

**PLANNING COMMITTEE**

**11<sup>th</sup> January 2024**

**AMENDMENT SHEET / LATE REPRESENTATIONS**

Agenda Item 5a (Page 7)

<b>APPLICATION NO.</b>	22/02673/FUL
<b>LOCATION:</b>	<b>CARDIFF EAST PARK AND RIDE, EASTERN AVENUE, OLD ST MELLONS, CARDIFF CF23 8HH</b>
<b>PROPOSAL:</b>	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.

**Additional Representations**

As identified at para 7.2, final formal comments from Natural Resources Wales (NRW) were awaited at the time of writing the report. These have now been received, and are attached in full at Appendix A.

Officer Response:

The matters raised by NRW in their formal response have largely been addressed within the report (having been discussed verbally with NRW Officers at the time of drafting). However in response the following matters are noted: -

- **Otters:** A condition is requested requiring submission of drawing(s) demonstrating suitable provision for the passage of otter under the new River Rhymney Bridge (including ledges). Condition 11 already requires such details, such that no amendment is required (noting also that the agent confirms that the bridge design already includes otter ledges identified on both sides of the Rhymney River).
- **Lighting:** Condition 18 (lighting design strategy) addresses concerns raised by NRW, but is recommended to be amended as follows to reflect their specific condition request:

**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: -

- **Include an Environmental Lighting Impact Assessment against conservation requirements for protected species**
- **Provide light modelling images to present the night-time effects of lighting on building elevations and ground surfaces from key viewpoints**
- **Provide drawings demonstrating light spillage in sensitive areas, showing light spill overlaid on drawings showing retained and created habitats**
- Show additional contours of 2 and 5 lux isolines.
- 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.
- **Identify measures for timing, dimming, motion sensors to control spillage, and measures to monitor light spillage once development is operational**
- 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).

- **Animex (Dormouse) Bridges:** Provision will be secured through the legal agreement, including detailed design and location of the bridges, connection to canopy on both sides of the river, delivery timescales in the context of the dormouse conservation proposals and long term maintenance.

The agent has also confirmed that the location of the bridges is illustrated on the on/offsite mitigation plan and there is a schematic drawing in the response letter to NRW (issued 2nd November 2023) illustrating the connection to the canopy. The delivery of the bridges will be concurrent with the delivery of the off-site mitigation and the long term maintenance is being reviewed.

- **Green Infrastructure and Landscape Ecological Management Plan:** Requested areas to be covered by conditions are largely addressed through conditions, notably including condition 19. However to address certain areas that condition is recommended to be amended as follows :-

**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) **Building upon the principles and commitments for protected species mitigation and compensation for dormice and otter, include:**
  - i. **Details of habitats and ecological features present or to be created on and off site, including planting schedules**
  - ii. **Phasing proposals for habitat creation which ensure advanced planting of habitat compensation areas**
  - iii. **Details of the desired conditions of habitats (present and to be created) on and off site**
  - iv. **Details of scheduling and timings of activities**
  - v. **Details of short and long-term management, monitoring and maintenance of new and existing landscape and ecological features at the site to deliver and maintain the desired condition**
  - vi. **Measures to restrict human access to habitat creation areas**
  - vii. **Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within years of completion of development**
- c) 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.
- d) 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.
- e) Ecological constraints on site that might influence management or require separate management,
- f) 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).
- g) Details of the body or organisation responsible for implementing the plan, including any updates required.
- h) 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.

- i) Appropriate drawing(s) indicating habitats, areas of the site for specific species and the enhancements to be managed.
- j) 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).

- **Long term maintenance and Management of on and off-site habitats:** NRW advise that delivery and review of the long-term management, wildlife bridges and other non-habitat features need to be secured and delivered through the provisions of a legal agreement, including:
  - Implementation of the long-term habitat management and species and habitat monitoring provisions, as agreed
  - Maintenance of all wildlife features including wildlife bridges
  - Details of the financial measures to secure this
  - Drawings setting out areas to be covered by the long-term obligation.
  - Details and assurances should be provided by the applicant that an appropriately skilled body will be employed to implement the management provisions.

Officers are satisfied that such matters will be secured through the legal agreement.

- **NRW Maintained Flood Defences:** - NRW advise that the delivery (including the bearing of costs) and the long-term maintenance of the replacement access will need to be secured through the planning permission, including provisions of any legal agreement.

