-013 Rev P4
- Landscape and Boundaries Plan Sheet 07 Dwg no. 7528-MEIN-XX-XX-DR-A-70-014 Rev P5
- Indicative Landscape Strategy Plan Dwg no. 2190-21-01 S5 Rev P22
- Off Site Dormice Habitat Landscape Plan 2190- 21-07 S5 P3
- Proposed Drainage Layout Dwg no. 210204- PIN-XX-XX-DR-C-02302 Rev P14
- Photogrammetric Layout – 7528-70-003
- General Arrangement Dwg no. 70071035- WSP-XX-XX-CE-DR-101 Rev P04
- Proposed Highway Drainage Dwg no. 70071035-WSP-XX-XX-CE-DR-500 Rev P04
- Landscape and Boundaries Plan Sheet 02 Dwg no. 7528-MEIN-XX-XX-DR-A-70-009- Rev P4
- Landscape and Boundaries Plan Sheet 03 Dwg no. 7528-MEIN-XX-XX-DR-A-70-010 Rev P3
- Landscape and Boundaries Plan Sheet 05 Dwg no. 7528-MEIN-XX-XX-DR-A-70-012 Rev P4
- 3000mm Wide Self Bound Gravel Footpath Dwg no. 2190-21-04 S5
- Typical Planting Details Dwg no. 2190-21-03 S5
- External Levels Dwg no. 210204-PIN-XXXX-DR-C-02100 Rev P04
- Swept Paths Dwg no. 70071035-WSP-XX-XX-CE-DR-102 Rev P02
- Highways Contours Dwg no. 70071035- WSP-XX-XX-CE-DR-700 Rev P02
- Highways Chainages Dwg no. 70071035- WSP-XX-XX-CE-DR-701 Rev P01
- Highway Long Section Dwg no. 70071035- WSP-XX-XX-CE-DR-702 Rev P02
- Highways Lighting and Signals Dwg no. 70071035-WSP-XX-XX-CE-DR-1300 Rev P01
- Proposed Viaduct General Arrangement Dwg no. 70071035-STR-001 Rev P05
- GA Plan & Elevations - Plot 01 Dwg no. 7528-MEIN-XX-XX-DR-A-20-010
- GA Plan & Elevations - Plot 02 Dwg no. 7528-MEIN-XX-XX-DR-A-20-020
- GA Plan & Elevations - Plot 03 Dwg no. 7528-MEIN-XX-XX-DR-A-20-030 P3
- Proposed GA Plan L00 - Plot 04 Dwg no. 7528-MEIN-XX-XX-DR-A-20-040 P3
- Proposed GA Plan L01 - Plot 04 Dwg no. 7528-MEIN-XX-XX-DR-A-20-041 P3
- Proposed GA Elevations - Plot 04 Dwg no. 7528-MEIN-XX-XX-DR-A-20-042 P3
- Proposed GA Plans - Plot 05 Dwg no. 7528-MEIN-XX-XX-DR-A-20-050 P3
- Proposed GA Elevations - Plot 05 Dwg no. 7528-MEIN-XX-XX-DR-A-20-051 P3
- Proposed GA Plans - Plot 06 Dwg no. 7528-MEIN-XX-XX-DR-A-20-060 P2
- Proposed GA Elevations - Plot 06 Dwg no. 7528-MEIN-XX-XX-DR-A-20-061

P2

- Proposed GA Plan L00 - Plot 08 Dwg no. 7528-MEIN-XX-XX-DR-A-20-080 P2
- Proposed GA Plan Mez - Plot 08 Dwg no. 7528-MEIN-XX-XX-DR-A-20-081 P2
- Proposed GA Elevations - Plot 08 Dwg no. 7528-MEIN-XX-XX-DR-A-20-082 P2
- Site Location Plan Dwg no. 7528-MEIN-XX-XX-DR-A-70-001 P3
- Existing Site Plan Dwg no. 7528-MEIN-XX-XX-DR-A-70-002 P3
- Existing Constraints Plan Dwg no. 7528-MEIN-XX-XX-DR-A-70-006 P3
- Existing Public Rights of Way Dwg no. 7528-MEIN-XX-XX-DR-A-70-022 P2

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.

Pre-Commencement Conditions

3. No development shall commence until a **phasing schedule and plan**, to include the delivery of the bridge, phasing of Green Infrastructure and improvements to the Active Travel infrastructure within the site (see condition 13), has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason: To ensure an orderly form of development in accordance with Local Development Plan Policies KP4 (Masterplanning Approach) and KP5 (Good Quality and Sustainable Design).

