

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **17 OCTOBER, 2024**
 REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

Decision Codes:

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2024/0009/PO	AC	16, Cosmeston Street, Cardiff. CF24 4LP	Conversion of rear outbuilding to form proposed granny flat to be used in an ancillary capacity to main property, with all associated design alterations and external works
2024/0451/BR	AC	87, Glebe Street, Penarth. CF64 1EF	Internal alterations to gym
2024/0457/BN	A W	31, Victoria Road, Penarth, CF64 3HY	Rear detached garage
2024/0459/BR	AC	13, Maes-y-coed, Barry, CF62 6SZ	Removal and replacement of rear single storey extension, with a raised terrace and steps down to lower level garden. New roof over existing garage. Alterations to dormers.
2024/0460/BN	A	36, Heol Y Sianel, Rhoose, CF62 3ND	Part garage conversion
2024/0463/BR	AC	12, Kipling Close, Penarth, CF64 2SB	Single storey extension to rear & single storey extension to side and front

2024/0464/BN	A	33, Partridge Road, St Athan, CF62 4NF	Loft conversion (no dormer)
2024/0465/BN	A W	4, Orchard Lodge, Boverton. CF61 1UH	Rear extension & first floor extension
2024/0467/BN	A	40, Clos Derwen, Dinas Powys, CF64 4BN	Single storey rear extension
2024/0468/BN	A	1, Turnpike Close, Dinas Powys. CF64 4HT	Partial conversion of double garage
2024/0470/BN	A W	3, Dobbins Road, Barry, CF63 2NN	Double storey side & single storey rear extension only
2024/0471/BN	A	5 & 6 Croft John, Penmark, CF62 3BQ	Single storey extension Ground floor, balcony to First floor
2024/0472/BN	A	Cwrt Y Gan, 5, St Quentins Close, Llanblethian, Cowbridge, CF71 7EZ	Knock through
2024/0473/BN	A	7, Marine Drive, Ogmore By Sea, CF32 0PJ	Single storey side extension. internal alterations
2024/0474/BN	A	The Firs, Southerndown Road, St Brides Major, Bridgend, CF32 0SD	Knock through to create opening for new doorway.
2024/0476/BN	A	80, Cornerswell Road, Penarth, CF64 2WA	Enlarging dormer to existing loft
2024/0477/BN	A	57, Redlands Road, Penarth, CF64 2WE	Knock through to open up kitchen
2024/0479/BN	A	10, The Paddock, Cowbridge, CF71 7EJ	Single storey extension to porch and study. Knock wall down between kitchen and adjacent room.
2024/0481/BN	A	337, Barry Road, Barry, CF62 8HG	Re roof
2024/0482/BN	A	339, Barry Road, Barry, CF62 8HG	Re roof
2024/0484/BN	A W	Land at Doghill Farm, Lane Jct A4226 To Dyffryn Via Little Hamston Farm, Dyffryn. CF5 6SU	Demolition of existing dwelling and erection of replacement dwelling.

2024/0485/BN	A	25 Crofta, Dinas Powys, CF64 4UN	knock through
2024/0486/BR	AC	11 Palmer Street, Barry, CF63 2NH	All Internal alterations to form new larger openings for new doorways. Renovate existing shower room. All for level access for disabled facilities grant
2024/0488/BN	A	3, Harlech Drive, Dinas Powys. CF64 4NZ	Knock through between kitchen & dining room
2024/0489/BN	A	22, Pyke Street, Barry. CF63 2PH	Disabled facilities adaption to existing bathroom. Need to raise the floor to match the levels of the adjacent rooms. Structural alteration to rear door
2024/0491/BN	A	6, Raven Way, Penarth. CF64 5FH	Knock through of a load bearing wall (and installation of steel beam) to create a kitchen diner space
2024/0492/BN	A	65, Picton Road, Rhoose. CF62 3HU	Single storey rear extension & Internal alterations to include knock through between dining and kitchen area and create GF shower room.
2024/0493/BN	A	35, Cilgant Y Meillion, Rhoose. CF62 3LH	Integral garage conversion to habitable room
2024/0495/BN	A W	Shandon, Church Street, Wick. CF71 7QE	Removal of existing conservatory and development of a garden room and attached garage
2024/0496/BR	AC	28, Plas Essyllt, Dinas Powys. CF64 4QR	Single storey rear extension
2024/0498/BN	A	83, Westbourne Road, Penarth. CF64 3HD	Re roof
2024/0499/BN	A	12, Heol Sant Bridget, St Brides Major. CF32 0SL	Knock down wall and reconstruct wall and put a steel in between 2 reception rooms

2024/0500/BN	A	Caeronnen, Llantrithyd. CF71 7UB	Single storey extension
2024/0501/BR	AC	48, Pill Street, Penarth. CF64 2JR	First floor extension over existing kitchen to enlarge bedroom
2024/0502/BN	A W	1, Grove Terrace, Penarth. CF64 2NL	Construction of part single storey, part two storey rear extension
2024/0504/BN	A	Gwenfo C/W Primary School, Old Port Road, Wenvoe. CF5 6AN	Installation of two new data outlets, one in the headteachers office and another in the admin offices
2024/0507/BN	A	21, Cog Road, Sully. CF64 5TD	Two storey side extension for lower GF sitting room and GF bedroom with balcony. Three storey extension with rear garage at lower GF level, bedrooms at GF level and new floor over existing property at FF level. Alterations to the entrance Internal alterations to layout
2024/0508/BN	A	Ty Dyfan Residential Home, 7, St. Brides Way, Barry. CF63 1DU	Replacement roof covering (tiles) incorporating integrated PV panels
2024/0509/BN	A	Murchfield Community Centre, Sunnycroft Lane, Dinas Powys. CF64 4QQ	Replacement roof covering (tiles) incorporating integrated PV panel system (24 no. panels)

(b) Building Regulation Applications – Reject

For the information of Members, the following applications have been determined:

2024/0455/BR	R	Llantwit Major Comprehensive School, Ham Lane East, Llantwit Major. CF61 1TQ	New dividing wall in main reception with 2 hatches and full redecoration including flooring. 2 large back offices, each split into 2 smaller offices, with redecoration and new electrics
2024/0458/BN	R	REFUSED - 2, Castle Close, Boverton, Llantwit Major, CF61 1UU	REFUSED - Loft conversion with dormer
2024/0466/BN	R	4, Teasel Avenue, Cogan, Penarth, CF64 2QE	Replacement frame & roof to conservatory

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2024/0129/AI	R	The Barns, Crossways, Cowbridge CF717LJ rejected - app in place	Detached garden annexe with sleeping accommodation.
2024/0130/AI	A	Witchwood, Twyncyn, Dinas Powys, CF64 4AS	Loft conversion with dormer
2024/0131/AI	A	51 Newlands Street, Barry CF62 8DZ	Loft conversion and dormer
2024/0132/AI	A	Hellas, St. Nicholas, CF5 6SG	Double and Single storey extension, replacement windows and doors, new bifold windows and doors, internal and external referb.
2024/0133/AI	A	119 Fontygary Road, Rhoose, Barry, CF62 3DU	Warm roof to conservatory
2024/0134/AI	A	4 Brenig Close, Barry, Vale of Glamorgan, CF62 7BL	Conservatory roof replacement and frames

2024/0135/AI	A	1, Arthur Street, Barry. CF63 2RB	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0136/AI	A	50, Heol Y Sianel, Rhoose. CF62 3ND	Proposed loft conversion
2024/0137/AI	A	5, St. Augustines Place, Penarth. CF64 1BJ	Proposed loft conversion
2024/0138/AI	A	5, Clos Yr Ysgol, Dinas Powys. CF64 4RJ	Proposed loft conversion
2024/0139/AI	A	6, Bradenham Place, Penarth. CF64 2AG	Proposed loft conversion
2024/0140/AI	A	17, Plassey Street, Penarth. CF64 1HD	Proposed loft conversion
2024/0141/AI	A	10, Caynham Avenue, Penarth. CF64 5RR	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0142/AI	A	15A, Plymouth Road, Penarth. CF64 3DA	Rear dormer balcony extension to existing loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2024/0143/AI	A	The Mill, Peterston Super Ely. CF5 6LH	Single storey extension, internal and external structural alterations and creation of first floor balcony (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0144/AI	A	4, Heol Cae Gwyn, St. Brides Major. CF32 0SG	Internal structural alteration between kitchen and dining room (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0145/AI	A	3, Elm Close, Sully. CF64 5TB	Single storey front porch extension, internal and external structural alterations, upgrade of thermal element (roof) and upgrade of controlled fittings (windows and door) (works to incorporate material alterations to structure and controlled services)
2024/0146/AI	A	198, Redlands Road, Penarth. CF64 2QS	Loft conversion, hip to gable with rear dormer
2024/0147/AI	A	276, Gladstone Road, Barry. CF63 1NH	Loft conversion with rear dormer
2024/0148/AI	A	22, Clos Derwen, Dinas Powys. CF64 4BN	Single storey extension to kitchen / dining area with sliding doors and sky light
2024/0149/AI	A	4, Manor Court, Ewenny. CF35 5RH	Formation of structural opening to accommodate the installation of a lift

2024/0150/AI

A

18, Archer Terrace, Penarth.
CF64 3DU

Loft conversion. Rear
dormer

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REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2018/01408/5/CD	A	Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Discharge of condition 20. (Building recording) for Planning permission ref: 2018/01408/FUL - Proposed demolition of existing school, development of 34 dwellings (30 flats and four houses) and associated works including the construction of bespoke bat roost, access/parking and landscaping
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2022/00217/1/NMA	A	12, Solent Road, Barry	Non-Material Amendment - Reduction in rear extension and increase of single remaining extension Planning Permission ref: 2022/00217/FUL - To amend the rear of the property which is a reduction of the overall footprint due to sewer location
2022/00294/2/CD	A	Land adjacent to Oak Court, Myrtle Close, Penarth	Discharge of Conditions 44 (Sustainable travel) and 45 (Highway Engineering Details). Planning permission ref 2022/00294/HYB - Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access
2022/00671/1/NMA	A	12 Peterswell Road, Barry	Non Material Amendment - An amendment to material alteration to the external facade treatment from timber to cement render and correction of as built dimensions. Planning Permission ref 2022/00671/FUL - The erection of a single storey structure to the rear of the garden.

2022/00884/OUT	R	Wenvoe Service Station, Port Road, Wenvoe	Outline planning application for 2 No. four bedroom bungalows on the existing Wenvoe Service Station and West Cross sites
2023/01056/FUL	A	The Market Place Restaurant, 66, High Street, Cowbridge	Proposed 3 Domestic Units and 1 Retail/Cafe/Office Unit - The objective is to bring the building back into a viable use and thus secure its future
2023/01147/FUL	A	Land at Windmill Park, Hayes Road, Barry	Proposed erection of Class B1(c)/B2/B8 Development (Phase 5) together with associated parking and amenity provision.
2024/00034/FUL	A	Stourbridge House, Llysworney	Erection of electric sliding gates, pedestrian gate and natural stone pillars
2024/00069/FUL	A	Argoed Quarry, Llanharry	Partial change of use of quarry for a shooting range for a maximum of 24 days per calendar year to a maximum of 4 hours per session.
2024/00085/LAW	A	240, Holton Road, Barry	A new emergency access was created at first level for escape from the property. This was made pre June 2019

2024/00112/FUL	A	18, York Place, Barry	Replacement of rotten decking area. New structure is the same height using the existing supports attached to the property. The decking from the garden will have a 6ft panel screen added to minimise the line of sight.
2024/00185/1/NMA	A	14 Knowbury Avenue, Penarth	Non Material Amendment - An Amendment to reduce the size of various windows. for planning permission ref 2024/00185/FUL - Proposed two storey rear extension, loft conversion, porch to front elevation and extension to existing garage
2024/00316/FUL	A	The Haven, Welsh St. Donats	Replacing external walls and construction of new porch
2024/00331/FUL	A	The Poplars, South Gate, Cowbridge	Single storey pitched roofed side extension. Internal structural modifications
2024/00392/LBC	A	Picketston House, Picketston	Listed Building Consent for removal of staircase and reinstatement of ceilings including to the dairy, works to windows and shutters and repairs and repainting of external render
2024/00396/FUL	A	Trehedyn House, Trehedyn Lane, Peterston Super Ely	Donkey Stable

2024/00401/FUL	A	108, Glebe Street, Penarth	Change of use of 1st and 2nd floor from offices B1 and B2 to Air BnB, planning classification C6
2024/00410/FUL	R	The Old Cottage, Castle Upon Alun, St. Brides Major	Proposed first floor extension, to be constructed from the existing ground floor family room. Proposed extension to consist of new stairway/landing, leading into additional 2 no. bedrooms
2024/00442/FUL	A	152, Redlands Road, Penarth	Create a driveway at the front of our property
2024/00458/FUL	A	27, Barons Close, Llantwit Major	Double storey side extension and single storey front extension to existing semi detached dwelling
2024/00459/FUL	A	160 Westbourne Road, Penarth	Demolish existing conservatory and replace with masonry extension single storey. Remove bay window to rear bedroom and replace with French doors
2024/00461/FUL	A	Penarth Physiotherapy Practice, The Courtyard, Penarth	Remodel and renovation of existing building. To include Re-plan of internal layout, Construction of mezzanine level, New roof - ridge level raised in part to achieve adequate head height, Material treatment of elevations including fenestration.

2024/00488/FUL	A	9, Stradling Close, Cowbridge	Single storey front and side extension, decking to the rear with a garden shed with associated internal alterations including demolition of existing garage
2024/00495/FUL	A	9D Albert Crescent, Penarth	Extension to the existing rear balcony to the first floor flat 9D
2024/00513/FUL	A	50 Stanwell Road, Penarth	Amendment to the existing boundary wall to include access for vehicles. Wall to be constructed using materials to match the existing.
2024/00515/FUL	A	Y Ffald, 2 Broadway Green, St Nicholas	Garden room on site of existing greenhouse in garden
2024/00520/FUL	A	Talar Fôr, 31 Whitcliffe Drive, Penarth	Removal of front porch, rear conservatory and roof of existing garage. Single and two storey extension to front elevation. Single storey rear extension and side extension. Replacement of all external windows and doors. Minimal alterations to interior of existing house.
2024/00529/FUL	A	Red Gables, Sully Road, Penarth	single storey side and rear extension including new solar panels

2024/00535/FUL	A	Source Of Beauty, 31B Albert Road, Penarth	Change of use from a former single small business to a single residential dwelling. No structural change required to external or internal building.
2024/00539/FUL	A	Monksilver, 62 The Parade, Barry	Proposed Rear and Side Extensions, Balcony and detached Garage/Workshop
2024/00542/FUL	A	14 Le Sor Hill, Peterston Super Ely, Cardiff	Single storey extension to rear of property, internal alterations & renovation. Additional car park to front.
2024/00548/1/CD	A	The Vale Pavillion, Hensol	Discharge of Condition 5 (Drainage) for planning permission ref; 2024/00548/FUL - Two storey extension to form coach and officials changing areas, a store, boots off room, press conference/lecture hall, and wc's to the lower ground floor with training and meeting rooms on the ground floor above. Solar panels to the extension roof. Extension of the existing terraced area to the ground floor to provide a viewing platform over the pitches. Two extensions to the lower ground floor, to accommodate the increased activation area (gym) and medical testing requirements at The vale Pavillion, Hensol.

2024/00549/FUL	A	Old Farm House, Llandow	Internal renovation and rear single storey extension with associated landscape works.
2024/00561/FUL	A	64 Heol Y Frenhines, Dinas Powys	Proposed single storey flat roof rear extension, alterations to fenestration and conversion of front garage into home office.
2024/00563/FUL	A	Tafan Bach Farm, Trerhyngyll	New porch to the front of the property with two storey extensions to the rear, including a roof terrace
2024/00571/LAW	A	Brookville, Trerhyngyll	Single storey outbuilding, to be used as part garage and part studio.
2024/00575/FUL	A	Town Hall Car Park, Cowbridge	Erection of a freestanding Automated Telling Machine ("ATM")
2024/00576/ADV	A	Town Hall Car Park, Cowbridge	Advertisement consent for advertisements associated with the erection of a freestanding Automated Telling Machine ("ATM")
2024/00580/FUL	A	32 Borough Close, Cowbridge	To build a single storey porch with a side entry door on our front driveway.
2024/00584/FUL	R	Westwoods, Castleton Road, St Athan	Removal of Condition 1 (Agricultural Occupancy) of Planning Permission p/7/2/465 (1965): Pair of semi-detached houses for agricultural workers

2024/00586/FUL	A	The Wallage, Heol Y Mynydd, Welsh St Donats	First Floor extension above existing garage, Single storey rear extension behind garage, 2 Storey rear extension behind Lounge
2024/00591/FUL	A	27 Barberry Rise, Cogan, Penarth	Proposed Single Storey Front Extension
2024/00597/FUL	A	36, Porlock Drive, Sully	Double storey rear gable end extension, conversion of garage into prayer room and footprint increased, 2 no. roof dormers to side elevation to create more available head space and facilitate relocation of stair
2024/00601/FUL	A	1 The Cottages, Pen-y-turnpike Road, Dinas Powys	Single story kitchen extension to the rear and extend the existing side balcony by approximately 1 metre to accommodate for more suitable outside floor space.
2024/00608/FUL	A	33 Clos Cradog, Penarth	Part demolition of single storey rear extension constructed without planning permission with south eastern external wall retained and converted to boundary wall, retrospective planning approval for air source heat pump and solar panels, approval for new timber pergola
2024/00611/FUL	A	4 East View, Llandow	Install an Air Source Heat Pump on the outside of the back of our property

2024/00612/FUL	A	24, Crompton Way, Ogmore By Sea	Alteration to planning permission (2022/01278/FUL) to allow for a 1.7 metre side fixed obscured glass balcony.
2024/00614/FUL	R	The Bungalow, 5 Corbett Road, Llandough, Penarth	Proposed works to an existing bungalow to include a new garage at the end of the driveway, and a new accessible first floor for new bedrooms and bathrooms transforming the dwelling into a dormer bungalow.
2024/00616/FUL	A	2 Rectory Mews, Rectory Road, Penarth	Retention of fence
2024/00617/FUL	A	48 Pill Street, Cogan, Penarth	Single storey rear extension at first floor level over existing kitchen to provide enlargement of existing bedroom.
2024/00620/CAC	A	The Croft, Ffordd Yr Eglwys, Peterston Super Ely, Cardiff	Conservation Area Consent to rebuild the front elevation using reclaimed materials to replicate the existing as much as possible
2024/00625/FUL	A	25 Gelyn Y Cler, Barry	Part retrospective application to convert garage to living room, loft conversion with erection of a dormer in the rear roof, re-roofing of main dwelling

2024/00632/FUL	A	Plymouth Park, Marconi Avenue, Penarth	The installation of a proposed leachate treatment plant with roof mounted solar panels to be situated within the grounds of the former Plymouth Park Landfill Site, within the existing leachate management compound. Further detail may be found in ECL Document VINC.01.03/PS submitted with this planning application.
2024/00644/FUL	A	Westgarth, Sigingston	Proposed two storey rear extension and first floor front extension, external and internal alterations and replacement of windows / doors
2024/00647/FUL	A	19, Suran Y Gog, Barry	Proposed single storey side extension, with all associated external works including raised patio area.
2024/00652/LAW	A	5 Maes-y-ffynon, Bonvilston	Small conservatory / Sun Room was added on to the completed extension in rear garden of above mentioned property in 2008. (Planning Ref for the extension is: 2000/00472/FUL).
2024/00657/FUL	A	27 Dinas Road, Penarth	Proposed single storey rear extension
2024/00658/FUL	A	11 Plas Glen Rosa, Penarth Portway, Penarth	Proposed enlargement of front first floor window and Juliet balcony

2024/00662/FUL	R	1, Drope Terrace, Drope, St Georges Super Ely	Proposed inclusion of garden area to the rear of the existing house and retention of the existing decking and the construction of a new post and wire fence between the garden extension and the adjacent agricultural land.
2024/00669/FUL	A	Tesco Superstore, Terra Nova Way, Penarth	Application for new click and collect parking and double canopy above finished in Red RAL 3020, with galvanized steel post for support, new 1x van bays with safe zone in between and 12x new bollards.
2024/00681/FUL	R	Homri Barn, Well Lane, St Nicholas	Retention of garage and greenhouse
2024/00682/FUL	A	65, Picton Road, Rhose	Single storey rear extension & garage conversion.
2024/00724/FUL	A	Tower Hill Residential Home, 54 Plymouth Road, Penarth	Variation of Condition 2 (Approved Drawings) of Planning Permission 2022/01122/FUL : Proposed demolition of existing single storey rear extensions. Proposed single storey rear extension and other internal alterations to property. Proposed detached double garage and repositioned access

2024/00756/FUL	A	Crossways, Twyncyn , Dinas Powys	Two storey side extension and associated works. New solar panels.
2024/00871/OBS	B	Land at Cardiff Point to the North of Cardiff Bay Yacht Club, Ferry Road, Grangetown, Cardiff	Creation of a boat depot. to include a new pontoon, boat hoist, workshop/offices using shipping containers along with boundary fence replacement and associated parking.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 17 OCTOBER 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

3. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2024/00109/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03682-K0N7X1
Appellant: Mr Matthew Sheppard
Location: 5, Hazledene Close, Barry
Proposal: Retrospective approval required for a feather edge garden fence that runs adjacent to the pathway.
Start Date: 12 September 2024

L.P.A. Reference No: 2024/00130/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03570-H6P0P6
Appellant: Mr Paul Skinner
Location: Land at Middle Hill, Old Middle Hill, Llancarfan, CF62 3AD
Proposal: An extension to an existing stable building for the purpose of providing an agricultural store and a livestock shelter for sheep kept on the adjacent pasture land. A machinery storage building in which to store existing equipment and machinery, used on the adjacent agricultural land.
Start Date: 16 September 2024

(b) Enforcement Appeals Received

L.P.A. Reference No:
Appeal Method: Written Representations
Appeal Reference No: CAS-03590-J3F3R9
Appellant: Mr Paul Henry Skinner
Location: Land to the east of Middle Hill, Llancarfan, Barry, CF62 3AD

Proposal: (i) Without planning permission, the carrying out of operational development comprising the construction of an unauthorised timber outbuilding, and the permanent siting of two storage containers and canopy structure.
(ii) Without planning permission, the material change of use of the land from agriculture to agriculture and the siting of a caravan used for leisure purposes.

Start Date: 16 September 2024

(c) Planning Appeal Decisions

LPA Reference No: 2024/00007/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03453-Q2R1X2
Appellant: Mrs Alison Cooper
Location: 7, Hickman Road, Penarth
Proposal: Change existing clay ridge hips to lead hips
Decision: Appeal Dismissed
Date: 7 August 2024
Inspector: C Sweet
Council Determination: Delegated

Summary

The main issue was considered to be whether the proposed development would preserve or enhance the character or appearance of the Penarth Conservation Area (the CA). It was acknowledged that the regular use of clay hip and ridge tiles created a strong degree of visual consistency and a distinctive architectural interest throughout the CA, forming a significant part of its established character.

The use of clay hip and ridge tiles at No. 7 and its attached neighbours, created a pleasing degree of visual consistency and a balanced appearance within the terrace, and contributed to the overall visual consistency, architectural interest and established character of the CA. The use of ill-fitting clay hip tiles at the appeal property had contributed to issues with poor weatherproofing. Due to their noticeably different shape, size and colour, the proposed lead hips would also cause the roof of the appeal property to appear incoherent and unbalanced when viewed against the rest of the terrace and incongruous within the wider street scene. This would cause unacceptable harm to the appearance of No. 7 and the terrace, diminishing their important contribution to the visual consistency of the wider CA and failing to preserve its established character.

It was therefore concluded that the proposal would be harmful to the appearance of the appeal property and the terrace and would fail to preserve the character or appearance of the CA, contrary to Policies SP10, MD2, MD5 and MD8 of the LDP, the Residential & Householder Development SPG and

the Penarth Conservation Area Appraisal and Management Plan. The appeal was therefore be dismissed.

LPA Reference No:	2023/01175/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03476-G9J8Q1
Appellant:	Mr Keith Parsons
Location:	Tylagwyn, 35, Broadway, Llanblethian, Cowbridge
Proposal:	Convert 3 bed bungalow to 4 bed dormer bungalow with creation of first floor and ground floor rear extension
Decision:	Appeal Dismissed
Date:	16 August 2024
Inspector:	L Hughson-Smith
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the proposal on the character and appearance of the surrounding area and the living conditions of the occupiers of No. 33 Broadway.

Character and Appearance

The appeal site sat in the middle of three bungalows which shared similar architectural style, form and proportions, with all three having hipped roofs and a consistent eaves level. Despite the variance along Broadway, the bungalows were appreciated together in the street scene due to their consistent architectural style, proportions and scale. The proposal included raising the eaves and altering the roof form to enable the provision of two dormer windows and three roof lights to the front elevation, and three dormer windows to the rear which would enlarge the volume of the appeal property and create additional upper floor accommodation.

The Inspector considered that the alterations to the roof form, additional dormers, roof lights and heightening of the walls would not only increase the scale and mass of the appeal property but would significantly alter its appearance and proportions to an extent whereby its original character would be unrecognisable. The resultant front elevation would be clumsy due to the atypical gap between the ground floor windows and eaves, together with the incoherent fenestration rhythm. It would result in an ungainly and disproportionate feature of built form in the street scene, which would pay little regard to the appeal property's shared characteristics with the adjacent bungalows and would result in a discordant form of development. It was therefore concluded that the proposed development would be harmful to the character and appearance of the surrounding area contrary to Policies MD2 and MD5 of the LDP and the Residential and Householder Development SPG.

Living Conditions

The existing outlook from the closest window of No. 33 was onto the blank side wall of the appeal property, but due to its modest eaves height the impact was limited. In contrast, it was considered that the resultant increased mass and scale of the appeal property, particularly the higher walls, in close proximity to the common boundary would have an unacceptably overbearing impact when viewed from the nearest front windows of No. 33. The Inspector noted that the occupiers of No. 33 had not objected to the proposal, but considered that this would not justify the identified harm.

Whilst the appellant had stated that the appeal proposal would have a less harmful impact on No. 33 than a permitted development scheme, there was no evidence of a lawful fallback position before the Inspector and the proposal had therefore been considered on its own merits. It was therefore concluded that the proposal would be harmful to the living conditions of the occupiers of No. 33 Broadway, having particular regard to outlook. This would be contrary to Policy MD2 of the LDP and the Residential and Householder Development SPG and it was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2023/00622/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03287-G4Q9V6
Appellant:	Mr Paul Booth
Location:	Land adjacent Littlemoor Farm, Squire Street, Llysworney, CF71 7NQ
Proposal:	Erection of a single dwelling house, single storey detached garage, landscaping, and associated works
Decision:	Appeal Dismissed
Date:	23 August 2024
Inspector:	Zoe Baxter
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the proposed development on the character and appearance of the area, having regard to its location in the Llysworney Conservation Area (CA) and biodiversity.

Character and appearance

The appeal site comprised land to the west of Littlemoor Farm situated within the settlement boundary and towards the north-western corner of the Llysworney CA. It was identified that although there were a mix of property types and sizes within Llysworney the village, particularly Squire Street, had a distinct rural feel as the scale of development was reduced towards the northern edge of the village where it adjoined the countryside.

The Llysworney Conservation Area Appraisal and Management Plan (CAAMP) identified defining characteristics of the CA including, a network of narrow lanes with old barns and outbuildings associated with the farms which had been converted into residential uses. It also identified the farmhouse and

former outbuildings at Littlemoor Farm as positive buildings and views across the site looking north as significant.

Whilst it was accepted that the size of the proposal had been reduced from previous schemes, the proposal would still appear significantly taller and bulkier than the collection of traditional farmstead buildings that provided its visual context. The proposed large rooflights and other glazing at first floor would accentuate its presence as a modern dwelling, which together with the large outbuilding would harm the presently open rural character of this edge of settlement location. Views through the site from Squire Street were largely obstructed by extensive vegetation within the site however, the significant mass of the built form and modern features would be visible and would have a detrimental impact on the visual openness and rural character of the area.

The siting of the proposal would enable retention of the hedgerow to the north and west and trees to the south of the site however, it would involve the loss of numerous trees along the eastern boundary. Contrary to the applicant's Arboricultural Appeal Statement, the Inspector observed that the coverage and extensive greenery of the trees on the eastern boundary made an attractive contribution to the rural character and appearance of the immediate area, as well as views through the site. It was therefore concluded that the development was harmful to the character and appearance of the area and would fail to preserve the character or appearance of the CA contrary to Policies SP1, SP10, MD2, MD5 and MD8 of the LDP.

Trees

The proposed development was considered to impact on and result in the loss of trees on the eastern boundary. Although the Arboricultural Appeal Statement identified that the majority required for removal to facilitate the development were not mature and assessed as Category C or U, the Inspector considered that the trees were suitable for nesting birds and had wider biodiversity value. As such, the loss of trees would diminish the contribution to biodiversity in the area.

It was identified that PPW requires a minimum ratio of 3:1 planting as compensation and whilst the appellant's points regarding overplanting and that the trees to be replanted could be heavy standard were noted, the Inspector did not consider that the proposal would result in significant or clearly defined public benefits which would justify a failure to comply with national policy. The appellant's willingness to accept conditions relating to planting and biodiversity enhancement features including bird and bat boxes were noted, but not considered sufficient to ensure compliance with PPW. It was therefore concluded that the development would not comply with the requirements of Chapter 6 of PPW and would be contrary to Policies SP1, SP10, MD2, MD5 and MD9 of the LDP in relation to trees and their biodiversity/habitat value.

Other Matters

Although the Council had confirmed that the draft Unilateral Undertaking would be acceptable subject to it being signed, the Inspector confirmed that the appeal was being dismissed based on the harm identified. In relation to local representations regarding a covenant on the land, it was confirmed that

any planning permission granted would not overrule a covenant, which would be a legal matter for the appellant.

Whilst accepting that much of the surrounding area was residential in use and the principle of residential development was supported by local and national policy, this did not outweigh the identified harm and the conflict with local and national planning policy. It was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2023/01029/CAC
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03210-R5F4Q5
Appellant:	Mr and Mrs James and Chelsea Prichard
Location:	Field Access to the west of the Village Farm House, Colwinston CF71 7NE
Proposal:	Retention of the existing stone wall, reusing existing stone, and widening of field access with new gate
Decision:	Appeal Dismissed
Date:	6 September 2024
Inspector:	Iwan Lloyd
Council Determination:	Delegated

Summary

The Inspector noted that a Listed Building Enforcement Notice had been issued on 23 June 2023 which required the reinstatement of the wall and stile within 3 months (28 October 2023). The CAC application which was the subject of the appeal, was submitted in September 2023 and refused in December 2023. The wall had been rebuilt without the stone stile and the gate opening widened in 2019. The main issue was considered to be the effect of the development on the character or appearance of the Colwinston Conservation Area (CA).

The appeal site was a stone wall and gated field access to the west of Village Farm House in the village of Colwinston. The CAC application sought to retain what had been built on the site which comprised a low stone wall and coping and a wider gated access to agricultural fields just south of the village. Previously, there was a stone wall with a stone stile just east of the narrow field gate. The stone stile comprised part of the wall and included a Liassic piece of limestone standing within the wall with inset stone steps. The gated entrance to the field was also narrower in dimension than the present opening.

The Inspector identified that the gap between Village Farm House and Ridgeway was defined as a significant open space and significant view in the Conservation Area Colwinston Appraisal and Management Plan (AMP) adopted in 2009. The AMP described the village with a linear pattern of houses beside the main road having an east-west orientation and noted the contrast between the layout of houses to the village of pre-1900 dwellings and

later 20th century infilling and rounding-off. The earlier houses were located closer to the roadside than the modern properties. Another notable contrast was the properties on the south side of the road having larger gaps between them allowing views to the countryside. The appeal site was one such example, noted as an important view and significant open space. In relation to materials, the AMP noted that local Liassic stone was a prevalent historic building material, together with other treatments of lime wash, thatch and slate roofs.

The appeal site wall was not recorded as a listed building itself however, the AMP referred to the importance of local detail and listed stone walls as defining features of the area. Some of the negative effects of change had been noted as the protection and repair of stone boundary walls adjoining the highway. The AMP noted that a particular recommendation would be to resist proposals to remove or significantly alter traditional boundary walls or for new boundary treatments that fail to respect the form and materials of traditional treatments in the area.

The Inspector considered that the appellant's Heritage Impact Assessment (HIA) downplayed the significance of the stone stile and concurred with CADW and the Council, that the stone stile was a notable traditional feature of the CA, and its loss could not be considered to preserve the appearance of the CA and its significance. The loss of this feature was considered a gradual erosion of the intrinsic quality of the CA.

Despite the AMP not referring specifically to stiles in Colwinston CA, this did not infer that the stile in question could not be a contributing factor to the heritage asset, when taken as a whole. The stile was a traditional heritage feature in form and materials. The Inspector considered that the stile made a positive contribution to the significance of the CA and its removal was detrimental and harmful to the significance of the CA.

The proposal for CAC was considered to conflict with Policies SP10 (criterion 1) and MD8 (criterion 1) of the LDP, TAN 24 (The Historic Environment), and the aims and objectives of the AMP. It was concluded that the development failed to preserve the appearance of Colwinston Conservation Area and the harm caused by the proposed development was not outweighed by other material considerations. It was therefore concluded that the appeal should be dismissed.

Update on Enforcement Action

Following this appeal decision, further negotiations have been undertaken with the appellant's agent in respect of extending the compliance period specified in the Enforcement Notice to enable the reinstatement of the wall and stile.

LPA Reference No:	2024/00044/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03595-V1Q7P7
Appellant:	Mr John Haines

Location: 1 Hazeldene Close, Barry, CF63 1AW
Proposal: Retrospective application for the erection of timber close boarded fencing to protect the secure amenity space forming the primary garden area of the dwelling
Decision: Appeal Dismissed
Date: 25 September 2024
Inspector: M R Lowe
Council Determination: Delegated

Summary

The main issue was considered to be the effect of the proposal on the character and appearance of the area. The appeal site was located in a prominent position close to the junction of Hazeldene Close and Willow Crescent and included a triangular piece of front garden land. This was previously separated from the adjacent footpath on Hazeldene Close by a tall conifer hedge and was now enclosed by the appeal fence.

It was identified that the frontages to Hazeldene Close were generally open and many had retained planting within their front gardens which created an attractive sense of spaciousness and a degree of landscape character. The Inspector considered that this remained an important component of the character of the area and had not been significantly undermined through the presence of some of the hedge enclosures that existed within the area. In contrast to this, the appeal fence was tall and formed a hard, prominent edge to the site immediately adjacent to the footpath, which dominated the entrance into Hazeldene Close and detracted from the wider open, landscape quality that existed within many of its frontages.

Whilst recognising that there was a conifer hedge in situ prior to the erection of the appeal fence, the Inspector considered that this possessed a softer, more natural appearance which would have been more sympathetic to some of the front garden landscaping. The Inspector considered that other fences near to the appeal site had a similar impact on their surroundings and did not consider that it was desirable to replicate this impact further. Although the appellant was willing to accept a condition requiring the appeal fence to be stained/painted to improve its appearance, the Inspector considered that this would not alter the fundamental concerns relating to its height and close proximity to the adjacent footpath and would therefore not make the development acceptable.

It was therefore considered that the appeal scheme resulted in an incongruous, unduly dominant form of development that caused significant harm to the character and appearance of the area. It thereby conflicted with policies MD2 and MD5 of the LDP and the Residential & Householder Development SPG.

Other Matters

The appellant had expressed a desire to maintain the privacy and security for this part of their garden and had argued that dismissing the appeal would fail to safeguard his rights for respect to his private and family life and home under Article 8 of the Human Rights Act 1998. It was noted that this legislation

incorporates into domestic law the rights and freedoms within the European Convention on Human Rights within which Article 8 mentions the right to respect for a private and family life.

The Inspector identified that in this case, there was a modest garden area to the rear of the property which remained unaffected by this decision which would continue to provide a degree of secure, private garden space to the appellant and their family. Furthermore, there may be other more visually acceptable ways of securing an extended private garden area to the property. As such, it was not considered that the consequences of dismissing the appeal in relation to the appellant's right to respect for a private and family life would have such gravity as to potentially engage the operation of Article 8 of this legislation.

Furthermore, the proposal was not regarded as providing any significant benefits in relation to the reduction of opportunity for crime and anti-social behaviour or the creation of healthy and active environments as supported by policy MD2 of the LDP.

Conclusion

It was therefore concluded the benefits of maintaining privacy and security for this part of the appellant's garden would not outweigh the significant visual harm that has been identified in relation to the appeal fence. The appeal fence was considered to result in significant visual harm to the character and appearance of the area which was unacceptable and the appeal was therefore dismissed.

Update on Enforcement Action

Following this appeal decision, further negotiations have been undertaken with the appellant in respect of securing a reduction in the height of the fence to a maximum of 1 metre above ground level, where it is adjacent to the highway, which would be 'permitted development'. If the fence is not reduced in height, a further report will be brought back to a future meeting of this committee, seeking authorisation for enforcement action.