Condition 7 already recommends a 'Grampian condition' preventing any work affecting the flood defence access until a new access has been provided. The condition is proposed to be amended as follows to reflect the objectives of NRW, with the legal agreement also securing appropriate controls for long-term maintenance. Notwithstanding this, it is noted that it is currently anticipated that the route would be adopted which will include the maintenance of the cycletrack and lighting along its length alongside the cutting of grass on the verge. Currently the developer does not see a need for additional financial measures for its maintenance.

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 details shall as a minimum include:**

- **Drawing(s) identifying the replacement access route**
- **Materials and construction of the route, ensuring it is appropriate for heavy plant**
- **Details of the long-term management and maintenance of the route**

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.

# APPENDIX A



Cardiff Council  
County Hall  
Atlantic Wharf  
Cardiff  
CF10 4UW

Ein cyf/Our ref: CAS-245001-W3K7  
Eich cyf/Your ref: 22/02673/FUL

Dyddiad/Date: 08 January 2024

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD / PROPOSAL: DEMOLITION OF EXISTING STRUCTURES AND REDEVELOPMENT OF THE SITE TO PROVIDE COMMERCIAL FLOORSACE (USE CLASSES B1, B2, B8 AND 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.**

**LLEOLIAD / LOCATION: CARDIFF EAST PARK AND RIDE, EASTERN AVENUE, OLD ST MELLONS, CARDIFF, CF23 8HH.**

Thank you for reconsulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 15 December 2023.

We note further information on European protected species, flood risk and flood defences has been submitted in support of the proposal. Our advice on these matters is provided below.

In our letter reference CAS-235948-D1Z2, dated 10 October 2023 we advised on pollution prevention, Severn Estuary European Marine Site, and ancient woodland. Our position and comments in our letter reference CAS-235948-D1Z2 still apply. Our advice is repeated below for your convenience.

From recent discussions we understand your Authority wish to take this application to your planning committee on 11 January 2024. You have shared draft planning conditions with us which we have considered in providing this advice.

## **European Protected Species**

We note the following documents and plans submitted in support of the proposal:

- Cover Letter, Cardiff Park and Ride East, Llanrumney, Cardiff – Updates To Application Ref. 22/02673/FUL, by Icení, dated 14.12.2023
- Propose Site Plan, Cardiff Park & Ride East, 7528-MEIN-XX-XX-DR-A-70-003, Rev P19 by Mein, dated 12.12.2023
- On and Offsite Supplementary Habitat Planting, 7528-MEIN-XX-XX-DR-A-70-025, Rev P12 by Mein, dated 13.12.2023
- Tree Constraints Plan, Cardiff Park & Ride East, 7528-MEIN-XX-XX-DR-A-70-005, Rev P12 by Mein, dated 12.12.2023
- Ecological Impact Assessment, Cardiff East Park & Ride, Delta Simons Number 20-0981.07 by Delta Simons, dated 15.12.2023 (EclA)
- Hazel Dormouse Impact Assessment, Cardiff East Park and Ride, Project Number 20-0981.07 / 89106.548885 by Delta-Simons, dated 15.12.2023 (DIA)
- Woodland Management Plan at Cardiff East Park and Ride, Eastern Avenue, Pentwyn, Version 19 by A.T. Coombes, dated 14.12.2023 (WMP)
- Proposed Public Rights of Way, Cardiff Park & Ride East, 7528-MEIN-XX-XX-DR-A-70-007, Rev P16 by Mein, dated 08.12.2023
- Public Rights of Way, Cardiff Park & Ride East, 7528-MEIN-XX-XX-DR-A-70-021, Rev P12 by Mein, dated 12.12.2023
- External Lighting Strategy Report at Cardiff Park & Ride East, Issue 10 by Hydrock KTA, dated 07.12.2023
- 'External lighting sec 1/3' 10341-EXT-100 rev P15 by Hydrock, dated 13.12.23
- 'External lighting sec 2/3' 10341-EXT-101 rev P15 by Hydrock, dated 13.12.23
- 'External lighting sec 3/3' 10341-EXT-104 rev P2 by Hydrock, dated 13.12.23
- Existing Park & Ride Lux Levels, Cardiff East Park and Ride, Drawing 10341-EXT-103, P01 by Hydrock, dated 24.1.2023

In our letter reference CAS-235948-D1Z2, dated 10 October 2023, we advised of our concerns on the matters listed below and advised further information was submitted in support of the proposal:

- Clarification of losses of previously agreed dormouse habitats
- Otter ledges on the proposed bridge crossing
- Lighting
- Details of dormouse bridges

We advise the additional and amended documents and plans listed above provide an adequate basis to address some, but not all, concerns we raised in our letter dated 10 October 2023.