4. Construction Environmental Management Plan
Notwithstanding the submitted details, no development, including site clearance, shall commence until such time as a finalised **Construction Environmental Management Plan (CEMP)** (updating the *Construction Environmental Management Plan Cardiff East Park and Ride Commercial Park, Curtis Hall, Rev 2*) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall, as a minimum, include the following:
 - i) details of site hoardings, site access and wheel washing facilities;
 - ii) a strategy for the delivery of plant and materials;
 - iii) the parking of vehicles of site operatives and visitors;
 - iv) loading and unloading of plant and materials;
 - v) storage of plant and materials used in constructing the development
 - vi) a plan identifying the location of any site compound;
 - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - viii) Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration; details of dust control measures and measures to monitor emissions of dust arising from the development; measures to control light spill and the conservation of dark skies.

- ix) Traffic Management: access routes, wheel washing facilities, site hoardings, delivery and storage of plant and materials; dedicated vehicle access routes (including any temporary traffic regulation orders required), traffic management proposals and habitat protection measures.
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- xi) Pollution prevention: Measures to ensure relevant Guidelines for Pollution Prevention and best practice will be implemented, covering GPP1, GPP5, GPP8, and GPP21, including:
 - i. Storage of plant and materials (including details and approximate quantities of any chemicals and fuels) – including unloading, containment, bunding and/or appropriate buffer zones, including from any drain.
 - ii. How drainage will be controlled at source to prevent release of soil from the site, wastewater and contaminants, including wheel washing facilities, during construction to the storm water system
 - iii. Measures to monitor mobilisation of contaminants (water)
 - iv. Emergency spill procedures and incident response plan that will be followed in light of any spill at the site.
- xii) Soil Management: details of topsoil strip, storage and amelioration for re-use. (The Soil Resource section to be updated in line with the Soil Resources Plan with clear reference to the documents)
- xiii) A Biodiversity Section (updating the submitted 'Ecological Construction Method Statement' (EDP, January 2020) to include: -
 - a. The appointment and role and responsibilities on site, of a suitably competent Ecological Clerk of Works (EcoW) or similarly competent person, and recording/reporting procedures to cover all key ecological activities undertaken i.e. briefings, post construction surveys, habitat watching briefs and specific species/species group watching briefs and the general outcome (noting requirement to update with a table for inputting lines of communication and emergency contact details and that of the preferred Ecological Consultant. Emergency procedures for environmental incidents and response details shall be added, including that of NRW). ECoW daily logs shall be kept and provided to the Local Planning Authority on a monthly basis for the duration of works.
 - b. Identification of "biodiversity protection zones" (including amended ecotone) and the means to prevent impacts i.e. protection, modification etc;
 - c. Relevant protection and mitigation that has been determined to be required to be implemented to protect the Rhymney River SINC.
 - d. Expanded, site specific measures for the protection and initial survey, management of retained ecological and arboricultural assets:
 - Woodlands and Trees.
 - Grasslands.
 - Dormice.
 - Bats.
 - European hedgehog.

- Badger.
 - Otter (survey of both banks).
 - Birds.
 - Amphibians and Reptiles.
- e. Reference to supporting documentation that must be implemented during construction i.e. the SUDS Design, Lighting Design Strategy (for biodiversity), tree protection details in relation to BS5837:2012 (and any other relevant documents), that indicate mitigation/works during construction activities, that run in parallel with construction and are covered separately..
- f. The procedure for incidental finds.
- xiv) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

All development shall be undertaken in full accordance with the approved CEMP.

Reason: In the interests of highway safety, and protection of the environment, biodiversity, pollution prevention and public amenity during construction in accordance with Local Development Plan Policies KP16, T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), EN8 (Trees, Woodlands and Hedgerows), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

5. No development, including site clearance, shall commence until such time as an **Invasive Non-native Species Management Plan** for the management of invasive non-native plant species that are extensive at the site, including measures to control, remove or provide long-term management of invasive non-native species both during construction and operation, has been submitted to and approved in writing by the local planning authority. The management plan shall follow the order of that below:
- Provide an introduction to the site, and the proposed works.
 - The legislation pertaining to the known invasive species (and others that could occur).
 - Appropriate buffer zones to prevent further spread/containment, which includes where roots may occur.
 - The methods/duration of control (this could be multiple years), supervision/operative involved, removal/disposal procedures (in line with waste transfer etc) should the species be impacted directly.
 - Methods to stabilise the ground (erosion matting), prevent runoff and prevent secondary colonisation by invasive species following eradication.
 - Biosecurity procedures for the decontamination of tools/machinery.
 - Drawing/s indicating location and extent that will be subject to eradication and/ or control.
 - A review procedure to update maps of invasive non-native species

extent and that of the whole document to relate to drawings and any additional invasive non-native species encountered.

- Monitoring duration.

All works within the approved INNS shall be implemented in accordance with the approved details.