(d) Enforcement Appeal Decisions

(e) April 2024 – March 2025 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	14	2	16	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		14 (88%)	2 (12%)	16	-
Committee Determination		-	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	1	-	1	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1	-	1	-
All Appeals	W	15	3	18	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		15 (83%)	3 (17%)	18	-

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **17 OCTOBER 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved
E Split Decision

R - Refused

2023/00998/TPO	R	Llandough Castle, Llandough, Cowbridge	Work to Tree(s) covered by Tree Preservation Order 1950, No. 1 - T1- Poplar - Removal
2023/01146/TCA	A	St. Quentins House, Castle Hill, Llanblethian, Cowbridge	Coppice to ground level of lapsed yew shrub
2024/00110/TCA	A	Maisonette, 32 Clive Place, Penarth	Work to tree within Penarth Conservation Area: Felling of a variegated sycamore (T5)
2024/00425/TPO	A	The Old Rectory, Drope Road, St. Georges	Work to Tree(s) covered by Tree Preservation Order 2008, No. 10: T1 - General Maintenance (to avoid interference with dwelling). T2 - Tree has extensive decay in and around cavity on west side - reduction will help stabilise T3 - Removal of hedge. T4 - Sycamore - Fell

2024/00465/TCA	A	Palmers Cottage, Barren Hill, Penmark, Barry	Work to trees in Penmark Conservation Area: Removing 2 no. Trees from rear garden 1 x Ash, 1 x Mountain Maple
2024/00638/TPO	A	5 Great House Meadows, Llantwit Major	Work to tree covered by TPO No.03 of 1977: Remove overhanging branches from sycamore tree
2024/00673/TCA	A	Holy Cross Church, Church Street, Cowbridge	Work to trees in Cowbridge Conservation Area: Felling of Sycamore Tree in Holy Cross Churchyard and grind out stump, felling of second Sycamore, poison both stumps
2024/00680/TCA	A	Glasfryn, 11 Lower Cwrt-y-vil Road, Penarth	Work to tree in Penarth Conservation Area: T2 Cypress remove as previously granted (2020/01112/TCA) but 24 months has elapsed

2024/00696/TPO	A	Kymin Terrace Wood, Kymin Terrace, Penarth	Work to Tree(s) covered by Tree Preservation Order No. 13 , 2019 : Ash Tree on Kymin Terrace frontage opposite gate entrance to No.9 Kymin Terrace marked as T4 on Trees Plan - felling thereof (or possible felling of top half only if inspection by tree surgeons on site reveals lower part can be retained) Oak Tree on Kymin Terrace frontage to immediate south of tree T4 and marked T5 on Trees Plan - reduction by pruning on Kymin Terrace side to balance tree and give vehicle clearance. Ash Tree on Kymin Terrace frontage to immediate south of tree T5 and marked T6 on Trees Plan - dead to be felled.
2024/00713/TPO	A	6 Ger Y Llan, St Nicholas, Cardiff	Work to tree covered by TPO No.09 of 2009: T5 1x Whitebeam, reduce crown by 0.5m back to previous pruning points and to a suitable growing point
2024/00714/TCA	A	19, Stanwell Road, Penarth	Work to Tree(s) in a Conservation Area; T1 Cedar 1.5 to 2 metres radial spread reduction
2024/00739/TCA	A	Town Hall Car Park, Rear lane to Burial Lane, Llantwit Major	Work to Tree(s) in a Conservation Area: Self seeded willow, situated in Town Hall Carpark, causing structural damage to boundary wall intent on removal and poisoning

2024/00754/TCA	A	Llancadle House, Llancadle	Work to Tree(s) in a Conservation Area : G1 - Removal of a row of Lelandi Trees
2024/00812/TPO	A	Pentre Meyrick House, Pentre Meyrick, Cowbridge	To fully remove trees TPO 021-1962-01-a12

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **17 OCTOBER, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. GENERAL PLANNING MATTERS

2019/01337/FUL Received on 5 December 2019

APPLICANT: Tarmac Trading Ltd Regional House, Stancombe Quarry, Stanombe Lane, Flax Bourton, Bristol, BS48 3QD

AGENT: Mr. Graham Jenkins SLR Consulting Ltd, Fulmar House, Beignon Close, Ocean Way, Cardiff, CF24 5PB

Garwa Quarry, St. Mary Hill, Ruthin

Variation of Condition 3 - Time Limit 31/12/2019 - Extraction of carboniferous limestone, Garwa Farm (Ref 382(Z)1341), 09/06/1070, as amended by Deepening of quarry from 135ft. to 90ft. AOD (Ref 1048), as amended by revised working scheme and end date Condition 3 (Ref. 97/00796/FUL)

2019/01340/FUL Received on 5 December 2019

APPLICANT: Tarmac Trading Ltd Regional House, Stancombe Quarry, Stanombe Lane, Flax Bourton, Bristol, BS48 3QD

AGENT: Mr. Graham Jenkins SLR Consulting Ltd, Fulmar House, Beignon Close, Ocean Way, Cardiff, CF24 5PB

Ruthin Quarry, St. Mary Hill, Ruthin, Pencoed

Review of Old Mining Permissions - Resumption of operations and extension of time limit

REASON FOR COMMITTEE DETERMINATION

The applications are required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation and because they have been called in by Councillor Cave.

EXECUTIVE SUMMARY

This combined report relates to applications 2019/01337/FUL and 2019/01340/FUL, for Garwa and Ruthin Quarries respectively. The applications are presented in one combined report because of the nature of the works proposed, and the fact that the proposal amount to a single consolidated operation with a number of interdependencies between the respective quarries. The applications are also supported by a single Environment Impact Assessment, which appraises their impacts in combination.

Application 2019/01337/FUL for Garwa Quarry is an application made under Section 73 of the Town and Country Planning Act, which proposes continuation of working the quarry without complying with conditions attached to the previous consents. This does not infer that the operator wishes to operate without the control of conditions, rather the application proposes the imposition of an up-to-date and modern schedule of conditions, in place of those previously imposed.

Application 2019/01340/FUL is a Review of Old Minerals Permission (ROMP) application, which is essentially a planning application submission to the Mineral Planning Authority to review and modernise historical conditions, rather than an application to seek planning permission for the development in principle.

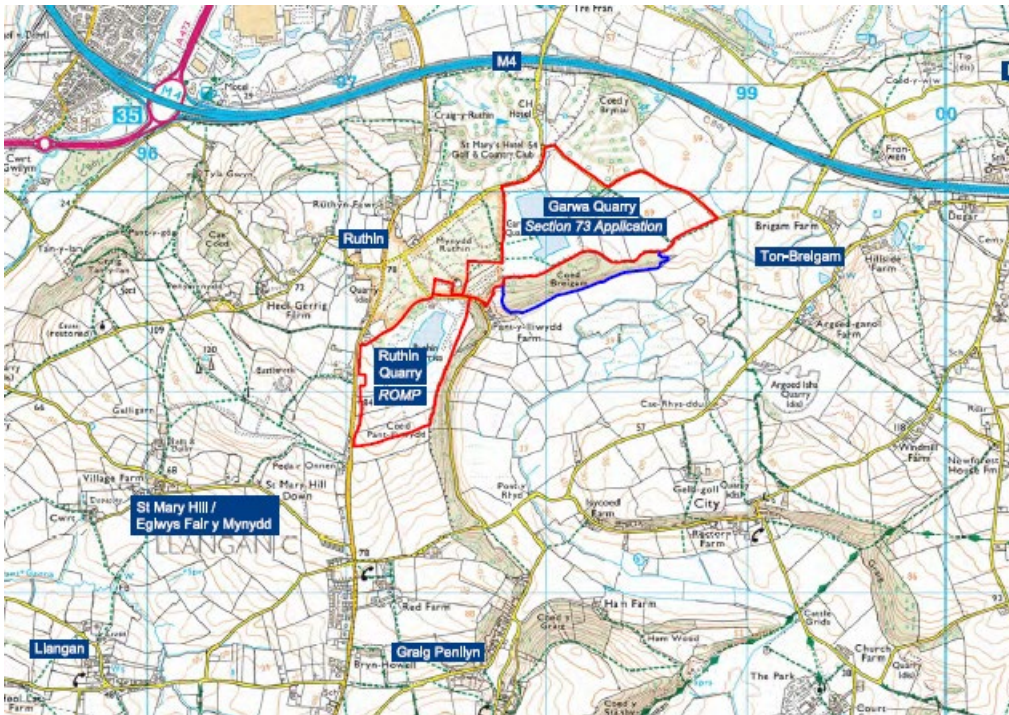
The main issues are (not exhaustively) considered to be highways issues relating to the access and number of vehicle movements, noise, vibration and dust, and matters relating to ecology and hydrology. A number of objections have been received from local residents and community Councils, however, having considered those representations in the context of the proposal, the applications are recommended for approval, subject to conditions.

BACKGROUND AND STRUCTURE OF THE REPORT

Applications 2019/01337/FUL and 2019/01340/FUL relate to Garwa and Ruthin Quarries respectively. Application 2019/01337/FUL is a Section 73 application to vary and update conditions at Garwa Quarry. Application 2019/01340/FUL is Review of Old Minerals Permission application relating to Ruthin Quarry. While there is a history of separate consents relating to the two quarries, they essentially function as two halves of one whole and consequently the following report considers the operations and impacts together.

SITE AND CONTEXT

The applications relate to Garwa Quarry and Ruthin Quarry, St. Mary Hill, as shown on the plan below. Garwa forms the area of land to the east, while Ruthin forms the area of land to the west.



The site Lies north east of Fferm Goch and Graig Penllyn, and to the east of Ruthin, approximately 700m south of the M4 motorway. It is accessed off a lane to the east of Ruthin Road that currently sits between and separates Garwa and Ruthin Quarries, and ultimately leads to Pant Y Lliwydd Farm. The site is adjoined by the Coed Breigam and Mynydd Ruthin Sites of Interest for Nature Conservation (SINCs). The Breigam Moor Site of Special Scientific Interest lies approximately 160m away to the south.

Historically, the quarry, along with Ruthin, have been used to supply industrial limestone to the Aberthaw cement works. However, Garwa Quarry was last worked in 2006 and Ruthin last worked in 1986, during which time the cement works has sourced limestone from other quarries. Tarmac wish to resume quarrying operations at Garwa and Ruthin as a key component of industrial mineral supplies into the cement works.

DESCRIPTION OF DEVELOPMENT

Permission was initially granted at Garwa Quarry in 1970. There was no end date specified with the permission, and therefore, the application states that the default end date of 22nd February 2042 imposed by the 1982 Minerals Act (and Schedule 5 to the Planning Act 1990) applies. Subsequent permissions were granted in 1982 and 1997 and these sought end working dates of 2012 and 2019 respectively. This application was submitted to the Council prior to the previous end of working date expiring.

Application 2019/01337/FUL is a Section 73 Application to allow the continuation of working the quarry without complying with conditions attached to the previous consents. This does not infer that the operator wishes to operate without the control of conditions, rather the application proposes the imposition of an up-to-date and modern schedule of conditions, in place of those previous imposed. The reserves that would be quarried are suitable for use as an 'industrial limestone' and would be transported to the Aberthaw Cement Works for use in the manufacture of cement.

The key focus of this Section 73 application for Garwa is to seek permission to amend the current end dates for working of the quarry. However, there are a number of other conditions imposed on the previous planning permissions relating to matters such as the working scheme, landscaping, output and traffic movements, hours of working etc, all of which are proposed to be updated.

As context, the application initially proposed working to approximately 27m AOD, however, that would have involved 'de-watering' from approximately 35m AOD downwards. Under those proposals, the groundwater was to be managed by pumping partly to the void within Ruthin Quarry, and partly off site to a connection to the River Thaw. The dewatering operations would have been separately regulated by NRW via an Abstraction and Discharge Licence. However, further to NRW raising concerns regarding potential impacts on Breigam Moor SSSI, the applicant has revised the scheme to confine quarrying to the reserves that can be worked without the need for quarry dewatering or off site discharge. The consequential reduction in outputs from the quarries is detailed above.

Separate to this, application 2019/01340/FUL is Review of Old Minerals Permission (ROMP) application for Ruthin Quarry, however, as noted above and given the interrelationships between the schemes, the report is structured to assess both proposals together. The summary of works below includes reference to the works in both quarries. The key elements of the proposal are:

(i) The preliminary works at Ruthin Quarry involving the establishment of a complex of new ponds and habitats around the margins of the quarry as a great crested newt (GCN) receptor site.

(ii) The revised proposal is to work both quarries to base levels at which no quarry dewatering or off-site discharge by pumping will be required, and it will not be necessary to obtain an Abstraction and Discharge Licence from NRW.

(iii) The consequence of confining quarrying to the reserves which can be worked without the need for dewatering or wet working is that large water bodies will not form in the base of the resulting voids at the restoration stage, and the proposed revised restoration land uses will be predominantly terrestrial.

(iv) The available reserves will be reduced from 12.2m to 9.4m tonnes at Garwa and from 8.5m to 6.75m tonnes at Ruthin.

(v) Based upon an assumed continuation of the originally proposed average outputs of 300,000 tonnes at Garwa and 200,000 tonnes at Ruthin, the life of Garwa Quarry would be reduced from some 40 years to some 31 years, and the life of Ruthin Quarry would be reduced from some 42 years to some 34 years.

(vi) The original 2019 applications anticipated a resumption of quarrying operations at Garwa and Ruthin in 2023, and for consistency the applications sought a common end date for quarrying operations at the two quarries of 31st December 2063. For consistency with the previous approach, the revised applications now seek a common end date for quarrying operations at the two quarries of 31st December 2057.

(v) There would be concurrent working of upper and lower faces of Garwa quarry in order to blend chemical quality from multiple sources. The original proposal was for Garwa Quarry to be developed in three broad phases, working generally from west to east. The proposed revised development scheme does not propose to change the phased approach or the defined phase boundaries. The changes are confined to limiting quarrying to the reserves that can be worked without the need for dewatering or wet working a revised base level (35mAOD), as opposed to the originally proposed base level of 27.4m AOD (below the water table).

The plans below show the progression across three phases from west to east for Garwa (with the worked areas shown hatched):

Figure 2-1 Garwa Quarry Revised Phase 1

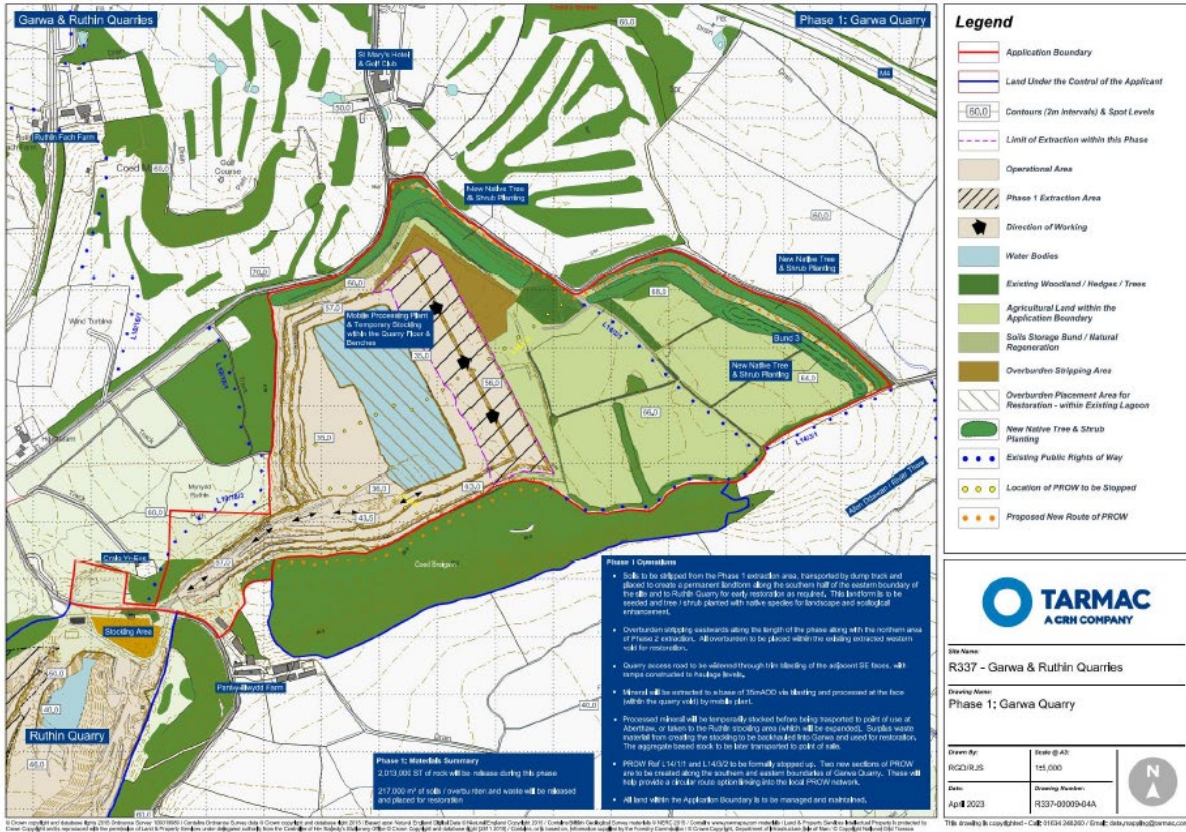


Figure 2-2 Garwa Quarry Revised Phase 2

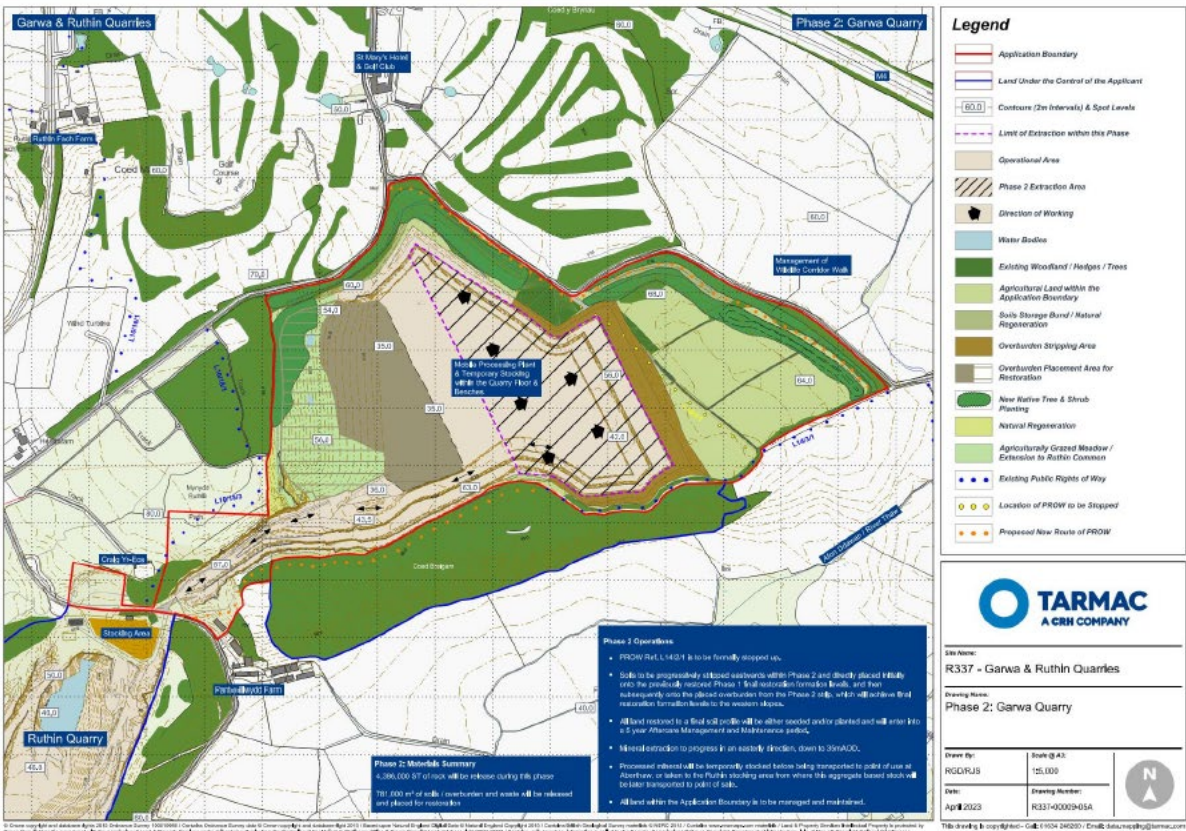


Figure 2-3 Garwa Quarry Revised Phase 3

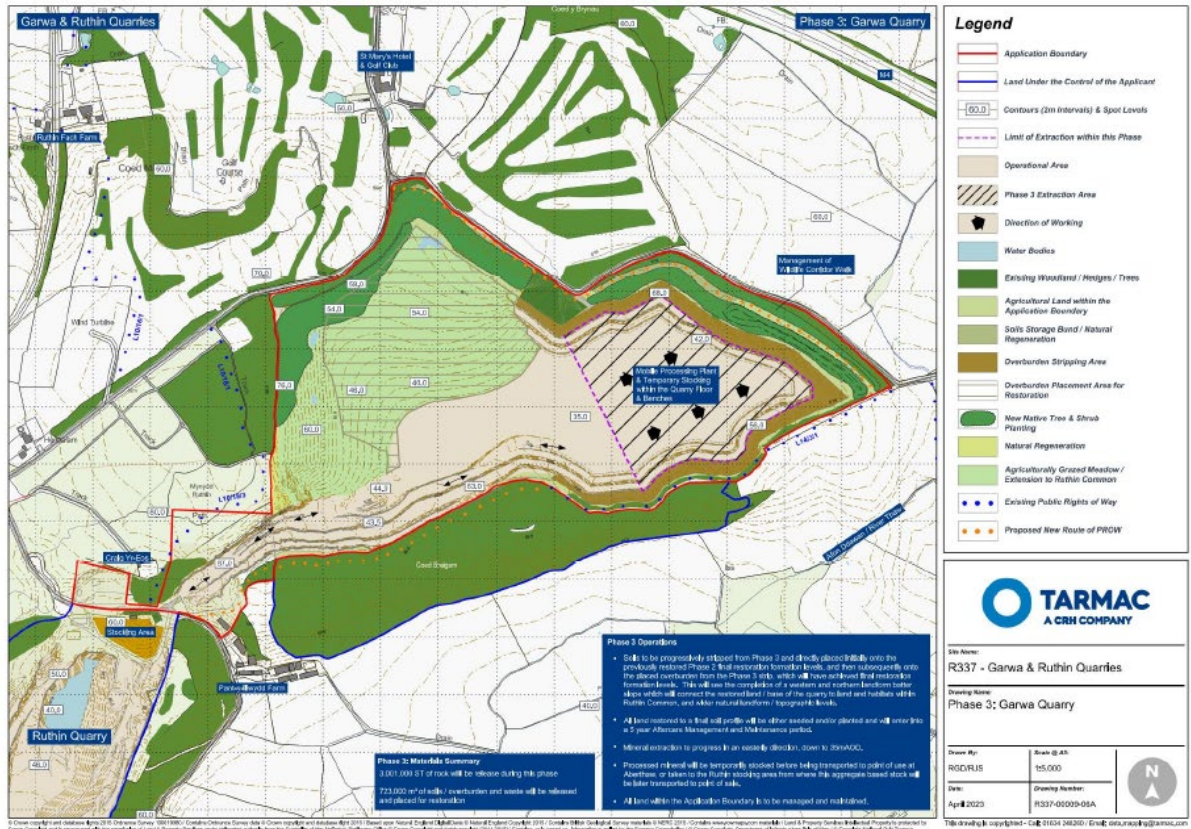
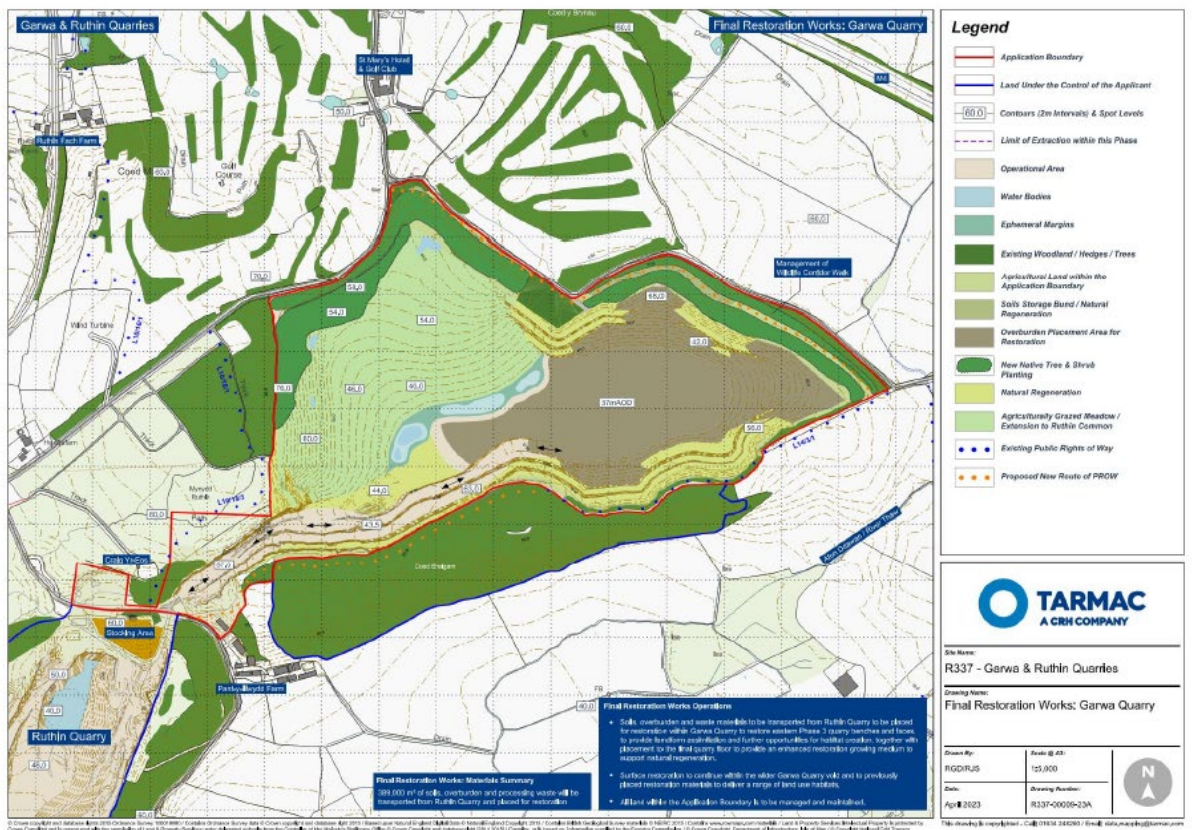
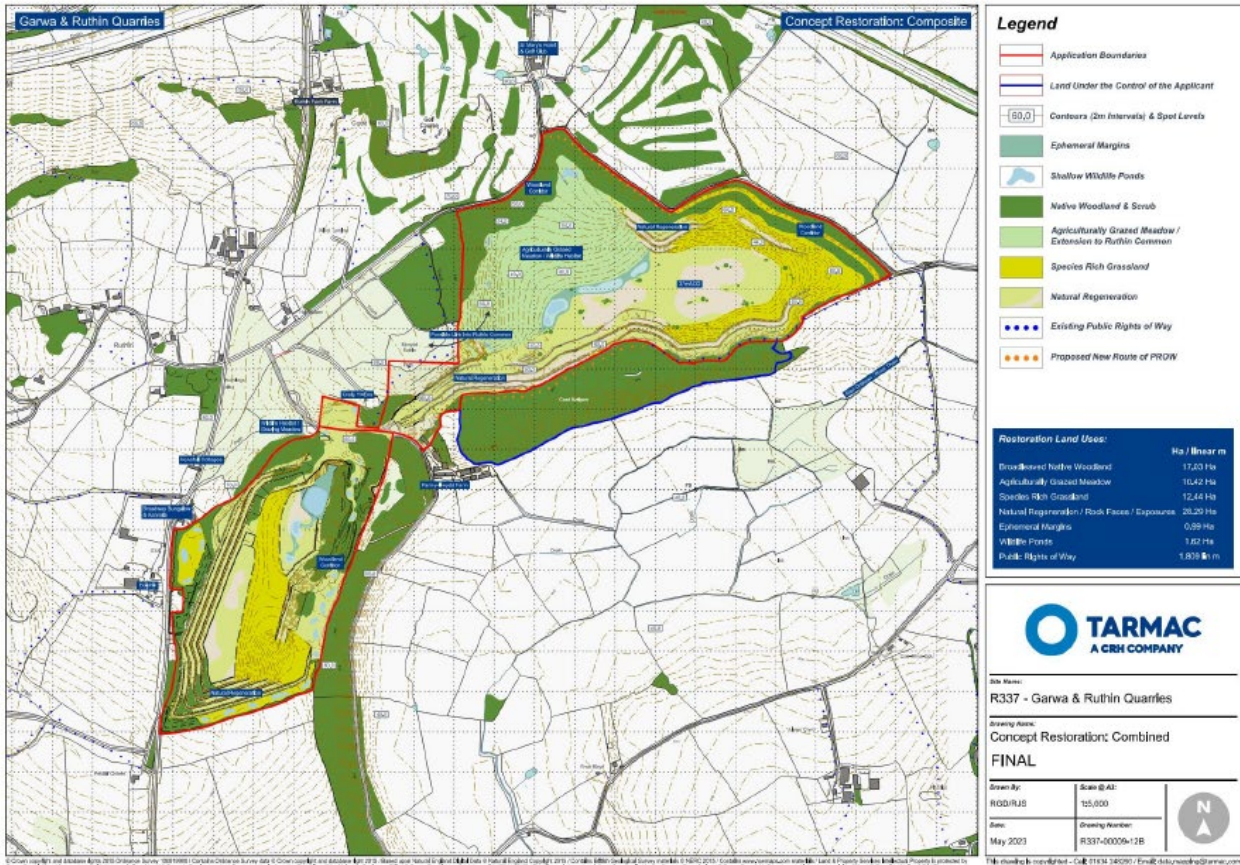


Figure 2-4 Garwa Quarry Final Restoration Works



The restoration works show a graded topography in the western part of the Quarry, with a lower restored area at approx. 37m AOD in the eastern half (with a quarried depth of the 35m AOD below). That area would be restored partially through natural regeneration, and in part as a species rich grassland as shown on the plan below (which also shows the restored Ruthin Quarry for context):

Figure 2-8 Revised Concept Restoration Combined



(vi) Phased extraction of Limestone from Ruthin Quarry would remain as per the original proposal, with the exception of raising of the quarry floor from the originally permitted level of 27.4mAOD up to a new proposed level of 39mAOD, so that no dewatering will be required. Stripping of overburden would also occur as per the original application, but the placement of overburden to restoration of the mineral extraction area would be altered with a focus on the use of the material for early restoration within Garwa Quarry.

(vii) The original 2019 proposal was for Ruthin Quarry to be developed in three broad phases (A-C), working generally from north to south as phases A and B with a final deepening phase C across the developed quarry area. The proposed revised development scheme does not propose to change the phased approach or the defined phase boundaries (other than very minor changes). The changes are confined to limiting quarrying to a revised base level (39m AOD) which would ensure that quarrying can be undertaken without the need for quarry dewatering by pumping, as opposed to the originally proposed base level of 27.4m AOD for which dewatering would have been required.

The plans below show the progression across three phases from north to south for Ruthin (with the worked areas shown hatched):

Figure 2-5 Ruthin Quarry Revised Phase A

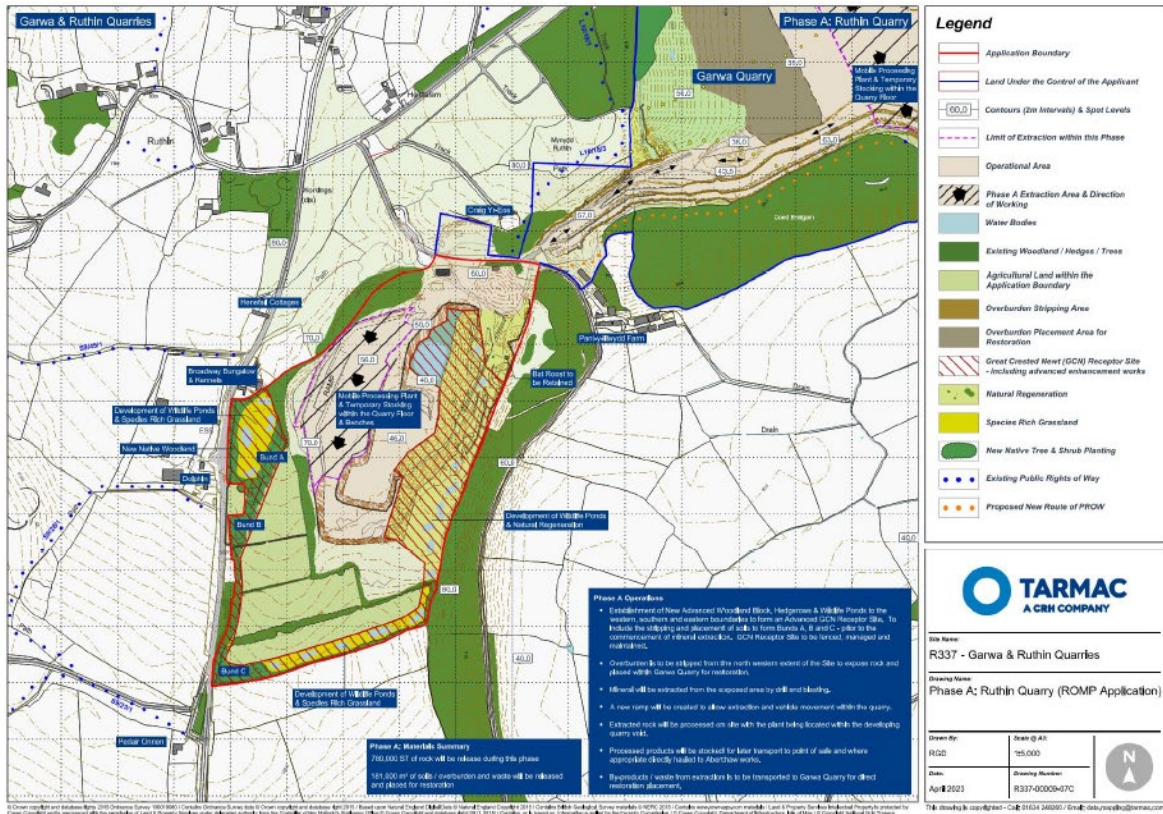


Figure 2-6 Ruthin Quarry Revised Phase B

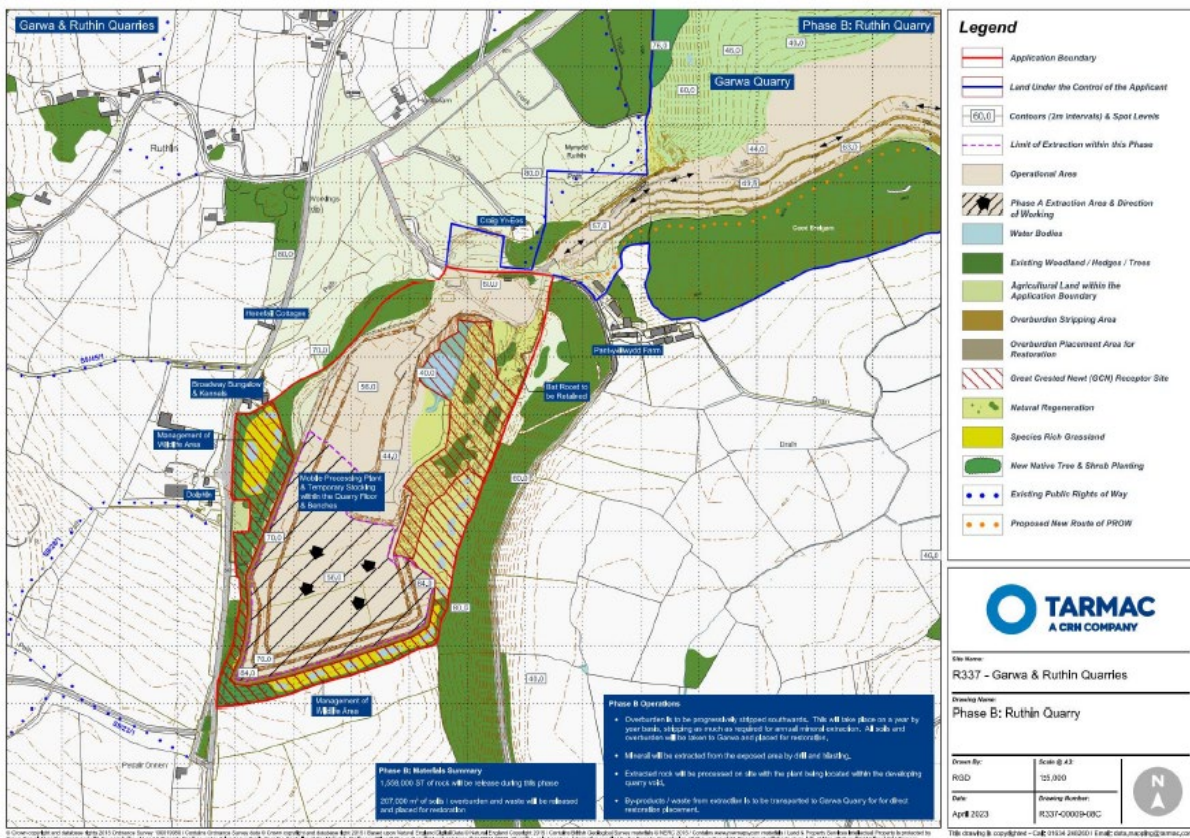
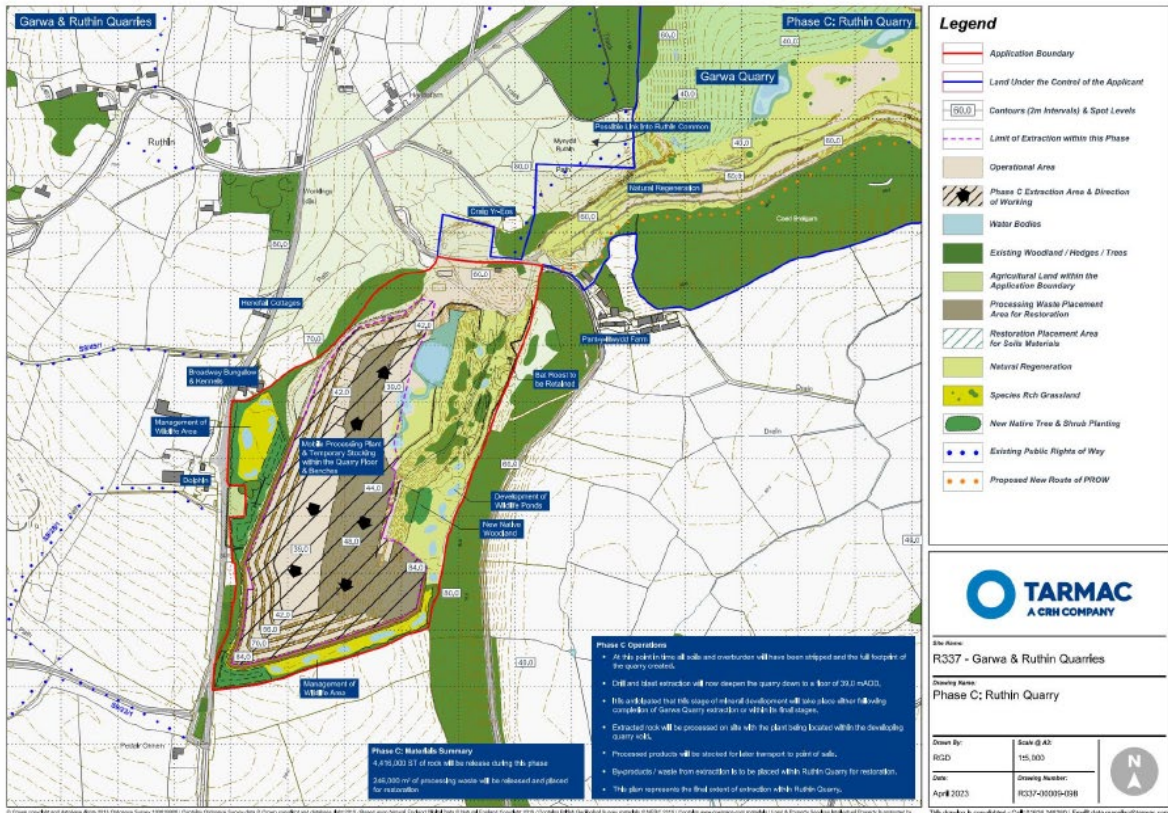


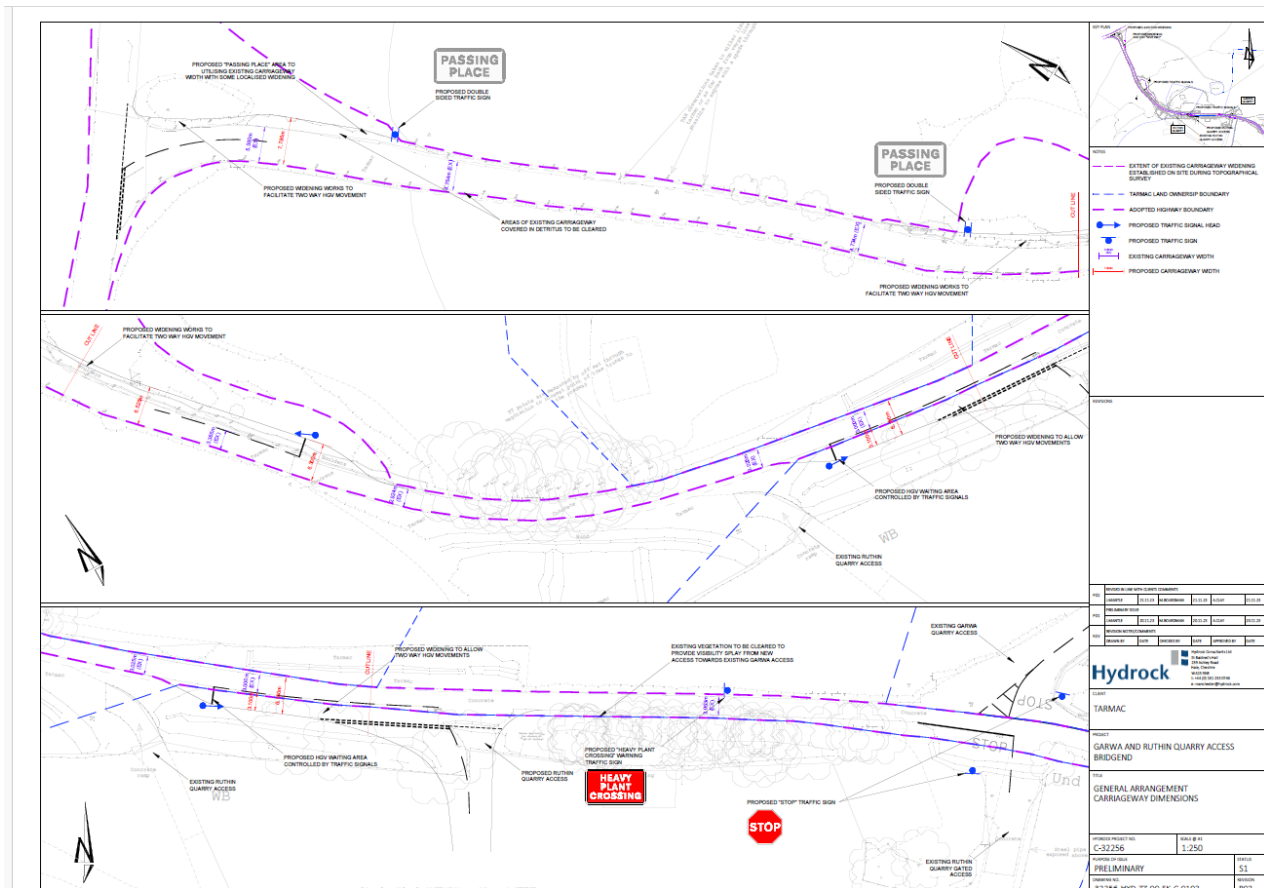
Figure 2-7 Ruthin Quarry Revised Phase C



As noted above, while these are technically two separate applications, the two proposals represent a consolidation of the working of both areas, given the interrelationships and interdependencies between the two, as summarised below:

- (i) The use of soils and overburden stripped from Garwa Phase 1 to secure early restoration of the north eastern area of Ruthin Phase A;
- (ii) The establishment of a stocking area in the northern area of Ruthin for stock principally from Ruthin and a limited amount from Garwa.;
- (iii) The use of waste rock from Ruthin to assist in the restoration profiling of the north western area of Garwa Phases 1 and 2; and
- (iv) Blasting and processing of mineral on a campaign basis, typically alternating between quarries.