If your authority approves this application, outstanding matters on habitat creation and the woodland management plan, public rights of way (PROW) and informal access routes, and long-term maintenance and management will need to be adequately managed and controlled. At this point, you will need to be satisfied that these matters can be properly controlled through planning conditions and/or legal agreement.

Furthermore, we advise that measures to safeguard and appropriately manage on and off-site wildlife habitat are secured through planning conditions and/or legal agreement.

Further advice is provided below, and where appropriate we have suggested conditions which achieve the specified objectives we are seeking to be secured.

*Clarification of losses of previously agreed dormouse habitats*

We previously sought clarification on the extent of land loss of all previously licenced dormouse habitat areas (regardless of current condition) including the extent of areas that are not currently suitable to support dormouse but were proposed as mitigation areas on the 2008 EPS licence. This clarification does not appear to have been provided.

Having considered the drawings listed above, we consider that there are previous mitigation areas (which are not currently considered to be suitable habitat) that will be lost to the proposal. It is not clear whether these areas have been included in the habitat loss calculations. Therefore, your Authority should be assured that the full loss of dormouse habitat, including the previously agreed and licenced dormouse habitat, can be compensated through this planning permission if granted.

*Otter*

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 have concerns that the provision of otter ledges could impact on the bridge design, and therefore recommend you satisfy yourselves that inclusion of otter ledges on the underside of the viaduct has been adequately assessed by the applicant's design team, and will be achievable without impacts to river conveyance, flooding, and bridge design. The bridge will also require a Flood Risk Activity Permit (FRAP). We would seek to ensure this element is adequately addressed during the determination of a permit. More guidance on the FRAP process is provided below.

However, we would also advise that the final layout and design of the ledges could be agreed through planning condition such as the one below. Alternatively, your authority should be satisfied that the suitable provision for pass of otter will be secured to the planning permission, if granted:

Condition:

No development shall be carried out until drawing(s) demonstrating suitable provision for the passage of otter under the new River Rhymney Bridge (including ledges) have been submitted to and agreed with the local planning authority.

*Lighting*

We welcome the amended lighting drawings, External Lighting Sec 1-3 (Drawing no. 10341- EXT-100, 101 & 104).

We welcome the amendments to the lighting within the Plots/Yards on the site, the lighting adjacent to woodland areas on the west of the proposal site, where the 1 Lux contour is mainly on the boundary of the Plots; and the removal of lighting from PROW including that which ensures the majority of the riparian corridor along the river is kept dark. We advise this is an improved lighting design that reduces potential impacts of lighting on protected species

We note the EclA also states: “*The proposed external lighting scheme allows for the full automation of the lights, such as dimming and switching. It is proposed that during winter months external luminaires are to dim down to 10% power at 16:00 and switch off entirely between 23:30 and 05:30. Drawing 5 shows the proposed external lighting scheme with pathway lighting at 10% power. External luminaires are to be activated by motion sensors, so that lights dim up or switch on to full brightness in the section where there is activity, leaving the remainder of the site dark. This anticipated to limit any potential residual negative impacts of lighting on bats.*”

We welcome this and advise the use of similar measures year-round.

We note lighting on the bridge avoids illumination over 1 Lux for the waterway itself. However, we advise that the riparian habitat corridor on the riverbanks at the bridge is also kept dark, to help ensure maximum use by bats, otter and dormouse (see below). If the principle of a reduction of lighting on the banks of the river at the bridge is acceptable to the applicant, we are satisfied this could be addressed by condition. Further details are below.

We note that the DIA (section 4.5) advises that ‘the scheme will be refined during the design/construction stage and further steps will be taken to ensure the limitation of light spill on sensitive habitats’.