Reason: Since INNS are known to be present at the site, control mechanisms are required for the general protection of biodiversity and prevention of the spread of invasive species to ensure accordance with Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

6. No development, including site clearance, shall commence until such time as the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An **Arboricultural Method Statement (AMS)** detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site (including use of no dig method, and ensuring no more than 20% of the RPA of retained trees can be covered by a hard surface where a new road or footpath is to be put in place within the Root Protection Areas of retained trees where there is no existing surface), and existing structural planting or areas designated for new structural planting.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

- A **Tree Protection Plan (TPP)** in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

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

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with Policy KP15, KP16, and EN8 of the Cardiff Local Development Plan 2006-2026.

7. No development shall commence on any part of the site affecting the existing **access to Flood Defences** (for maintenance purposes) until such time as a new 4m wide flood defence access has been provided (off Clovelly Crescent adjacent to / through the new housing development), in accordance with details that shall first have been submitted to and approved in writing by the Local

Planning Authority. The new 4m wide access shall thereafter be retained at all times.

Reason: To ensure that Natural Resources Wales (NRW) has unimpeded managed access to their flood defences at all times.

8. Notwithstanding details provided within the submitted Woodland Management Plan, no development shall take place until details of both **hard and soft landscape works** have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) Detailed scheme for amenity areas around the drive-throughs and the amenity terrace and seating areas (having regard also to pedestrian movement, cycling facilities and crossing points to encourage greater active travel)
- iv) means of enclosure and retaining structures;
- v) other vehicle and pedestrian access and circulation areas;
- vi) hard surfacing materials;
- vii) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.),
- viii) water features.
- ix) A soft landscaping implementation programme.
- x) Soft landscape works shall include:
 - a. Scaled planting plans prepared by a qualified landscape architect.
 - b. Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
 - c. Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) as per the Cardiff Council Green Infrastructure Supplementary Planning Guidance, for each tree (as appropriate) and expressed in cubic metres, where the tree will be growing in a constrained bed such as a car park or narrow verge.
 - d. The inclusion of standard trees that will be of wholly native species, their cultivars or non-native species but whose genus is represented in Wales and has the potential to support native invertebrate species. It is also expected that within car parking areas, a large number of trees will be indicated that can reach substantial size (with appropriate root available soil volumes to match).
 - e. A methodology to ensure that should any hazel stool translocation take place, that this is in line with arboricultural best practice.
 - f. 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. The SRS and SRP shall be prepared by

a soil scientist in full accordance with the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The SRS and SRP shall incorporate trial pit and laboratory testing to characterise and quantify the soil resource and its suitability for re-use in-situ and site won, to support proposed landscape types. The SRP shall include full details of auditable site monitoring of soil handling operations by a soil scientist, to include reporting to the LPA to demonstrate compliance accordingly. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils to demonstrate they are suitable for the specific landscape type(s) proposed. Parameters shall include profile depths, textural range, nutrient status, pH on placement, drainage performance and other factors relevant to their functionality in supporting the landscape type. The SRS, SRP and topsoil and subsoil specification shall inform planting plans, tree pit sections, planting methodologies and aftercare specifications.

- g. 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.
- h. Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- i. an implementation programme (including phasing of work where relevant).

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: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, to offset loss of trees, enhancing biodiversity and mitigating the effects of climate change and to monitor compliance in accordance with Local Development Plan Policies KP5, KP15 and KP16 of the Cardiff Local Development Plan 2006-2026.

9. Reptile Mitigation Strategy. Prior to any works commencing in respect of vegetation removal and/or earth works, a Reptile Mitigation Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:

- An introduction to the site, baseline data and reasoning for the overarching strategy;
- Discussion of UK reptile species that could be encountered, including reference to relevant legislation and the Environment (Wales) Act 2016.

- The methods for habitat clearance, duration, limits on the clearance area per day, how destructive searching will take place (and limits), and how the site will remain unsuitable for reptiles.
- Time of year.
- An agreed appropriate release site for reptiles.
- The requirements of Ecological Clerk of Works supervision;
- Stop works procedure – If more than 5 reptiles of any species are found and a requirement for immediate consultation with the County Ecologist, to agree an amended strategy and receptor site, prior to any works recommencing. This is in light of the limited reptile survey extent.
- The logging of actions/species numbers during the works;
- Delivery of a toolbox talk for operatives, this shall include a signing sheet at the end of the strategy, so that this document can also act as a Toolbox Talk.
- Additional requirements to be considered in light of identifying reptiles at the site:
 - Potential requirement for a more defined translocation i.e., use of artificial refugia and an agreed trapping duration.
 - Identification of an appropriate receptor site, that will be subject to initial management, inclusion of appropriate feature for reptiles i.e., refugia/hibernacula.
 - Site management requirements following translocation to the onsite receptor from between 5-25 years;
 - Who will undertake management and the funding arrangements;
 - Monitoring requirements;
 - Appropriate drawings; and
 - An overarching table summarising keys work/monitoring/management timings.

Reason: To ensure compliance with The Wildlife and Countryside Act 1981 (as amended), the duty to maintain biodiversity as required as part of the Environment (Wales) Act 2016 as part of Local Planning Authority functions and to comply with EN7 of the City of Cardiff Council Local Development Plan.