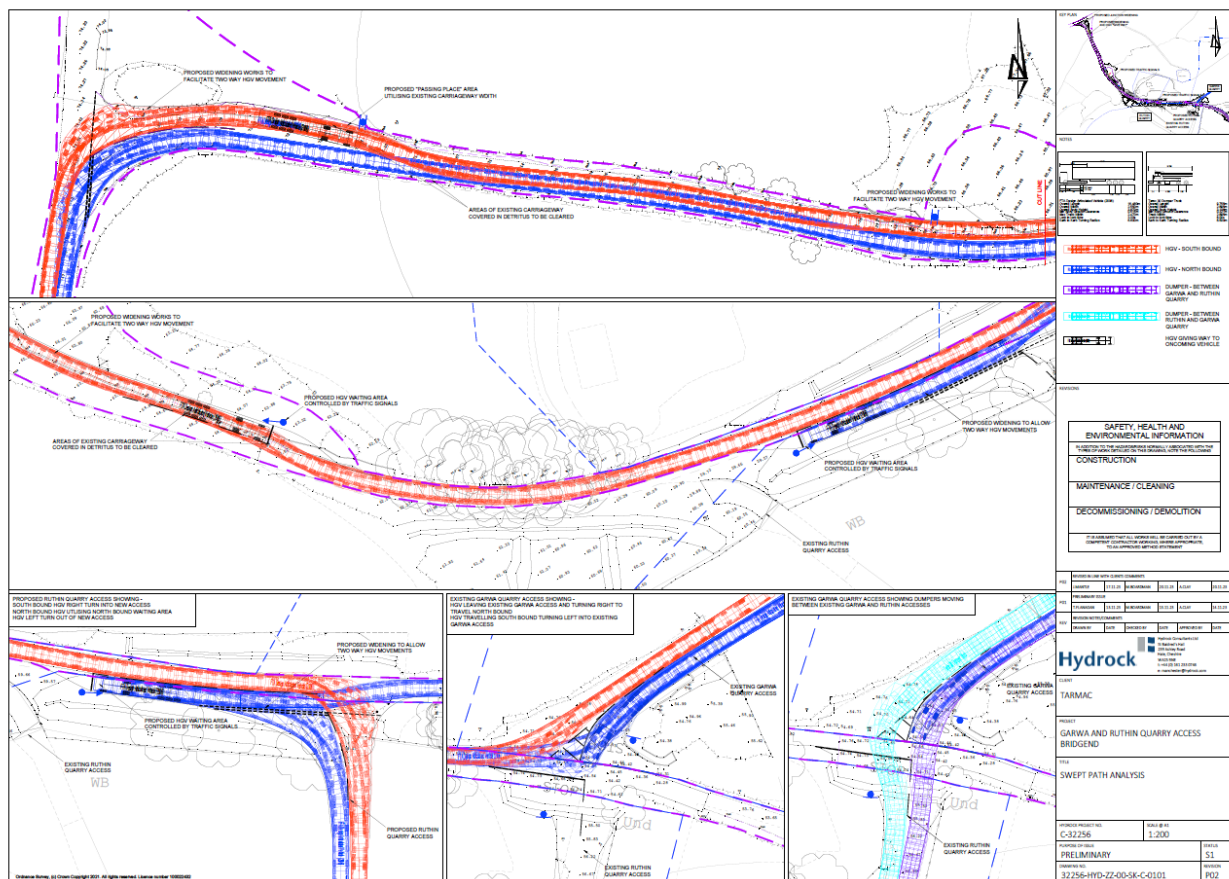
Access to and from the Quarries would remain via the lane that runs between the two and that ultimately leads to Pany Y Lliwydd Farm. Access to this lane is provided from Ruthin Road, and that would also be the distributor road for vehicles leaving the quarries, heading to Aberthaw. Through the course of the application there has been discussions between the applicant and the Council’s Highways Engineers regarding the means of access. Access to Garwa Quarry would remain via the existing access point, while a new access is proposed to Ruthin Quarry, with both shown on the plan below:



The application has been supplemented with proposals to assist access along the carriageway and to the respective quarries, as summarised and shown on the plans below:

- Areas of the existing carriageway covered in detritus / vegetation to be cleared and re-surfaced to maximise the existing available carriageway width.
- Defined areas to be widened within the confines of the Highway Authority boundary and Tarmac landownership to provide lay bys / carriageway widths sufficient for two HGVs to pass.
- Existing vegetation within the highway boundary to be cleared in defined locations to provide enhanced forward visibility / desired visibility splays.
- Traffic control signals to be in place during working hours to the west of the Ruthin access.
- Signage and signals along the lane and at the quarry entrance points

The plan below shows the pattern of movements from and between the quarries, whereby tracking paths have been shown for HGVs arriving (in a southerly direction) towards both quarries (red) and leaving both (in a northerly direction) in blue. The dumper truck movements between the quarries are also indicated.



HGVs serving Garwa Quarry would use the existing site access to Garwa. It is proposed to rationalise the historic access points serving Ruthin Quarry into a single main access centrally positioned at the point of a historic central access, with an eastern access providing a link and crossing point to Garwa Quarry.

The scheme has been designed on the basis of an output of 300,000 tonnes per annum of industrial limestone and 200,000 tonnes per annum of construction aggregate. This combined total of 500,000 tonnes per annum contrasts with the current output limit of 1,500,000 tonnes per annum from Garwa and Ruthin Quarries combined.

The Traffic Impact Assessment (TIA) reported in Chapter 13 of the ES confirms that the industrial limestone destined for Aberthaw Cement Works would be transported in average 28 tonne capacity vehicles, which would be routed southbound from the quarry entrance towards the A48 and then onwards to Aberthaw. The industrial limestone /cement raw materials will be relatively consistent in terms of both weekly/annual output, subject to changes in the raw mix as described above.

The TIA confirms that the output of construction aggregate would be transported in vehicles with an average carrying capacity of 18 tonnes, with approximately 2/3 of the loads travelling northwards along Felindre Road to Pencoed and towards the M4 junction 35, with the remaining 1/3 travelling southbound to the A48 corridor.

Based on the predicted output of 300,000 tonnes of industrial limestone being transported in 28 tonne payloads and 200,000 tonnes of general aggregate being transported in 18 tonne payloads, the proposed development would attract an average of 39 and 41 loads

per day respectively, resulting in a combined total of 80 loads / 160 HGV movements per day on the lane leading to the site.

Based on the distribution identified above, this would result in an average of 53 loads / 106 movements per working day along Felindre Road to the south and 27 loads / 54 movements per day along Felindre Road to the north.

The application proposes updated conditions for (amongst other issues) quarry working, landscaping and restoration scheme, and (as detailed in the Environmental Statement) noise, blast vibration, dust and other amenity controls. The application proposes that the new schedule of conditions would mirror the updated planning conditions which could be imposed on a new schedule of ROMP conditions for Ruthin Quarry. The specific conditions proposed/recommended are discussed in the issues section below, and are listed in full at the end of the report. However, in respect of hours:

The currently approved hours of working at Garwa Quarry are:

- Quarrying operations (other than maintenance): 06.00 – 22.00;
- HGV movements: 06.00 – 20.00
- Drilling operations: 06.00- 18.00
- Blasting operations: 08.00 - 16.00 (Mondays to Saturdays).

The currently approved hours of working at Ruthin are:

:

- Quarrying operations (other than maintenance): 07.30 – 20.00
- Drilling and Blasting: 07.30 – 18.00
- No blasting to be carried out on Sundays.

The current applications and consolidation scheme propose to standardise the hours of working into more conventional modern working hours, which are more restrictive than the currently approved hours, and which reflect the definitions of day-time and night-time hours referred to in Minerals Technical Guidance 1: Aggregates, as follows:

- Quarrying operations (other than maintenance), including extraction, mineral processing and HGV movements: 07.00 – 19.00 Mondays to Fridays and 07.00 – 13.00 on Saturdays;
- Blasting operations 10.00 – 16.00 Mondays to Fridays
- No working on Sundays or Bank Holidays.

PLANNING HISTORY

382/Z/1341- Extraction of carboniferous limestone- approved June 1970.

382/Z/1341/A- Amend working scheme- approved October 1980

382/Z/1341/B- Amend working scheme- approved June 1983

382/Z/1341/C- Amend working scheme- approved July 1987

1048- Deepen quarry from 135ft AOD to 90ft AOD- Approved November 1982

1997/00796/FUL- Variation of conditions 6 of planning permission 382/Z/1341 and conditions 3 and 4 of planning permission 1048 (inc. reference to extending working life to December 2019)- Approved

1983/00231/FUL, Address: Garwa Farm Quarry, St. Mary Hill, Proposal: Proposed amendment to 20 year working programme

1983/00601/FUL, Address: Garwa Farm Quarry, St. Mary Hill, Proposal: Details of drainage, noise and dust suppression, means of enclosure, phasing-times of blasting, and waste tipping.

1987/00263/FUL, Address: Garwa Farm Quarry, St. Mary Hill, Proposal: Revised working programme.

1989/00961/FUL, Address: Garwa Farm Quarry, St. Mary Hill, Proposal: Extend Garwa Quarry into adjoining Coed Breigam lands

1991/00493/FUL, Address: Garwa Farm Quarry, St. Mary Hill, Proposal: Revised drainage, overburden disposal and landscaping scheme

1998/01312/FUL, Address: Garwa Farm Quarry, St. Mary Hill, Proposal: For postponement of First Review date until 3rd November, 2012, Decision: Approved

CONSULTATIONS

2019/01337/FUL- Garwa Quarry

Cowbridge with Llanblethian Town Council initially objected due to impacts relating to dust and vehicle movements. In response to the amended proposals, the TC responded to request more time to submit comments. Cowbridge TC endorse the comments of Llangan CC.

Llangan Community Council have raised concerns regarding noise, dust and vibration, the greening of the quarries, traffic, highway safety and the length of the consultation period.

Penllyn Community Council- *My Council would repeat its objection lodged in relation to 2018/01277/ SC2, & 2019/01340/FUL on the grounds of highways, land drainage and pollution issues. The existing highway to the south is inadequate for additional heavy vehicles, let alone the volume as anticipated, and the consequent pollution and danger is of particular concern to children in the area of Llangan school and also to the residents of the additional housing that has already taken place and proposed in that area.*

Local ward members- Councillor Cave has called the application in due to potential unneighbourliness.

Highway Development- Concerns were initially raised, principally regarding the width of the access lane, and the routing of traffic in a southerly direction towards the A48.

Following the submission of a further justification regarding traffic routes and plans which detail a series of mitigation measures, there is now no objection subject to conditions relating to matters including the implementation of the mitigation measures, wheel washing and a traffic management plan.

Shared Regulatory Services- Advice provided regarding noise, vibration and blasting. Schedule of conditions recommended in respect of minimising noise and environmental impacts. See issues section for discussion regarding these conditions and noise impact.

The Council's Ecology Officer has stated that *the plans are ambitious and provide a good mix of habitats with opportunities for a wide range of species including those that have protection in law. There are a few minor considerations to look at nearer to the end of mineral extraction and commencement of restoration.* There is no objection, subject to consideration of the matters by NRW.

Landscape Section- Advice is provided regarding landscape impacts, and appropriate schedules of planting, the pond areas and use of glyphosate.

Contaminated Land, Air & Water Quality- No objection raised. Comments received in respect of air quality, noting the requirement for a Dust Management Plan and construction plan.

Regional Minerals and Waste Planning advisor-

Ruthin Quarry and Garwa Farm Quarry are identified as specific sites for mineral working in Policy MG26 of the Vale of Glamorgan Local Development Plan. As stated in the LDP, Ruthin Quarry is considered to be an important aggregate resource and is available as a replacement for the quarries at Ewenny and Lithalun. Garwa Farm Quarry is particularly important as a potential future supply to the cement works at Aberthaw and a replacement for Pant Quarry. Garwa Farm would also contribute to aggregate supply required to achieve the aggregate apportionment figure set out in the Regional Technical Statement. Paragraph 6.153 goes on to state that there are no significant environmental or amenity constraints to the continuation of working at Ruthin and Garwa Farm Quarries.

A suitable access to the road system is available, there are no environmental designations significantly impacted upon and there are no settlements located in close proximity to the sites. In addition, the continuation of the permissions for mineral extraction at Ruthin and Garwa Farm Quarries and their subsequent restoration is considered to be preferable to the allocation of Greenfield sites for future aggregate mineral working.

The proposed scheme of working which sees the two sites worked as a single operation appears sensible and allows for flexibility in providing for end-user demand, water management and in restoration. The application is subject to consultation with specialist consultees and the main issues appear to be landscape and visual impact, ecology, hydrology and hydrogeology and traffic. I will leave it to the specialist consultees to comment on the acceptability of the proposals in relation to these issues. Conditions will need to be attached to protect the environment and local amenity. I have attached the Best Practice Guide to Mineral Conditions produced by the POSW Minerals & Waste Topic Group which sets out the matters to be considered and provides sample conditions that can be used. These have been shared with PINS and they had no objections to them.

Public Rights of Way Officer-

The application recognises that four Public Rights of Way cross the property and that two of these public footpaths will require diversion/stopping up. The applicant needs to contact the Public Rights of Way Section to discuss the details of their proposals.

The granting of Planning Permission does not give the applicant permission to close or divert a Public Right of Way. It also does not mean that any application to alter the Public Rights of Way network will succeed. A legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place.

Should the Public Rights of Way require temporary closure to assist in facilitating further works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should

Council's Drainage Section- Initially requested further information (when the proposals involved de-watering), however, subsequent to the scheme being amended, there is now no objection. Further advice is provided regarding SAB approval and SUDS.

Glamorgan Gwent Archaeological Trust- No objection subject to the imposition of a condition requiring a written scheme of historic environment mitigation.

Cadw- No objection

Natural Resources Wales initially objected to the application, however, following the amendments (to reduce the depth of quarrying and avoiding de-watering) NRW now raise no objection subject to conditions relating to the following: Approved plans list, phasing, Landscape and Environmental Management Plan (LEMP), LEMP Compliance and Review, Blasting, Bat monitoring, Invasive Non-Native Species (INNS) Control Programme and INNS Compliance and Review. The NRW comments are appended in full.

2019/01340/FUL- Ruthin Quarry

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REPRESENTATIONS

The neighbouring properties were consulted and the proposals have been advertised on site and in the press. Across the two applications, representations have been received from approximately 25 properties, including Llangan Primary School, and the principal points of objection are summarised below. Some of the representations received have only referred to one of the applications, however, the nature of the proposals and the representations are such that they are all treated as having relevance to both:

- Adverse landscape impact.
- Impact on air quality, including dust and emissions.
- Harm to ecology and biodiversity.
- Flood risk and adverse impacts from run off.
- Noise from quarrying and blasting.
- Vibration from blasting.
- Highway safety impacts.
- Danger to pedestrians.
- Adverse impact on the safety of users of the school.
- Adverse effect on traffic and congestion.
- Inaccuracies, contradictions and omissions in the plans.
- Proposals rely on land not in the control of the applicant.

- Concerns regarding de-watering.
- Damage to the environment.
- Damage to property.
- Impact on safe access to pant-Y-Lliwydd farm, including inadequate passing places and lack of account for dumper movements.
- There is a sufficient land bank of minerals without these sites.
- Adverse impact on PROW.
- Inadequate proposal for quarry waste.
- The lane is inadequate to support the traffic.
- Previous permissions have not been adhered to.
- Adverse impact on health.
- Adverse impact on property prices.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP8 – Sustainable Waste Management
 POLICY SP9 – Minerals
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance
 POLICY MG20 – Nationally Protected Sites and Species
 POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
 POLICY MG22 – Development in Minerals Safeguarding Areas
 POLICY MG23 – Buffer Zones
 POLICY MG24 – Dormant Mineral Sites
 POLICY MG25 – Mineral Working (including Oil and Gas Extraction)
 POLICY MG26 – Specific Sites for Mineral Working

Managing Development Policies:

POLICY MD1 - Location of New Development
 POLICY MD2 - Design of New Development
 POLICY MD7 - Environmental Protection
 POLICY MD8 - Historic Environment
 POLICY MD9 - Promoting Biodiversity
 POLICY MD20 - Assessment of Waste Management Proposals

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Activities in Places (retail and commercial development)
- Community Facilities
- Recreational Spaces

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Waste policy

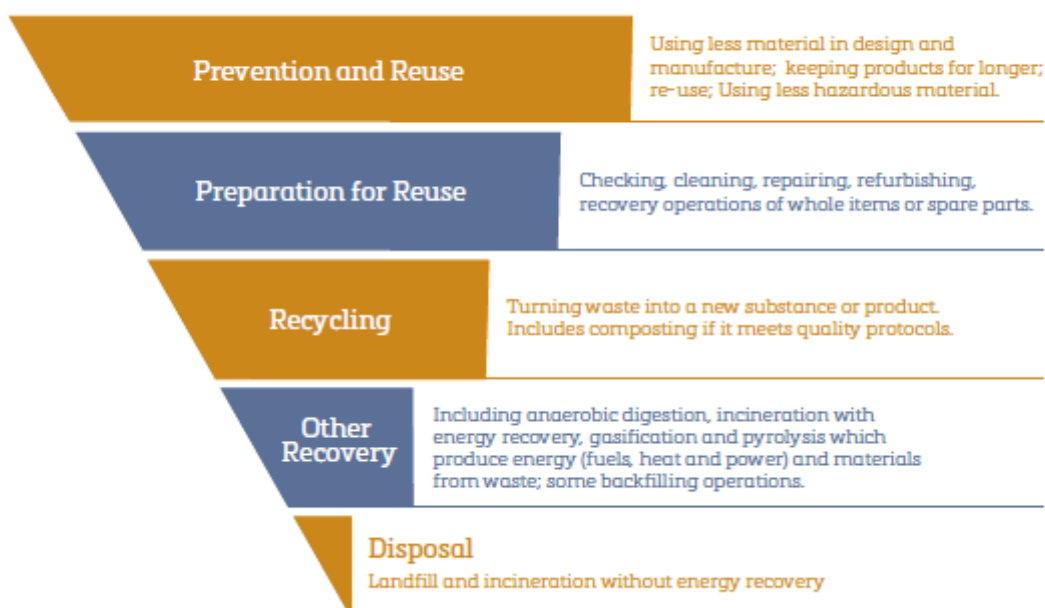
Section 5.11 highlights the environmental, social and economic benefits of sustainable resource management in respect of waste. Including making best use of resources and promoting the circular economy.

Section 5.13 highlights that the planning system has an important role to play in facilitating the provision of sustainable waste management facilities, whilst also ensuring that the any adverse environmental impacts and avoiding risks to human health are minimised, including protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

It is stated at paragraph 5.13.4:

“The Welsh Government’s policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy (see Figure 11) as far as possible.”

Figure 11: Waste Hierarchy



5.13.10 Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.

5.13.11 The 'Nearest Appropriate Installation' concept and the principle of self-sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.

5.12.8 Planning authorities should encourage innovative approaches to recycling, particularly those which bring multiple benefits such as reducing energy costs and associated emissions. This may include encouraging the practice of on-site recycling on minerals sites, taking proper account of all likely costs and benefits, support for 'urban quarries' and the recycling of construction and demolition waste in conjunction with other suitable uses, such as within builder's merchant yards.

5.13.3 Planning authorities, other relevant local authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for planning authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the planning authority in establishing this position through the provision of appropriate advice. The parallel tracking of planning and environmental permitting applications should be the preferred approach, particularly where proposals are complex, so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence.

5.13.6 NRW has a statutory role in relation to the management and regulation of waste and the collection of waste production and management data. It has a key role in providing expert advice to planning authorities as part of development plan preparation and as a consultee on certain planning applications. This role is important in assisting planning authorities in evaluating complex waste information and making technical judgments, where necessary.

Minerals policy:

Section 5.14 of PPW provides the following key principles in relation to minerals development:

- *Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;*
- *protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;*

- *reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and*
- *achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.*

The following advice is also provided in relation to extraction:

5.14.11 *The contribution that a resource could make to UK demand where the mineral is of limited or restricted supply or regional demand must be taken into account when taking planning decisions. Seeking to meet only local needs or ruling out all forms of mineral working within an area will only rarely be acceptable on the basis of significant adverse environmental impacts. As far as practicable, areas of future working should be identified in development plans, where this can be undertaken in a sustainable way. There will be locally realised benefits from minerals development, such as employment in rural areas, which will also need to be balanced against the other key principles outlined in paragraph 5.14.2.*

5.14.12 *The contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, as well as the use of marine-dredged materials where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations.*

5.14.35 *Minerals development should not take place in National Parks and AONB except in very exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:*

- *the need for the development in terms of UK considerations of mineral supply;*
- *the impact on the local economy of permitting the development or refusing it;*
- *whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;*
- *the detrimental effect of the proposals on the natural and historic environment and local community and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species and biodiversity; and*
- *in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity*

5.14.47 *Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.*

5.14.48 The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.

The following advice is also provided in relation to site restoration and after use:

5.14.4 when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.

5.14.50 Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use at the earliest opportunity, and work begun within six months of cessation of working wherever this is practicable, except where progressive restoration has already commenced. Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. The statutory five year aftercare period should be extended as appropriate for the intended end-use. End uses such as nature conservation will normally require a minimum of 15 years and commuted sums may be required to cover long term maintenance costs. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed on to future generations.

5.14.51 Reclamation can provide opportunities for creating or enhancing sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan, or equivalent, and those adopted in local Biodiversity Action Plans throughout Wales. Reclamation can also provide opportunities for the conservation of historic assets and their settings. Capturing the potential of these opportunities should be explored at a strategic level through green infrastructure assessments, which may also result in further benefits such as the protection of geological exposures and public access.

5.14.52 In view of the long life of many mineral working sites, it is essential that progressive restoration is introduced at the earliest opportunity where appropriate and practicable. The increased use of phased restoration reduces the visual impact of mineral activities at any one time and provides continuity of restoration works throughout the active operations, so reducing the potential environmental damage left by any failure to restore.

5.14.53 After-uses may include agriculture, forestry/woodland, nature conservation, heritage, public open space, recreation or other development. A separate planning permission is likely to be required for any after-use except agriculture, forestry, nature conservation or informal recreation which is normally permitted development.

5.14.54 The guiding principles determining the potential after-use of a site should form part of the application submission for proposed mineral extraction or the review of mineral planning permissions, although flexibility and review will often be necessary during the life of the mineral operations. Using the guiding principles as a framework, and even for long term working sites, there must be a defined and acceptable minimum standard of restoration outlined at the application stage. To maximise the opportunities provided by the reclamation operation, it is essential that consultation is undertaken with the mineral planning authority prior to the submission of the application for mineral extraction, to determine the most appropriate guiding principles and thus the most suitable after-use of the restored land.

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Minerals Technical Advice Note 1 Wales: Aggregates (MTAN1)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape

Policy DG9 (Quarries)

Aims:

- *To ensure that after use of quarries adds to overall landscape value*

Design Principles:

- *Undertake ecological survey to identify impacts where appropriate and incorporate appropriate mitigation measures into scheme design.*
- *Afteruse and restoration plans should consider the potential of the workings for recreation, e.g. rock climbing, biking and habitat creation, particularly limestone cliffs, screes and wetlands.*

- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response)
- Waste Management Background Paper (2013) (Also see LDP Hearing Session 13, Action Point 16 response)

The Regional Technical Statement for the North Wales and South Wales Regional Aggregates Working Parties – 2nd Review (Sept 2020)

The purpose of the RTS is to provide a strategy for the future supply of construction aggregates within each Region, taking account of the latest available information regarding the balance of supply and demand, and current notions of sustainability, as enshrined in Planning Policy Wales. The overarching objective of the RTS is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.

The RTS provides recommendations on the quantity of aggregates which should be supplied by Authority areas, or sometimes by groups of Authorities; and the total tonnages required from existing production sites and new allocations made by Local Development Plans. This is to maintain minerals supplies throughout and to the end of the Plan period.

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment

- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Equality Act 2010

The Equality Act 2010 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 preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Context and structure of the report

As noted above, application 2019/01337/FUL sits alongside the Review of Old Minerals Permission application at Ruthin Quarry (registered as 2019/01340/FUL). The two applications are essentially a consolidation exercise which seeks to update conditions in line with each other for both Quarries. Consequently, and given the interrelationships between the activities at the two quarries, this report assesses the proposals and impacts together, essentially as one operation.

Planning history and procedure

There is a relatively complex/lengthy Planning History to both sites, as set out below:

Ruthin Quarry

1. Interim Development Order permission granted 16th April 1947. No end date specified.
2. Section 52 Agreement 3rd November 1982 (accompanying Garwa Quarry deepening permission ref 1048) imposes updated planning conditions for Ruthin Quarry including 'condition 1': Ruthin permission to expire 20 years from date of Agreement: i.e. 3rd November 2002.
3. Section 106 Agreement 16th April 1998 accompanying planning permission for deepening of Garwa Quarry extended end date for Ruthin Quarry to 31st December 2017.
4. Section 106A Agreement 8th November 2017 extended end date for Ruthin Quarry to 31st December 2022.

Garwa Quarry

1. Planning permission for quarrying 9th June 1970 (ref 382 (Z) 1341). No end date specified.
2. Planning permission for deepening of quarry 3rd November 1982 from 135ft to 90ft AOD (ref 1048). Condition 3 imposes 30-year end date from date of permission i.e. 3rd November 2002. Accompanying Section 52 Agreement imposes other restrictions (and as noted above, updated conditions for Ruthin).
3. Planning permission issued 25th September 1997 for revised working scheme and amendment to condition 3 of permission 1048 (ref 97/00796/FUL), which extended time limit to 31st December 2019. Accompanying Section 106 Agreement extended Ruthin end date to 31st December 2017 (as noted above).

Consequently, the applications are made in the form of a Section 73 Application for Garwa Quarry, to vary the condition which sets the end date for working, and a Review of Old Minerals Permission application for Ruthin, which seeks to do the same thing, in respect of extending the end date for working of the mineral reserve.

The principle of the development

The application states that the underlying objective of the development is to secure a long-term source of high-quality industrial limestone for use in the Aberthaw Cement Works, and to ensure that the proportion of the reserves of limestone which are unsuitable for the Cement Works are used beneficially as aggregate in the construction industry.

The current imported limestone source utilised by Aberthaw Cement Works is limited in its quantity compared to the expected operational life of the cement plant, and the reliability is compromised by demand for the stone for use in the steel manufacturing and other building materials applications. The result is likely to mean that the existing source will become fully utilised before the end of the operational life if the Aberthaw Cement plant.

Tarmac Cement and Lime has reviewed the potential reserves of suitable limestones in the region and determined that the Garwa stone is of a suitable chemical nature with high levels of Calcium oxide and low levels of Silica, Alumina and iron oxides, and as such it is deemed vital to secure the long-term viability of the Aberthaw cement plant operation. The application goes on to state that Aberthaw Cement Works has been in operation for over 90 years supplying customers in Wales and the south of England. It is one of the UK's strategic sources of supply to the construction industry and the cement supplied from the Works has been used in many of the major construction projects in Wales and wider afield. The future of the Aberthaw Cement Works is thus important on many levels, and a secure long-term supply of high quality limestone is central to the future operation of the Works.

Planning Policy Wales (PPW) states that the key role of the planning authority in relation to minerals extraction is to balance the fundamental requirement to ensure the adequate supply of minerals, with the issues of sustainability, protection of amenity, and the environment. The key principles are described in the planning policy section of this report.

Policy SP9 of the LDP states:

The local and regional need for the provision of a continuous supply of minerals will be achieved through:

1. Maintaining a minimum of 10 years land bank of hard rock throughout the plan period; including extended time periods to complete permitted extraction at existing sites;
2. Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and alternative resources;

The policy requirement for a minimum of 10 years land bank of hard rock throughout the plan period stems from the Regional Technical Statement (RTS), a requirement of Minerals Technical Advice Note 1: Aggregates (MTAN12). This statement recommends that the future quantities of aggregate which need to be provided for, from each Local Planning Authority, is calculated over 25 years for crushed rock (LDP period plus 10 years).

The LDP identifies the following active mineral working sites in the Vale of Glamorgan (or inactive sites where future working is considered likely to occur):

1. Aberthaw - Liassic
2. Ewenny - Carboniferous
3. Forest Wood - Carboniferous (Shared with Rhondda Cynon Taf)
4. Pant - Carboniferous
5. Pantyffynnon - Carboniferous
6. Longlands - Carboniferous
7. Lithalun - Carboniferous
8. Wenvoe - Carboniferous
9. Garwa Farm * - Carboniferous
10. Ruthin *- Carboniferous

*currently inactive but held in reserve

Policies MG22 (Development in Minerals Safeguarding Areas) and MG23 (Buffer Zones) of the LDP seek to safeguard known mineral resources and the aims of these policies are to avoid sterilisation of mineral reserves. The proposed development seeks permission to extract the mineral and therefore, the development would not conflict with the aims of these policies.

Policy MG25 (Mineral Working) states the extraction of new primary minerals will only be permitted where there is a proven national, regional or local need for the mineral, and sets out the following criteria:-

1. Any adverse impacts on the natural environment are avoided or mitigated to an acceptable level, and proposals include, where appropriate, measures to enhance the natural environment;
2. Impacts on built and cultural heritage are mitigated to an acceptable level and enhanced wherever possible;
3. Impacts on the amenity of local residents and local communities are not unacceptable, in particular with regard to noise, health, air quality, vibration, visual impact, access provision, and traffic generation;
4. Impacts on geology, hydrology and hydrogeology, including land stability and water supplies, are acceptable;

5. There is clear evidence that there will be no unacceptable loss of agricultural land of ALC grade 1, 2, and 3a;
6. Minerals are transported by the most sustainable means and the potential for minerals to be transported by means other than by road has been adequately assessed;
7. There is provision for the land to be progressively and finally restored to a high standard and to a beneficial and sustainable after-use including long term post-closure management; and
8. Where opportunities for the re-use and recycling of mineral waste have been considered and where there are no practicable substitute materials that can be provided at less environmental costs.”

Policy MG26 states:

Ruthin Quarry and Garwa Farm Quarry are identified as specific sites for mineral working.

The supporting text to Policy MG26 states as follows:

Aggregate mineral resources of known commercial significance exist at Ruthin Quarry and Garwa Farm Quarry. In addition, Garwa Farm Quarry is capable of supplying significant mineral resources suitable for non-aggregate use in the cement industry.

Ruthin Quarry is an Interim Development Order permission granted on 16th April 1947 and the permission was registered as ‘dormant’ under the provisions of the Planning & Compensation Act 1991. Extraction of minerals at Ruthin Quarry is currently time limited until the end of 2017 under the terms of a Section 106 Agreement entered into on 3rd November 1982. The extraction of minerals at Garwa Farm Quarry is time limited until the end of 2019 under the terms of planning permission 97/00796/FUL granted on 25th September 1997, however the original permission dates back to 1970. These time limits were considered to be appropriate at the time they were imposed and were based on quarry development aspirations which have not been achieved. The resource therefore remains in place and is available to contribute to the landbank provided the time period for working the resource is extended to enable it to be won.

Ruthin Quarry is considered to be an important aggregate resource and is available as a replacement for the quarries at Ewenny and Litalun. Garwa Farm Quarry is particularly important as a potential future supply to the cement works at Aberthaw and a replacement for Pant Quarry. Garwa Farm would also contribute to aggregate supply required to achieve the aggregate apportionment figure set out in the Regional Technical Statement.

There are no significant environmental or amenity constraints to the continuation of working at Ruthin and Garwa Farm Quarries. A suitable access to the road system is available, there are no environmental designations significantly impacted upon and there are no settlements located in close proximity to the sites. In addition, the continuation of the permissions for mineral extraction at Ruthin and Garwa Farm Quarries and their subsequent restoration is considered to be preferable to the allocation of Greenfield sites for future aggregate mineral working.

Consequently, it is clear that the Local Development Plan identifies the two quarries as an appropriate resource in principle, to contribute to aggregate supply.

The supporting text to Policy SP9 states that *The Vale of Glamorgan is an important supplier of minerals and as the Minerals Planning Authority the Council has the responsibility for ensuring that the LDP provides for a continued supply of minerals during and beyond the period covered by the LDP. The assessment of the adequacy of the land bank is made in the light of guidance contained in MTAN1: Aggregates and in the South Wales Regional Technical Statement on Aggregates.*

Based on the Council's landbank reserve figure at July 2016 (31,962,000 tonnes) and the 10 year average production figure the Vale of Glamorgan landbank for hard rock aggregate was 40.7 years giving a landbank of 30.7 years available at 2026. Reserves of hard rock for non-aggregate production (i.e. cement production) are sufficient for 19.8 years supply. The Vale of Glamorgan therefore has sufficient reserves to satisfy the requirements of the Regional Technical Statement. Reserves at sites such as Ruthin Quarry and Garwa Farm Quarry, where time limited extraction comes to an end in 2017 and 2019 respectively, are included within the landbank. The permitted level of extraction will not be completed at these sites within these time periods but there is no environmental or amenity reason for not extending the time limits to allow winning and working of the resource to continue.

This is post-dated by the 2020 RTS which requires the Vale to make provision for 0.672 million tonnes per year until the end of the Plan period and for 10 years thereafter. The total apportionments for the Vale of Glamorgan are 16.806 million tonnes for crushed rock, over 25 years. These compare with existing landbanks (excluding dormant sites) of 18.73 million tonnes for crushed rock (as at 31st December 2016), all of which relates to Carboniferous Limestone. However, these figures exclude limestone reserves which are allocated for non-aggregate use.

The RTS notes that consequently, no further allocations are required in the Replacement Local Development Plan, however, the existing LDP does allocate Ruthin and Garwa. The continued use of the site for mineral extraction would ensure the Vale of Glamorgan meets the aims of the Regional Technical Statement and, given this, it is considered that the proposed development would support the aims of Policy SP9 of the LDP to ensure that the necessary reserves are maintained going forward and the continued use would ensure the most sustainable way of extraction in line with the advice in PPW. It should also be noted that the proposals only relate to extending the time to work the quarries, and do not comprise extensions to the areas that would be permitted for working.

The compliance of the proposals with the criteria of Policy MG25 is considered in further detail later in this report. However, the principle of the proposed mineral extraction is considered acceptable, in the interests of maintaining a secure landbank of mineral reserves in the region.

Waste

As noted above, the development involves the use of waste rock from Ruthin to assist in the restoration profiling of the north western area of Garwa Phases 1 and 2. This is not considered fundamentally to comprise an application for a waste management facility, and it is noted that TAN 21 states that Waste Planning Assessments should be submitted with all applications for a waste facility classified as a disposal, recovery or recycling facility. It goes on to state that the Waste Planning Assessment should be appropriate and proportionate to the nature, size and scale of the development proposed.

Notwithstanding this, the ES sets out the nature of the development, the likely residual quarry waste, and the intended use of it in restoration. It explains that in-situ mineral volumes have been calculated for each phase of mineral extraction for each of the two quarries. Historic mineral processing waste factors have been used; which vary by depth in the quarry, and by lithology. At Garwa Quarry, overburden is underlain in places by either Mercia Mudstone, 'Pinnacle Rock' (clay filled weathered surface rock) or virgin limestone. The Mercia Mudstone is considered to be 100% waste and would be placed to restoration. 'Pinnacle Rock' is expected to comprise up to 40% waste to go to restoration. Within the Limestone, 10% processing waste is anticipated on the upper two faces, and 5% on the lowest face. At Ruthin Quarry there is only a relatively thin cover of overburden, though allowance has been made for further waste resulting from near surface weathering. The upper two faces (to 70mAOD) are expected to yield 15% waste, with all deeper faces calculated to be 10% waste.

A degree of waste is typically expected as a by-product of creating cement and aggregate products. Waste is anticipated to comprise Soils and overburden (which would be exclusively placed to restoration), waste materials (Mercia Mudstone and scalplings from Pinnacle Rock, which would similarly be placed to restoration), and processing waste which may be saleable as a fill material, dependant on market requirements for fill at the time of production and dependant on the quantity produced. Consequently and given that such quantities cannot be definitively predicted, minimum and maximum volumes available for restoration have been quoted, and this would unavoidably mean some flexibility with restoration contours.

Fundamentally this is considered to be an appropriate and sustainable use of the waste materials- i.e. re-use on site to contribute towards the required restoration or, where suitable, to be re-used as a saleable product (subject to market demand) for other purposes. It is considered that this adheres to the principles within the waste hierarchy and represents management of the waste in a sustainable way (see para 2.6 of TAN 21).