We therefore advise that the final detail of lighting design and implementation is agreed by the following planning condition, or a similarly worded condition which achieves the following objectives, if planning permission is granted:

Condition:

Building on the proposals as set out in the submitted documents, prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Drawings demonstrating light spillage in sensitive areas, showing light spill overlaid on drawings showing retained and created habitats
- An Environmental Lighting Impact Assessment against conservation requirements for protected species
- Light modelling images to present the night-time effects of lighting on building elevations and ground surfaces from key viewpoints
- Measures for timing, dimming, motion sensors to control spillage
- Details of lighting to be used both during construction and/or operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species.

*Wildlife Bridges*

We note DIA (section 5.2) advises that Animex style bridge is proposed. However, we note no additional information has been submitted to clarify the following details:

- the detailed design and location of the bridges
- connection to canopy on both sides of the river
- delivery timescales in the context of the dormouse conservation proposals
- long term maintenance.

Therefore, your Authority should be satisfied there are appropriate mechanisms available to you to ensure the above matters are resolved prior to the development commencing, if planning permission is granted.

Further advice on the wildlife bridges and their potential impacts on flood risk, river conveyance and NRW maintained food defences is provided below.

#### *Habitat Creation and Woodland Management Plan*

We advise that the WMP is further developed, via a Green Infrastructure and Landscape Environmental Management Plan (GILEMP).

We advise that the GILEMP sets out the detail, timing, scale, location and phasing of habitat creation proposals and the desired condition of all retained and new habitat and including its long-term management in order to achieve the required condition. In terms of habitat creation, the GILEMP should reflect the indicative landscape drawings 'Proposed Site Plan, Cardiff Park & Ride East, 7528-MEIN-XX-XX-DR-A-70-003, Rev P19' and 'On and Offsite Supplementary Habitat Planting, 7528-MEIN-XX-XX-DR-A-70-025, Rev P12'

In terms of phasing of habitat creation, we welcome DIA (section 5.1) advises "*commitment to the advanced planting of suitable dormouse habitat in the appropriate locations. It is also anticipated that this will be conditioned*". We advise that either the GILEMP or a dedicated condition can be used to agree the phasing of habitat creation.

We also advise that the GILEMP includes new planting to provide and secure a wildlife corridor either side of the river bridge.

We advise that if planning permission is granted, the following condition or a similarly worded condition which achieves the following objectives, if planning permission is granted

#### Condition:

No development including site clearance shall commence until a Green Infrastructure and Landscape Environmental Management Plan (GILEMP) for the provision, management and maintenance of the landscape and ecological features at the has been submitted to and approved by the Local Planning Authority.

The GILEMP shall build upon the principles and commitments for protected species mitigation and compensation for dormice and otter and include:

- Details of habitats and ecological features present or to be created on and off site, including planting schedules
- Phasing proposals for habitat creation which ensure advanced planting of habitat compensation areas
- Details of the desired conditions of habitats (present and to be created) on and off site
- Details of scheduling and timings of activities

- Details of short and long-term management, monitoring and maintenance of new and existing landscape and ecological features at the site to deliver and maintain the desired condition
- Measures to restrict human access to habitat creation areas
- Details of monitoring of ecological features
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within years of completion of development
- Details of management and maintenance responsibilities
- Details of measures to eradicate invasive non-native species including Japanese knotweed and Himalayan balsam
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed.

A written report on the delivery of the GILEMP shall be submitted to the LPA at the conclusion of each development phase and at 5-year intervals post construction. The report shall include an updated GILEMP which reflects the outcome of monitoring and incorporates recommended changes arising from the 5 yearly review.

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

Justification: A GILEMP should be submitted to ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term.

#### *Public Rights of Way (PROW) and Informal access routes*

We welcome movement of the PROW adjacent to Plot 8. We advise that there seems to be discrepancies between the covering e-mails associated with the December submission and some of the drawings in respect of footpaths in the NE area of the site and close to Plots 5 and 6a/6b. The covering e-mail suggests that paths have been relocated to avoid impacts. However, drawings suggest PROW/routes through woodland.

We advise that all footpaths are located outside compensation and mitigation areas and that the creation of footpaths does not involve removal of suitable dormouse habitat. If dormouse habitat is impacted, the layout of the footpath location should be reviewed.

We advise that a condition for the appropriate location of any PROW/access is included on any planning permission.

#### *Long term maintenance and Management*

We advise that delivery and review of the long-term management of on and off-site habitats, wildlife bridges and other non-habitat features are secured and delivered through the provisions of a legal agreement.