10. Prior to any works commencing in respect of vegetation removal and/or earth works, a **Badger Walkover Survey** (which shall have been undertaken no greater than 3 months prior to vegetation removal or earth works) shall have been conducted, with a report in line with CIEEM Guidelines for Ecological Report Writing, submitted to and approved in writing by the Local Planning Authority. The survey shall follow that of Surveying for Badger (Harris et al., 1989) and Badger Protection: Best Practice Guidance for Developers, Ecologists and Planners (Wales) (Badger Trust, 2023) and take into account all noted previous sett locations and potential sett locations. The County Ecologist must be contacted if an active badger sett is to be impacted by the works.

Reason: To ensure the protection of badgers in compliance with the Protection of Badgers Act 1992, Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) and Cardiff Council Local Development Plan Policy EN6.

Action Conditions

11. Prior to development commencing on the construction of the new bridge crossing across the River Rhymney, amended plans shall be submitted (in conjunction with the Section 278 process) to address the following: -

- Re-design of the Ball Road junction to include incorporation of traffic signals, waiting restrictions and consideration of existing traffic calming measures; and
- Changes to link road between Ball Road and the bridge to ensure the design can safely accommodate two 12m buses passing each other (without clashing).
- Minor changes to bus lanes on access/egress to ensure these are cut back to finish ahead of both external and internal roundabouts to allow for better general traffic lane access and circulation
- Details of otter passages / ledges

Reason: In the interest of highway safety, and to encourage sustainable transport to limit the impact of the development on use of the adjacent highway in accordance with Local Development Plan Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

12. The new bridge across the River Rhymney shall not be brought into beneficial use until such time as an **ANPR system** (and any other necessary measures) to prevent and enforce against its use by vehicles (other than public transport) during peak periods have been implemented in full on site in accordance with details that shall first have been submitted to and approved in writing by the Local planning Authority.

The ANPR system (and any other necessary measures) shall thereafter be retained and shall at all times ensure that vehicular use of the bridge shall thereafter be restricted to public transport only between the hours of 07:00 and 10:00 and 15:00 and 19:00.

Reason: To encourage sustainable transport to limit the impact of the development on use of the adjacent highway and effect modal shift to non-car modes in accordance with Local Development Plan Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

13. Prior to first beneficial occupation of any unit hereby approved, **Active Travel improvements** shall be implemented within the site in accordance with a detailed scheme, that shall first have been submitted to and approved in writing by the Local Planning Authority, addressing the following: -

- Provision of new footpaths and upgrades to width and surfacing of existing/relocated footpaths within the site
- Replacement of steps on the western side of the existing pedestrian bridge over River Rhymney with a graded ramp integrated with paths on western side of river,
- Any necessary minor changes required to routes to ensure good visibility for users
- Provision of directional signage at entrances to and within the site
- Suitable measures/barriers to control access other to the site than by pedestrians/cyclists

Reason: Upgraded and new active travel links are necessary in the interests of highway safety by facilitating safe commodious access to and use of the proposed development, in accordance with Policy KP14, T1 and C6 of the adopted Local Development Plan (2016).

14. No part of the development hereby permitted shall be brought into beneficial use until such time as barriers (as applicable), together with associated signage, preventing **pedestrian access to/from the A48 gyratory** have been provided on site, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed measures shall be retained in accordance with such approved details.

Reason: In the interest of highway safety, and to ensure accordance with Local Development Plan Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

15. Prior to their use in the development hereby permitted, samples of the **external finishing materials** for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

16. No unit hereby approved shall be occupied until such time as **secure cycle parking** has been provided to accord with the standards contained in the 2018 Managing Transport Impacts SPG, and in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be retained for the use of cycle parking.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles, in accordance with Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

17. No unit hereby approved shall be occupied until such time as **boundary treatments / means of enclosure** have been provided in accordance with full details which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall not be enclosed other than in accordance with the approved details.

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

18. **Lighting Design Strategy** : Notwithstanding the submitted lighting strategy / scheme (including Hydrock KTA, External Lighting Sec 1/2, drawing number: 10341-EXT-100 rev P14 and Hydrock KTA, External Lighting Sec 2/2, drawing number: 10341-EXT-101 rev P14), no part of the development hereby permitted shall be occupied until such time as a revised/updated site-wide Lighting Scheme / Strategy (for biodiversity), having particular emphasis on the need to implement additional measures to minimise light spill beyond site / plot boundaries and associated illumination of dormouse habitat (<1 lux), and considering bats and other nocturnal species, has been submitted to and approved in writing by the Local Planning Authority.