In summary, it is considered that the development complies with Policy SP8 and MD20 of the LDP, TAN 21 and Towards Zero Waste.

Visual and landscape impact

The winning and working of limestone is essential in maintaining the supply of a valuable resource upon which the construction trade and wider economy is reliant, as outlined above in this report. The granting of planning permission for extraction is equally contingent on the requirement to deliver a beneficial land restoration and after care. This requirement is explicit within national policy guidance (outlined in the Planning Policy section of this report, above). Paragraph 5.14.50 of PPW states explicitly that *'unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused'*. Criterion 7 of Policy MG25 of the LDP requires the land to be *'progressively and finally restored to a high standard and to a beneficial and sustainable after-use including long term post-closure management'*.

The Environmental Statement with the application appraises the landscape impacts and notes that the Vale of Glamorgan has a series of defined Landscape Character Area as part of a LANDMAP exercise. The site is located within the Area 2 Northern Vale Lias Slopes and adjacent to North West corner of Area 10 Upper Thaw Valley.

The Northern Vale Lias Slopes Character Area has a mosaic of mainly small to medium fields, set within managed hedgerows and woodlands that do not impinge on the overall openness, while the M4 and A48 does affect tranquillity in the area. The recreational value offers opportunities to utilise the local PROW network and Ruthin Common. Overall, the sensitivity of this character area has been assessed as Medium.

The Upper Thaw Valley Character Area located to the south and west of the site consists of the sides of a wide lowland valley. The land cover is a field pattern of pastoral fields and managed hedgerows with deciduous woodland areas mostly confined to steeper slopes on the valley sides. This helps to give the area a strong sense of enclosure and accentuates the dramatic valley sides. Tranquillity levels rise as the landform falls away from the M4 and A48 road corridors. The recreational value is limited while overall the sensitivity of this character area is assessed as high.

There would inevitably be a relatively substantial and prolonged visual impact associated with the quarrying of the land, over the time period sought. Quarrying of land in the countryside can be justified in principle, and there is an inevitable visual impact associated with these workings. However, that visual impact can potentially be accepted where the purpose of the works is to provide an essential resource. Indeed the conclusions in the ES offer that the potential effects of the quarry development schemes without manmade mitigation measures could be adversely significant to local landscape character areas, features and elements comprising the Northern Vale Lias Slopes within which the site is located and the adjacent Upper Thaw Valley and Upper Thaw Valley.

However, it is accepted that the site is a relatively small component of the overall character area and natural topographical levels, landform and vegetative/ land use elements (principally woodland) would combine to contain and enclose the majority of the site from wide ranging views.

The Northern Vale Lias Slopes character area is assessed as being subject to a Moderate Adverse effect on the overall character area post restoration as a result of the changes to topography and landform within the scheme. The assessed effect on the Upper Thaw Valley Character Area during the operation period of the site is Slight Adverse effect and at Post Restoration it is assessed as being a Neutral effect. The site is located on the southern boundary of the Northern Lias Slopes Landscape Character Area and although woodland is not extensive, it is considered to be effective in preventing significant intervisibility with other land within the character area and the immediately adjacent character area of the Northern Lias Slopes. The southern wooded blocks to the site boundary are important features in achieving the above aims and as such an Outline Woodland Management Plan for these woods and the other site peripheral wooded land has been provided within the application.

The ES concludes that the Zone of Visual Influence of the site development is principally restricted to receptors currently located within the site using PROW L14/2/1, L14/1/1 and L14/3/1. These PROW are located on / or adjacent to the site and are proposed to be diverted around the periphery of the working area to create a circular access route which links into the surrounding public access network. Otherwise, topography and woodland cover restricts views from much of the surrounding landscape. No Visual receptor is assessed as receiving a Significant Adverse effect. The ES therefore concludes that the proposal is acceptable and appropriate in Landscape and Visual Impact terms.

The Council's Landscape Architect has considered the applications and raised no objection to the original scheme, and restoration proposals. The Architect has been consulted on the amended proposals and has advised that there are no fundamental concerns. The extended areas of natural regeneration are welcomed. The Landscape Architect has further advised that detailed design of the pond areas will be required to ensure that they are sustainable and offer a variety of habitats and have sufficient depth to ensure a healthy ecosystem, that the management plan may need to be reviewed to remove use of glyphosate, and that species rich meadow grass land should involve use of locally harvested seed for restoration rather than prescribed mixes where possible.

The amended restoration scheme would comprise mainly terrestrial landform, with small surface water bodies, and it would be a smaller intervention into the landscape. It is agreed that the amended designs for both Garwa and Ruthin Quarries would enable a landform that is more characteristic of the wider character areas, and would assimilate more naturally.

In summary, while it is acknowledged that there would be some adverse impacts through the development and post restoration phases, those visual impacts are largely mitigated through existing topography and woodland cover, and their lasting impact would be successfully mitigated by the comprehensive restoration schemes. Any harm associated with the development in this regard is considered to be outweighed by the contribution that the sites make to essential minerals reserves.

Trees/landscaping/Green Infrastructure

PPW states that:

6.2.11 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

6.2.12 A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.

6.2.13 There are multiple ways of incorporating green infrastructure, depending on the needs and opportunities a site presents, and the green infrastructure assessment should be referred to, as appropriate, in order to ascertain local priorities. Landscaping, green roofs, grass verges, sustainable drainage and gardens are examples of individual design measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places. Wider landscape measures, such as the creation of

species rich meadows, woodlands and the improvement of linkages between areas of biodiversity value should be considered for larger scale development. In most cases the green infrastructure statement should highlight any baseline data considered and surveys and assessments undertaken, including but not limited to, habitats and species surveys, arboricultural surveys and assessments, sustainable drainage statements, landscape and ecological management plans, open space assessments and green space provision and active travel links.

Notwithstanding that the application for Ruthin is a ROMP application, while the Green Infrastructure (GI) work is not labelled as a 'Green Infrastructure Statement', where is comprehensive GI work with the application that functionally meets this aim. The ES describes in some detail what the current context is, the mitigation and enhancements proposed, and how those works would provide linkages to the surrounding GI networks and landscape.

As noted above (and below in the Ecology/Biodiversity section), the proposals involve extended areas of natural regeneration, which will provide a variety of habitats and have sufficient depth to ensure a healthy ecosystem. The revised terrestrial based restoration scheme provides an opportunity to effectively extend Ruthin Common SINC, with a significant positive effect at the local level due to a decrease in intensive agricultural pasture and increase in priority habitats including woodland, grassland and open mosaic habitat. NRW have welcomed that 15-16ha of retained woodland habitat within Tarmac's ownership but outside of the red line planning boundary is to be positively managed from the preliminary works phase on to improve its structure for dormice.

The ES has recorded tree cover within the site and assessed the quality and condition of those trees/groups. It notes that 11 individual trees would require removal to facilitate the development proposals comprising 8 to the east of Garwa Quarry and 3 to the south west of Ruthin Quarry. Of these 1 is assessed to be a Category A tree, 2 are Category B trees, 7 are Category C trees and 1 is Category U tree (defects and dying). A further 15 tree groups and 7 partial sections of tree groups would require removal to facilitate the development proposals. In addition to the above, 4 hedgerows and 4 partial sections of hedgerows would require removal.

As mitigation, the application proposes new tree planting as part of the restoration scheme, at a minimum of a 1:2 ratio basis, with like-for-like native species, of local provenance, and that extra heavy standard tree stock are specified (for the individual tree planting), as a minimum. PPW states that *where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.*

Section 7 of the ES refers to 0.24ha of broad-leaved semi natural woodland being removed and 15.39ha being planted, as part of the following mitigation:

- Broadleaved semi-natural woodland 15.39 ha;
- Species-rich lowland calcareous grassland 3.35 ha;
- Natural regeneration to provide a mosaic of ephemeral short perennial and scattered scrub 20.64 ha;

- Agricultural/Lowland meadow 9.92 ha;
- Standing water 17.25 ha; and
- Hedgerows 900 linear metres.

These details are covered by the recommended conditions, and there is scope to ensure that the PPW replacement planting requirements can be met.

In summary, it is considered that the proposed development would be compliant with LDP policies and PPW in respect of Green Infrastructure and planting, and would deliver significant mitigation and compensation in this regard.

It should also be noted that the Agricultural land Classification survey and soil sampling carried out confirm the presence of subgrade 3b land only, and consequently this does not comprise best or most versatile agricultural land.

Amenity impacts- Noise, dust and vibration

Noise

The ES appraises the noise impacts of the proposed development, relating to the recommencement of working at the currently dormant Quarries. It sets out the findings of noise surveys conducted at positions representative of the closest dwellings to the site and suggests noise criteria for the mineral workings based upon established guidance set out by Welsh Government.

This assessment has compared calculated site noise levels with the suggested noise limits at the selected properties to maintain residential amenity. The calculated site noise levels are based upon sound power levels of plant and equipment to be used at the two quarries, and for the purposes of a robust assessment, the study has assumed simultaneous quarrying and processing at both Quarries. The applicant states that in practice, this would be unlikely to occur for significant periods since it is likely that a mobile crushing and screening plant will be brought to the site for 'campaign crushing' over a period of weeks at one of the quarries, with the plant then either removed from the site or relocated temporarily to the other quarry for a similar 'campaign' event. Nevertheless, as a 'worst case' the noise calculations assume the operation of a crushing and screening plant operating concurrently at both quarries, all of the time.

The scheme proposes mitigation measures in the form of a 3m high bund to the west of Ruthin Quarry, and to the south west between the quarry site boundary and the property at 'Pedair Onnen'. The noise assessments referred to above are modelled assuming this 3m high bund is in place.

The ES notes that noise levels would be at their highest when a rock drill is used at the upper most 'bench'. It states that activity of that nature/in that location would be limited in length and when operations are taking place at the lower levels, the quarry faces would provide additional mitigation. The ES states that should there be evidence of exceedances of modelled noise levels during this operation, the use of the drill (in isolation or concurrently with other plant) would be reviewed in order to protect the amenity of these properties.

The Noise Survey and Assessment was compiled after consultation with the Council's Shared Regulatory Services Officer, in relation to the selection of suitable noise sensitive receptor (NSR) locations, existing noise levels and the overall soundscape of the area. In response to the application the officer has concurred with the choice of noise monitoring sites/ NSRs as being appropriate.

In addition to the mitigation measures proposed, noise monitoring surveys are proposed within 6 months of the commencement of operations on site, and then repeated on an annual basis throughout the first two years of the development of each quarry (unless otherwise agreed in writing with the Mineral Planning Authority). Further monitoring would then not be undertaken unless specifically required by the Mineral Planning Authority. The results of the noise monitoring would be made available to the Mineral Planning Authority no later than one month following the date of measurement and any additional information, surveys, investigations or additional assessments would be provided to the Mineral Planning Authority upon request. The SRS officer agrees with this proposal and these requirements would be included within the scope of a Noise Management Plan, which is recommended by condition.

The ES details the noise levels that should not be exceeded at the eight specified receptor sites, listed below, and goes on to advise the following planning condition;

“Noise levels from routine site operations during working hours arising from the development shall not exceed the levels below at locations representative of the properties listed:

- Pant-y-Lliwyd Farm 44 dB LAeq, 1 hour, free field
- St Mary's Golf Club 55 dB LAeq, 1 hour, free field
- Hendafarn 50 dB LAeq, 1 hour, free field
- Hen-Dafaran 48 dB LAeq, 1 hour, free field
- Broadway Bungalow 49 dB LAeq, 1 hour, free field
- Pedair Onnen 46 dB LAeq, 1 hour, free field
- Coed Mansel Farm 43 dB LAeq, 1 hour, free field
- Brigam Farm 55 dB LAeq, 1 hour, free field'

The SRS officer has confirmed that these are considered acceptable noise levels, which would not be prejudicial to amenity, having regard to existing background noise levels at the various locations. Comparison of the calculated site noise levels for daytime operations with the corresponding noise criteria indicates that operations on site should comply with the noise criteria suggested without the need for further mitigation, over and above that already included in the design of the development schemes (noise attenuation bund to the west of Ruthin Quarry). With these screen bunds in place, the noise calculations indicate that the noise limits which have been proposed could be adhered to at all properties assessed. Further advice is provided regarding necessary conditions relating to a Noise Management Plan, working hours, site preparation and blasting. Subject to conditions containing appropriate controls in respect of these measures, the SRS officer raises no objection.

While the SRS office has observed that crushing and screening should only take place at one of the quarries at one time, the noise modelling demonstrates that even in the worst case scenario (with such processes taking place concurrently in both), the recommended sound limits would not be breached. MTAN1 recommends that noise limits should relate to the background noise levels subject to a maximum daytime noise limit of 55 dB(A) where background noise levels exceed 45 dB(A). Given the interrelationships between the processes in both quarries (and as noted by the applicant) this is unlikely to occur, but given the above, it is considered that it could not reasonably be conditioned to require this. Furthermore, the Noise Management Plan condition (which will be required to set out monitoring and mitigation in the unlikely event noise levels were exceeded) offers further control.

In terms of hours, MTAN1 defines daytime hours as being 0700-1900 hours and night-time as 1900-0700 hours. There is an acknowledged discrepancy between two sections of the applicants submissions, where 0700-1900 and 0700-1800 are referred to. The applicant has clarified that 0700-1900 are the proposed hours, and given that this complies with the definition of daytime in MTAN1, it is considered acceptable in principle.

The MTAN1 notes that during temporary and short-term operations higher levels may be reasonable but should not exceed 67dB(A) for periods of up to 8 weeks in a year at specified noise sensitive properties, and this is recommended by condition in relation to Garwa and Ruthin.

In summary, given the robust assessments carried out and the suite of noise related conditions proposed, it is considered that residential amenity would be adequately protected through the course of the working of the quarries, noting that the conditions provide greater control than those that existed on previous consents for working of the same resource.

Blasting/Vibration

The SRS Officer has considered the submissions and has provided advice that in summary, requires compliance with the guidance in MTAN1 on blasting. The MTAN notes that:

Production blasting can result in impacts that extend well beyond the extraction site. This is likely to cause concern to neighbours and results from:

- *ground vibration –these are stress waves generated within the ground by the detonation of explosive charges. Sometimes these are reported by individuals but usually the levels of vibration generated by mineral workings are well below those required to cause structural damage to properties;*
- *air overpressure –a pressure wave is formed in the atmosphere by the detonation of explosives, this consists of energy manifested as audible (noise) and inaudible (concussion);*
- *noise – audible noise is atmospheric pressure variations at frequencies greater than 20Hz (hertz);*
- *dust; and,*
- *fly-rock – the projection of material from the blast site to any area beyond the designated danger zone*

In order to reasonably minimise those potential impacts of blasting, conditions are recommended in respect of limiting the days/times where blasting can take place, limits on vibration levels, monitoring vibration, advertisement of blasting times, minimisation of air 'overpressure' and use of explosives. These conditions align with the recommended practice in MTAN1 and it is considered that subject to their imposition, impacts from blasting and vibration would be controlled to in an appropriate and acceptable way.

Dust and Air Quality

The Environmental Statement assesses impacts on air quality, including from dust. The Air Quality study describes the scope and assessment methodology, and the baseline conditions currently existing at the application site and its surroundings. It then considers any potential significant environmental effects the proposed development would have on this baseline environment; any mitigation measures required to prevent, reduce or offset any significant adverse effects; and the likely residual effects after these measures have been employed.

The statement notes that the primary impacts from an air quality perspective relate to the release of dust and traffic exhaust emissions and the potential exposure of sensitive receptors to these emissions.

Dust is generally categorised into two size classifications; 'suspended dust' with diameters below 10µm (microns) (PM10) and 2.5µm (microns), and 'deposited dust' generally with diameters between 10µm and 75µm. (A micron is a unit of measurement where 1 micron = one thousandth of a millimetre). The potential for any increase in vehicle trips to have a significant effect on air quality is also considered within the assessment.

Modelling has been carried out for both dust and other emissions, with a series of appropriate receptors (including residential, recreational and ecological) selected to identify and measure projected impacts.

In respect of the smaller particle dust category, the report concludes that even in the absence of mitigation, the impact and effect of the proposed operations on human health from emissions of PM10 can be considered negligible. In respect of deposited dust, the Es notes that during the preliminary site works, the residual emission source is considered to have the potential to be 'large', primarily due to the volume of material handled, the construction of the screening bunds in close proximity to the site boundary and the works required for the preparation of the internal haulage routes and site access. The dust impact risk is considered to be low for the majority of receptors; with an overall 'slight adverse' effect on the surrounding area due to the sensitivity of receptors.

During the routine operational site works, the residual emission source was considered to be a maximum of 'medium'. The dust impact risk the majority of receptors is considered to be negligible with an overall 'negligible' magnitude of effect. At the ecological receptors of Breigam Moor SSSI the dust impact risk is low; on the basis of the medium sensitivity of the site the overall effect is considered not significant.

Mitigation measures have been proposed on the basis of industry good practice guidance in accordance guidance and MTAN1. The proposed development is concluded in the ES to have a negligible effect on the surrounding area, but mitigation to minimise these impacts is proposed in the form of (including but not limited to) water suppression, phased carrying out of certain potentially dust creating activities), locating certain activities away from site boundaries, management of stockpiles, etc, (to all form part of a dust management plan).

The Council's SRS Officer for Air Quality has considered the submissions regarding dust, and has advised that for the operational phase of the proposed development, an overall slight adverse impact is expected at a number of sensitive receptors as a result of generated dust. Consequently they have requested a Dust Management Plan condition with appropriate measures to be submitted to and approved by the Local Planning Authority (LPA) prior to the development proceeding. The scheme is requested to include details of dust suppression measures and the methods to monitor emissions of dust arising from the development.

In respect of traffic emissions, all of the impacts at the surrounding receptors are modelled to be negligible. The SRS Officer notes that the applicant has assessed the likely impacts expected due to transport derived emissions at a number of sensitive receptors within the proposal's locality, and recommended considering widening the scope of receptors to include Llangan Primary School. However, the exercise has already assessed other receptors on the route between the site and the school, and the impacts were assessed to be negligible in these locations.

In summary, it is considered that subject to the identified monitoring and mitigation measures (and recommended conditions) the development would be acceptable in respect of noise, air quality and vibration.

Highways and traffic impacts

The development would be facilitated from the unclassified lane that runs between the two quarries. Access to Garwa would be largely as existing, whereas a new access into Ruthin is proposed relatively centrally along its frontage with the lane. The existing access point opposite the Garwa entrance would be retained.

The application appraises the volume of material that would be extracted from the site, and has sought to quantify what this means in terms of vehicle numbers per day, and the routes that those vehicles would like take when leaving the quarries (based on the nature of load).

The scheme has been designed on the basis of an output of 300,000 tonnes per annum of industrial limestone and 200,000 tonnes per annum of construction aggregate. This combined total of 500,000 tonnes per annum contrasts with the current output limit of 1,500,000 tonnes per annum from Garwa and Ruthin Quarries combined.

The Traffic Impact Assessment (TIA) reported in Chapter 13 of the ES confirms that the industrial limestone destined for Aberthaw Cement Works would be transported in average 28 tonne capacity vehicles, which would be routed southbound from the quarry entrance towards the A48 and then onwards to Aberthaw. The industrial limestone

/cement raw materials are predicted to be relatively consistent in terms of both weekly/annual output. The TIA confirms that the output of construction aggregate would be transported in vehicles with an average carrying capacity of 18 tonnes, with approximately 2/3 of the loads travelling northwards along Felindre Road to Pencoed and towards the M4 junction 35, with the remaining 1/3 travelling southbound to the A48 corridor.

Based on the predicted output of 300,000 tonnes of industrial limestone being transported in 28 tonne payloads and 200,000 tonnes of general aggregate being transported in 18 tonne payloads, the proposed development is predicted to result in an average of 39 and 41 loads per day respectively, resulting in a combined total of 80 loads / 160 HGV movements per day on the lane leading to the site.

Based on the distribution identified above, this would result in an average of 53 loads / 106 movements per working day along Felindre Road to the south and 27 loads / 54 movements per day along Felindre Road to the north.

Given that both quarries are not currently operational, this would comprise a significant increase in traffic using the lane compared to the current situation (matters relating to the lane specifically are discussed further below). This would also result in an increase in large vehicles using the wider highway network in the pattern described above.

The TIS seeks to model what this would mean per hour, albeit this is clearly an estimate and will reflect averages. The traffic volumes set out above represent an average of 9 HGV movements per hour to the south and 5 HGV movements per hour to the north of the Felindre Road junction when rounded up from the 13 movement per hour average along the lane serving the site. The TIS also assumes a worst-case scenario, whereby all employees travel independently in a private vehicle, meaning between 24 and 40 staff trips per day using the same road network.

Comparing to observed traffic flows, the increase in traffic associated with the proposed development beyond the immediate site would be less than 2% of current daily activity and less than 10% of the existing range of day to day variation recorded on each route.

The operational capacity of the network during peak hour periods was assessed in the future year of 2051, which is the limit of current traffic growth prediction data. It was found that all routes retained significant levels of reserve or spare capacity with the when the development traffic added to baseline flows. Consequently it is considered that the proposal would not give rise to unacceptable congestion within the wider highway network. Traffic flows would be now lower under the amended reduced scheme, albeit the overall length of operation would be reduced.

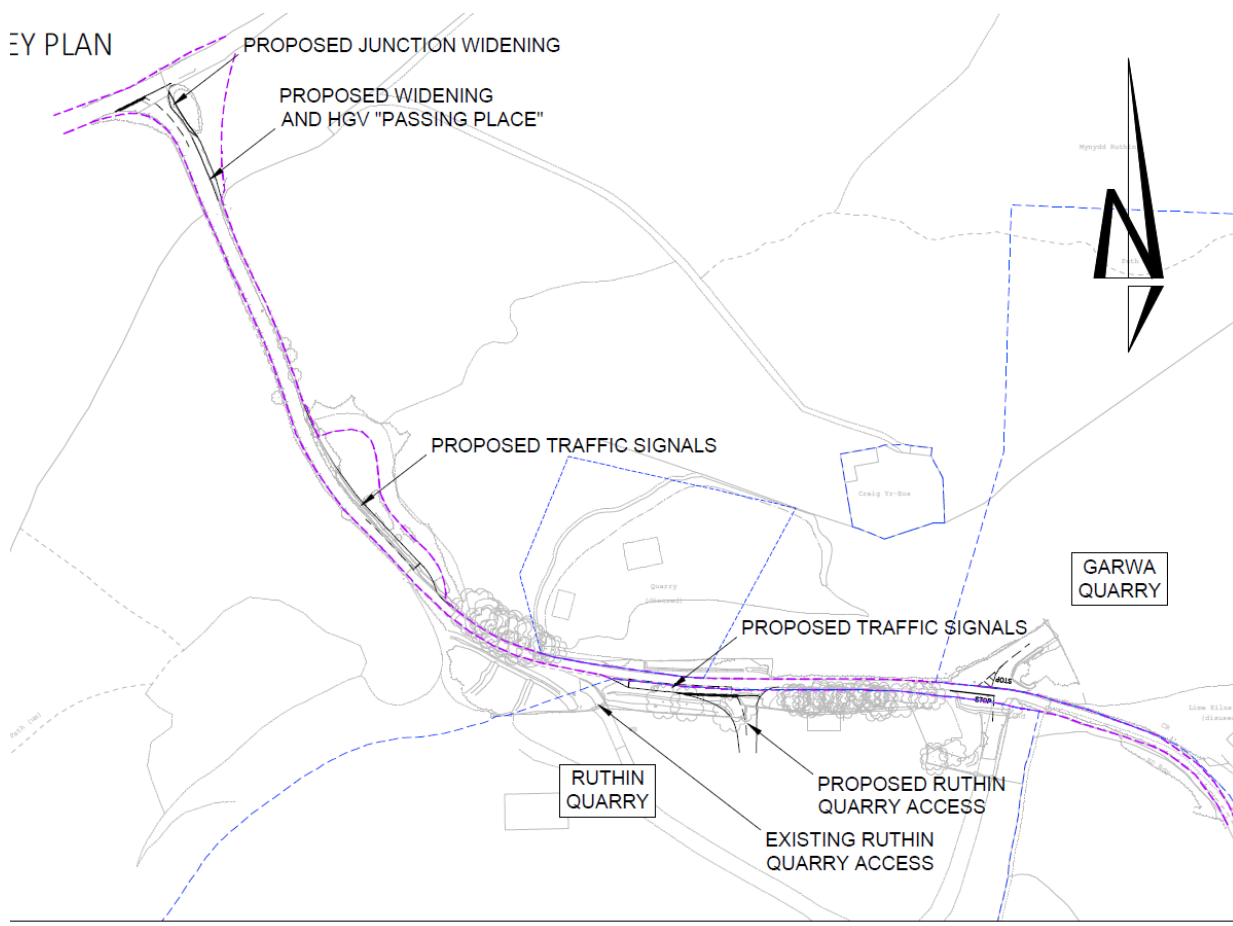
In terms of safety within the wider route, the Highways Engineer initially cited concerns regarding the route towards the A48 in a southerly direction, which would involve passing a number of dwellings and Llangan Primary School. The applicant's Highways consultant has sought to further explain the rationale for this route (which would be more sustainable than more convoluted alternatives) and has substantiated the proposals in the context of existing traffic flows. Accidents data at Pentre Meyrick does not suggest inherent issues with larger vehicles, and there is no demonstrable reason why the vehicles passing the school and dwellings in Fferm Goch should present a fundamental safety problem (particularly given the evidenced capacity in general traffic flows and given that the loads would be spread through the day as opposed to being concentrated at peak hours). Consequently the Highways Authority maintain no objection in that regard.

While the proposals would amount to an increase compared to existing traffic flows, it should also be noted that the traffic levels within the wider higher network would be considerably lower than would have been the case under existing conditions, which allow for a much higher output per annum.

While that would also clearly be the case for the immediate access lane, the Highways Engineer initially raised concerns regarding the nature of the access lane, which is relatively limited in width. As a consequence, a series of mitigation measures have been proposed, to assist safe passage for HGVs and other vehicles using the lane. These comprise:

- Areas of the existing carriageway covered in detritus / vegetation to be cleared and re-surfaced to maximise the existing available carriageway width.
- Defined areas to be widened within the confines of the Highway Authority boundary and Tarmac landownership to provide lay bys / carriageway widths sufficient for two HGVs to pass.
- Existing vegetation within the highway boundary to be cleared in defined locations to provide enhanced forward visibility / desired visibility splays.
- Traffic control signals to be in place during working hours to the west of the Ruthin access.
- Confirmation of the signage to be erected at the respective site entrances and at defined locations along the carriageway.

The mitigation measures would involve the provision of widening/passing bays in three locations- firstly just after the entrance into the lane at its northern point, secondly just before the bend (when travelling south) and lastly immediately to the west of the proposed new access into Ruthin Quarry, as shown on the plan below. The plan also indicates the location of signals, to be operational during the working day, to further minimise scope for conflict between vehicles.



The Highways Engineer is now satisfied that these mitigation measures would mean the vehicles using the lane (those associated with the development and those accessing Pany Y Lliwydd Farm) can do so safely and with the necessary visibility and controls to minimise risk of conflict. Fundamentally it would increase the extent of the land where vehicles can pass, and would hold vehicles at the necessary points to allow vehicles to clear single track parts safely. The Engineer is also satisfied with the level of visibility from both main quarries entrances, such that there is intervisibility from one to another to assist safe egress. It is considered that the measures listed above would represent a marked improvement over the existing situation and it is noted that the quarries have previously been consented to operate based on the existing lane (at larger frequencies than sought now). Further signage and markings are proposed either side of the 'crossroads' between the two quarries, which would further emphasise that the right of way lies on the road that dissects them.

The Highways Engineer has requested a number of conditions, relating to matters including the implementation of these measures, a traffic management plan, and wheel washing. Subject to the imposition of conditions covering these matters, it is considered that the proposed development is acceptable in respect of traffic and highway safety.

Ecology and biodiversity

The application as initially submitted was accompanied by a substantial Ecology chapter within the Environmental Statement, which included a badger survey, Protected Species Management Plan, breeding bird surveys, and Great Crested Newt, Bat, reptile and Dormouse survey reports.

Natural Resources Wales' initial comments raised concerns in respect of a number of items, namely hydrology, Breigam Moor SSSI, Great Crested Newts, Bats and Dormice. As a consequence of the concerns relating to de-watering and the potential impact on Breigam Moor SSSI, the application was amended to only propose quarrying to a depth that would not result in de-watering (i.e. only to 35m AOD as opposed to 27m AOD).

Subsequently, in addition to amending the scheme to address concerns about SSSI impacts, further work has been carried out by the applicant to demonstrate there would not be adverse impact on Great Crested Newts, Bats and Dormice. This comprises a Supplementary Environmental Statement (SES) including an Ecological Impact Assessment and was following substantial discussion and consultation with NRW.

In summary, the SES concluded that the removal of the de-watering (and subsequent off-site discharge) would mean no adverse impacts on Breigam Moor SSSI. The SES also provided for enhanced mitigation measures for Great Crested Newts in terms of both the spatial extent of habitat creation area and number of replacement ponds to be provided, and the refinement of the phased provision of restoration habitats designed to ensure that the favourable conservation status of protected species is maintained during the quarry development period

The presence of notable habitats were identified in the original ES. The SES notes that the overall habitat loss is now lower as the working area has reduced at Ruthin to enable a more extensive receptor site for great crested newt to be established. The SES also argues that the revised and more largely terrestrial based restoration scheme provides an opportunity to effectively extend Ruthin Common SINC, with a significant positive effect at the local level due to a decrease in intensive agricultural pasture and increase in priority habitats including woodland, grassland and open mosaic habitat.

The presence of protected species was similarly identified in the original ES including bats, hazel dormouse, great crested newt, reptiles, breeding birds and badgers. The original ES set out a mitigation strategy for each, but following advice and guidance from NRW, the SES provides details of enhanced measures (notably the via the enlarged GCN receptor site) and additional details of the mitigation measures for other species (notably bats, dormouse and reptiles). The originally proposed mitigation measures for birds and badgers remain essentially unchanged.

The SES states that provision of advance habitat creation, and the fact that quarrying would commence in Garwa prior to Ruthin, significantly reduce the potential impact on habitat and species, and that the sequence of operations would ensure that sufficient habitat remains available during all phases of quarry development.

NRW flagged that the revised scheme relies upon the concurrent working of the two quarries and therefore the environmental impact and related management issues need to be considered together. Therefore, although two separate applications have been submitted for time extensions for the quarries (S.73 – Garwa, ROMP Review Application – Ruthin), they were effectively considered together by NRW as one consolidated application.

Bats, dormice and great crested newts, and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where they

are present and a 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. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose 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;
- ii. There is no satisfactory alternative; and
- iii. 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.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that an LPA should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In respect of test (i) there is considered to be imperative reasons of overriding public interest, given that the quarrying of the resource is required in order to comply with the Regional Technical Statement (regarding the Vale's contribution to regional minerals resources) and in order to support the construction industry.

In respect of test (ii) it is considered that there is not a satisfactory alternative. Failing to utilise the available reserves in these quarries would potentially mean that other green field sites would need to be allocated to meet the identified need, and failing to use the reserve as proposed would also undermine the objectives addressed by test (i).

In respect of test (iii), the advice of NRW is relied upon to consider whether the development would be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

In respect of Great Crested Newts the revised information confirms that GCN habitat comprising pond 1 (Garwa), pond 2 (Ruthin) and surrounding terrestrial habitat (especially in Ruthin Quarry) shall be lost in Garwa phase 1 and Ruthin phase 2, with further habitat losses from both quarry voids in Garwa phase 3/Ruthin phase B. NRW noted that an extended receptor site around Ruthin Quarry is proposed to include a minimum 17 compensatory GCN ponds, and welcomed that it would be created at least 12 months in advance of any proposed translocation scheme. Further advice is provided in respect of pond size and NRW note that this can be dealt with at European Protected Species (EPS) licensing stage. NRW welcome the commitment to creating new GCN habitat on site, and the long-term management and monitoring of new and retained GCN habitat on site (formalised in a Landscape and Ecological Management Plan (LEMP) for the quarries).

In respect of Dormice, the 2019 surveys recorded evidence at two locations west of Ruthin Quarry and in a hedgerow east of and linked to woodland at Garwa Quarry. Resumption of quarrying operations at these sites would result in the loss of suitable linear dormouse habitat during Garwa phases 1 and 2, and Garwa phase 3/Ruthin Phase B and 1.69ha of other suitable dormouse habitat (broadleaved semi-natural and plantation woodland, scrub) during Ruthin Phase A, Garwa Phase 2 and Garwa Phase 3/Ruthin Phase B.

Having considered the SES, NRW welcome the mitigation and compensation proposals for dormice as set out in section 5.4.6 of the SES. Whilst they note that there are no proposals to compensate the linear habitat losses, they welcome the proposals to create new dormouse habitat including 2.68ha during the preliminary works phase, 1.45ha during Garwa phase 1, 1.03ha during Garwa phase 2, 0.05ha during Garwa phase 3, and 8.39ha during the restoration phase. They also welcome that 15.72ha of retained woodland habitat within Tarmac's ownership but outside of the red line planning boundary is to be positively managed from the preliminary works phase on to improve its structure for dormice. NRW note that the LEMP referred to above should also apply to Dormice and can be secured by condition.

In respect of bats, the survey established the presence of lesser horseshoe bats, brown long-eared bats and Common pipistrelle bats (including potential maternity sites). Additional monitoring was carried out in 2023, which concluded that the building supporting the Lesser Horseshoe Bats is considered to form part of a network of roost sites.

The SES contains mitigation proposals, including limitations on blasting within close proximity to roosts (with greater precautions around potential maternity roost), and to undertake monitoring of the retained roosts for a period of two years prior to the resumption of blasting in Ruthin,

NRW advise that these matters are secured through appropriately worded conditions attached to any planning consents granted. With regards to the uncertainties that exist regarding the impacts of heavy plant passing the roost during the preliminary works phase, they advise that the roost monitoring also encompasses the period when the receptor site is created. NRW consider that the details of the bat monitoring scheme and any further mitigation/compensation that may be required can be agreed and secured through use of appropriately worded planning conditions attached to any consent granted. Updated bat surveys shall be undertaken prior to the commencement of each operational quarry phase and at 5 yearly intervals thereafter for each operational phase longer than 5 years. NRW advise that this matter could be secured by appropriately worded condition to any permission granted (see Appendix 1).

In summary, NRW have raised no objection subject to conditions relating to the following: Approved plans list, phasing, Landscape and Environmental Management Plan (LEMP), LEMP Compliance and Review, Blasting, Bat monitoring, Invasive Non-Native Species (INNS) Control Programme and INNS Compliance and Review. The NRW comments are appended in full.

Consequently, it is considered that test (iii) is satisfied and that the development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

PPW paragraph 6.4.21 states that *Planning authorities must follow a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact.*

Having worked iteratively, in line with Figure 1X, through the stages of the step-wise approach below, and providing evidence in the Green Infrastructure Statement that the step-wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity. Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

Enhancement measures could include on-site, locally relevant, habitat creation and/or could be part of the development itself favouring the use of native species using biodiverse nature-based solutions such as SUDS, green roofs, grassland management for wildflowers or reptile refugia, woodland expansion, and wetland creation.

It is considered that subject to the conditions referred to above, the development would appropriately avoid and minimise ecological impacts as far as possible. Where those impacts cannot be avoided, mitigation and compensation is proposed on site, to a level which is considered to represent a significant net benefit, given the scope and scale or mitigation areas proposed. The Council's Ecologist and NRW both raise no objection in light of the mitigation and compensation measures proposed.

In summary, it is considered that the development would not unacceptably affected protected species, SSSIs and habitats, such that the development would be compliant with the above referenced LDP policies, and National Policy and guidance in PPW and TAN 5.

Hydrology and drainage

As noted above, the development has been amended, to ensure that quarrying stops before there would be a requirement for de-watering. The hydrology impacts of the development were initially appraised in the original ES, and then re-appraised in the SES that accompanied the amendments. NRW have reviewed that information and have provided advice on the basis that dewatering at the site will not occur and the mineral will be worked dry above the water table (i.e. above the groundwater). NRW are therefore satisfied that there will be no impact on the Breigam Moore SSSI and as no dewatering will occur on site and excavation of the mineral will be worked dry, they have no objection to the development.

As part of the 'ROMP Schedule of the conditions rev 1 27/06/2023' as submitted, we note that new updated conditions are suggested by the applicant. We note and accept the wording of

NRW note that as part of the 'ROMP Schedule of the conditions rev 1 27/06/2023' as submitted, new updated conditions are suggested by the applicant. NRW accept the wording of all four suggested conditions in relation to Hydrology and Hydrogeology.

The conclusion of the assessment for the revised scheme is that the effects on surrounding groundwater levels will be significantly reduced compared to the original scheme during operation (no change for the decommissioning/restored phase), water quality effects will remain unchanged, and discharge-related effects will no longer be applicable (as there will be no groundwater dewatering or discharge). As a result, for most receptors there will be no change in the degree of impact.

Aside from the removal of discharge-related impacts, the only other change is to the degree of effect and impact on the Breigam Moor SSSI which is now assessed as being negligible in the SES.

Monitoring will however take place in the form of on-site groundwater level monitoring (monthly) and record keeping of dates, and levels, when groundwater rises into and falls below the excavation.

With regard to surface water drainage and flood risk, the Flood Consequences Assessment which accompanied the original ES remains valid, and it is considered that no updates are required.

The submissions have reviewed the potential flood risk to the sites and from the proposed development to neighbouring receptors. The Site lies entirely within fluvial flood Zone A and is at little or no risk of fluvial flooding. Pluvial flood risk as the Site is predominantly low although there are some small areas of elevated risk present, generally around the base of each void. Runoff from much of the sites currently enters the closed sub-catchments related to the quarry voids and infiltrates the ground or evaporates. The submissions conclude that anticipated off-site runoff under the current, operational and restored phases is all well below the greenfield rates, owing to the development and enlargement of the large quarry voids.

The SES concludes that the quarries are, and will increasingly be, predominantly inward draining and will provide a flood risk betterment to off-site receptors as the quarry catchments increase. There is ample flood storage capacity within the quarry voids during the operational phases and post restoration, with good infiltration potential to ground into the bedrock.

The Council's Drainage Engineer has considered the amended proposals and has advised that they find the drainage details acceptable in principle and have no further comment to make regarding surface water / land drainage and offer no objection.

Heritage

Glamorgan Gwent Archaeological Trust (GGAT) have been consulted and have advised that the geophysical survey identified anomalies, some of which possibly relate to archaeological features within the area affected by the current application. These include the remains of a potential Medieval defensive structure and other as yet undated features. It remains the case that following Welsh Government Policy and Guidance, the mitigation to investigate the archaeological features identified by geophysical survey, and to record the remnant field system and hedgerows can be achieved by the attachment of a condition, for the submission of a written scheme of historic environment mitigation for the implementation of a programme of archaeological work. Consequently, no objection is raised, subject to such a condition. It is envisaged that this scheme would include the investigation of the features identified, to understand their nature and extent, for their preservation by record. It would also take the form of a photographic survey and earthwork recording of the hedgerows and field boundaries indicated, with a representative section through the hedgerow or field boundary to record any physical deposits from the making of the boundary.

There are 3 scheduled monuments located inside 3km of the proposed development- GM080 Llanilid Castle Mound, GM081 Gadlys and GM434 Ogof y Pebyll Cave. However, given the distances, the nature of the development and the intervening vegetation and topography, there would be no adverse impact on their setting. Cadw concur and offer no objection.