We advise that any legal agreement secures the following:

- Implementation of the long-term habitat management and species and habitat monitoring provisions, as agreed
- Maintenance of all wildlife features including wildlife bridges
- Details of the financial measures to secure this

- Drawings setting out areas to be covered by the long-term obligation.

Details and assurances should be provided by the applicant that an appropriately skilled body will be employed to implement the management provisions.

## **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.

We have reviewed the FCA undertaken by WSP, Reference 2841-WSP-XX-XX-RP-C-01 (Revision 5) dated June 2023 and provide the following technical advice on the acceptability of flooding consequences and TAN15 criteria below.

### *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, and 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 in 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 are also 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

It is for your authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. We cannot advise on matters such as emergency plans, procedures, and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans 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.

We note the following plans and document submitted in support of the proposal:

- Cover Letter, Cardiff Park and Ride East, Llanrumney, Cardiff – Updates to Application Ref. 22/02673/FUL, by Icení, dated 14.12.2023
- 'On and Off-Site Supplementary Habitat Planting' 7528 MEIN-XX-XX-DR-A-70-025, rev P12 by Mein dated 13.12.23
- 'Off Site Dormouse Habitat Landscape Plan' CUR BCA ELS XX DR L 2190-21-07 S5, rev P3 by Barry Chin, dated 14.12.2023

We advise the proposal will result in the loss of a suitable access to the NRW maintained flood defence wall and embankment. We also note the cover letter (section d 'access to flood defences') advises on the provision of a replacement access.

We note a Grampian style condition has been suggested and proposed to secure a replacement access to the NRW maintained flood defence embankment. In principle we accept this provides sufficient control for a detailed and final scheme to be agreed and implemented prior to the proposed development affecting the existing access route. The agreed scheme must continue to provide a viable, safe access and maintained long-term. Discussions are still ongoing with the Applicant and our flood risk management function over route and details.

We therefore advise your authority to consider how the delivery (including the bearing of costs) and the long-term maintenance of the replacement access will be secured through the planning permission, including provisions of any legal agreement.

We advise that the following objectives need to be secured if planning permission is granted:

- Drawing(s) identifying the replacement access route
- Details of materials and construction of the route, ensuring it is appropriate for heavy plant
- Implementation of the long-term management and maintenance of the route
- Details of the financial measures to secure the above

Details and assurances should be provided by the applicant that an appropriately skilled body will be employed to implement the management provisions.

We also note both plans identified above include areas of dormouse habitat creation/planting and the location of wildlife bridges. We advise that no dormouse habitat is planted or encroaches within a buffer approximately 5 metres from the landward toe of the NRW maintained flood defence. Our advice on off-site dormouse habitat and a condition for securing changes to dormouse habitat via a Green Infrastructure and Landscape Environmental Management Plan is provided above.

#### Further Advice to Applicant

##### *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 Rhymer 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.

The proposed Wildlife Bridges will also likely require a FRAP. Any other works or structures located in, under, over or within 8 metres of the bank top of the River Rhymney, including any dormice bridges, will require a FRAP from us.

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 3<sup>rd</sup> 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 or 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:

Condition:

No development or phase of development, including site clearance, shall commence until a site wide or phase Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed with Natural Resources Wales and the Local Planning Authority prior to commencement of development or phase of development or specified activity and implemented for the protection of the environment during construction.

Drainage Strategy

*Oil interceptors*

Guidance states that car parks with more than 50 spaces or that are over 800m<sup>2</sup> 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.

#### *Existing Surface Water Outfall*

The drainage strategy confirms the construction of a new headwall in to the Rumney River and therefore a Flood Risk Activity Permit (FRAP) will be required. Further advice can be found on our website. 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.

#### Invasive and Non-Native Species

Sections 4.60, 4.59.1 – 4.59.3 of the CEMP advises on the management of Himalayan balsam and Japanese knotweed that is present onsite. It should be noted that the spread of Himalayan balsam is prohibited under the Invasive Alien Species (Enforcement and Permitting) Order 2019. The spread of Japanese knotweed is prohibited under the Wildlife and Countryside Act 1981 (as amended). Therefore, we recommend you refer the management of these species to your LPA Ecologist to ensure any works on site do not cause the spread of any non-native invasive species.

#### **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 affecting 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.'*

## **Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

## **Kate Glover**

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.