To ensure ecological receptors are not unacceptably impacted by light spill, the updated Strategy shall seek to: -

- Ensure the P ratings are the lowest in line with BS5489 for all stretches of road – adoptable or otherwise.
- Include internal back louvers to light fitting to reduce light spill to below 1 lux, where they are adjacent to retained, managed or created dormouse habitat (also protecting other nocturnal ecological receptors as a consequence).
- Consider reduced column height in locations associated with the A48 access and south of the roundabout, to reduce light spill.
- Show additional contours of 2 and 5 lux isolines.
- Provide hours of lighting operation, where associated with site “units and yards”.
- Confirm that plans meet that of S38 and S278 agreements of the Highways Act 1980.

Thereafter, no individual unit shall be occupied until such time as the lighting relating to that part of the site has been implemented in accordance with the specifications and locations agreed, which shall be maintained thereafter.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

The strategy will align with the Institute of Lighting Professionals Guidance Note 08/23, BS5489-1:2020 and BSEN13201-2:2015 and fully accord to the requirements of S38/S278 agreements.

Reason: To manage the impact of the development upon protected species, to ensure Favourable Conservation Status of dormouse and bats will be maintained as per the Conservation of Habitats and Species Regulations 2017 (as amended), considerations of maintaining and enhancing biodiversity in line with the Environment (Wales) Act 2016 and to accord with Policies KP16, EN6 and EN7 of the Cardiff Local Development Plan (2006-2026).

19. Green Infrastructure and Landscape Ecological Management Plan (GILEMP) : Notwithstanding details provided within the submitted Woodland Management Plan, a Green Infrastructure and Landscape Ecological Management Plan (GILEMP) (updating the WMP) shall be submitted to the Local Planning Authority within 12 months of the development commencing. This must cover no less than 10 years post development, and be amended to include the following:

- a) Review of vision and objectives in light of the full scheme.
- b) Appropriate management prescriptions for each landscape feature added to the site such as Attenuation basins, Rain gardens, Ponds, Shrub planting, Standard trees, Any additional in accordance with agreed landscaping scheme (Landscape Implementation); and Ecological enhancements.
- c) More detail on the follow up management, but especially areas of newly planted scrub and trees – especially related to off-site areas, especially in respect to watering in drought, triggers/frequency, the duration (years), the volume of water required per standard/scrub and by whom.
- d) Ecological constraints on site that might influence management or require separate management,
- e) Preparation of a work schedule with timings (including an annual work plan capable of being rolled forward over a five-year period, but looking up to 10 years).
- f) Details of the body or organisation responsible for implementing the plan, including any updates required.
- g) The monitoring requirements to determine the success of landscaping, its management and specific features for wildlife, in years 2, 5 and every 5 years thereafter. This will follow the aims and objectives to determine if they have been achieved. The plan shall also set out (where the results from monitoring show that management aims and objectives of the GILEMP are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- h) Appropriate drawing(s) indicating habitats, areas of the site for specific species and the enhancements to be managed.
- i) The inclusion of a Fire Plan to ensure that replacement planting on site, retained habitat and general landscaping is not damaged by fire. This will include: Water access points, access routes and machine/equipment requirements to reach each broad landscape compartment; Actions to reduce fire risk, direct and indirect interventions, including by site businesses; Alarm procedures; and Remedial measures for landscaping in case of fire.

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: For the overall protection of biodiversity and to ensure the site's landscape and environmental features are adequately managed long term. This aligns the Environment (Wales) Act 2016, with PPW11 Chapter 6 and with policies KP5, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan (2006-2026).

20. Data Shelf Life : If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, all the approved ecological measures and those secured through other planning conditions and ecological reports, shall be reviewed and, where necessary, amended and updated, with careful consideration of "new" ecological receptors. The review shall be informed by update or further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of habitats and species,
- ii. identify any likely new ecological impacts that might arise from any changes; and
- iii. and identify any changes to legislation, policy or best practice that may alter the conclusions of the assessment.

Where the survey results/desk study indicate that changes have occurred that will result in ecological impacts, having not been previously addressed in the approved scheme, the original approved ecological measures will be revised. New or amended measures and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

If a current ecological report suggests the reassessment of a particular feature before 2 years, that recommendation takes precedence.

Reason: To ensure the assessment of impacts from the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information in accordance with legislation, national planning policy and the Cardiff Local Development Plan Policy 2006-2026, KP16, EN4 to EN8.

21. No part of the development hereby approved shall be occupied until an **Employment Travel Plan (ETP)** (updating the submitted Travel Plan) has been submitted to and approved in writing by the Local Planning Authority in relation to that particular part. The ETP shall set out proposals and targets, measures to encourage use of alternatives to the private car, together with a timetable to limit or reduce the number of single occupancy car journeys to and from that part of the site, and to promote travel by sustainable modes. The ETP shall set

out proposals to implement and manage the Travel Plan through a designated Travel Plan Coordinator. The ETP shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall first be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually to the Local Planning Authority for approval in writing for a period of 5 years beyond final occupation of each particular part of the employment development, commencing from the first anniversary of beneficial occupation.