Conclusion on EIA

As noted above, the application is accompanied by an Environmental Impact Assessment, and this provides an assessment of issues including traffic and transport, ecology, landscape impacts, hydrology, air quality, noise. In summary, the EIA concludes that there would not be unacceptable environmental impacts and, having regard to the assessments carried out above by consultees, and their responses, it is considered that there would not be any unacceptable impacts, or impacts that cannot be mitigated for. It should be noted in particular, in respect of environmental issues, that neither Natural Resources Wales nor the Council's Environmental Health officers have raised an objection.

It is recommended that the application be APPROVED having regard to all the submitted environmental information in accordance with Section 25(1) of the 2017 EIA Regulations, and subject to conditions, that include monitoring provisions.

RECOMMENDATION

Application 2019/01337/FUL

APPROVE subject to the following condition(s):

1. This planning permission shall expire on 31st December 2057.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

2. Following the expiry of the planning permission, all extraction, treatment, and stockpiling of minerals shall cease.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

3. No later than 12 months following the expiry of the planning permission, or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and MPA, all plant, machinery and structures shall be dismantled and removed from the site.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

4. No later than 12 months following the expiry of the planning permission, or the earlier permanent cessation of winning and working of minerals, as agreed by both the mineral operator and MPA, the sale and transportation of minerals from the site shall cease.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

5. No development or phase of development shall commence until a timetable for the phasing of works has been submitted to and approved in writing by the MPA. The timetable, and any arising revisions, shall be implemented as approved.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

6. The winning and working of stone and disposal of overburden/quarry waste shall be carried out in accordance with the quarry development plan ref numbers R337-00009-3A, 4A, 5A and 6A. The approved quarry development scheme shall be updated at 5-year intervals from the date of commencement of quarrying operations.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

7. The site access shall be surfaced in permanent materials, and the surface maintained in a good state of repair and kept free of mud/debris.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

8. Temporary Operations (meaning operations associated with soil and overburden stripping, construction of soil storage mounds, construction of site haul roads, construction of soil baffle mounds, and restoration works involving the use of machinery) shall only be carried out between 08:00 – 18:00 hours Mondays to Fridays.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

9. 9. Except in emergencies or as may be otherwise agreed in writing with the Mineral Planning Authority:

(a) No operations other than maintenance shall be carried out except between the following times:

07:00 to 19:00 Mondays to Fridays; and
07:00 to 13:00 Saturdays.

(b) No servicing, maintenance or testing of plant shall take place between 22:00 and 07:00 on any day.

(c) Operations for the formation and any subsequent removal of material from any baffle mounds or soil/overburden storage areas shall not be carried out except between the following times:

08:00 to 18:00 Mondays to Fridays

(d) Drilling shall be not carried out except between the hours of:

07:30 to 17:30 Mondays to Fridays; and
08:00 to 13:00 Saturdays.

(e) No operations other than maintenance shall take place on Sundays or Public Holidays.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

10. No quarrying shall take place below 35m AOD, and quarrying operations shall proceed with no dewatering of the excavation by pumping, and with no 'wet working' of mineral.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

11. Groundwater monitoring shall recommence at least 6 months prior to the commencement of quarrying operations, with monthly level monitoring to be undertaken at boreholes RBH01, RBH02, RBH05B, GBH03, GBH05, GBH08 and GBH09. Additionally, the location and dates when groundwater rises into the active excavation to 35m AOD shall be documented, with the water level to be recorded weekly (as m AOD), either by survey or installation of a suitable placed level board during these periods. A two-yearly report shall be submitted to the MPA, including presentation of the data factually, review of the hydrogeological conceptual model, details of the quarry working since the last reporting period and planned works in the coming reporting period. Additionally, monitoring requirements shall be reviewed, including the possible need for replacement of any monitoring well in anticipation of the expected loss of locations due to the quarrying activities.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

12. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be discharged downwards into the bunded area.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

13. To minimise the risk of groundwater pollution from quarrying and processing operations, the development shall be carried out in accordance with the following requirements:
- All fuel and chemicals should be stored in bunded areas
 - Drip trays should be appropriately placed under all relevant plant when refuelling.
 - An incident reporting procedure should be maintained for reporting all site incidents, including pollution events. Emergency responses should be in place in the event of an incident.
 - Appropriate spill kits or other means of controlling accidental spills should be made available on site. Adequate training in the use of such equipment should also be provided.
 - A maintenance and inspection programme should be followed in order to check the condition of site equipment and provide early warning of any potential leaks or spills.
 - Suitable waste management procedures should be followed to prevent surface pollution resulting from any waste products, fuel containers, and chemical drums.
 - During site restoration all plant and equipment should be removed from the quarry.
 - The use of herbicides and other related chemicals should be restricted both during quarry working and post restoration. Chemical applications should be made at appropriate times, in suitable quantities, so as to avoid sub surface contamination.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

14. Prior to the commencement of quarrying operations, the preliminary works associated with the Habitat Creation Area shown on plan R337-

00009-20A shall be fully implemented to the satisfaction of the MPA, based upon the principles set out in section 6.4.7 of the Supplementary Environmental Statement. The measures shall form the basis of any necessary applications for European Protected Species Licences (EPSL), and, subject to any revised or additional requirements of the EPSL, shall be implemented in accordance with the details set out in the EPSL.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

15. 15. No development or phase of development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at Garwa Quarry for all phases of the development has been submitted to and approved by the MPA. The LEMP shall build upon the principles and commitments for protected species mitigation and compensation for bats, dormice and great crested newts set out in 'Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan' by SLR dated 27/6/2023, and shall ensure that protected species mitigation measures dovetail with the management of ecological and landscape features of the wider site.
- The LEMP shall include:
- Details of, and plans showing ecological features and habitats to be lost, retained and created for the species which shall include descriptions of the existing and proposed habitat, including extent and location on an appropriate scale;
 - Details of the desired conditions of features (present and to be created) at the site;
 - Details of short and long-term management, monitoring and maintenance of new and existing ecological features at the site to deliver and maintain the desired condition;
 - Details of proposals to create / enhance retained habitats for the protected species, including planting mixes and specifications;;
 - Details of protective measures to be taken to minimise the impacts of the works on the protected species;
 - Details of timing, phasing and duration of construction activities and conservation measures demonstrating that works are aligned with the phasing of the development;
 - Details of, and measures to ensure, initial aftercare and long-term management and maintenance and the mechanism for their delivery.
 - Ecological Compliance Audit programme;
 - Details of measures to prevent or reduce incidental capture or killing of the protected species;
 - Proposals for monitoring the condition of new and retained habitat, to inform on-going habitat management;
 - Details of timings of management and maintenance activities, and responsibilities;
 - Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within 5 years of completion of each phase of development.
- The LEMP shall include the preliminary works phase and a minimum 25 year aftercare period. The development and aftercare shall be carried out in accordance with the approved LEMP.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

16. A written report of the effectiveness of the LEMP shall be submitted to and approved in writing by the MPA at the conclusion of every development phase, commencing with the preliminary works phase, and every 5 years during those phases. The report shall include a revised LEMP (as appropriate) which incorporates recommended changes arising from the review. The development shall be carried out in accordance with the approved revised LEMP.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

17. No blasting within 250m of Building B (located within Ruthin Quarry) shall occur in either Ruthin or Garwa quarry during the bat maternity season (May – August inclusive).

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

18. Bat surveys of trees and quarry faces shall be undertaken prior to the commencement of each operational quarry phase and at 5 yearly intervals thereafter for each operational phase longer than 5 years. A written report of each survey shall be submitted to MPA following completion of monitoring in each year that surveys are carried out. The report shall detail survey methods and results and where identified by the written report, include an updated ecological impact assessment, proposals for additional bat mitigation and/or compensation appropriate to the impacts, and a timeframe for their implementation. Any revisions to bat mitigation or compensation (or conclusions that no revisions are required) shall be submitted to and approved in writing by the MPA prior to any quarrying taking place 6 months following the submission of the report.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

19. Prior to development commencing on site and, thereafter prior to each subsequent phase of the development, an invasive non native species (INNS) control strategy (and thereafter revised strategies) shall be submitted to and approved in writing by the MPA. The strategy shall:

- Include fish, and invasive terrestrial and aquatic plants;
- Confirm the location and extent of invasive non-native species on site;
- Set out appropriate measures to reduce their spread further, prevent them spreading into the site and eradicate them from site.

The INNS Control Strategy shall be implemented as approved.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

20. A written report of the effectiveness of the INNS Control Strategy shall be submitted to and approved in writing by the Local Planning Authority at the conclusion of every development phase, commencing with the preliminary works phase, and every 5 years during those phases. The report shall include a revised INNS Control Strategy (as appropriate) which incorporates recommended changes arising from the review. The revised INNS Control Strategy shall be implemented as approved.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

21. Prior to the commencement of quarrying operations, a Reptile Mitigation Strategy shall be submitted to and approved in writing by of the MPA. The Strategy shall be based upon the mitigation principles set out in section 6.4.8 of the Supplementary Environmental Statement and shall include details of timings of all works/mitigation measures required. The development shall thereafter be carried out in accordance with the approved strategy.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

22. Prior to the re-commencement of quarrying operations following the grant of this permission/consent, a scheme shall be submitted to the MPA for their approval setting out proposals for the construction of a 3.0m high screening bund along the western boundary of the IDO area. The scheme should include provision for the bund to be constructed with an outer gradient of no steeper than 1:2 (v/h) and grass seeded and planted with native trees and shrubs to provide a vegetated visual barrier to views. The scheme shall include proposals for the timescale for implementation of the works, which shall thereafter be implemented in accordance with the approved scheme.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

23. Except for Temporary Operations, the free-field Equivalent Continuous Noise Level, LAeq,1 hour due to operations in the site, shall not exceed the relevant criterion limit specified in Schedule 1 at each nominated dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Schedule 1 Noise Criteria Limits

Location Criterion LAeq,T (dB)

1. Pant-y-Lliwydd Farm 44
2. St Mary's Golf Club & Hotel 55
3. Hendafarn 50
4. Hen-Dafaran 48
5. Broadway Bungalow 49
6. Pedair Onnen 46
7. Coed Mansel Farm 43
8. Brigam Farm(*) 55

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

24. Prior to the re-commencement of quarry operations, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the MPA, to include details of timings for reviews of the NMP. The NMP shall include details of 'supervised monitoring' of noise, as advised by MTAN1, noting guidance current at this time and as it is amended throughout the life of the development. The development shall thereafter be carried out in accordance with the approved NMP.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

25. For Temporary Operations the free-field noise level due to work at the nearest point to each dwelling shall not exceed 67 dB LAeq, 1 hour. Temporary Operations shall not exceed a total of eight weeks in any calendar year.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

26. Except with the written consent of the MPA, or in the case of emergency, blasting operations shall be carried out only between 10:00 and 17:00 hours Monday to Friday, and only in exceptional circumstances on Saturday (subject to prior written approval) and not at all on Sunday and Public/Bank Holidays.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

27. Ground vibration as a result of blasting shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measured over any six month period, and no individual blast shall exceed a peak particle velocity of 10mms-1 measured at any vibration sensitive location, which is defined as any residential property in the vicinity of the quarry existing at the Date of Determination. The measurements shall be the maximum of three perpendicular directions taken at the ground surface.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

28. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts, having regard to blast design, methods of initiation of blasts, and also as far as practicable to weather conditions prevailing at the time of initiation.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

29. Each individual blast shall be monitored by the Operators, to include provision for recording the details and location of the monitoring station; the location of the blast holes within the site; weather conditions; specification of the blast in terms of MIC; and total charge weight. Blast monitoring is to be undertaken at the closest sensitive receptor to the blast location or at an alternative location that is requested by the MPA. Records of blast monitoring shall be made available to the MPA upon request. Any complaints which are received shall be logged against each particular blast. In the event that monitoring indicates that the vibration levels set out in condition 27 above have been exceeded, then the Operator shall inform the MPA within two working days, with written confirmation of the steps to be taken to ensure compliance with condition 27.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

30. Blasting times shall be clearly advertised at the Quarry site entrance, and an audible warning shall be sounded prior to any blasting operations taking place and shall be sounded again immediately after blasting has finished.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

31. There shall be no secondary breakage of stone by the use of explosives.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

32. Prior to the recommencement of quarrying operations following the grant of this permission/consent, a dust management plan shall be submitted to and approved in writing by the MPA which shall contain measures to minimise dust escape, monitoring of dust at local receptors, to include Llangan Primary School. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

33. Except in the case of emergency, the main access to the site shall be as shown on the submitted plan 32256-HYD-ZZ-00-SK-C-0100 P02.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

34. Details of the design and location of a wheel wash facility shall be submitted to and approved in writing by the MPA prior to the resumption of quarrying. The submitted details shall include a timescale for the installation of the wheel wash, and following approval of the details, the wheelwash shall be installed in accordance with the approved timescale. Thereafter, no HGV's shall leave the Site unless their wheels have been cleaned in the wheel wash.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

35. Prior to the recommencement of operations a Site Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The approved plan shall be adhered to through the construction phase and whilst the quarry is in operation. The plan shall provide for:
- (i) The parking of vehicles of site operatives and visitors, together with areas for the parking of HGVs within the quarry site area.
 - (ii) Areas for the offloading of plant and equipment, which shall be within the quarry site area.
 - (iii) Location of the quarry weighbridge and site office.
 - (iv) Areas for accommodating stockpiles of aggregate from Ruthin Quarry and any aggregate products imported from the adjoining Garwa Quarry;
 - (v) Details of the access road crossing point between Ruthin and Garwa Quarry with details of warning signage to ensure the safety of public vehicles using the unclassified road to Pant y Lliwyd Farm and beyond.
 - (vi) a traffic management plan/routes within the quarry

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

36. Notwithstanding the submitted Plans (32256-HYD-ZZ-00-SK-C-0100 P02, 32256-HYD-ZZ-00-SK-C-0101 P02, and 32256-HYD-ZZ-00-SK-C-0102 P02), full engineering details of the proposed access points, improvements along the main access route to the quarries (including widening/lay bys and surfacing), visibility splays, signage, signals, road markings and surface water drainage shall be submitted to and approved in writing by the MPA prior to the recommencement of the development. The approved details shall be implemented prior to recommencement of the development following the grant of planning permission.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

37. Prior to the commencement of soil stripping operations, a Soil and Overburden Management Plan shall be submitted to and approved by the MPA. After the date of its approval all operations shall be carried out in accordance with the approved Soil and Overburden Management Plan. The Soil and Overburden Management Plan shall include the following provisions:
- (i) A Soil Resource Plan (SRP) to ensure that soil functionality is not adversely affected;
 - (ii) Phasing details to identify individual areas to be stripped of soil or overburden as one operation;
 - (iii) Confirmation of any soil resources to be transferred to the adjoining Quarry for restoration works;
 - (iv) Topsoil and other surface materials to be kept physically separated in mounds or used for direct restoration;
 - (v) The mounds created to have regard to assisting in screening exposed quarry faces or plant where necessary;

- (vi) All trees and vegetation cleared in the course of operations hereby permitted to be removed from the site and not to be burned or buried on the site;
- (vii) Any mound visible from outside the quarry to be grassed on completion of storage;
- (viii) All topsoil and overburden to be used to facilitate restoration and landscaping works in any part of the quarry, and not to be removed from the quarry or otherwise disposed of ; and
- (ix) The Mineral Planning Authority to be notified at least 2 working days prior to the commencement of any operations or works which require excavation of soil.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

38. Prior to any soil stripping the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To comply with Policies MD1, MD2, MD7, MD8, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

39. The development shall proceed in a way which facilitates the implementation of the concept restoration illustrated on application plan ref R337-00009-12B and the details of interim and final restoration treatments, landscaping, and aftercare, set out in Chapter 3.0 of the Supplementary Environmental Statement.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

40. Not later than 31st December 2057, or the expiry of six months following the permanent cessation of the winning and working of minerals, whichever is the sooner, the Operator shall submit for the written approval of the MPA, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry. The final restoration scheme shall be based upon the concept restoration plan ref: R337-00009-12B and provide for the site to be restored as a nature conservation bias, with restoration treatment of the benches and faces. The remainder of the site shall be cleared of all plant, machinery, buildings and structures in accordance with the requirements of Condition 3. The restoration scheme shall include details of the final re-profiling works for the site, the soil /soil forming material profiles to be established; tree and shrub planting schedules; seeding, fencing and drainage; and a programme and timetable for the implementation of the works.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

41. Not later than 31st December 2057, or the expiry of six months following the permanent cessation of the winning and working of minerals, whichever is the sooner, the Operator shall submit for the written approval of the MPA, a detailed aftercare management plan. The management plan shall be in substantial accordance with the details of the final restoration scheme and the principles of the strategic aftercare management strategy set out in Chapter 3.0 of the Supplementary Environmental Statement.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

42. Prior to the recommencement of quarrying operations following the grant of this permission/consent, details of a Stakeholder Engagement Meeting shall be submitted to and approved in writing by the MPA. This shall comprise details of a programme of stakeholder engagement through the lifetime of the consent, including intervals for meetings/engagement, a list of stakeholders, and the means of publishing and engaging with stakeholders.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

43. The development shall be carried out in accordance with the following approved plans and documents:

32256-HYD-ZZ-00-SK-C-0100 P02

32256-HYD-ZZ-00-SK-C-0101 P02

32256-HYD-ZZ-00-SK-C-0102 P02

R337-00009-01

R337-00009-02

R337-00009-3A

R337-00009-4A

R337-00009-5A

R337-00009-6A

R337-00009-10C

R337-00009-12B

R337-00009-13A

R337-00009-20A

R337-00009-23A

SLR Environmental Statement Volume 1 and Appendices, other than where Superseded by The SLR Supplementary Environmental Statement and Appendices 5, 6 and 7, dated 27/6/23, including (but not limited to):

-‘Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan’ by SLR dated 27/6/2023 incorporating ecology figures 5.1-5.20 inclusive;

-‘Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan’ by SLR dated 27/6/2023 incorporating hydrology figures 6.1-6.9 inclusive;

-‘Garwa Time Extension Application. Ruthin ROMP application. Supplementary Environmental Statement. Revised Application Plans. Volume 5’ by Tarmac dated June 2023.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

Application 2019/01340/FUL:

APPROVE subject to the following condition(s):

1. This planning permission shall expire on 31st December 2057.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

2. Following the expiry of the planning permission, all extraction, treatment, and stockpiling of minerals shall cease.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

3. No later than 12 months following the expiry of the planning permission, or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and MPA, all plant, machinery and structures shall be dismantled and removed from the site.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

4. No later than 12 months following the expiry of the planning permission, or the earlier permanent cessation of winning and working of minerals, as agreed by both the mineral operator and MPA, the sale and transportation of minerals from the site shall cease.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

5. No development or phase of development shall commence until a timetable for the phasing of works has been submitted to and approved in writing by the MPA. The timetable, and any arising revisions, shall be implemented as approved.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

6. The winning and working of stone and disposal of overburden/quarry waste shall be carried out in accordance with the quarry development plan ref numbers R337-00009-3A, 7C, 8C and 9B. The approved quarry development scheme shall be updated at 5-year intervals from the date of commencement of quarrying operations.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

7. The site access shall be surfaced in permanent materials, and the surface maintained in a good state of repair and kept free of mud/debris.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

8. Temporary Operations (meaning operations associated with soil and overburden stripping, construction of soil storage mounds, construction of site haul roads, construction of soil baffle mounds, and restoration works involving the use of machinery) shall only be carried out between 08:00 – 18:00 hours Mondays to Fridays.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

9. Except in emergencies or as may be otherwise agreed in writing with the Mineral Planning Authority:

(a) No operations other than maintenance shall be carried out except between the following times:

07:00 to 19:00 Mondays to Fridays; and
07:00 to 13:00 Saturdays.

(b) No servicing, maintenance or testing of plant shall take place between 22:00 and 07:00 on any day.

(c) Operations for the formation and any subsequent removal of material from any baffle mounds or soil/overburden storage areas shall not be carried out except between the following times:

08:00 to 18:00 Mondays to Fridays

(d) Drilling shall be not carried out except between the hours of:

07:30 to 17:30 Mondays to Fridays; and
08:00 to 13:00 Saturdays.

(e) No operations other than maintenance shall take place on Sundays or Public Holidays.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

10. No quarrying shall take place below 39m AOD, and quarrying operations shall proceed with no dewatering of the excavation by pumping, and with no 'wet working' of mineral.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

11. Groundwater monitoring shall recommence at least 6 months prior to the commencement of quarrying operations, with monthly level monitoring to be undertaken at boreholes RBH01, RBH02, RBH05B, GBH03, GBH05, GBH08 and GBH09. Additionally, the location and dates when groundwater rises into the active excavation to 39m AOD shall be documented, with the water level to be recorded weekly (as m AOD), either by survey or installation of a suitable placed level board during these periods. A two-yearly report shall be submitted to the MPA, including presentation of the data factually, review of the hydrogeological conceptual model, details of the quarry working since the last reporting period and planned works in the coming reporting period. Additionally, monitoring requirements shall be reviewed, including the possible need for replacement of any monitoring well in anticipation of the expected loss of locations due to the quarrying activities.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

12. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be discharged downwards into the bunded area.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

13. To minimise the risk of groundwater pollution from quarrying and processing operations, the development shall be carried out in accordance with the following requirements:
- All fuel and chemicals should be stored in bunded areas
 - Drip trays should be appropriately placed under all relevant plant when refuelling.
 - An incident reporting procedure should be maintained for reporting all site incidents, including pollution events. Emergency responses should be in place in the event of an incident.
 - Appropriate spill kits or other means of controlling accidental spills should

be made available on site. Adequate training in the use of such equipment should also be provided.

- A maintenance and inspection programme should be followed in order to check the condition of site equipment and provide early warning of any potential leaks or spills.
- Suitable waste management procedures should be followed to prevent surface pollution resulting from any waste products, fuel containers, and chemical drums.
- During site restoration all plant and equipment should be removed from the quarry.
- The use of herbicides and other related chemicals should be restricted both during quarry working and post restoration. Chemical applications should be made at appropriate times, in suitable quantities, so as to avoid sub surface contamination.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

14. Prior to the commencement of quarrying operations, the preliminary works associated with the Habitat Creation Area shown on plan R337-00009-19A shall be fully implemented to the satisfaction of the MPA, based upon the principles set out in section 6.4.7 of the Supplementary Environmental Statement. The measures shall form the basis of any necessary applications for European Protected Species Licences (EPSL), and, subject to any revised or additional requirements of the EPSL, shall be implemented in accordance with the details set out in the EPSL.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

15. 15. No development or phase of development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at Ruthin Quarry for all phases of the development has been submitted to and approved by the MPA. The LEMP shall build upon the principles and commitments for protected species mitigation and compensation for bats, dormice and great crested newts set out in 'Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan' by SLR dated 27/6/2023, and shall ensure that protected species mitigation measures dovetail with the management of ecological and landscape features of the wider site.

The LEMP shall include:

- Details of, and plans showing ecological features and habitats to be lost, retained and created for the species which shall include descriptions of the existing and proposed habitat, including extent and location on an appropriate scale;
- Details of the desired conditions of features (present and to be created) at the site;
- Details of short and long-term management, monitoring and maintenance of new and existing ecological features at the site to deliver and maintain the desired condition;
- Details of proposals to create / enhance retained habitats for the protected species, including planting mixes and specifications;;
- Details of protective measures to be taken to minimise the impacts of the works on the protected species;

- Details of timing, phasing and duration of construction activities and conservation measures demonstrating that works are aligned with the phasing of the development;
 - Details of, and measures to ensure, initial aftercare and long-term management and maintenance and the mechanism for their delivery.
 - Ecological Compliance Audit programme;
 - Details of measures to prevent or reduce incidental capture or killing of the protected species;
 - Proposals for monitoring the condition of new and retained habitat, to inform on-going habitat management;
 - Details of timings of management and maintenance activities, and responsibilities;
 - Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within 5 years of completion of each phase of development.
- The LEMP shall include the preliminary works phase and a minimum 25 year aftercare period. The development and aftercare shall be carried out in accordance with the approved LEMP.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

16. A written report of the effectiveness of the LEMP shall be submitted to and approved in writing by the MPA at the conclusion of every development phase, commencing with the preliminary works phase, and every 5 years during those phases. The report shall include a revised LEMP (as appropriate) which incorporates recommended changes arising from the review. The development shall be carried out in accordance with the approved revised LEMP.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

17. No blasting within 250m of Building B (located within Ruthin Quarry) shall occur in either Ruthin or Garwa quarry during the bat maternity season (May – August inclusive).

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

18. Prior to development commencing on site, a detailed scheme for the simultaneous monitoring of buildings B and D for use by horseshoe bats, along with potential flight routes between the two buildings, shall be submitted to and approved in writing by the MPA.

The scheme shall cover a two year period prior to the resumption of blasting in Ruthin and annually during the operational phases and shall include:

- The monitoring methods proposed to be used;
- Timing of monitoring works;
- A review of bat mitigation/compensation requirements for the scheme;
- Details of any further bat mitigation/compensation required as indicated by the results of the monitoring, and a timeframe for their implementation;
- Any further survey required;

A written report detailing the results of the bat monitoring, any scheme of bat mitigation/compensation, and any arising revisions thereof, shall be submitted to and approved in writing by the Local Planning Authority following completion of monitoring in each year that monitoring is proposed.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

19. Bat surveys of trees and quarry faces shall be undertaken prior to the commencement of each operational quarry phase and at 5 yearly intervals thereafter for each operational phase longer than 5 years. A written report of each survey shall be submitted to MPA following completion of monitoring in each year that surveys are carried out. The report shall detail survey methods and results and where identified by the written report, include an updated ecological impact assessment, proposals for additional bat mitigation and/or compensation appropriate to the impacts, and a timeframe for their implementation. Any revisions to bat mitigation or compensation (or conclusions that no revisions are required) shall be submitted to and approved in writing by the MPA prior to any quarrying taking place 6 months following the submission of the report.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

20. Prior to development commencing on site and, thereafter prior to each subsequent phase of the development, an invasive non native species (INNS) control strategy (and thereafter revised strategies) shall be submitted to and approved in writing by the MPA. The strategy shall:

- Include fish, and invasive terrestrial and aquatic plants;
- Confirm the location and extent of invasive non-native species on site;
- Set out appropriate measures to reduce their spread further, prevent them spreading into the site and eradicate them from site.

The INNS Control Strategy shall be implemented as approved.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

21. A written report of the effectiveness of the INNS Control Strategy shall be submitted to and approved in writing by the Local Planning Authority at the conclusion of every development phase, commencing with the preliminary works phase, and every 5 years during those phases. The report shall include a revised INNS Control Strategy (as appropriate) which incorporates recommended changes arising from the review. The revised INNS Control Strategy shall be implemented as approved.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

22. Prior to the commencement of quarrying operations, a Reptile Mitigation Strategy shall be submitted to and approved in writing by of the MPA. The Strategy shall be based upon the mitigation principles set out in section 6.4.8 of the Supplementary Environmental Statement and shall include details of timings of all works/mitigation measures required. The development shall thereafter be carried out in accordance with the approved strategy.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

23. Prior to the re-commencement of quarrying operations following the grant of this permission/consent, a scheme shall be submitted to the MPA for their approval setting out proposals for additional tree planting and strengthening of hedgerows around Ruthin Quarry. The scheme shall include proposals for the timescale for implementation of the works, which shall thereafter be implemented in accordance with the approved scheme.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

24. Prior to the re-commencement of quarrying operations following the grant of this permission/consent, a scheme shall be submitted to the MPA for their approval setting out proposals for the construction of a 3.0m high screening bund along the western boundary of the IDO area. The scheme should include provision for the bund to be constructed with an outer gradient of no steeper than 1:2 (v/h) and grass seeded and planted with native trees and shrubs to provide a vegetated visual barrier to views. The scheme shall include proposals for the timescale for implementation of the works, which shall thereafter be implemented in accordance with the approved scheme.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

25. Prior to the re-commencement of quarrying operations following the grant of this permission/consent, scheme shall be submitted to the MPA for their approval in writing, setting out proposals for the intermediate restoration of the upper faces/benches of the north eastern area of Ruthin Quarry, as illustrated on plan R337.00009.07C. The scheme shall include details of grass seeding and woodland planting with a timescale for implementation of the works, which shall thereafter be implemented in accordance with the approved scheme.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

26. Except for Temporary Operations, the free-field Equivalent Continuous Noise Level, LAeq,1 hour due to operations in the site, shall not exceed the relevant criterion limit specified in Schedule 1 at each nominated dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Schedule 1 Noise Criteria Limits
Location Criterion LAeq,T (dB)

1. Pant-y-Lliwydd Farm 44
2. St Mary's Golf Club & Hotel 55
3. Hendafarn 50
4. Hen-Dafaran 48
5. Broadway Bungalow 49
6. Pedair Onnen 46
7. Coed Mansel Farm 43
8. Brigam Farm(*) 55

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

27. Prior to the re-commencement of quarry operations, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the MPA, to include details of timings for reviews of the NMP. The NMP shall include details of 'supervised monitoring' of noise, as advised by MTAN1, noting guidance current at this time and as it is amended throughout the life of the development. The development shall thereafter be carried out in accordance with the approved NMP.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

28. For Temporary Operations the free-field noise level due to work at the nearest point to each dwelling shall not exceed 67 dB LAeq, 1 hour. Temporary Operations shall not exceed a total of eight weeks in any calendar year.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

29. Except with the written consent of the MPA, or in the case of emergency, blasting operations shall be carried out only between 10:00 and 17:00 hours Monday to Friday, and only in exceptional circumstances on Saturday (subject to prior written approval) and not at all on Sunday and Public/Bank Holidays.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

30. Ground vibration as a result of blasting shall not exceed a peak particle velocity of 6mms⁻¹ in 95% of all blasts measured over any six month period, and no individual blast shall exceed a peak particle velocity of 10mms⁻¹ measured at any vibration sensitive location, which is defined as any residential property in the vicinity of the quarry existing at the Date of Determination. The measurements shall be the maximum of three perpendicular directions taken at the ground surface.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

31. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts, having regard to blast design, methods of initiation of blasts, and also as far as practicable to weather conditions prevailing at the time of initiation.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

32. Each individual blast shall be monitored by the Operators, to include provision for recording the details and location of the monitoring station; the location of the blast holes within the site; weather conditions; specification of the blast in terms of MIC; and total charge weight. Blast monitoring is to be undertaken at the closest sensitive receptor to the blast location or at an alternative location that is requested by the MPA. Records of blast monitoring shall be made available to the MPA upon request. Any complaints which are received shall be logged against each particular blast. In the event that monitoring indicates that the vibration levels set out in condition 30 above have been exceeded, then the Operator shall inform the MPA within two working days, with written confirmation of the steps to be taken to ensure compliance with condition 30.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

33. Blasting times shall be clearly advertised at the Quarry site entrance, and an audible warning shall be sounded prior to any blasting operations taking place and shall be sounded again immediately after blasting has finished.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

34. There shall be no secondary breakage of stone by the use of explosives.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

35. Prior to the recommencement of quarrying operations following the grant of this permission/consent, a dust management plan shall be submitted to and approved in writing by the MPA which shall contain measures to minimise dust escape, monitoring of dust at local receptors, to include Llangan Primary School. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

36. Except in the case of emergency, the main access to the site shall be as shown on the submitted plan 32256-HYD-ZZ-00-SK-C-0100 P02.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

37. Details of the design and location of a wheel wash facility shall be submitted to and approved in writing by the MPA prior to the resumption of quarrying. The submitted details shall include a timescale for the installation of the wheel wash, and following approval of the details, the wheelwash shall be installed in accordance with the approved timescale. Thereafter, no HGV's shall leave the Site unless their wheels have been cleaned in the wheel wash.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

38. Prior to the recommencement of operations a Site Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The approved plan shall be adhered to through the construction phase and whilst the quarry is in operation. The plan shall provide for:
- (i) The parking of vehicles of site operatives and visitors, together with areas for the parking of HGVs within the quarry site area.
 - (ii) Areas for the offloading of plant and equipment, which shall be within the quarry site area.
 - (iii) Location of the quarry weighbridge and site office.
 - (iv) Areas for accommodating stockpiles of aggregate from Ruthin Quarry and any aggregate products imported from the adjoining Garwa Quarry;
 - (v) Details of the access road crossing point between Ruthin and Garwa Quarry with details of warning signage to ensure the safety of public vehicles using the unclassified road to Pant y Lliwyd Farm and beyond.
 - (vi) a traffic management plan/routes within the quarry

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

39. Notwithstanding the submitted Plans (32256-HYD-ZZ-00-SK-C-0100 P02, 32256-HYD-ZZ-00-SK-C-0101 P02, and 32256-HYD-ZZ-00-SK-C-0102 P02), full engineering details of the proposed access points, improvements along the main access route to the quarries (including widening/lay bys and surfacing), visibility splays, signage, signals, road markings and surface water drainage shall be submitted to and approved in writing by the MPA prior to the recommencement of the development. The approved details shall be implemented prior to recommencement of the development following the grant of planning permission.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

40. Prior to the commencement of soil stripping operations, a Soil and Overburden Management Plan shall be submitted to and approved by the MPA. After the date of its approval all operations shall be carried out in accordance with the approved Soil and Overburden Management Plan. The Soil and Overburden Management Plan shall include the following provisions:

- (i) A Soil Resource Plan (SRP) to ensure that soil functionality is not adversely affected;
- (ii) Phasing details to identify individual areas to be stripped of soil or overburden as one operation;
- (iii) Confirmation of any soil resources to be transferred to the adjoining Quarry for restoration works;
- (iv) Topsoil and other surface materials to be kept physically separated in mounds or used for direct restoration;
- (v) The mounds created to have regard to assisting in screening exposed quarry faces or plant where necessary;
- (vi) All trees and vegetation cleared in the course of operations hereby permitted to be removed from the site and not to be burned or buried on the site;
- (vii) Any mound visible from outside the quarry to be grassed on completion of storage;
- (viii) All topsoil and overburden to be used to facilitate restoration and landscaping works in any part of the quarry, and not to be removed from the quarry or otherwise disposed of ; and
- (ix) The Mineral Planning Authority to be notified at least 2 working days prior to the commencement of any operations or works which require excavation of soil.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

41. Prior to any soil stripping the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To comply with Policies MD1, MD2, MD7, MD8, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

42. The development shall proceed in a way which facilitates the implementation of the concept restoration illustrated on application plan ref R337-00009-12B and the details of interim and final restoration treatments, landscaping, and aftercare, set out in Chapter 3.0 of the Supplementary Environmental Statement.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

43. Not later than 31st December 2057, or the expiry of six months following the permanent cessation of the winning and working of minerals, whichever is the sooner, the Operator shall submit for the written approval of the MPA, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry. The final restoration scheme shall be based upon the concept restoration plan ref: R337-00009-12B and provide for the site to be restored as a nature conservation bias, with restoration treatment of the benches and faces. The remainder of the site shall be cleared of all plant, machinery, buildings and structures in accordance with the requirements of Condition 3. The restoration scheme shall include details of the final re-profiling works for the site, the soil /soil forming material profiles to be established; tree and shrub planting schedules; seeding, fencing and drainage; and a programme and timetable for the implementation of the works.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

44. Not later than 31st December 2057, or the expiry of six months following the permanent cessation of the winning and working of minerals, whichever is the sooner, the Operator shall submit for the written approval of the MPA, a detailed aftercare management plan. The management plan shall be in substantial accordance with the details of the final restoration scheme and the principles of the strategic aftercare management strategy set out in Chapter 3.0 of the Supplementary Environmental Statement.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

45. Prior to the recommencement of quarrying operations following the grant of this permission/consent, details of a Stakeholder Engagement Meeting shall be submitted to and approved in writing by the MPA. This shall comprise details of a programme of stakeholder engagement through the lifetime of the consent, including intervals for meetings/engagement, a list of stakeholders, and the means of publishing and engaging with stakeholders.

Reason: To comply with Policies MD1, MD2, MD7, SP9 and MG25 of the Vale of Glamorgan Adopted Local development Plan 2011-2026.

46. The development shall be carried out in accordance with the following approved plans and documents:

32256-HYD-ZZ-00-SK-C-0100 P02
32256-HYD-ZZ-00-SK-C-0101 P02
32256-HYD-ZZ-00-SK-C-0102 P02
R337-00009-01
R337-00009-02
R337-00009-3A
R337-00009-7C
R337-00009-8C
R337-00009-9B

R337-00009-11B

R337-00009-12B

R337-00009-16A

R337-00009-19A

R337-00009-24

SLR Environmental Statement Volume 1 and Appendices, other than where Superseded by The SLR Supplementary Environmental Statement and Appendices 5, 6 and 7, dated 27/6/23, including (but not limited to):

-‘Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan’ by SLR dated 27/6/2023 incorporating ecology figures 5.1-5.20 inclusive;

-‘Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan’ by SLR dated 27/6/2023 incorporating hydrology figures 6.1-6.9 inclusive;

-‘Garwa Time Extension Application. Ruthin ROMP application. Supplementary Environmental Statement. Revised Application Plans. Volume 5’ by Tarmac dated June 2023.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

REASON FOR RECOMMENDATION

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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1, SP8, SP9, SP10, MG19, MG20, MG21, MG22, MG23, MG24, MG25, MG26, MD1, MD2, MD7, MD8, MD9 and MD20 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales – the National Plan 2040, PPW 12, Technical Advice Notes 5, 11, 12, 15, 18, 21, 23 and 24, MTAN1, the Council's SPG on Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Sustainable Development - A Developer's Guide, and Trees, Woodlands, Hedgerows and Development, Minerals Planning revised background paper (2014), Waste Management Background Paper (2013), The Regional Technical Statement for the North Wales and South Wales Regional Aggregates Working Parties – 2nd Review (Sept 2020), Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management, Welsh Office Circular 11/99 – Environmental Impact Assessment, waste, the proposed development is considered acceptable in principle and in respect of noise, vibration, air quality, hydrology, environmental impacts, parking, highway safety, traffic, residential amenity, GI, Ecology and Biodiversity, Heritage and landscape impact. It is recommended that the application be APPROVED having regard to all the submitted environmental information in accordance with Section 25(1) of the 2017 EIA Regulations, and subject to conditions, that include monitoring provisions.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

- 1. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

2024/00329/FUL Received on 22 April 2024

APPLICANT: Welsh Education Partnership (WEPCo) and Cardiff an C/O Agent, -, -, -
AGENT: Mr Tobias Robinson Helmont House, Churchill Way, Cardiff, CF10 2HE

Land to the South of Blackton Lane and West of Port Road, Rhoose

Development at land to the south of Blackton Lane and west of Port Road for a new Advanced Technology Centre for Cardiff and Vale College including landscaping, related infrastructure and engineering works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The proposal is a full planning application submitted by the Welsh Education Partnership (WEPCo) and Cardiff and Vale College (CAVC) seeking planning permission for the proposed development of a new education building focussed on advanced technology within the Cardiff Airport and Gateway Development Zone. The proposed building, along with the facility recently granted planning permission at Barry Waterfront under application 2024/00306/FUL, would be intended to replace CAVC's existing campus at Colcot Road.

The submissions detail that the proposed facility would provide for circa 1896 pupils and 215 staff (85 full time equivalent) within a building of circa 13,000 square metres, that would be located adjacent to the corner of Port Road and Tredogan Road.

The site comprises of circa 3.7 hectares of land on the corner of Port Road and Tredogan Road, to the north-east of Cardiff Airport. Land uses surrounding the site include the airport long stay carpark to the south, an aircraft supply shop to the west, and agricultural land to the north and on the opposite side of Port Road to the southeast. The site is outside of any settlement boundary defined by the Local Development Plan (LDP), although falls within the St Athan – Cardiff Airport Enterprise Zone and within an identified Strategic Employment Allocation (02) 'Land adjacent to Cardiff Airport and Port Road, Rhoose' for B1, B2 and B8 uses. Port Road and Tredogan Road are noted as a Transport Allocation for a Bus Line from A4050 to Culverhouse Cross.