Reason: To encourage sustainable transport to limit the impact of the development on use of the adjacent highway and effect modal shift to non-car modes in accordance with Local Development Plan Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

22. Prior to first beneficial use of any unit hereby approved, an **Operational Noise Management Plan (ONMP)** shall have been submitted to and approved in writing by the Local Planning Authority. The ONMP shall detail the necessary controls to ensure there would be no unacceptable impact on nearby residential properties, including (as a minimum): -

- Location of Mechanical Services Equipment, including the results of noise assessment to ensure the noise emitted from additional fixed plant and equipment on the site achieves a rating noise level below background at the nearest noise sensitive premises if operational during the day and night when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard);
- A Service Management Plan to ensure noise from deliveries are minimised as far as possible;
and
- the use of 'white noise' reverse signals when operating onsite.

The ONMP shall be subject to periodic review not less than every 24 months (or in response to a request made in writing by the Local Planning Authority in response to receipt of any justified complaints), with the results of such review submitted to the Local Planning Authority for its approval in writing, and any recommended changes to operational activities that may be recommended within such revised ONMP thereafter implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority.

All operations at the site shall be carried out in full accordance with the ONMP (as approved or revised) for the duration of its operation.

Reason: To protect the amenity of nearby residential properties and wider locality and to accord with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

23. The construction of each industrial unit hereby approved shall be in accordance with the energy saving measures identified within the submitted Energy report: **Energy Efficient & Low Carbon Strategies** (Hydrock KTA October 2022). Prior to first beneficial occupation of each unit, a further energy report shall be submitted on behalf of each tenant/operator which demonstrates consideration of the implementation of additional recommendations in the energy report (or additional measures), including: -

- Employment of large-scale, roof-mounted photovoltaic (PV) systems to generate zero-carbon electricity on-site (with the roof structure enhanced to facilitate the fitting of a large-scale roof mounted Photo Voltaic system)
- Installation of CO2 sensors and motorised dampers within large meeting rooms
- Use of external lighting control air lux to allow for each external light fitting to be controlled individually

Reason: In the interest of sustainability and to comply with the requirement within Policy EN12 (Renewable Energy and Low Carbon Technologies) to maximise the potential for renewable energy having regard to the decarbonisation objectives of Planning Policy Wales and Future Wales.

24. Prior to first beneficial occupation of any part of the development hereby approved, a scheme of **crime prevention measures** (with associated implementation timetable), to include perimeter security, means to control vehicular access when unoccupied, CCTV, external lighting (see associated condition *), and building shell security (relating to the first two metres of external walls), shall have been submitted to and approved in writing by the Local Planning Authority. All measures within the agreed scheme shall be implemented in accordance with the approved timetable, and thereafter retained on site as approved.

Reason: In the interest of managing and 'designing out' crime and creating communities which are safer and feel safer, and to accord with LDP Policy KP13 (Responding to Evidenced Social Needs)

25. No unit hereby approved shall be occupied until appropriate storage areas for separated **waste** and recycling materials, along with the proposed collection points, have been provided on site in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the waste storage and collection points shall be retained in accordance with such approved details.

Reason: To ensure appropriate waste management provision to serve all units is provided and retained, in accordance with LDP Policy W2 (Provision for Waste Management Facilities in Development) and the Council's approved SPG 'Waste Collection & Storage Facilities'.

26. The Class A3 / Café Drive Through Units hereby approved shall not be occupied until such time as **litter bin(s)** – which shall be the responsibility of the occupied units (or site management company) - have been provided on and in proximity to each of the units, in accordance with a scheme and associated management plan which shall first have been submitted to and approved in writing by the Local Planning Authority. The litter bins shall thereafter be retained and managed in accordance with the approved details.

Reason: To ensure appropriate waste provision to serve the drive-through units is provided and retained, in accordance with LDP Policy W2 (Provision for Waste Management Facilities in Development) and the Council's approved SPG 'Waste Collection & Storage Facilities'.

27. **Soft Landscaping Audit.** An audit of arboricultural/ landscape /soil compliance against agreed plans/conditions, shall be undertaken on a 6 monthly basis, and provided to the Local Planning Authority commencing from the date of clearance works commencing at the site.

The audit (s) shall demonstrate that the soft landscaping/arboricultural protection and soil resources are being protected/implemented as per agreed plans/conditions and that there is less than 5% non-compliance, by species, number, area of soft landscape input, handling of soil and protection of trees.

Should a greater than 5% non-compliance be found at any stage of the audit above, prior to submission of the audit, evidence must be provided that the non-compliances have been rectified and/or a timeframe given for soft landscaping, soil remediation or tree protection to be implemented, included the original and final audit provided to the Local Planning Authority in that case.

No later than 12 months following the beneficial occupation of the last phase (or within two years of occupation of the first building, whichever is the sooner), a final audit shall be provided to the LPA demonstrating provision of all necessary soft planting in full compliance with the approved landscaping / GILEMP conditions.

Reason: To ensure the landscaping provides long term benefits to the environment of the site, including vegetated soil and carbon retention, Net Benefits for Biodiversity, improving the amenity and environmental value of the area, and ensure defects are remedied. This aligns with the expectation of PPW Chapter 6 and polices KP15, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan (2006-2026).

Regulatory Conditions

28. The retail floorspace hereby permitted shall be used for the purpose specified in the application (**coffee shop/cafe**) and for no other purposes falling in Class A3 of the Town and Country Planning (Use Classes) Order 1987 (of in any provision equivalent to that class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: To prevent other retail uses which would need to be fully considered separately by the Local Planning Authority in terms of development plan policies and/or national guidance.

29. No part of the development hereby permitted shall be occupied until such time as **Electric Vehicle (EV) charging infrastructure** has been provided on, and is operational to serve, each unit / part of the site, with a minimum of 10% of the overall number of spaces for that unit/part provided, and a further 20% of all car parking provided with the necessary ducting for future electric charging points.

Reason: To ensure the provision of a satisfactory car park layout and that appropriate provision is made for Electric Vehicle charging in accordance with Future Wales Policy 12 (Regional Connectivity).

30. The following **ecological enhancements** covering green infrastructure to individual ecological receptors, shall be installed at the development to ensure along with relevant avoidance to mitigation, Net Benefits for Biodiversity can be achieved as part of the Step Wise Approach:

- The enhancements specified in Section 6.3 of "Delta Simons, Ecological Impact Assessment Cardiff East Park and Ride Issue 14, dated 15/12/2023". Further detail will be assessed against future landscape plans for compatibility.
- Removal of rubbish particularly from the river as per "A.T. Coombes Associates Ltd, Woodland Management Plan at Cardiff East Park and Ride, Eastern Avenue Pentwyn, dated 23rd August 2023"
- Herbicides will only be used on hard surfaced areas, to prevent damage to hard landscaping over time, as a less carbon intensive way of maintaining the hard landscaped environment and ensuring semi-natural habitat remain herbicide free.
- Attenuation basins will contain 100% native species. Rain gardens will contain a minimum of 75% native species by diversity and extent. Planting overall, must look to source local provenance stock.
- 2 of the attenuation basins will contain a pond a minimum of 5m x 5m in size, with shallow sloping margins.
- All retaining walls shall include planting of Hedera helix, Lonicera periclymenum and Clematis vitalba (with appropriate supports), and planting beds at the base of the walls to facilitate this. This can be appropriately factored into detailed designs of retaining walls and yards.
- All disturbed ground not planted with scrub, will be planted with a diverse meadow flower mix suitable for the soil type identified by the Soil Resource Plan.
- Grasslands will be diversified at the site with slot seeding/light harrowing suitable for a floodplain. This will preserve native species diversity and soil carbon. This may include the spreading of material/100mm of topsoil from the species rich bank of plot 8.

- 1 x large bespoke bat box, attached to the south west side of the bridge or a pillar, with access to direct sunlight.
- 4 x bat boxes along the River Rhymney in locations least likely to be disturbed.
- 1 x hibernation bat box in the area of Ancient Woodland.
- 2 x bat boxes suitable for maternity use, on Plot 4 and 5. This should face south or west, but with access to cover adjacent.
- A kestrel box on the edge of the Offsite Supplementary Habitat Planting area.
- 4 x house sparrow terraces and 4 starling boxes.
- 2 x bee banks, south facing, in grassland areas, comprised of nutrient poor substrate from the site.
- 2 x large hibernacula to benefits invertebrates, amphibians and reptiles.
- A continuous gap beneath fences of 100mm or holes of 130mmx130mm under fences, gates, walls etc to allow passage of hedgehog.
- The 40 + apple trees that have been planted in the location of Plot 8, shall be donated to Coed Caerdydd or other charities in Cardiff to be replanted to benefit the community and pollinators.
- To benefit the retention of native provenance trees, young oak trees (or other trees species) (saplings, feathered specimens or potentially as young standards), shall be lifted and used accordingly in site landscaping or at the offsite dormouse habitat creation area.

A drawing indicating the location of enhancements and photographic evidence they have been installed, both close up and at a distance (to indicate their location generally on the site) in line with guidance/best practice, must be provided to Cardiff Council each year (if implementation will take more than 1 year), or no later than one month after the buildings first beneficial use whichever is sooner.

Reason: To comply with the Environment (Wales) Act 2016, to “maintain and enhance biodiversity” and “promote the resilience of ecosystems”, the Section 6 duty. Future Wales – The National Plan 2040 - Policy 9, Planning Policy Wales Section 6 and policies KP16, and EN4 to EN8 of the Cardiff Local Development Plan 2006-2026 and those elements discussed in “Cardiff Green Infrastructure SPG Ecology and Biodiversity Technical Guidance Note, 2017”.