Two representations received raising concern with regard to the development being isolated; increased traffic at the nearby Dragon Tails Roundabout and at peak school times and indiscriminate parking at neighbouring sites.

The application is recommended for approval subject to conditions.

SITE AND CONTEXT

The site comprises of circa 3.7 hectares of land on the corner of Port Road and Tredogan Road, to the north-east of Cardiff Airport. Land uses surrounding the site include the airport long stay carpark to the south, an aircraft supply shop to the west, and agricultural land to the north and on the opposite side of Port Road to the southeast. The site is outside of any settlement boundary defined by the Local Development Plan (LDP), although falls within the St Athan – Cardiff Airport Enterprise Zone and within an identified Strategic Employment Allocation (02) 'Land adjacent to Cardiff Airport and Port Road, Rhoose' for B1, B2 and B8 uses. Port Road and Tredogan Road are noted as a Transport Allocation for a Bus Line from A4050 to Culverhouse Cross. A site location plan showing the site is shown below:



The majority of the site comprises of an identified Habitat Site, although this is noted as being unfavourable and containing no priority habitat. The site is free of archaeological designation itself although records are noted within close vicinity of the site.

The site falls within an Aviation Safeguarding Zone noting its position adjacent to the airport. The site also falls within DAM Flood Zone A indicating low risk of tidal or fluvial flooding, however, some areas in the west of the site are subject to low-medium surface water flood risk.

DESCRIPTION OF DEVELOPMENT

The proposal is a full planning application submitted by the Welsh Education Partnership (WEPCo) and Cardiff and Vale College (CAVC) for the proposed development of a new education building focussed on advanced technology within the Cardiff Airport and Gateway Development Zone. The proposed building, along with the facility recently granted planning permission at Barry Waterfront under application 2024/00306/FUL, would be intended to replace CAVC's existing campus at Colcot Road.

The submissions detail that the proposed facility would provide for circa 1896 pupils and 215 staff (85 full time equivalent) within a building of circa 13,000 square metres, that would be located adjacent to the corner of Port Road and Tredogan Road.

The building would have a three-storey atrium at its centre, with two accesses from Port Road and from the car park within the site. Two wings are proposed to the east of the building, which are indicated as including 'motor and building services' and 'construction'. The proposed building would be finished in a mix of cladding materials with a different finish from ground to first floor/second floors with perspective elevation details taken from the submitted design and access statement shown below:



Front of the building from Tredogan Road



Perspective view of building from north-west from the proposed car park

Parking would be provided to the north-west of the buildings, with SuDS features and MUGA provision to the northern corner of the site adjacent to the principal access to the site. The proposals would include circa 290 car parking spaces with 10% EV charging. Additionally 284 long stay cycle parking spaces and 20 short stay spaces are proposed. The site layout is shown below:



PLANNING HISTORY

1990/00922/OUT, Address: Land to the north-east of Cardiff-Wales Airport, Rhoose, Proposal: Business Park (B1 & B8 uses), airport related industry, ancillary uses, warehousing, hotel, car parking, open space/ recreation, pilot training college, museum & highways, Decision: Approved

1991/00193/OBS, Address: Cardiff-Wales Airport Business Park, Rhoose, Proposal: Temporary tip for storage of topsoil, sub-soil and rock, Decision: Permittal (OBS - no objections :request conditions);

1995/00475/FUL, Address: Cardiff-Wales Airport Business Park, Port Road, Barry, South Glamorgan, Proposal: Application under section 73 of town and country planning act 1990 to vary condition 1 of planning permission 3314 granted on 6.7.92 to permit submission of reserved matters within 5 years of outline permission., Decision: Approved

1996/00114/FUL, Address: Cardiff (Wales) Airport, Business Park, Port Road, Rhoose, Proposal: Application under S.73 to modify a condition so as to remove a limitation on industrial activities being airport or aircraft related, Decision: Approved

2000/00132/OUT, Address: Cardiff International Airport Business Park, Rhoose, Proposal: Development of land adjacent to Cardiff International Airport for B1, B2 and B8 use, Decision: Approved

2002/01648/OUT, Address: Airport access road and junction with Port Road, Barry, Proposal: 144 bedroom hotel with function rooms, a fitness/leisure suite and associated car parking, Decision: Approved

2003/00075/ADV, Address: Approaches to Cardiff International Airport, i.e. Port Road access road, Proposal: Advertising hoardings, Decision: Refused

2004/00052/FUL, Address: Airport Access Road and junction with Port Road, Barry, Proposal: 100 bed hotel with associated car parking, Decision

2022/00660/SC1, Address: Land to the South of Blackton Lane and West of Port Road, Cardiff Airport Business Park, Port Road, Rhoose, Proposal: Screening Opinion Request on the requirement of an Environmental Impact Assessment for the proposed development of the CaVC Advanced Technology Centre (ATC), Decision: Environmental Impact Assessment (Screening) – Required

2023/00854/SC1, Address: Land to the South of Blackton Lane and West of Port Road, Cardiff Airport Business Park, Port Road, Rhoose, Proposal: Formal screening opinion to confirm if an Environmental Impact Assessment is required in respect of the proposed Cardiff and Vale College Advanced Technology Centre, Decision: Environmental Impact Assessment (Screening) - Not Required

CONSULTATIONS

The Council's Highway Development section was consulted with regard to the proposals and in their initial comments they advise the submitted Transport Assessment had been reviewed externally by Link Transport and that they agreed with the 20 recommendations contained therein, including but not limited to further details of parking provision; active travel infrastructure and additional swept path analysis to be submitted. In addition, the highways officer asked for further and improved details of active travel routes; further details of bus stops and shelters; details of traffic regulation orders; details of service/delivery arrangements to the site and the access road to widened to 7.3m to accommodate HGV movements.

Further to this, further negotiation took place with a review to overcome these concerns with the Council's highways officer and their appointed consultants. Additional information was provided, including the provision of an enhanced footway/cycleway along the frontage of the site to connect with the proposed bus stop. Further highways comments are discussed in greater length in the body of the report below but in summary they raise no objection subject to conditions being attached to any consent given requiring full engineering details of the off-site works; to provide full details of traffic regulations to reduce speed limit; provision of a construction traffic management plan; provision of a revised travel plan; provision of a signage strategy; a condition survey prior to commencement of works and associated second survey after works have finished to establish required remediation.

South Wales Fire & Rescue Service were consulted and advise that they have no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation' that includes the adequacy of water supplies and access for emergency firefighting appliances.

The Council's Drainage Section provide comments and state that the site is located in DAM Zone A and is not at risk of fluvial/coastal flooding and most of the site is at low risk of surface water flooding with exception of an area of medium risk at the western corner. As such they request an advisory relating to the submission of an application for SAB approval.

The Council's Shared Regulatory Services (Pollution Control) were consulted although no comments had been received at the time of writing this report.

Cardiff Airport (Safeguarding) were consulted and provided comments that they have no concerns in terms of physical safeguarding or in terms of National Air Traffic Services. They do not anticipate any issue in terms of lighting, although seek the applicant to commit to engagement with them should issues arise. They advise that the proposals should avoid any areas of standing water (including during construction) and seek that species of trees/plants do not become an attractant for feeding birds, particularly larger corvids, gulls or Canada Geese. They also seek clarification that there would be no yellow glare from the solar panels towards Air Traffic Control, approaches or visual circuit patterns or any potential for any green glare.

Heneb, The Trust for Welsh Archaeology (formerly GGAT) were consulted and advise that the proposals require archaeological mitigation with a moderate potential for archaeological remains being identified, including those relating to RAF accommodation buildings dating from the 1960s. As such they recommend a condition be attached to any consent granted requiring a written scheme of historic environment mitigation to be submitted prior to commencement of development.

Cadw, Ancient Monuments were consulted although no comments had been received at the time of writing this report.

Dwr Cymru Welsh Water were consulted who indicate that it is unlikely that sufficient capacity exists to accommodate development without causing detriment to existing services/the environment and that no enforcement works are currently planned. As such they advise that the applicant should undertake a hydraulic modelling assessment. They advise that there is capacity to serve the development in terms of potable water and request a condition requiring that no surface water or land drainage be allowed to connect directly or indirectly with the public sewerage network.

Following the submission of the hydraulic modelling assessment, DCWW have confirmed that a condition would be required to ensure the solution is implemented. The suggested wording of the condition was sent to DCWW who confirmed that they were satisfied with this.

The Council's Ecology Officer initially objected to the application on the basis of the loss of circa 405m of hedgerow; 28% woodland habitat and the lack of suitable mitigation planting and maintenance of connectivity for wildlife. They also requested further details relating to habitat compensation; boundary features to allow for passage of hedgehogs and larger mammals and need for conditions requiring a Landscape and Ecology Management Plan (LEMP) and lighting scheme.

Following the receipt of amended details they removed their objection owing to the additional hedgerow shown on the amended submissions although provided further comments with regard to the tree species being non-native; query whether planting could be provided between MUGA and meadow to prevent lightspill; mowing cycles of grassland habitat. In these comments they reiterated requests for conditions relating to LEMP and lighting strategy.

A LEMP inclusive of a lighting strategy was subsequently submitted although at the time of writing this report all matters within this document had not been fully agreed with the Council Ecologist.

The Council's Landscape Section was consulted although no comments had been received at the time of writing this report.

The Council's Strategic Property Estates section was consulted although no comments had been received at the time of writing this report.

Wales and West Utilities state that they *'have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.'*

Natural Resources Wales advise that they do have concerns with the application although advise that any such concerns can be overcome by attaching a condition requiring submission of a construction environment management plan to any consent granted. With regard to protected species and any impact upon protected species and nearby 'Arable Farms Zone' they advise further consultation with the County Ecologist.

Following the submission of a CEMP they advise that they have reviewed the submission and are satisfied with the details contained therein.

Western Power Distribution provided comments advising that should the applicant require a new connection or service alteration for the existing assets on the land, they will need to make a separate application to the National Grid

Shared Regulatory Services (Contaminated Land, Air & Water Quality) note that the submissions do not identify contaminants at the site and request conditions relating to unforeseen contamination; importation of soils/aggregates; use of site won materials and an advisory note relating to contamination and unstable land.

Rhose Ward members were consulted although no comments had been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 24 April 2024. Site notices were also displayed on 9 May 2024 and the application was also advertised in the press on 29 April 2024.

At the time of writing this report, two representations have been received raising the following issues:

- Rhose will be more isolated
- Queuing traffic at Dragons Tail Roundabout
- Increased traffic at school time
- Indiscriminate parking at neighbouring sites

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP2 – Strategic Sites
POLICY SP5 – Employment Requirements
POLICY SP7 – Transportation
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG9 – Employment Allocations
POLICY MG10 – St Athan - Cardiff Airport Enterprise Zone
POLICY MG16 – Transport Proposals

POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD14 - New Employment Proposals
POLICY MD15 - Protection of Allocated Employment Sites
POLICY MD16 - Protection of Existing Employment Sites and Premises
POLICY MD19 – Low Carbon and Renewable Energy Generation

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- 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.

Policy 10 – International Connectivity

- Cardiff Airport identified as a strategic gateway to facilitate international connectivity.
- Enterprise Zone offers opportunities for investment in the site and surrounding areas.
- New development around strategic gateways should be carefully managed to ensure their operation is not constrained or compromised.

Policy 11- National Connectivity

- Support developments associated with improvements to national connectivity.
- Where appropriate, new development should contribute towards the improvement and development of the National Cycle Network and the key links to and from it.

Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.
- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (PPW) is of relevance to the determination of this application.

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.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Activities in Places (retail and commercial development)
- Recreational Spaces

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development (2018)
- Cardiff Airport and Gateway Development
- Design in the Landscape
- Economic Development, Employment Land and Premises (2023)
- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

- Welsh Office Circular 13/97 - Planning Obligations

Equality Act 2010

The Equality Act 2010 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 preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Noting all of the above, it is considered that the main issues to consider are the acceptability of the proposals in principle, the visual impact, highways impacts and impacts upon ecology and green infrastructure. Other matters to be considered include water and drainage considerations and impact upon the historic environment.

Principle of development

Future Wales supports Cardiff Airport for its strategic importance for international connectivity, it being the only airport in Wales that offers scheduled international flights. This is emphasised by Policy 10, which states:

- Cardiff Airport identified as a strategic gateway to facilitate international connectivity.
- Enterprise Zone offers opportunities for investment in the site and surrounding areas.
- New development around strategic gateways should be carefully managed to ensure their operation is not constrained or compromised.

It is also stated that:

"Cardiff Airport is located within the Cardiff Airport and Bro Tathan Enterprise Zone which offers opportunities for investment in the site and surrounding areas. The Enterprise Zone offers a wide range of development sites and business accommodation, providing opportunities for the development of bespoke facilities or investment in existing accommodation." (page 82)

The application site is identified within the masterplan for the airport and would assist in delivering upon this strategically important site. Its presence in the context of the LDP is discussed in more detail below, but Members should note the strategic nature of the location and that the national policy framework fully supports the future development of Cardiff Airport and the Enterprise Zone.

Policy SP2 'Strategic Sites' states that land is allocated at the following strategic sites.

3. Employment uses at land adjacent to the airport and Port Road, Rhoose, as part of the St Athan – Cardiff Airport Enterprise Zone'.

The support text expands upon this with regard to the particular allocation stating:

5.41 The LDP Strategy recognises the importance of Cardiff Airport to the future prosperity of the Vale of Glamorgan, as does its designation (along with St Athan) as part of the 'St Athan – Cardiff Airport' Enterprise Zone. This strategically located flagship site is intended to stimulate inward investment and consolidate the role of the Vale of Glamorgan within the Capital Region.

5.42 To facilitate the Enterprise Zone, Policy MG10 allocates 77.4Ha of land surrounding the airport, which is intended to focus on business and employment uses catering specifically for the needs of the aerospace industry and high-tech manufacturing. Policy MG10 expands upon this strategic allocation designation, which will require a Masterplan to demonstrate how a comprehensive development can achieve the strategic goals identified within the LDP, alongside the provision of a sizeable extension to the existing Porthkerry Country Park to the west of Barry (Policy MG28 refers).

Policy MG9 details land allocated for employment at a number of locations including strategic employment sites including 2. Land adjacent to Cardiff Airport and Port Road, Rhoose (part of St Athan – Cardiff Airport Enterprise Zone) comprising of 77.4 Ha (gross) of land allocated for B1, B2 and B8 uses.

Policy MG10 is of particular relevance in that it expands upon the above stating the following:

Land is allocated adjacent to Cardiff Airport and Port Road, Rhoose (77 ha) and at the aerospace business park St Athan (305ha) for the development of 382 hectares of strategic employment land (class B1, B2 and B8) forming part of the St Athan – Cardiff Airport Enterprise Zone.

The development of the enterprise zone will be guided by a masterplan including a number of elements that includes

- *New aerospace, education, research and development, manufacturing, office and other ancillary development at the Cardiff Airport and gateway development zone (77 ha).*

Paragraph 6.56 of the Policy expands upon this stating that '*There are plans to create an 'airport city', taking the form of a business destination for local and international businesses including quality office accommodation, specialist education, training facilities and leisure developments.*'

Since the adoption of the Local Development Plan, the Cardiff Airport and Gateway Development Zone SPG was adopted in 2019. This includes an indicative masterplan of the intended development of the wider site, as shown in the picture below:

10.10. APPENDIX 10: ILLUSTRATIVE MASTERPLAN



This includes an identified area (edged purple and marked by red star added by officers for members information) for an 'education centre', that is commensurate with the position of the site subject of this planning application. Whilst the proposals do not provide B1, B2 or B8 floor space, it is evident within the masterplan and supporting text that the provision of education facilities related to specialist education facilities, including those relating to the aerospace sector, are considered to be appropriate in this location.

Indeed, this is echoed further within the draft replacement LDP strategy that has recently undergone consultation. Whilst this can be afforded relatively little weight at the current time, this states:

6.139 Land east of Cardiff Airport lies to the east of the Airport and the existing Airport Business Park and is adjoined by the A4226 to the north and Port Road to the south. The Welsh Government and the Vale of Glamorgan Council own most of this land, which is allocated as a mixed-use employment and training opportunities. The Council with Cardiff and Vale College are presently exploring potential development of a new Cardiff and Vale College campus for advanced manufacturing on 2.7ha of land to the south-east of the existing Airport Business Park and could house up to 2,000 students and staff. The Council wish to see the development of the remainder of the site for a commercial business park, potentially linked to the adjacent Model Farm proposals and a masterplan is currently being prepared for this.

It is noted that the proposed details indicate that a number of disciplines that may not strictly be considered as 'advanced manufacturing' are noted within the submissions inclusive of carpentry, plastering and brickwork, albeit the general use of the building would be in line with the aspirations noted above.

Noting the above, and the continued thrust of support for such development within the emerging replacement local development plan (although noting its status this can be afforded minimal weight) it is considered that the proposed development is acceptable in principle subject to consideration of other matters.

Agricultural land quality.

Council records of predictive ALC mapping indicate that all of the land within the site has been classified as Grade 4. Noting this, the land is not classed as Best and Most Versatile (that is grades 1, 2 and 3A), the development would not conflict with Policy MD1 of the LDP, which states (at criterion 9) that developments should have no unacceptable impact on the best and most versatile agricultural land.

Visual impact

Policy MD2 (Design of new Development) states that development proposals should:

- 1. 'Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;*
- 2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density'*

The proposed building would occupy a prominent location on the junction of a well-trafficked route serving Cardiff Airport, with neighbouring land uses along Tredogan lane consisting of car parking to the other side of the road and a low level plant hire facility to the west. However, noting the context of the site adjacent to the airport and other neighbouring land uses such as the Holiday Inn to the south, it is evident that the building, whilst large, would be viewed in the context of other buildings that already exhibit a degree of scale and vertical emphasis. Noting the aforementioned policy context and the allocation identified for this and surrounding land, it is considered that a building of the scale and height proposed would not be inappropriate in this location.

It is considered that the proposed elevation details provide an interesting composition of design elements and mixed material finish that would assist in alleviating the massing of the building. The material palette would also provide interest, and there is no objection in principle to the use of the material form proposed particularly noting the lack of discernible, positive local consistency/influence to follow and to this end the general design and material palette proposed are considered to be appropriate in this context.

The application has been supported by a Landscape and Visual Appraisal prepared by Ares Landscape Architects. It identifies a number of local viewpoints and considers the degree of visibility from each one. In summary this document states that:

Generally, from the majority of viewpoints it is anticipated that views of the site and building are not visible due to dense vegetation, hedgerows and existing trees to roadsides, field boundaries and the site boundary. In addition, the topography of the surrounding land further restricts the views of the building.

It is anticipated the building is likely to be visible from wider views from approx 2km north and 0.8km east of the site due to the higher level compared to the development site.

Views of the building will be clear from viewpoints close to the site boundary along Port Road, with some screening from proposed trees and general planting.

With respect to the Landscape character, the proposals will be fitting with the surrounding context of urban built development.

Landscape designations further from the site will not be affected by the proposals as identified in the visual appraisal above. Furthermore it will be seen in context within its urban fringe setting/character/use.

Officers are minded to agree with the general conclusions of the submitted visual appraisal. The existing site, whilst vegetated is viewed in the context of other large buildings, including those associated with the existing airport, whilst the site and surrounding land is allocated within the adopted LDP for employment purposes that would likely give rise to potentially large, utilitarian buildings. In such a context therefore, it is considered that the proposals would be unlikely to have any significant or unacceptably harmful landscape impacts. Noting the importance and potential softening impacts afforded by existing vegetation, it is noted that the proposals would seek to retain the tree group on the site adjacent to Port Road West. The proposals are also supported by a landscaping strategy and green infrastructure statement that are discussed further below. Noting all of the above, it is considered that the proposals would be acceptable in terms of their visual and landscape impacts.

Impact upon neighbouring residential amenity

The application site would appear to be a significant distance from the nearest residential receptors and as such it is considered unlikely that the proposals would result in any unacceptable direct neighbouring impacts, including in terms of noise as identified within the submitted noise assessment.

Highways

Policy MD2 – ‘ Design of New Development’ criterion 6, states that development proposals should have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree. Furthermore, criterion 9 requires car parking to be provided in accordance with the Council’s standards.

The application, as amended, is supported by a Transport Assessment prepared by SLR Consulting LTD dated April 2024 and that has been revised following through negotiation through subsequent addendums dated 30 July 2024 and 12 September 2024. These documents seek to assess the transport characteristics of the proposed development and identify the impact of the proposals on the surrounding transport network. The TA has undertaken a junction modelling assessment with regard to the effects of development in terms of highway and junction capacity and identifies that such impacts are *‘not significant and does not give rise to any sever residual cumulative impacts on the local highway network.’*

The submitted Transport Assessment has been reviewed by Link Transport Planning, appointed by the Local Highway Authority. The review recommended a number of points that have been considered by the Local Highway Authority in the provision of their final comments.

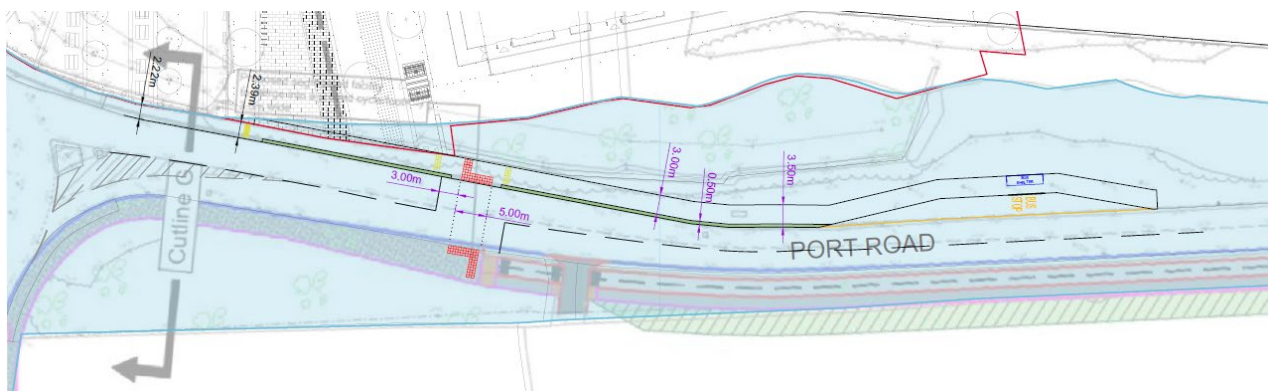
Vehicular access would be from the unnamed road to the north-west of the site, with principal accesses to the building to the front (from Port Road) and from the car park to the rear. The proposals would include a car park providing 294 spaces, inclusive of 14 disabled parking spaces and 30 EV charging bays. The proposals would also include 10 motorcycle bays and three bicycle storage areas providing facilities for parking of 284 bicycles. A pick up-drop off and delivery bay would be available within the car park area and refuse facilities are also proposed adjacent to the rear of the building.

It is also acknowledged that the site lies away from the settlement boundaries, as defined by the Vale of Glamorgan LDP, albeit within an allocated employment area of strategic importance as identified within the LDP including policies MG9 and MG10. A submission made by the applicant details that the College provides travel passes (rail and bus) free of charge to all 16-19 full time students who live more than 3 miles from their chosen College campus. All 16-21 year old students are also eligible for a Welsh Government ‘my travel pass’ that provides a 30% discount on bus travel at any time. Existing bus stops are currently available 150m to the south-west of the site adjacent to the Holiday Inn, in addition to that on Tredogan Road to the west. These currently provide access to twice hourly buses to the site, with Llantwit Major, Barry, Rhoose Railway Station and Cardiff utilising the 304 and 905 bus services.

In addition, the College operates a 'rider' bus which is a service operating between the College campuses within Cardiff and the Vale. A Travel Plan prepared by SLR has also been submitted with the application and this outlines measures to encourage students and staff to access the site by sustainable modes of transport, such as those identified above. It is also noted that not all students would be on site at any one time, as there would be a mix of full and part time students with varied timetables, and some students would be 16 and therefore not able to drive. These factors are considered to be material in accepting a reduction in parking provision below the maximum standards (requirement of circa 456 spaces) identified within the SPG and would afford realistic alternatives to access the site other than by the private car.

These matters have been considered by the Council's Highway Development section, including a revised parking accumulation assessment that suggests that based on the envisaged modal splits at the busiest time of any given day the parking should only be at 87% capacity, representing an allowance for 37 spaces over. The applicant has also confirmed that overspill parking can be provided at the ICAT centre located to the North-West which is owned by CAVC.

As revised, a 3.5m active travel route is now proposed along the site frontage of Port Road that will connect with the new bus stop to the east of the site and an active travel access to the main entrance to the site from Port Road. This will also provide a toucan crossing point that allow for connection with the aspired active travel route along the southern side of Port Road (as identified within (MG16 (02) and SP7(7) of the LDP). The new bus stop on Port Road would be provided within the existing highways verge and would be available to the CAVC rider service and potential bus routes serving the development in the future. A plan showing the location of the active travel route and bus stop is shown below:



Although noting that the building would be served by a pick-up/drop off area to the rear away from the adopted highway, to control potential indiscriminate drop off and pick-ups on the adopted highway that could potentially be detrimental to highway safety, it is noted that an existing traffic regulation order is in effect in the area for an urban clearway that would provide the ability to enforce any indiscriminate movements. Highways officers also consider it necessary to reduce the existing 50mph speed limit adjacent to the site frontage, which can be controlled by way of condition attached to any consent given.

Noting the above, it is considered that there are realistic and readily useable alternative modes of travel to the private car and therefore that the proposed level of parking is acceptable to serve the development, such that it would not lead to any highway safety issues. This would be subject of the conditions as requested by the Highway Authority.

Historic Environment

Policy SP10 (Built and Natural Environment) seeks to preserve and enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan. Furthermore, Policy MD8 (Historic Environment) states:

'Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:

- 1. Within conservation areas, development proposals must preserve or enhance the character or appearance of the area;*
- 2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses;*
- 3. Within designated landscapes, historic parks and gardens, and battlefields, development proposals must respect the special historic character and quality of these areas, their settings or historic views or vistas;*
- 4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.'*

The proposals are a significant distance from the nearest conservation area being in excess of 1km away from Porthkerry Conservation Area and the site does not fall within an identified landscape designation. The nearest listed or locally listed building is in excess of 600 metres from the site. Owing to these separations and lack of designation of the site, it is considered that criteria 1-3 of Policy MD8 are unlikely to represent significant constraints at the site.

The site is also a significant distance from scheduled ancient monuments with the nearest being the Bulwarks Camp being 1.25km away to the south. Although consulted no comments have been received from Cadw. However, comments were received from them as part of the Pre-Application Consultation process that state that owing to the separation and intervening development and landscape features, it is considered that the proposals would not have an impact upon scheduled monuments or registered parks and gardens.

With regards to criterion 4, Heneb, The Trust for Welsh Archaeology (formerly GGAT) were consulted and advise that the proposals require archaeological mitigation with a moderate potential for archaeological remains being identified, including those relating to RAF accommodation buildings dating from the 1960s. As such they recommend a condition be attached to any consent granted requiring a written scheme of historic environment mitigation to be submitted prior to commencement of development.

The proposal is therefore considered to comply with Policies SP10 and MD8 in regard to heritage and archaeological impacts.

Land contamination and potential construction impacts

Criterion 2 of Policy MD7 – 'Environmental Protection' requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from land contamination.

The application has been supported with a Ground Investigation Report prepared by Arup and Phase 1 and 2 Geo-Environmental Desk Study and Assessments prepared by HSP Consulting. The Arup Ground Investigation report finds that the investigations and assessments have confirmed a very low level of risk in terms of human health, albeit identify isolated areas of made ground but no mitigation measures would be required; do not identify potential significant sources of contamination with respect to ground waters and no remediation measures; and also indicated that there is a very low level of ground gas and no protection measures are required.

These assessments have been considered by the Council's SRS (Environment Team – Land Quality) and advised that although the assessments have not identified any contaminants of concern these cannot be ruled out so recommend a condition in the event that unforeseen contamination occur. They also recommend conditions relating to imported soils, aggregates and site won materials to avoid potential contamination in landscaped areas.

Comments were received from NRW who originally requested a condition requiring a construction environmental management plan to be submitted post-determination of the application. However, this was submitted by the applicant following receipt of these comments and NRW have confirmed their satisfaction with the details contained therein.

With the noted conditions, it is considered that the proposal complies with criterion 2 of Policy MD7.

Ecology and Green Infrastructure

Policy MD9 (Promoting Biodiversity) states that *'New development proposals will be required to conserve and where appropriate enhance biodiversity interest unless it can be demonstrated that:*

1. *The need for the development clearly outweighs the biodiversity value of the site; and*
2. *The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.'*

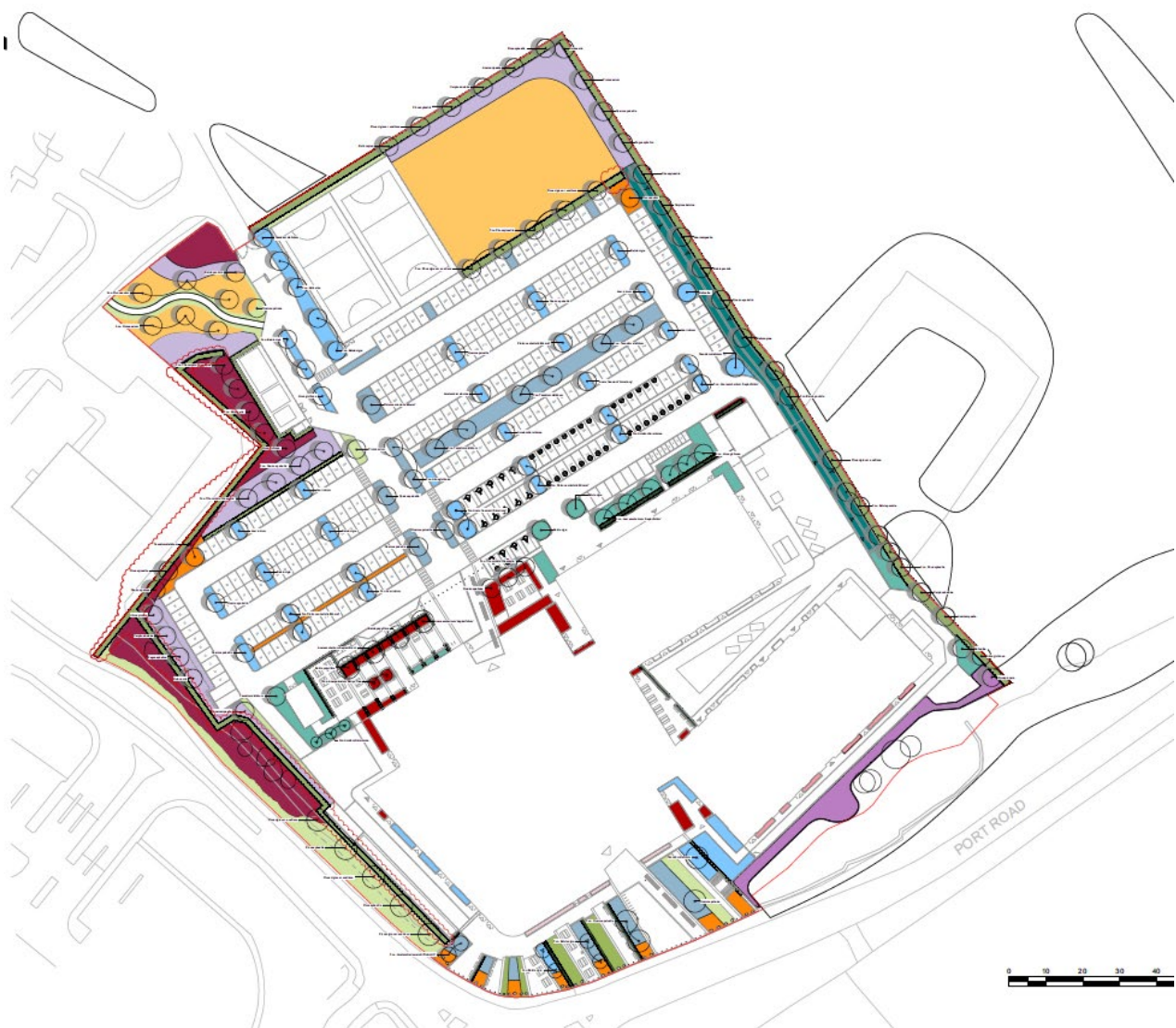
Planning Policy Wales Edition 12 (PPW12) Chapter 6 places increased emphasis on the need to preserve and enhance the natural environment. One of the requirements is for a Green Infrastructure Statement ('GIS') to be submitted with all planning applications, which will describe how green infrastructure has been incorporated into the proposal. A GIS has been supported with this application and updated in part by subsequent submissions.

















An Ecological Appraisal (prepared by EDP), which was informed by an Extended Phase 1 Habitat Survey, has been submitted with the application. This included survey work of the site with regard to bats, badger and common reptiles. This identifies that the site comprises of 3 field parcels, two of which comprise of arable grassland whilst the third is characteristic of semi-improved grassland sward with scrub encroaching from field margins, which are considered to be of negligible site level ecological importance albeit with potential to support some protected/notable species. Following survey work no common reptiles were found on site whilst a low level of bat activity was confirmed, with a single tree of low suitability to support roosting bats. Other habitats were considered suitable for breeding birds, badger, common amphibians and mammal species, including hedgehog. EDP therefore make recommendations for avoidance, mitigation and compensation and where possible retention of suitable habitat and creation of new habitat including hedgerow, grassland and tree and shrub planting to compensate for loss.

Additionally the application is supported by an Arboricultural Impact Assessment that echoes the findings of the Ecological submissions provided and notes that a total of 31 individual trees will be lost to the development, 2 of which are Category B, and the remaining Category C. 2 Category U trees will also be lost. The majority of trees to be lost would be silver birch with field maple, ash and goat willow also indicated for removal. Significant works are also proposed to 4 groups of vegetation that largely comprise of species poor overgrown hedge/scrub within the site including the total removal of a group running centrally through the site comprises largely of cherry, ash, hawthorn, field maple and large amounts of scrub. Mature trees to the site frontage with Port Road would be retained and would assist in softening the impact of development from this vantage point. The plan below shows existing vegetative cover of the site, including the large amounts of scrub hatched green, largely associated with overgrowing field boundaries:



Initially concerns were raised by the County Ecologist with regard to hedgerow loss resulting from the development of the site (circa 405m) and lack of suitable compensation. A subsequent additional Ecological Briefing Note and amended landscaping submission was submitted in response to comments from the Council's Ecologist, that seeks to provide additional native hedgerow planting in compensation for suggested losses and deliver additional mitigation/compensation in respect of habitat lost, that would equate to circa 696m of new hedgerow planting, including that to the southern, northern and eastern boundaries of the site. The revised landscaping scheme also proposes the provision of circa 130 standard trees to compensate those to be lost, exceeding the 3:1 requirement within chapter 6 of PPW. 0.24ha of native understorey woodland planting is also proposed to compensate for the 0.05ha of more dense woodland planting lost to the east of the site. This would be in addition to areas of wildflower and amenity planting and that associated with the SUDs planting within swales and rain gardens. The Planting Strategy for the site is shown below for information:



	Grass Seed		Swale Planting
	Turf		Naturalistic Woodland Edge & Meadow Planting - Sun/shade <i>Medium and smaller shrubs and herbaceous</i>
	Wildflower Meadow Planting		Naturalistic Woodland Edge & Meadow Planting - Shade <i>Medium and smaller shrubs and herbaceous</i>
	Amenity Planting - Full/Partial Sun		Naturalistic Woodland Buffer Planting <i>Taller whips and shrubs</i>
	Amenity Planting - Shade Tolerant		Green Roof <i>To specialists specification</i>
	Rain Garden - Full Sun		Native Hedgerow
	Rain garden - Partial Sun		Formal Instant Hedge Planting A <i>Taxus baccata</i>
	Rain Garden - Shade Tolerant		Formal Instant Hedge Planting B <i>Griselinia littoralis</i>

Having regard to paragraph 6.4.42 of now adopted PPW12, it is considered that the proposals would assist with the delivery of a part of the identified allocation of this strategic site and would as a result of the works provide suitable compensatory planting to mitigate that being lost.

The proposals, as revised, have been considered by the Council Ecologist and by Natural Resources Wales who raise no object subject to further details relating to additional planting adjacent to the MUGA that would be sought by condition, in addition to a condition relating to a Landscape and Ecological Management Plan (LEMP) that would also include details of the Lighting Strategy sought by the County Ecologist. A LEMP has been submitted by the applicant and considered by officers and the Council Ecologist, that was generally found to be acceptable although at the time of writing this report, was in need of some revision and as such an associated condition is proposed for a revised LEMP to be submitted and approved (condition 14 refers).

With regard to the stepwise approach detailed within PPW12, the site comprises of predominantly poor quality agricultural land, overgrown to a significant degree by scrub. The site has been allocated within the development plan and identified within national planning policy as part of a strategic employment allocation owing to the position of the site adjacent to Cardiff Airport. Given this, it is not possible to avoid associated impacts from the development of the site.

The proposed development of the site will result in the loss of former hedgerow and some trees on the site, however, where possible, particularly towards the fringes of the site it has been sought to minimise the level of intervention with areas of existing tree and scrub groups shown to be retained.

The application is supported by a raft of survey work that included a number of mitigation measures including dust control to protect water quality and other measures through the CEMP including protective fencing during construction and limiting of construction to predominantly daylight hours. Further mitigation measures would include extensive tree, amenity, grassland and hedgerow planting as detailed above to provide suitable habitat and connect with existing ecological/landscape features coupled with an ongoing management regime; sensitive lighting strategy; bat and bird nest boxes; sensitive bat clearance measures; measures during construction to protect potential badger and

hedgerow presence and sensitive vegetation clearance. Indeed, further details of these mitigation measures would be secured through conditions attached to any consent given including a condition of landscaping to ensure suitable species of tree and hedgerow planting and that the long term maintenance is secured through a suitable LEMP (condition 14 refers). These measures would in turn largely provide suitable mitigation and compensation within the site inclusive woodland fringe planting, street trees, planting and other features. These would provide suitable on-site compensation, in conjunction with those being secured through mitigation measures detailed above.

No further off-site mitigation has been secured as part of this application as it is considered that the onsite measures noted above will provide suitable mitigation and compensation through the development of the site.

Noting all of the above, it is considered that subject to the measures detailed with the submissions and suitable conditions attached to any consent granted, that there is not an in principle ecological constraint that would restrict the grant of planning permission at this time. It is considered that subject to the identified conditions the proposals would suitably minimise, mitigate and compensate for green infrastructure and ecological interests within the site in compliance with the step-wise approach within PPW.

Aviation safeguarding

Owing to the sites location adjacent to the airport, as part of the planning application process it is necessary to consider any associated impacts to aviation safeguarding. Relevant policies include Policy MD7 that states that development proposals will be required to demonstrate that they will not result in unacceptable impact on people..., property... from a number of criteria including 8) any other identified risk to public health and safety. Policy MD19 is also of relevance noting it relates to renewable energy and states that these types of development will be permitted where it can be demonstrated there is not unacceptable impact on the interest of Aviation Safeguarding.