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

shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

32. All new planting, seeding and turf laying relating to the specific phase shall be completed during the first available planting/seeding season post beneficial occupation of that phase, or the completion of development (whichever is soonest). Any new planting, seeding or turf laying which within a period of 10 years from the beneficial occupation or completion of the development dies, is removed, becomes seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting, seeding or turf laying shall take place during the first available planting/seeding season, to the approved specification, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the area, enhancing biodiversity and mitigating the effects of climate change in accordance with Policy KP5, KP15 and KP16 of the Cardiff Local Development Plan 2006-2026.

33. All use of **site won materials and Imported Soils and Aggregates** shall only be undertaken in full accordance with the 'landscape earthworks specification' report by Barry Chinn Associates Limited (which includes a scheme for the contamination assessment and screening of imported and site won material to ensure the suitability of materials used at the development).

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

34. **Supervision of Trees – Bats.** Prior to the felling of any tree at the site, the Ecological Clerk of Works (ECoW) must ensure a Preliminary Ground Level Roost Assessment (PGLRA) confirms the level of potential of that tree remains as indicated by the Ecological Impact Assessment. If any tree is observed with moderate/high potential, the ECoW will determine what further surveys will be required prior to felling. All PGLRAs and actions will be logged. The log will be supplied to the Local Planning Authority no later than 1 month after felling works are complete.

Reason: To ensure surveys follow best practice and that all trees including those associated with the bridge construction are surveyed. This will ensure that any additional mitigation is addressed with regards to bats and principally the Conservation of Habitats and Species Regulations 2017 (as amended) and Policies EN5, EN6, EN7 and KP16 of the Cardiff Council Local Development Plan.

INFORMATIVES

1. *Flood Risk Activity Permit (FRAP)* : The proposed works to construct a new bridge/viaduct (reference to FCA, Appendix A: Proposed Viaduct – General Arrangement, Drawing No. 70071035-STR-001/P05) across the River Rhymney and its floodplain (defended and undefended) will require a FRAP. This will also need to include details relating to how NRW can suitably access the existing flood scheme for operational and maintenance activities, including future improvements. Please be aware that NRW may refuse a FRAP application if this aspect is not acceptable. All guidance and details for FRAPs are available on this link [Natural Resources Wales / Flood risk activity permits](#)

Existing Surface Water Outfall: We would like to remind the applicant that where the existing surface water outfall is to be maintained on the eastern boundary, this appears to feed into the combined sewer on our mapping system and therefore, should not flow directly into the Rumney River.

2. In respect of the CEMP (condition*) Natural Resources Wales advise as follows:-
 - a) Section 4.86 states all chemicals including fuels will be stored in a way that can be easily moved in the event of a flood. We recommend the CEMP be amended to include that fuel and other chemicals should be stored in a 110% volume equivalent bunded area. Please also note, that the locations of the above activities should be over 10m from surface water drains and watercourses. Furthermore, we recommend any subsequent CEMP ensures that wheel/plant washing is carried out in a bunded area, and the contaminated water is either discharged to foul sewer or tankered away.
 - b) Section 4.66 mentions silt fencing being used to filter run-off, however this should not be the only barrier. We recommend that settlement lagoons are also considered and if deemed inappropriate for the site, the reasoning must be clearly stated within the CEMP. The intended maintenance regime and regular inspection of installed silt fencing and other mitigation must also be clearly stated within the CEMP prior to approval and works commencing on the site.
 - c) We recommend specific reference must be made to NetRegs GPP5 in Section 4.68, the proposed sediment management and water quality monitoring should be included in the CEMP (Section 4.79) and that NRW will be contacted in the event of a pollution incident on our hotline.

3. In respect of the Drainage Strategy (Oil Interceptors), Natural Resources Wales advise as follow: -

Guidance states that car parks with more than 50 spaces or that are over 800m² should have an oil interceptor. Given the large number of parking spaces and the sensitivity of the receptor site (Severn Estuary European Marine Site), we advise oil interceptors are included within the SUDS management train. Whilst oils and other hydrocarbons can be filtered out through SUDS basins and degrade over time within retention basins, the size of the site with hardstanding

throughout means that a large volume of surface water will be entering the retention basins and it is unclear whether the retention basins will retain the surface water long enough for breakdown of hydrocarbons before discharge. We request that oil interceptors are installed to ensure water pollution will not impact on the river Rhymney and the Severn Estuary European Marine Site.

4. To allow tracking of the project, especially with respect to landscaping, a copy of the EPS (Dormouse) License should be sent to the Local Planning Authority as soon as reasonably practicable after it has been issued
5. There will be a requirement to divert the Public Rights of Way Paths. Realignment of recorded Public Footpaths require a Section 257 Town and Country Planning Act Legal Order which is open to public consultation. To formalise the Rhymney Trail, the shared use cycle paths will require a Legal Order under the Cycle Track Conversion Act.