The proposal is accompanied by a Glint and Glare assessment undertaken by Arup on the assumption that the solar photovoltaic panels would cover the entirety of the roof structure, that is generally consistent with the submitted roof plans. The assessment concludes that the geometric modelling undertaken indicates that *'there is potential for reflect sunlight to enter the cockpit of aircraft on visual approach circuits to both runways, the potential impact is not considered significant due to duration, proximity and likelihood of occurrence.'* As such based on the findings of the assessment, no mitigation is recommended.

As detailed within the consultation section above, Cardiff Airport safeguarding have provided comments that they are generally satisfied with the submissions and the lighting report provided in support of the application. With regard to clarification in relation to yellow and green glare, it is noted that the submitted report is caveated on certain assumptions with regard to specification of the panels and as such it is considered reasonable to attach a condition requiring further details of the panels to be submitted prior to their installation. With regard to matters about landscaping species, again this matter can be secured by way of condition, further to comments made with regard to ecology and green infrastructure previously. The submissions do include details of surface water drainage associated with the site, including soakaways and swales, although no open bodies of water are shown on the submissions.

Noting the above, and subject to suitable conditions, it is considered that the proposals are acceptable in relation to airport safeguarding and to this end would comply with the provisions of Policies MD7 and MD19 of the LDP.

Flood Risk

Criterion 5 of Policy MD7 – ‘Environmental Protection’ requires development proposals to demonstrate that they will not result in an unacceptable impact from flood risk and consequences.

Natural Resources Wales Development Advice Map shows that the site is located within Flood Zone A. TAN 15 (2004) states that development should be directed towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. Consequently, it is concluded that on the grounds of flood risk, the proposed development meets the principles and requirements set out in TAN 15 and the aims of PPW12.

Within the response from the Council’s Drainage Section it is noted that the most of the site is at very low risk of surface water flooding. No associated concerns have been raised by NRW.

Noting the above and that no objection has been raised by the relevant consultees, the proposal is considered acceptable with regards to flood risk and therefore complies with criterion 5 outlined above.

Drainage

The application has been supported by a Foul and Surface Water Drainage Strategy prepared by Arup.

Within their consultation response, Dwr Cymru Welsh Water originally indicated that the public sewer did not have capacity to accept foul flows and indicated that the applicant undertake hydraulic modelling assessments to ascertain if there is capacity to accommodate the proposed development. Following discussion with the applicant they provided details of a hydraulic modelling assessment prepared by DCWW that identified a point of connection to the foul network that predicted no flooding manholes nor were spills observed during typical rainfall at Porthkerry pumping station. The increase in flows resulting from the development identify that 1m³ of additional emergency storage would be required at the pumping station. Following further advice from DCWW they have advised that the requirements of the HMA can be suitably controlled by way of condition attached to any permission granted (Condition 19 refers).

The Surface Water Drainage strategy incorporates SuDS features into the layout, including rain gardens in some of the green areas, swales and permeable paving to the MUGA and parking areas. The Council’s Drainage Section have not raised any concerns with the proposed development and have advised that SAB (SuDS Approving Body) pre-application advice has been sought to date, and the development would be subject to full SAB approval to agree specific details of the SuDS features which would deal with surface water on the site.

Noting the above, the proposal is considered to be acceptable in regard to drainage.

Planning Obligations

Policy MD4 – ‘Community Infrastructure and Planning Obligations’ states what where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed development through the use of planning obligations. The Council’s Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements. It sets thresholds for when obligations will be sought, including for major development such as this application.

It is noted that the types of development where obligations are sought relate to residential and commercial development. In this case the proposal is for an education development and the applicant has suggested that the proposal does not strictly fall into either of these development categories, and this has been taken into consideration in assessing what planning obligations will be sought. In this regard it is acknowledged that the SPG states the following at Para. 1.3: *‘The Council does not propose a blanket approach to planning obligations, as each planning application will be considered on its own merits...’*

Public Art

All major developments are required to provide a contribution to public art. The Community Infrastructure and Planning Obligations SPG outlines that the preferred approach is for public art to be provided on site and that it should be an integral part of the design of major developments. Further guidance is set out in the Public Art in New Development SPG. Given the prominent location of the site, it is considered that the development represents an opportunity for the incorporation of public art into the scheme.

A Public Art Strategy has been submitted by the Applicant, which outlines the proposed strategy to providing public art on the site. Specifically, the document details that a Project Steering Group will be established in Q4 2024 (October-December 2024) in order to develop the public art and that the intention is to involve creative students of the college in development of designs and installation. As part of this a thematic brief will be set and whilst this is to be confirmed, it is envisaged that the public art could be a *‘response to the local aeronautical history, a celebration of technology, future innovation and sustainability’*. Some examples of possible scope of the public art have also been provided, including pieces incorporated into landscaping, a piece within enclosures to the site or a sculpture outside of the main entrance.

The proposed approach to the public art, as detailed within the submitted strategy, is considered to be acceptable and in line with the SPGs, and it is considered that specific details and provision of the public art can be suitably secured by condition.

Training and Development

It is recognised that the development would inherently provide a training and development function and as such it is considered that a requirement for on-site provision would be suitably provided such that a financial contribution in lieu would not be required.

Sustainable Transport

The Planning Obligations SPG seeks for sustainable transport contributions and the starting point for considering requirements for sustainable transport facilities will be an assessment of existing facilities in light of the likely needs arising from the proposal.

As detailed earlier in this report, a submission made by the Applicant details that the College provides travel passes (rail and bus) free of charge to all 16-19 full time students who live more than 3 miles from their chosen College campus. All 16-21 students are also eligible for a Welsh Government 'my travel pass' that provides a 30% discount on bus travel at any time. In addition, the College operates a 'rider' bus which is a service operating between the College campuses within Cardiff and the Vale.

A Travel Plan prepared by SLR has been submitted with the application and this outlines measures to encourage and staff to access the site by sustainable modes of transport, such as those identified above. As noted earlier in this report, following consultation with the Highway Authority, an updated travel plan is required by condition which shall include, but not necessarily be limited to, a travel survey, active travel audit and annual review report to be submitted to the Council.

Noting all of the above, it is considered that the site would be readily and realistically accessed by sustainable transport and therefore, on balance, a contribution in this regard is not considered to be required in order to render the application acceptable.

Public Open Space

Open space offers vital opportunities for sport, recreation and tourism, and can also act as a visual amenity, and may have conservation and biodiversity importance. Provision of public open space is important for people's health and well-being. The SPG outlines that public open space contributions are sought for retail or employment developments where floorspace to be created exceeds 1000sqm or the site is 1 hectare or more. Whilst the proposal is for an education development, it would nevertheless still generate a demand for public open space to serve the needs of students and staff.

The development incorporates areas of open space within the site, including 2 MUGAs, social spaces to the front and rear of the building and more informal areas including 'Cherry Tree Walk' to the north-west of the site. In addition, the atria within the building will provide a multi-functional space for use by students and staff. The Applicant has also provided clarification of the breakdown of full and part time students, and as such it is acknowledged that not all students would be on site at any one time. It is therefore considered that the 'in kind' provision of spaces on the site are sufficient to serve the needs of users, such that a financial contribution would not be required in this instance.

In summary, with a condition requiring details of the public art strategy, it is considered that the development will comply with Policy MD4 as well as the Planning Obligations SPG.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Planning Statement 27710906 V4

Pre-Application Consultation Report 31111512 V3

Design and Access Statement VG0101-SRA-XX-XX-RP-A-02001

Site Location Plan VG0101-SRA-ZZ-ZZ-DR-A-02000 C02

General Arrangement Ground Floor Plan VG0101-SRA-XX-00-DR-A- 02100 C02

General Arrangement First Floor Plan VG0101-SRA-XX-01-DR-A-02101 C02

General Arrangement Second Floor Plan VG0101-SRA-XX-02-DR-A-02102 C02

General Arrangement Roof Plan VG0101-SRA-XX-RF-DR-A- 02105 C02

General Arrangement Upper Roof Plan VG0101-SRA-XX-RF-DR-A- 02106 C02

General Arrangement North West & South East Elevation VG0101-SRA-XX-XX-DR-A-02200 C02

General Arrangement North East & South West Elevation VG0101-SRA-XX-XX-DR-A-02201 C02

General Arrangement Construction & Building Services Workshops Elevations VG0101-SRA-XX-XX-DR-A-02202 C02

General Arrangement Link & Engineering Workshop Elevations VG0101-SRA-XX-XX-DR-A-02203 C02

General Arrangement (Rendered) North West & South East Elevation VG0101-SRA-XX-XX-DR-A-02204 C02

General Arrangement (Rendered) North East & South West Elevation VG0101-SRA-XX-XX-DR-A-02205 C02

General Arrangement Sections VG0101-SRA-XX-XX-DR-A-02250 C02

Typical Bay Elevation -Teaching Block South Elevation VG0101-SRA-XX-XX-DR-A-02350 C02

Typical Bay Elevation -Engineering Workshop West Elevation VG0101-SRA-XX-XX-DR-A-02351 C02

Typical Bay Elevation - Workshops South Elevation VG0101-SRA-XX-XX-DR-A-02352 C02

Typical Bay Elevation – Link East Elevation VG0101-SRA-XX-XX-DR-A-02353 C02

Typical Bay Elevation - Teaching Block Elevation to SE Courtyard VG0101-SRA-XX-XX-DR-A-02354 C02

Access and Circulation VG0101-ALA-00-XX-DR-L-00004 P07

Secure Line Strategy VG0101-ALA-00-XX-DR-L-00008 P07

Outline Levels VG0101-ALA-00-XX-DR-L-00009 P06

Foul and Surface Water Drainage Summary Statement 4-70 4 March 2024

Ecology Appraisal Report dp8160_r001 G

Green Infrastructure Statement edp8160_r003 C

Tree Survey Report including Arb Impact Assessment 23 October 2023
Energy Statement VG0101-ARP-XX-XX-RP-N-00006 3 January 2024
Archaeological DBA 26981777 V4
Archaeological Evaluation 291110.03 March 2024
Noise Impact Assessment G0101-ARP-XX-XX-RP-Y-00011 P02

Transport Assessment 425.002058.00001 5 April 2024
Travel Plan 425.002058.00001 5 April 2024
External Lighting Assessment ATC-ARUP-XX-XX-RP-OL-000001 P02
Glint and Glare Assessment VG0101-ARP-XX-XX-RP-Y-00013 P03
Ground Investigation Report VG0101-ARP-ZZ-ZZ-RP-G-00001 02
Phase I Geo Environmental Assessment Report June 2020
Phase II Geo Environmental Assessment Report July 2020

Illustrative Landscape Masterplan VG0101-ALA-00-XX-DR-L-00001 P10
Landscape General Arrangement VG0101-ALA-00-XX-DR-L-00002 P10
Fencing General Arrangement VG0101-ALA-00-XX-DR-L-00003 P08
Planting Strategy VG0101-ALA-00-XX-DR-L-00010 P07
Detailed General Arrangement 1 of 5 VG0101-ALA-00-XX-DR-L-000011 P08
Detailed General Arrangement 2 of 5 VG0101-ALA-00-XX-DR-L-000012 P08
Detailed General Arrangement 3 of 5 VG0101-ALA-00-XX-DR-L-000013 P07
Detailed General Arrangement 4 of 5 VG0101-ALA-00-XX-DR-L-000014 P07
Detailed General Arrangement 5 of 5 VG0101-ALA-00-XX-DR-L-000015 P07
Ecology Briefing Note edp8160_r004a all received 13 June 2024

Advanced Technology Centre Construction Environment Management Plan
prepared by Bouyges UK received 6 August 2024

Cardiff & Vale College - Public Art Proposal for the Barry Waterfront and Advanced
Technology Centre Developments received 16 August 2024

Transport Assessment Addendum prepared by SLR Consulting LTD dated 30 July
2024

Transport Assessment Addendum 2 prepared by SLR Consulting LTD dated 12
September 2024

Drawing Ref PD06 Indicative 3.5m Shared Active Travel Route and Toucan
Crossing Arrangement

Drawing Ref PD06.1 Indicative 3.5m Shared Active Travel Route Land
Requirements both received 10 September 2024

Reason:

For the avoidance of doubt as to the approved development and to accord with
Circular 016:2014 on The Use of Planning Conditions for Development
Management.

3. Notwithstanding the submitted details, prior to their use in the development hereby approved, a schedule of materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial use of the building.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy) and Policy MD2 (Design of New Development) of the Local Development Plan.

4. Details of the Photo Voltaic provision, including details of yellow/green glare, siting and design, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be completed in accordance with the approved details prior to first beneficial use of the development hereby approved.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan

5. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of site compound, wheel washing facilities, parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

6. Prior to first beneficial occupation of the development, a revised travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include but not be limited to details of the following:
 - Measures to encourage and educate a modal shift away from the private car to travel to college not only for staff but for all pupils.

- A travel survey to be undertaken not more than 12 months upon opening of the new College and the results to be provided to the Council's transport/highways departments. This should then be carried out on an annual basis.
- An Active Travel audit to be undertaken to determine reasons for any shortfall or missed targets in usage by active travel modes.
- A report should be provided to the Council annually reviewing the effectiveness of the travel plan and shall include any necessary amendments to the travel plan or additional measures to be implemented.
- Regular monitoring should be undertaken of any congestion, conflict issues, indiscriminate parking and any other safety issues on the highway in and around the site and in the pick up and drop off area and in consultation with the Local Highway

Any measures/actions, further surveys and monitoring set out in the approved Travel Plan shall thereafter be undertaken in accordance with the approved details.

Reason:

To encourage the use of more sustainable modes of transport and aid in the delivery of sustainable transport objectives, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan

7. Prior to first beneficial occupation of the development, a robust signage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include new signage to be installed along the access roads to the site to inform of the college location and also signage for the proposed servicing access. The costs for the design and installation of the proposed signage will be provided by the developer. The signage shall be fully installed in accordance with the approved details prior to first beneficial use of the development and thereafter retained in accordance with the approved details whilst the development remains in existence.

Reason:

In the interests of highway safety and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan

8. No development (including site clearance and demolition) shall take place, until a Condition Survey of an agreed route along the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed with the Local Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to an appropriate scale showing the location of all defects identified within the routes for construction traffic

- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

9. Within 1 month following the completion of the development, a Second Condition Survey along the route agreed under Condition 8 shall be submitted to and approved in writing by the Local Planning Authority. The Second Condition Survey shall identify any remedial works to be carried out which are a direct result of the development approved and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

10. Notwithstanding the approved plans, no off-site development shall commence until full Engineering details of the "off site works" (including those shown on drawings PD06.1 'Indicative 3.5m shared active travel route land requirements' and PD06 'Indicative 3.5m shared active travel route and toucan crossing' received on 10 September 2024) have been submitted to and approved in writing by the Local Planning Authority. These shall include the vehicular and pedestrian access into the site inclusive of vision splays; new shared active travel route; toucan crossing across Port Road West; new bus shelter and layby; street lighting; highway drainage; details of Traffic Regulatory Orders for reducing the speed limit along the site frontage and to prevent indiscriminate parking/dropping off (inclusive of carriageway markings and signage); and any associated highway retaining structures within the vicinity of the site. The works approved by this condition shall thereafter be carried out in accordance with the approved details and implemented in full prior to beneficial use of the development.

Reason:

In the interests of highway safety and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

11. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and to ensure compliance with Policy MD8 of the adopted Local Development Plan.

12. 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 until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

13. Any aggregate (other than virgin quarry stone), recycled aggregate material, topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

14. Notwithstanding the submitted details, no development shall take place, including site clearance, until a landscape & ecological management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
- i) Details of sensitive site clearance with respect to reptiles and breeding birds;
 - ii) Details of newt friendly drainage.
 - iii) A plan showing wildlife and habitat protection zones, if appropriate;
 - iv) A lighting scheme (including specifications and details of lighting) for the site in order to ensure minimal light spillage onto adjoining vegetation;
 - v) Details of the management of ecology features and landscaped areas to maximise biodiversity;
 - vi) Measures to be undertaken to enhance biodiversity on site (including but not limited to bat and bird box provision);
 - vii) Details of site wide scrub and compensatory planting (including details of aftercare);
 - viii) A minimum of 100mm gap at the bottom of all fencing used on site;
 - ix) Details of ongoing maintenance and management of both retained and additional landscaping features.

The works shall thereafter be completed in accordance with the timings approved by the local planning authority and the site operated in accordance with the approved details (including management and aftercare) thereafter.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

15. Notwithstanding the submitted details, prior to the first beneficial occupation of the development, a detailed scheme of soft landscaping, which shall include, but not be limited to, amended landscaping arrangement adjacent to Port Road (noting amended footway/cycleway linkage); more native tree species, provenance of wildflower mixes, additional planting between the MUGA and meadow further details of hedgerow and woodland planting, shall be submitted to and approved by the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD2 (Design of New Developments)

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

17. Prior to work commencing on the construction of the principal college building, further details of the public art to be provided on site and integrated within the development, shall be submitted to and approved in writing by the local planning authority. The approved Strategy shall thereafter be implemented in accordance with its agreed implementation plan.

Reason:

To ensure that public art is provided as integral part of the development in accordance with Policy MD2 (Design of New Development) of the Local Development Plan and the advice contained in the Public Art Supplementary Planning Guidance.

18. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to ensure compliance with the provisions of Policy MD7 of the adopted Local Development Plan.

19. No beneficial use of the development hereby approved shall occur until such time that a foul sewerage connection has been made in accordance with the recommended connection option and the necessary reinforcement works to the sewerage system implemented (including that to Porthkerry SPS), as identified by the submitted 'Developer Services Hydraulic Modelling Report 3273W - ATC College' and confirmed in writing to the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of residents and ensure no pollution of or detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

REASON FOR RECOMMENDATION

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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies....SP1 – Delivering the Strategy;SP2 – Strategic Sites SP5 – Employment Requirements; SP7 – Transportation; SP10 – Built and Natural Environment; MG9 – Employment Allocations; MG10 – St Athan - Cardiff Airport Enterprise Zone; MG16 – Transport Proposals; MG20 – Nationally Protected Sites and Species; MD1 - Location of New Development; MD2 - Design of New Development; MD4 - Community Infrastructure and Planning Obligations; MD7 - Environmental Protection; MD8 - Historic Environment; MD9 - Promoting Biodiversity; MD14 - New Employment Proposals; MD15 - Protection of Allocated Employment Sites; MD16 - Protection of Existing Employment Sites and Premises and MD19 – Low Carbon and Renewable Energy Generation, Planning Policy Wales Edition12; Future Wales: The National Plan 2040; Technical Advice Notes 5 ‘Nature Conservation and Planning’, 11 ‘Noise’, 12 ‘Design’, 15 ‘Development and Flood Risk’, and 16 Sport, Recreation and Open Space’; the Council’s Supplementary Planning Guidance on Barry Development Guidelines, Biodiversity and Development, Parking Standards, Sustainable Development – a Developer’s Guide and Travel Plan; the proposal would align with the strategic objectives contained therein and is considered acceptable, subject to condition, having regard to the layout, design and visual impact; historic environment; impact upon neighbouring amenity; highway, access and parking; biodiversity and green infrastructure; contamination; flood risk; drainage; and planning obligations.

Having regard to the Council’s duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

It is considered that the decision complies with the Council’s well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

- 1. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

2. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.

3. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.

5. The Council's Highways Authority have made the following notes within their comments for your information:

1. The applicant / developer must enter into a highway agreement under S278 of the Highways Act 1980 with the Council to facilitate the construction of the proposed site accesses arrangements serving the site and associated offsite improvement works (including any required Traffic Regulation Orders), in accordance with a scheme which shall first have been submitted to and agreed in writing by the Local Highway Authority.

2. No works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of any structures, drainage systems, street lighting, water culverts etc. abutting or within close proximity to the existing / proposed highway have been submitted to and approved by the Local Highway Authority.

3. There shall be no obstructions inclusive planting whatsoever within the areas required for vision splays. All proposed boundary walls, hedgerows or planting shall be located to the rear of the required vision splays in the interest of highway / public safety.

4. No surface, roof water or other deleterious material from the site shall discharge or migrate onto the adopted highway. Applicant to make provisions to deal with the above within the confines of the site in the interest of highway safety and environmental management.

5. A stage 2 and 3 Road Safety Audit (RSA) will be required to be provided in accordance with GG119 upon agreement of the detailed design and then implementation of the works on site and a competent and qualified road safety professional will need to be procured to undertake the work.

6. The scheme of TROS required by condition 10 shall include any additional requirements as deemed necessary by the Local Planning Authority in order to provide a safe means of access and to prevent the parking/stopping along the site frontage. The applicant/developer to cover all legal costs at time of application and any additional costs such as objections/unforeseen issues and all associated engineering works to implement on site.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

2024/00636/FUL Received on 31 July 2024

APPLICANT: Mr Nick Wall 34 Smithies Avenue, Sully, Penarth, Vale of Glamorgan, CF64 5SS

AGENT: Mr Nick Wall 34 Smithies Avenue, Sully, Penarth, Vale of Glamorgan, CF64 5SS

34 Smithies Avenue, Sully

New dwelling under construction within curtilage of 34 Smithies Avenue

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Mahoney due to concerns regarding the response from the Council's Highway Section and parking provision.

EXECUTIVE SUMMARY

This is a full application which seeks to regularise the new dwelling under construction at the site.

The proposal would introduce a two storey dwelling with a third storey element on the application site, which is an infill plot in Sully. The dwelling would be accessed directly from Smithies Avenue and would be served by two off road parking spaces to the front as well as private amenity space to the rear. The dwelling is contemporary in design with a flat roof and would be finished with render, brick and metal cladding.

The proposal has raised concerns from a number of interested parties and at the time of writing this report, 8 letters/comments of representations had been received. The main issues raised by objectors are in respect of impacts on neighbouring amenity and the design and siting of the dwelling. Reference is also made to the previous application (ref. 2023/00136/FUL), however this application is to be determined on its own merits

Whilst it is acknowledged that the proposal would be visible from and in some instances alter outlook from neighbouring properties, it is not considered that there would be any unacceptably harmful impacts on amenity in the context, insofar as overlooking, overshadowing or overbearing impacts. Noting the variety of architectural styles and designs in the area, it is also considered that the contemporary design is acceptable and would not have detrimental impact on the character of the streetscene.

As such the application is recommended for approval subject to conditions.

SITE AND CONTEXT

The application site is land within the curtilage of 34 Smithies Avenue, which is a detached dwelling. The site is located within the settlement boundary of Sully, as defined by the adopted Local Development Plan 2011-2026. The streetscene is characterised by various house types, including some infill development.

The site location is shown on the plan below:



Site Location Plan

DESCRIPTION OF DEVELOPMENT

This is a full application which seeks to regularise the new dwelling under construction at the site and as such can be considered part-retrospective.

It is first considered useful to outline the background to the application which is addressed below.

An application was submitted in 2023 (ref. 2023/00136/FUL) which sought to add a bedroom to the roof terrace of the new dwelling approved at the site under ref. 2015/01055/FUL. The 2015 permission has been implemented and as such can be deemed a 'fall-back' position. Plans and elevations approved under this application are shown below:

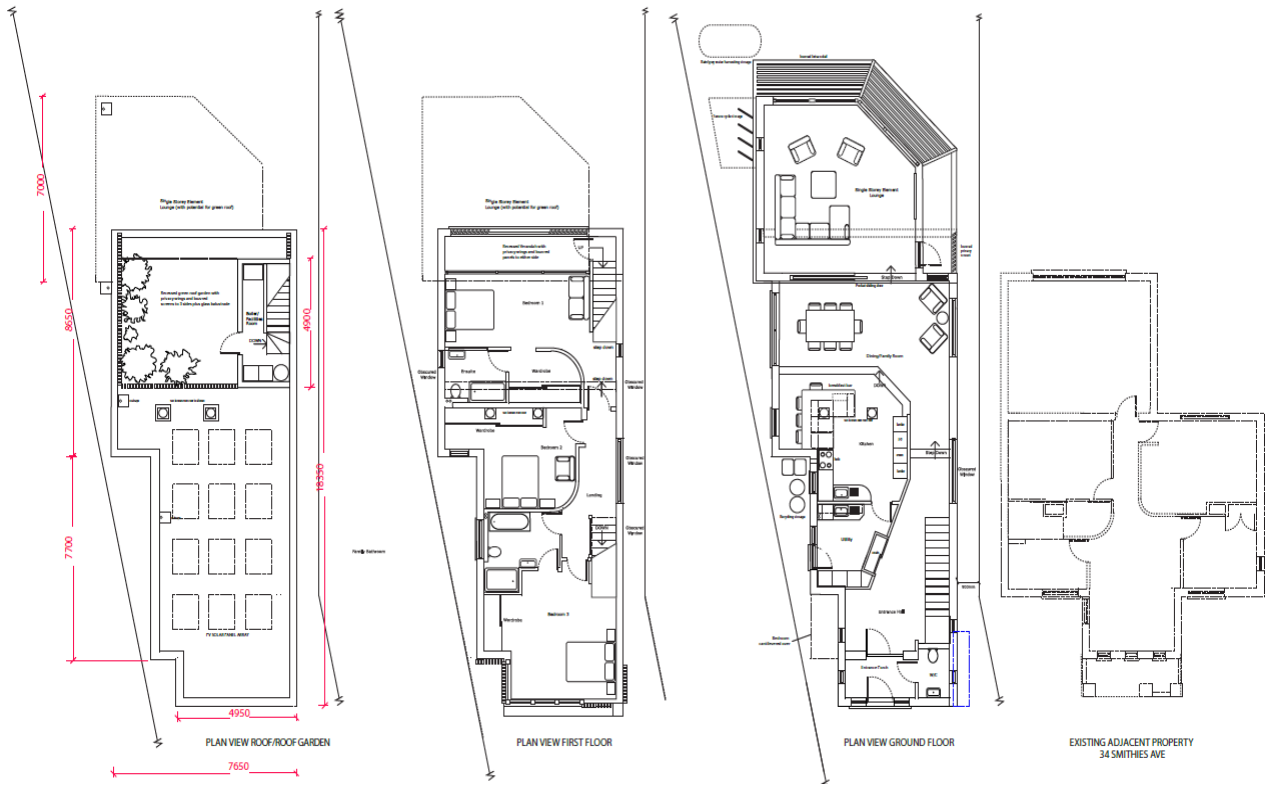
Proposed Relationship Site Plan
 showing relationship between the proposed new dwelling and the existing property
 (shown with approved rear extension and front porch)



Permission Ref. 2015/01055/FUL Approved Site Layout



Permission Ref. 2015/01055/FUL Approved Elevations



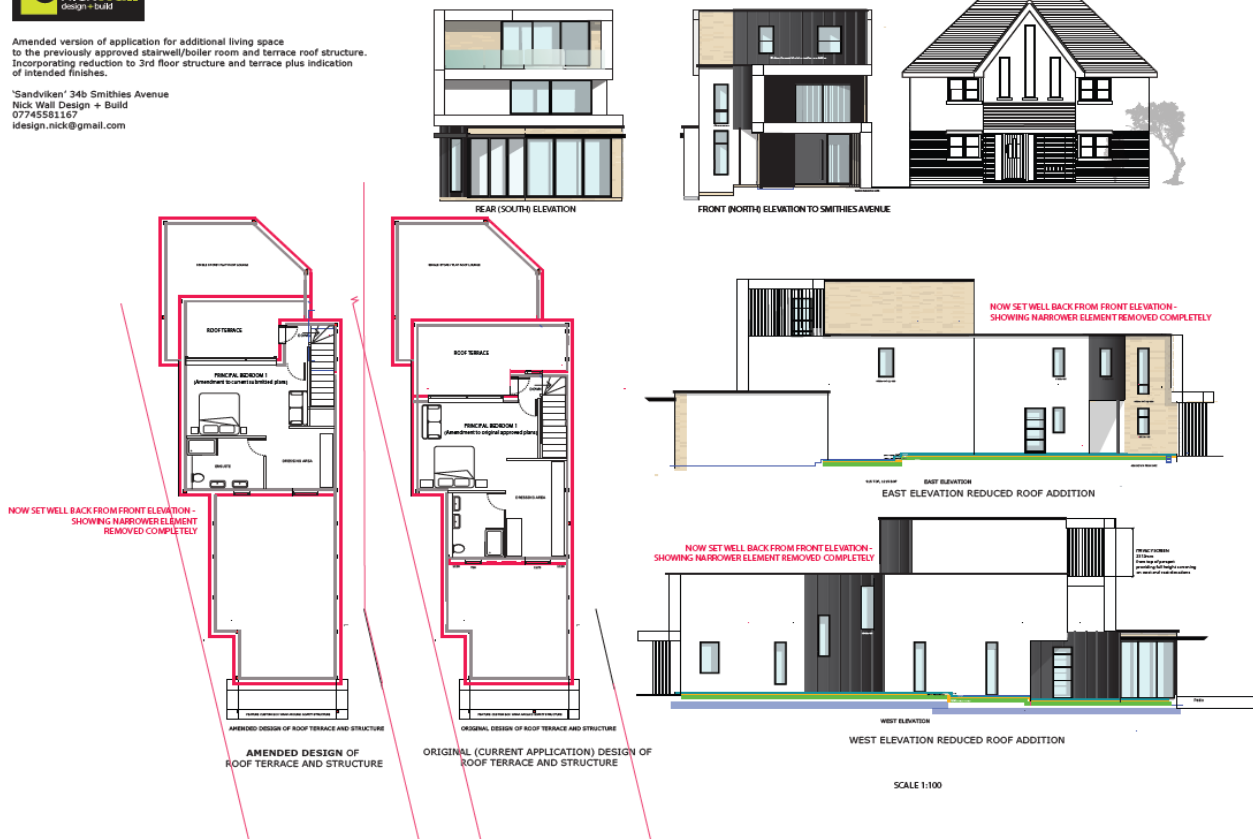
Permission Ref. 2015/01055/FUL Approved Floor Plans

Concern was raised by Officers with the plans initially submitted under the 2023 application due to the impact of the proposed three storey element on the appearance of the dwelling from the streetscene. Amended plans were submitted showing the third storey element set back in order to address concerns and these plans were subsequently approved as shown below:



Amended version of application for additional living space to the previously approved stairwell/boiler room and terrace roof structure. Incorporating reduction to 3rd floor structure and terrace plus indication of intended finishes.

'Sandviken' 34b Smithies Avenue
Nick Wall Design + Build
07745581167
ideign_nick@gmail.com



Permission ref. 2023/00136 Approved Plans

However following this, it came to light through an Enforcement case that the amended plans, decision notice and Officer report unfortunately contained errors. The main issue was that the amended floor plans had not been updated to reflect the amended elevations and showed the third storey element in its original position, however the dwelling was being built to the elevations. Given the discrepancies between the floor plans and elevations, the Applicant was advised that this previous 2023 planning permission cannot be implemented and that they would need to submit a new planning application, with accurate plans, in order to seek to regularise the development. This is the reason for the current application.

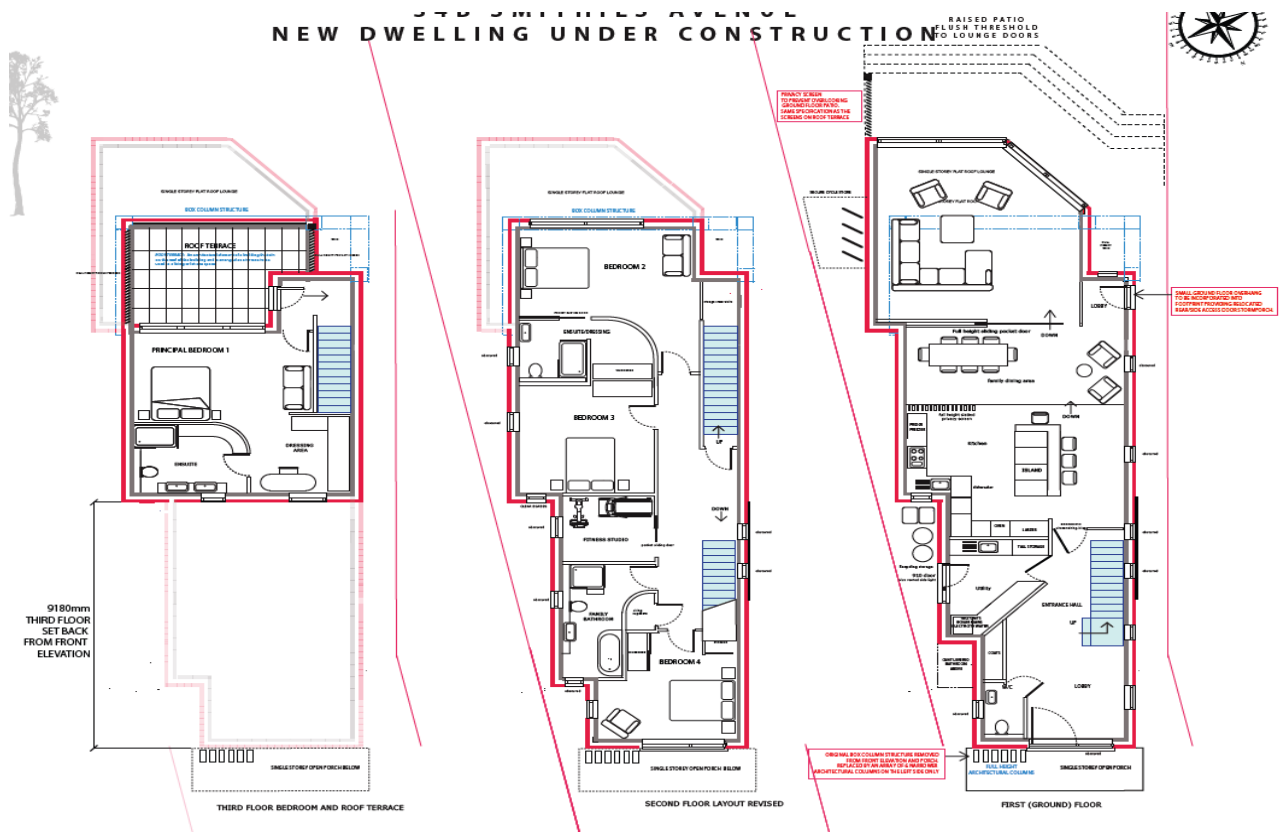
It is noted that the plans submitted under the current application also show minor changes to the design of the dwelling and fenestration from the previous application. Amended plans have been received during the course of the application with a revised internal layout to address concerns regarding outlook from bedroom 3.

The proposed (amended) are shown below, along with a photo of the partly built dwelling.



91
THIRD
SEE
FRONT
ELEV

Proposed Elevations



Proposed Floor Plans



Part-built dwelling with scaffolding (September 2024)

PLANNING HISTORY

1976/01322/OUT, Address: Land adjoining 34, Smithies Avenue, Sully, Proposal: Erection of Dwelling Houses (Five Bungalows), Decision: Refused.

1986/00034/FUL, Address: 34, Smithies Avenue, Sully, Proposal: Erection of 2 no. porches, Decision: Approved.

2001/01129/FUL, Address: 34, Smithies Avenue, Sully, Proposal: Construction of new two storey dwellinghouse and provision of parking spaces, Decision: Refused.

2002/00204/FUL, Address: 34, Smithies Avenue, Sully, Proposal: Construction of new two storey dwellinghouse and provision of parking spaces, Decision: Refused.

2003/00609/FUL, Address: 34, Smithies Avenue, Sully, Proposal: Construction of new two storey extension to rear of property plus single storey porch to front, adjustment of parking and demolition of outbuildings, Decision: Approved.

2003/00610/FUL, Address: 34, Smithies Avenue, Sully, Proposal: Construction of new two storey dwellinghouse and provision of parking spaces, Decision: Refused.

2004/00943/FUL, Address: 34, Smithies Avenue, Sully, Proposal: Construction of new two storey dwelling house and provision of parking spaces, existing crossover/vehicular access to be retained, Decision: Approved.

2005/01686/FUL, Address: 34, Smithies Avenue, Sully, Proposal: Amendments to approved plans inc. additional storey to porch incorporating stairs to loft, internal layout amendments, fenestration, loft conversion and change of rear extension roof from hip to gable, Decision: Approved.

2010/00034/FUL, Address: Plot adjacent 34, Smithies Avenue, Sully, Proposal: Renew planning application 2004/00943/FUL for a two storey dwelling house, parking and access, Decision: Approved.

2012/01328/FUL, Address: 34, Smithies Avenue, Sully, Proposal: Two storey dwellinghouse, parking and access (amended version of previously approved Full Planning Permission granted on same site, recently renewed), Decision: Approved.

2015/01055/FUL, Address: Adjacent to 34, Smithies Avenue, Sully, Proposal: Three bedroom dwelling, alternative flat roof design for proposed new dwelling house which has existing permission, Decision: Approved.

2023/00136/FUL, Address: Plot adjacent to 34, Smithies Avenue, Sully, Proposal: Addition of bedroom to roof terrace to existing planning permission. Approval of finishes to comply with conditions on existing permission, Decision: Approved.

CONSULTATIONS

Sully Community Council – no response received at the time of writing this report.

Highway Development – a response was received on 9 September 2024 stating the following:

“The development comprises the construction of a new detached dwelling of four bedrooms. Access to the site is served directly off Smithies Avenue and the site does not benefit from on site turning facility. This should not have a detrimental impact on highway safety in the surrounding area due to relatively low trafficked residential street and other dwellings not benefiting from turning space on site.

The application has provided two off street parking spaces, however it is considered that in accordance with the parking standards 3 spaces should be provided within the curtilage of the property.

Finally, the parking area has been checked in terms of dimensions and is long enough to provide parking however the plans may need to be altered and the dwelling set back to provide an additional parking space.”

However, updated comments with regard to the maximum parking standards were received on 2 October 2023 stating the following:

“The development comprises the construction of a new detached dwelling of four bedrooms. Access to the site is served directly off Smithies Avenue and the site does not benefit from on site turning facility. This should not have a detrimental impact on highway safety in the surrounding area due to relatively low trafficked residential street and other dwellings not benefiting from turning space on site.

The application has provided two off street parking spaces, although this hasn't met the maximum standards as set out in the parking standards, it is considered that there is sufficient on street availability for any additional parking needs for the proposed site.

Finally, the parking area has been checked in terms of dimensions and is long enough to provide parking.

Therefore, the highway authority has no objection to the proposals.”

Dwr Cymru Welsh Water – a response was received on 7 August 2024 stating that there is no objection in principle to the foul flows discharging to the public sewer. A condition is requesting to restrict surface water and/or land drainage from being allowed to connect directly or indirectly with the public sewerage network.

Sully Ward Members – comments were received from Councillor Mahoney with the committee call-in request. Concerns raised relate to neighbour consultation on the previous planning application (ref. 2023/00136/FUL) and also the consultation response from Highways with regard to parking. Specifically, it is questioned why the Highways comments have been received so late, why plans were initially passed if parking provision was deemed insufficient and why the comments were not relayed in recent communication.

REPRESENTATIONS

The neighbouring properties were consulted on 1 August 2024.

A site notice was also displayed on 5 August 2024.

8 letters / comments of objection have been received at the time of writing this report. The issues raised are summarised below:

- Impact on neighbouring amenity:
 - Overlooking into neighbouring gardens and homes, which would impact on privacy, quality of life, ability to enjoy home in peace and security.
 - Overshadowing and loss of natural light. Neighbouring properties will have to use more non-natural energy to provide light and warmth to properties which is expensive and unneighbourly.
 - Development would enclose outlook and impact views.

- Design and siting:
 - Design and scale of dwelling is out of keeping with surrounding properties, would be harmful to its character and appearance, and would have an overbearing effect on the street scene.
 - Significant overdevelopment of a small site.
 - Proposed dwelling extends beyond, and does not respect, the rear building line as other extensions on the street have. The extension at 32A Smithies Avenue had to have a reduction to the depth of the extension.
 - If approved, the development will set a precedent for extensions to other properties.

- Previous applications at the site for a new dwelling of smaller scale have been refused and dismissed at appeal.
 - Amenity space does not meet the requirement for a 4 bed property.
 - Reference made to Highway Authority response, specifically comments made with regard to parking provision.
- Covenant exists in area and trees are not permitted to grow above a height of 15 feet.
 - Consultation letter was the first received regarding the development.
 - No objection was raised to 2023/00136/FUL by neighbour when only the second storey was 1 m beyond the rear elevation and the third storey with the rear elevation boundary, as per Officer report.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Growth Policies:

POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- 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.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the determination of this application.

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,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Equality Act 2010

The Equality Act 2010 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 preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

As noted earlier in the report, this is a full planning application which seeks to regularise the works associated with the construction of the new dwelling under construction at the site. Whilst permission was granted in 2023 for amendments to planning permission ref. 2015/01055/FUL, this permission and associated plans unfortunately contained errors. As such this is a new full application which is to be considered on its own merits.

The key issues to consider in the determination of this planning application against the policies and guidance above include the principle of development, design and visual impact, impact on neighbouring amenity, living and amenity space provision, highway safety and parking provision, biodiversity and green infrastructure, affordable housing, and drainage.

Principle of Development

The site falls within the settlement boundary and as such the principle of a new dwelling is established subject to the provisions of Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries). Furthermore, several previous planning permissions have been granted for a new dwelling on the site including ref. 2015/01055/FUL. Consequently, the fundamental principle of development is considered acceptable, with the acceptability of the proposal dependant on the issues discussed below.

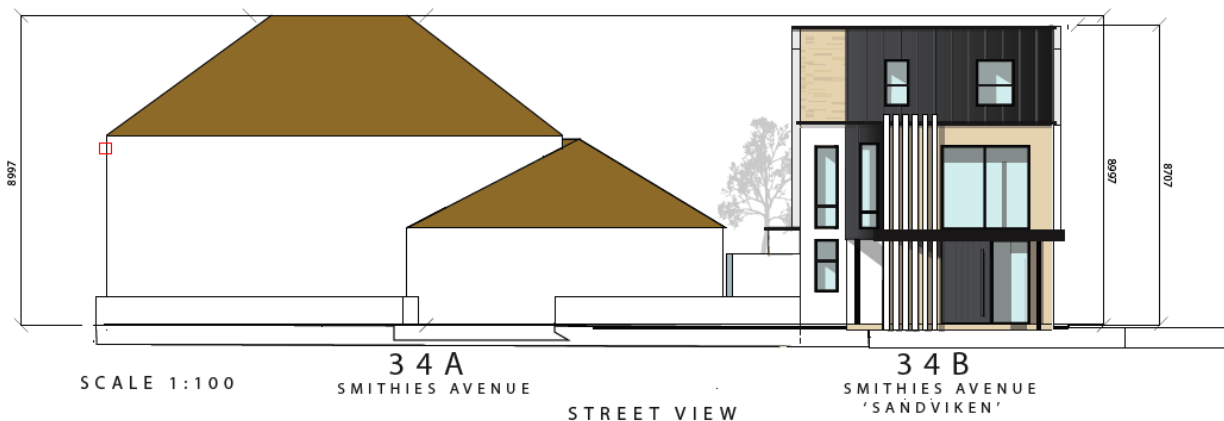
Design and Visual Impact

Criterion 3 of Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development "*is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.*"

Related to this, criteria 1 and 2 of Policy MD2 (Design of New Development) state that development proposals should:

- 1. Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;*
- 2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;*

The 2015 consent and 2023 consent (notwithstanding the erroneous plans) granted permission for a contemporary dwelling, with a flat roof, which was considered acceptable given that the street scene of Smithies Avenue comprises dwellings which have a range of styles. The dwelling would have a third storey element, however this would be set back from the principal elevation by approximately 9.2m, and the main two storey part of the dwelling would be approximately 6.1m high, and as a result the dwelling would sit comfortably in the streetscene having regard to the range of building heights. The overall height of the building would also be slightly lower than the neighbouring property (34A), as illustrated on the submitted Street View shown below.



Street view of proposed dwelling and neighbouring property (no. 34A)

The dwelling would be set back in the plot with the principal elevation broadly in line with the neighbouring properties. The siting and height of the dwelling being commensurate with neighbouring dwelling, as well as the set back of the third storey, means that the dwelling would not appear as an overbearing or dominating addition to the streetscene.

Several representations have raised concern with the dwelling extending beyond the rear building line. It is suggested within the comments that, if approved, this development would set a precedent for extensions to other dwellings. However, each application is to be determined on its own merit, having regard to the specific context of the application site. Furthermore, the extension of the dwelling further back than the neighbouring properties is not considered in itself to be inherently unacceptable, given that views of the rear of the dwelling are largely limited to neighbouring properties. Therefore, in considering the acceptability of the siting of the rear of the dwelling, this requires an assessment of the impacts on neighbouring amenity (this issue is discussed in the next section).

As noted above, the dwelling is contemporary in design, however given that there is variety within the streetscene, this is considered acceptable. The application details that the elevations would be finished with white render or sand and cement render, cream clay brick and black aluminium cladding, and the roof would be a single ply membrane. This is considered an appropriate materials palette and the use of the specified materials can be secured by condition (**Condition 2**). The new dwelling would contain a number of large or tall glazed windows which together with the use of aluminium cladding would add interest to the elevations. To the front of the property would be a parking area which would be covered by free draining blocks or resin bound gravel and this would have an acceptable visual impact.

In summary, the proposals are considered to be of an acceptable design which would not detrimentally alter the character of the street scene. Consequently, the proposals are considered to accord with the provisions of Policies MD2 and MD5 as noted above insofar as its scale, form and design.

Impact on Neighbouring Amenity

Criterion 8 of Policy MD2 (Design of New Development) states that development proposals should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Further guidance is contained within the Residential and Householder Development SPG. This addresses, in particular, issues of overbearing and overshadowing impacts as well as privacy.

Paragraph 9.1.1 of the SPG states that: *“Development can have a negative impact on a neighbour’s amenity, depending on the size of it and its location in relation to the principal outlook of a neighbour’s garden or rooms. Similarly, development that causes a harmful level of over shadowing will be considered unneighbourly and, therefore, unacceptable. New development must ensure that your neighbour’s existing residential amenity is safeguarded.”*

In addition, Paragraph 9.2.2 states that: *“New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given its design to ensure that the impact is kept to an acceptable level so as to safeguard your neighbour’s existing residential amenity.”*

The site is located in proximity to several neighbouring properties and the impact on these neighbours is a material consideration in the determination of the planning application. The impact on each of the neighbouring properties is considered below.

25 Smithies Avenue

No. 25 Smithies Avenue is located to the north of the application site on the other side of the road. The proposed dwelling would be set back within its plot and no. 25 is also set back from the road. There would be approximately 30m separation between the two dwellings, which is in excess of the 21m set out in the Residential and Householder Development SPG. There is also an established relationship with properties facing each other on Smithies Avenue. Consequently, there are no concerns with regards to overlooking, overshadowing or overbearing impacts on this property.

34 Smithies Avenue

The dwelling is located on land within the curtilage of no. 34, which is a two storey dwelling. The plans illustrate that the dwelling would be offset from the shared boundary by just less than 1m. No. 34 is also offset from the boundary. The footprint of the new dwelling would extend circa 6m beyond the main rear elevation of no. 34 whereas the upper floors would be set back and would therefore only extend circa 3m beyond this elevation.

The new dwelling would therefore be visible from the neighbouring dwelling, however given that it would be offset from the boundary and that there would be a degree of separation between the two dwellings, and also that the overall height of the dwelling would be less than no. 34, it is not considered that it would have an overbearing impact on the neighbouring property. Any impact on light is also unlikely to be significant owing to the new dwelling being sited to the east of no. 34.

On this side facing west elevation there would be two full height narrow windows at first floor level (indicated as second floor on the plans), however these would serve circulation space and are noted as being obscurely glazed on the floor plan. A privacy screen would also be provided to the side of the roof terrace, which would be set in, to prevent overlooking from this area to the garden of no. 34. There would be some intervisibility between the gardens of no. 34 and the new dwelling, however this is considered acceptable and expected in a residential context such as this.

34a Smithies Avenue

No. 34a is a two storey dwelling which is located adjacent to the north-east of the application site. The shared boundary between no. 34a and the new dwelling is tapered and the new dwelling has a staggered footprint to follow the boundary. The two storey part of the new dwelling would be offset from the boundary by a minimum of circa 35cm and the three storey part would be offset from the boundary by a minimum of circa 55cm, which would provide separation from no. 34a, which is also offset from the boundary within its plot.

A photo showing the relationship between the new dwelling and neighbouring property is shown below. It should however be noted that scaffolding is erected around the part built structure.



Photo of rear elevation of part-built dwelling and no. 34a (September 2023)

As noted earlier in this report, the submitted plans illustrate that the new dwelling would be no taller than no. 34a despite the incorporation of a third storey element. The footprint of the dwelling would extend approximately 5.75m beyond the main rear elevation of no. 34a, however it would not be quite as deep as the rear extension and first floor terrace at this neighbouring property. The plans illustrate that the first and second floor of the new dwelling are set back from the footprint by 2.9m, and therefore the upper part of the dwelling would extend approximately 2.85m beyond the main rear elevation of the neighbouring property.

The neighbouring property benefits from open aspect views from the terrace. It is acknowledged that the new dwelling would alter views from the upper floor windows and terrace across the application site, however noting the separation between the two properties including from the roof terrace and siting of the proposed dwelling relative to the neighbouring property, it is considered that the whilst the proposed dwelling would be visible from the neighbour, it is considered on balance that it would not unreasonably enclose the outlook or have an overbearing impact.

Whilst there might be some impact on light to the courtyard area to the side of no. 34a and the windows here, it is not considered that any impact would be significant or to a degree which would be unacceptably harmful to amenity that would warrant refusal of planning permission, noting that some separation would be maintained and that the courtyard area is not the main area of amenity space serving the dwelling. In addition, it is noted that the new dwelling is located in a north-westerly position relative to no. 34a, which would reduce any overshadowing.

With regards to privacy, all the windows on the first floor (indicated as second floor on the plans) east side elevation would have obscure glazing, other than a window to the front of the property where views would be restricted by the garage structure of no. 34a. There would be no windows to the east side elevation of the second floor (indicated as third floor on the plans), and a privacy screen would be provided which would mitigate against overlooking towards the neighbouring terrace and back towards the upper floor windows. These measures are considered sufficient to mitigate against any loss of privacy for the occupants and the provision of the obscure glazing and privacy screens can be secured by condition. As with no. 34, there would be some intervisibility between the gardens of no. 34a and the new dwelling, however this is considered acceptable and reasonably expected in a residential context such as this.

32A and 36 Smithies Avenue

Nos. 32A and 36 are properties located on the southern side of Smithies Avenue as per the application site. However, they would be separated from the new dwelling respectively by nos. 34 and 34a and as such it is considered that they would not be adversely impacted by the development. The garden of no. 32A extends along the rear of the application site and therefore whilst views of this part of the garden would be achieved from the upper floor and terrace of the new dwelling, it is not the main area of amenity space serving the neighbouring dwelling which has a large garden. As such any overlooking of this section of amenity space would not result in lost privacy.

1 Oyster Bend

No. 1 Oyster Bend is a bungalow which is located to the south east of the application site and is separated from the site by the garden belonging to 34A Smithies Avenue. The property itself is located a minimum of 25m from the application site and it would be approximately 32m from the new dwelling. This distance is in excess of the 21m separation required by the Residential and Householder Development SPG and furthermore the new dwelling would be located in a north westerly position relative to no. 1. As such any views towards this property would not be direct nor would they be close quarter. The privacy screens to the west elevation of the terrace would also assist with limiting views in a south-westerly direction towards this property. As a result of the separation distance, it is not considered that there would be any overshadowing or overbearing impacts on no.1 Oyster Bend.

2-5 Oyster Bend

These properties are bungalows to the south of the application site. Nos. 4 and 5 Oyster Bend back onto the site, albeit are separated by a strip of garden belonging to no. 32A Smithies Avenue. The new dwelling would be located approximately 35-40m from the rear elevations of nos. 4 and 5, and further from nos. 2 and 3, which is significantly in excess of the 21m separation distance set out in the Residential and Householder Development SPG. Whilst some views in the direction of properties on Oyster Bend could be gained from the upper floors and terrace of the new dwelling, the views would not be close quarter and not significantly different to views from other properties on Smithies Avenue. It is also noted that some intervisibility between neighbouring properties is not atypical within a context such as this where properties back onto each other. As a result, whilst the new dwelling would be taller than these neighbouring bungalows, it is not considered that any unacceptable overlooking towards Oyster Bend would result in loss of privacy to be harmful to amenity. The new dwelling would be offset from the boundary of nos. 4 and 5 by approximately 22m and as such it is also considered that the new dwelling would not result in overshadowing or have an overbearing impact.

In summary, whilst the concerns raised by interested parties are acknowledged, and it is accepted that the new dwelling would be visible from neighbouring dwellings, it is considered that the proposal would not have an unacceptably adverse impact on the amenity of these neighbours with regard to overlooking, overshadowing or overbearing impacts. As such the development is considered to comply with the terms of criterion 8 of Policy MD2 as well as the provisions of the Residential and Householder Development SPG. Conditions have been proposed to ensure that the obscure glazing and privacy screens are provided in accordance with the plans prior to first beneficial occupation of the dwelling (**Condition 4** and **Condition 5**).

Living and Amenity Space Provision

The Council does not have any adopted space standards for open market housing in terms of internal floor space requirements, however, ensuring appropriate living and amenity space is provided to serve future occupiers is a material planning consideration. In this instance, the plans illustrate that the rooms within the dwelling would be of adequate size to serve the needs of future occupants. Concern was initially raised with regards to bedroom 3 at first floor level (indicated as second floor on the plans) which would have not had a suitable form of outlook as a habitable room as its only window would have been obscurely glazed. However, amended plans have been submitted with alterations to the internal layout and these illustrate that bedroom 3 would be served by a second window which would be forward facing and clearly glazed. As such this issue has been suitably addressed. The other habitable rooms would be served by appropriate outlook. Overall, it is considered that the proposal would provide a sufficient standard of living accommodation for future occupants.

With regard to outdoor amenity space, criterion 9 of Policy MD2 (Design of New Development) states that development proposals should provide private amenity space (inter alia) in accordance with the council's standards. Amenity space is essential and provides a number of important functions. The Residential and Householder Development SPG suggests that for houses a minimum of 20 sqm amenity space per person should be provided and that the majority of this should be private garden space. The SPG further clarifies that a 3+ bedroom house would typically have 4 persons. The dwelling would have three bedrooms and therefore based on the above, should provide 80 sqm of amenity space. The submitted plans indicate that the amount provided would exceed this level, with a total of approx. 215 sqm of amenity space shown to be provided to the rear of the dwelling (taking into account the main garden area and raised patio), which is commensurate with the amount provided under the 2015 application and is in excess of the amount required by the SPG. The proposal would therefore provide a good level of amenity space which would serve the needs of future occupants and is compliant with Criterion 9 of Policy MD2 in this regard.

Highway Safety and Parking Provision

Criterion 6 of Policy MD2 (Design of New Development) states that development proposals should have no unacceptable impact on highway safety. In addition, criterion 8 requires car parking to be provided in accordance with the council's standards which are set out in the Parking Standards SPG.

The Council's Highway Authority have been consulted on this application. Two responses have been received from the Highway Authority and whilst both were received outside of the 21-day consultation period there was no specific reason for this. Within the consultation responses, it is stated that the proposed access directly off Smithies Avenue should not have a detrimental impact on highway safety in the surrounding area due to it being a relatively low trafficked residential street and also noting that other dwellings do not benefit from turning space on site.

With regard to parking, the initial response outlined that two off street parking spaces have been provided, however it is considered that in accordance with the parking standards 3 spaces should be provided within the curtilage of the property. Whilst this is noted, the standards are 'maximum' standards and this is confirmed at Paragraph 5.1 of the SPG which states that: "*In accordance with national policy and guidance, the standards set out in this SPG should be interpreted as maximum rather than minimum standards i.e. they are 'not more than' figures.*" Furthermore, Paragraph 5.2 goes on to state that: "*It is considered that using maximum standards which limit the amount of parking provided on developments can help focus attention on the overall travel context of a development including the availability of more sustainable modes of transport such as public transport, walking or cycling.*"

The maximum standards are acknowledged by the Highway Authority within their updated response which confirms that there is no objection to the proposals. It is also confirmed that the parking area to the front of the property has been checked in terms of dimensions and is long enough to provide parking. Regard must also be made here to the former approved applications approved at the site, each of which providing for two parking spaces to the front to serve the dwellinghouse.

Having regard to the above comments which do not object to the application, that the parking standards are maximum numbers, as well as the sustainable location of the site and its planning history, it is considered that the proposal would provide sufficient parking such that there would be no impact on highway safety. There is unrestricted parking and sufficient availability on Smithies Avenue and as noted by the Highway Officer, traffic speeds are relatively low. As such in the event there was a requirement for additional parking this could be suitably accommodated for on the street.

Consequently, it is considered that the provision of two parking spaces is sufficient to serve the development such that there will be no impact on highway safety. A condition is added requiring the onsite parking spaces to be provided for prior to first beneficial occupation of the new dwelling (**Condition 9**). The proposal is therefore deemed to comply with criteria 6 and 8 of Policy MD2.

Biodiversity and Green Infrastructure

Paragraph 6.4.5 of Planning Policy Wales Edition 12 states that: "*Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems.*"

In support this, Policy MD9 (Promoting Biodiversity) of the adopted LDP states that new developments will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. *The need for the development clearly outweighs the biodiversity value of the site; and*
2. *The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.*

Furthermore, Planning Policy Wales Edition 12 (PPW12) Chapter 6 places increased emphasis on the protection and enhancement of the natural environment. It states that all developments must achieve a biodiversity benefit and also that Green Infrastructure Statements should accompany all planning applications, although that this will be proportionate to the scale and nature of the development proposal.

The application has been supported by a Green Infrastructure statement which considers the impact of the development on existing Green Infrastructure and describes how Green Infrastructure and biodiversity enhancements will be incorporated into the proposals. It is understood that there is limited planting on the site as existing and that only one shrub has been removed. Therefore, it is not considered that the development of the plot has had a significant impact on Green Infrastructure or biodiversity.

The Green Infrastructure statement outlines that it is proposed to undertake a scheme of planting in the rear garden, to include berry bearing and other selected shrubs in order to attract and maintain feeding shelter for insects, bees, birds and foraging mammals. It is also proposed to plant 4 standard trees (Cypress or similar) along the western garden boundary, as illustrated on the accompanying Biodiversity plan, which will provide species with opportunities for shelter and nesting. As an additional biodiversity enhancement it is proposed to install 3no. nesting boxes suitable for Swallows, Swifts and House Martins to the front of the property under the overhanging first floor. The property is north-east facing and Swallows and Swifts in particular are species which are known to breed in the area. As such the provision of the nesting boxes is considered to be suitable.

With the planting and enhancement measures secured by condition (**Condition 10**), it is considered that the proposal would provide a benefit to biodiversity, in accordance with the terms of Policy MD9 and PPW12.

A comment has been received stating that a covenant exists in area and trees are not permitted to grow above a height of 15 feet. It would be the responsibility of the future occupant to ensure that the trees do not exceed any height which may be set by a covenant, albeit this is outside of the remit of the planning department.

Affordable Housing

Policy MG4 (Affordable Housing) requires 40% affordable housing contribution will be required on residential development resulting in a net gain of 1 dwelling or more in areas such as Sully. However, there is a fall-back position of the extant consent ref. 2015/01055/FUL, where a financial contribution was not sought as this was not a policy requirement for this form of development at that time. Given this it is considered that this proposal, which although submitted as a full planning application, in effect seeks to vary the 2015 scheme, would not require a financial contribution towards the provision of affordable housing.

Drainage

Welsh Water have been consulted on the application and have not objected, subject to condition to ensure that no surface water and/or land drainage shall be allowed to connect directly or indirect with the public sewerage network (**Condition 11**).

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents:

OS 34b Smithies Avenue, received 31 July 2024

Floor Plans and Elevations (Second Floor Internal layout Revised), received 16 September 2024

Site Plan, received 1 October 2024

Biodiversity Plan 3, received 2 October 2024

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. The materials of the dwelling shall match the details within the Material Specification, received 1 October 2024.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development) and SP10 (Built and Natural Environment) of the Local Development Plan.

3. Notwithstanding the submitted plans, all means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The enclosures shall be provided in accordance with the approved details prior to first beneficial occupation.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

4. The windows identified as obscured on the approved Floor Plans and Elevations drawing shall be fully glazed using obscured glass (to a minimum of level 3 of the "Pilkington" scale of obscuration) and non opening (up to 1.7m in height above floor level in the rooms that they serve) and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 Design of New Developments of the Local Development Plan.

5. The privacy screens to the roof terrace and patio shall be provided in accordance with the details illustrated on the approved Floor Plans and Elevations and Material Specification prior to first beneficial occupation of the dwelling. Once erected the privacy screens shall thereafter be retained for the lifetime of the development.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no additional windows shall be inserted in the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 Design of New Developments of the Local Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), with the exception of those approved under condition 3 of this consent, no additional gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

9. The dwelling hereby permitted shall not be occupied until the two on-site parking spaces have been provided (and hardsurfaced) in accordance with the approved Site Plan, received 1 October 2024. The parking spaces shall thereafter be retained in accordance with the approved plans to serve the dwelling.

Reason:

To ensure that adequate parking facilities are provided and retained for use in connection with the development hereby permitted and in order to comply with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development)

10. The biodiversity enhancement measures set out on the Biodiversity Plan 3 and detailed in the Green Infrastructure Statement 4, both received 2 October 2024, shall be provided prior to the first beneficial occupation of the dwelling and thereafter be retained in accordance with the approved details whilst the development remains in existence.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to ensure compliance with Policy MD7 (Environmental Protection) of the Local Development Plan.

REASON FOR RECOMMENDATION

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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 (Delivering the Strategy), MG4 (Affordable Housing), MD1 (Location of New Development), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) of the adopted Local Development Plan; Future Wales: The National Plan 2040; Planning Policy Wales Edition 12; Technical Advices Notes 5 – Nature Conservation and Planning, and 12 – Design; and the Council's Supplementary Planning Guidance on Affordable Housing (2022), Biodiversity and Development (2018), Parking Standards (2019), and Residential and Householder Development (2018), the proposal is considered acceptable in regard to the principle of development, design and visual impact, impact on neighbouring amenity, living and amenity space provision, highway safety and parking provision, biodiversity and Green Infrastructure, affordable housing and drainage

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

1. In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

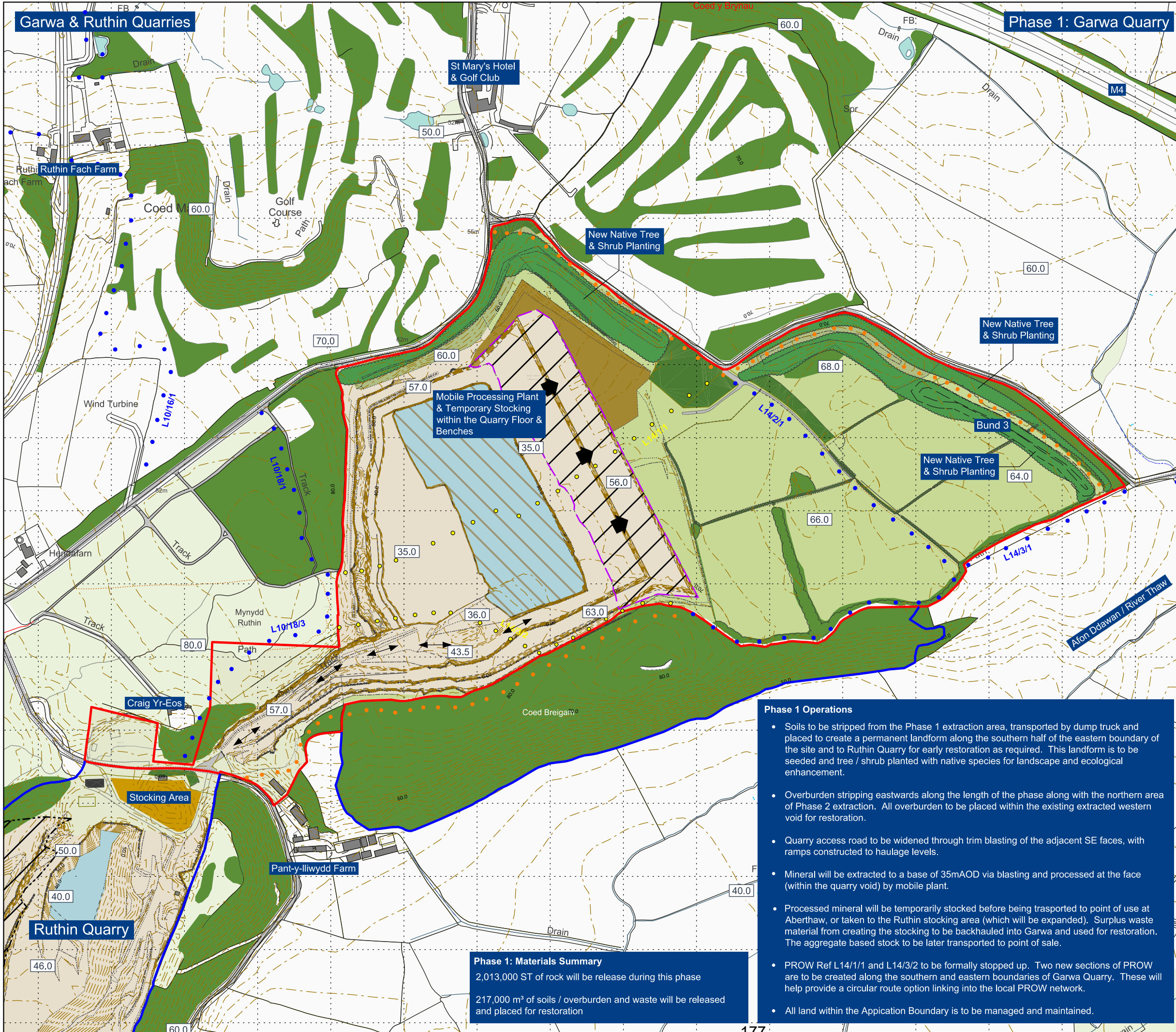
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



Legend

- Application Boundary
- Land Under the Control of the Applicant
- Contours (2m Intervals) & Spot Levels
- Limit of Extraction within this Phase
- Operational Area
- Phase 1 Extraction Area
- Direction of Working
- Water Bodies
- Existing Woodland / Hedges / Trees
- Agricultural Land within the Application Boundary
- Soils Storage Bund / Natural Regeneration
- Overburden Stripping Area
- Overburden Placement Area for Restoration - within Existing Lagoon
- New Native Tree & Shrub Planting
- Existing Public Rights of Way
- Location of PROW to be Stopped
- Proposed New Route of PROW

Phase 1 Operations

- Soils to be stripped from the Phase 1 extraction area, transported by dump truck and placed to create a permanent landform along the southern half of the eastern boundary of the site and to Ruthin Quarry for early restoration as required. This landform is to be seeded and tree / shrub planted with native species for landscape and ecological enhancement.
- Overburden stripping eastwards along the length of the phase along with the northern area of Phase 2 extraction. All overburden to be placed within the existing extracted western void for restoration.
- Quarry access road to be widened through trim blasting of the adjacent SE faces, with ramps constructed to haulage levels.
- Mineral will be extracted to a base of 35mAOD via blasting and processed at the face (within the quarry void) by mobile plant.
- Processed mineral will be temporarily stocked before being transported to point of use at Aberthaw, or taken to the Ruthin stocking area (which will be expanded). Surplus waste material from creating the stocking to be backhauled into Garwa and used for restoration. The aggregate based stock to be later transported to point of sale.
- PROW Ref L14/1/1 and L14/3/2 to be formally stopped up. Two new sections of PROW are to be created along the southern and eastern boundaries of Garwa Quarry. These will help provide a circular route option linking into the local PROW network.
- All land within the Application Boundary is to be managed and maintained.

Phase 1: Materials Summary

2,013,000 ST of rock will be release during this phase

217,000 m³ of soils / overburden and waste will be released and placed for restoration

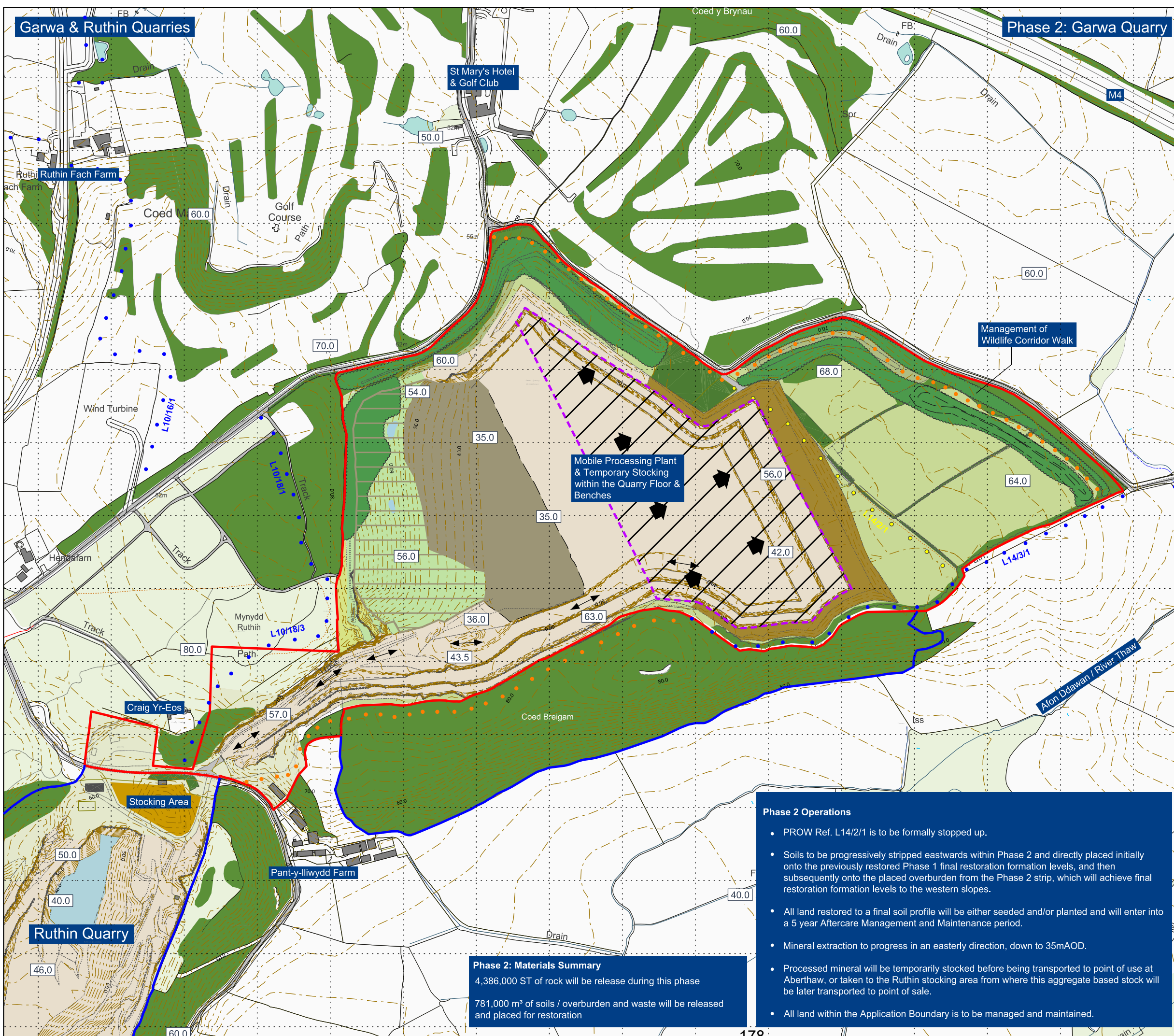


Site Name:
R337 - Garwa & Ruthin Quarries

Drawing Name:
Phase 1: Garwa Quarry


Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: April 2023	Drawing Number: R337-00009-04A





Legend


- Application Boundary
- Land Under the Control of the Applicant
- Contours (2m Intervals) & Spot Levels
- Limit of Extraction within this Phase
- Operational Area
- Phase 2 Extraction Area
- Direction of Working
- Water Bodies
- Existing Woodland / Hedges / Trees
- Agricultural Land within the Application Boundary
- Soils Storage Bund / Natural Regeneration
- Overburden Stripping Area
- Overburden Placement Area for Restoration
- New Native Tree & Shrub Planting
- Natural Regeneration
- Agriculturally Grazed Meadow / Extension to Ruthin Common
- Existing Public Rights of Way
- Location of PROW to be Stopped
- Proposed New Route of PROW



Site Name:
R337 - Garwa & Ruthin Quarries

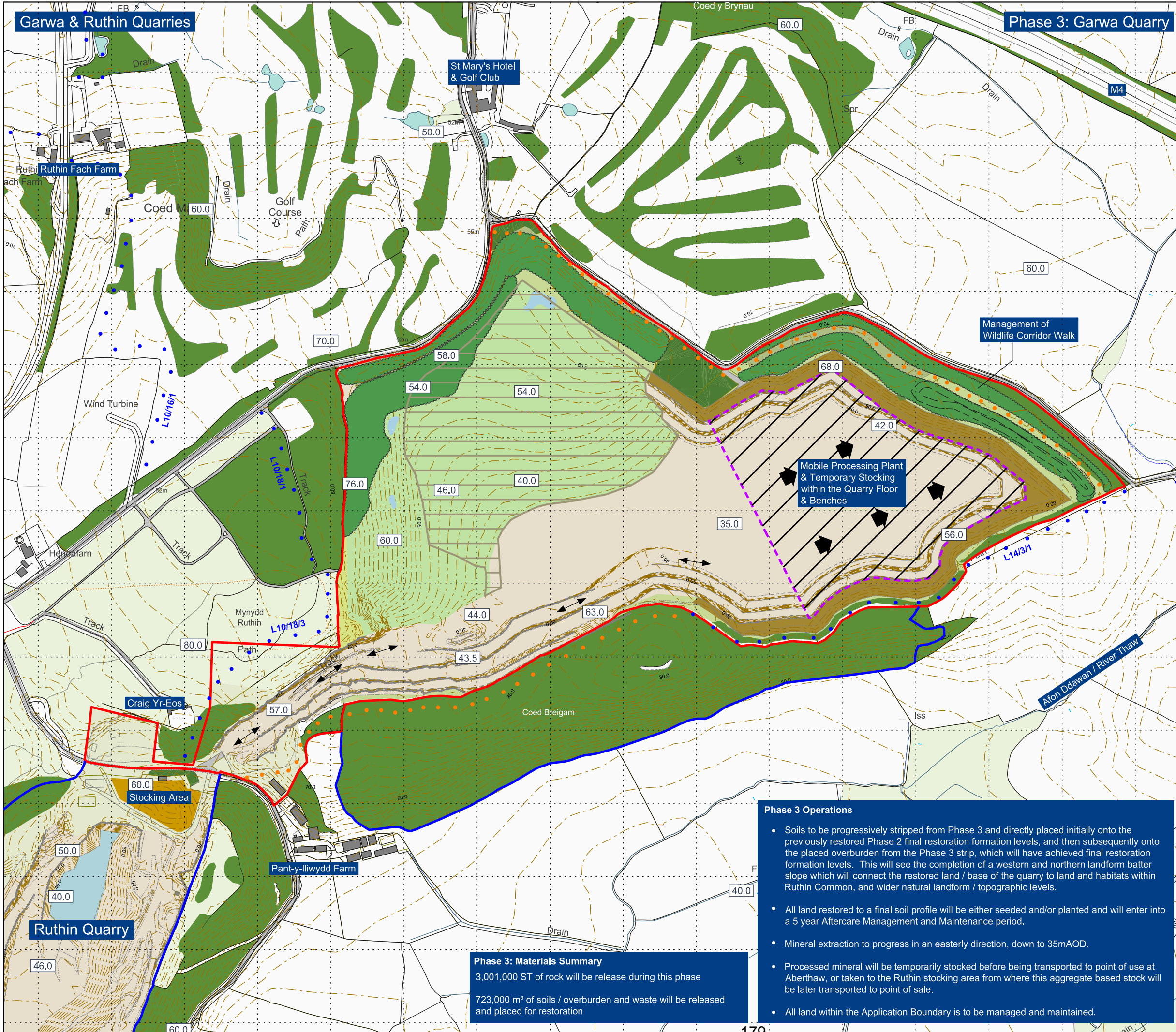
Drawing Name:
Phase 2: Garwa Quarry

Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: April 2023	Drawing Number: R337-00009-05A



Phase 2: Materials Summary
 4,386,000 ST of rock will be release during this phase
 781,000 m³ of soils / overburden and waste will be released and placed for restoration

- Phase 2 Operations**
- PROW Ref. L14/2/1 is to be formally stopped up.
 - Soils to be progressively stripped eastwards within Phase 2 and directly placed initially onto the previously restored Phase 1 final restoration formation levels, and then subsequently onto the placed overburden from the Phase 2 strip, which will achieve final restoration formation levels to the western slopes.
 - All land restored to a final soil profile will be either seeded and/or planted and will enter into a 5 year Aftercare Management and Maintenance period.
 - Mineral extraction to progress in an easterly direction, down to 35mAOD.
 - Processed mineral will be temporarily stocked before being transported to point of use at Aberthaw, or taken to the Ruthin stocking area from where this aggregate based stock will be later transported to point of sale.
 - All land within the Application Boundary is to be managed and maintained.



Legend

- Application Boundary
- Land Under the Control of the Applicant
- Contours (2m Intervals) & Spot Levels
- Limit of Extraction within this Phase
- Operational Area
- Phase 3 Extraction Area
- Direction of Working
- Water Bodies
- Existing Woodland / Hedges / Trees
- Agricultural Land within the Application Boundary
- Soils Storage Bund / Natural Regeneration
- Overburden Stripping Area
- Overburden Placement Area for Restoration
- New Native Tree & Shrub Planting
- Natural Regeneration
- Agriculturally Grazed Meadow / Extension to Ruthin Common
- Existing Public Rights of Way
- Proposed New Route of PROW

Phase 3: Materials Summary
 3,001,000 ST of rock will be release during this phase
 723,000 m³ of soils / overburden and waste will be released and placed for restoration

Phase 3 Operations

- Soils to be progressively stripped from Phase 3 and directly placed initially onto the previously restored Phase 2 final restoration formation levels, and then subsequently onto the placed overburden from the Phase 3 strip, which will have achieved final restoration formation levels. This will see the completion of a western and northern landform batter slope which will connect the restored land / base of the quarry to land and habitats within Ruthin Common, and wider natural landform / topographic levels.
- All land restored to a final soil profile will be either seeded and/or planted and will enter into a 5 year Aftercare Management and Maintenance period.
- Mineral extraction to progress in an easterly direction, down to 35mAOD.
- Processed mineral will be temporarily stocked before being transported to point of use at Aberthaw, or taken to the Ruthin stocking area from where this aggregate based stock will be later transported to point of sale.
- All land within the Application Boundary is to be managed and maintained.

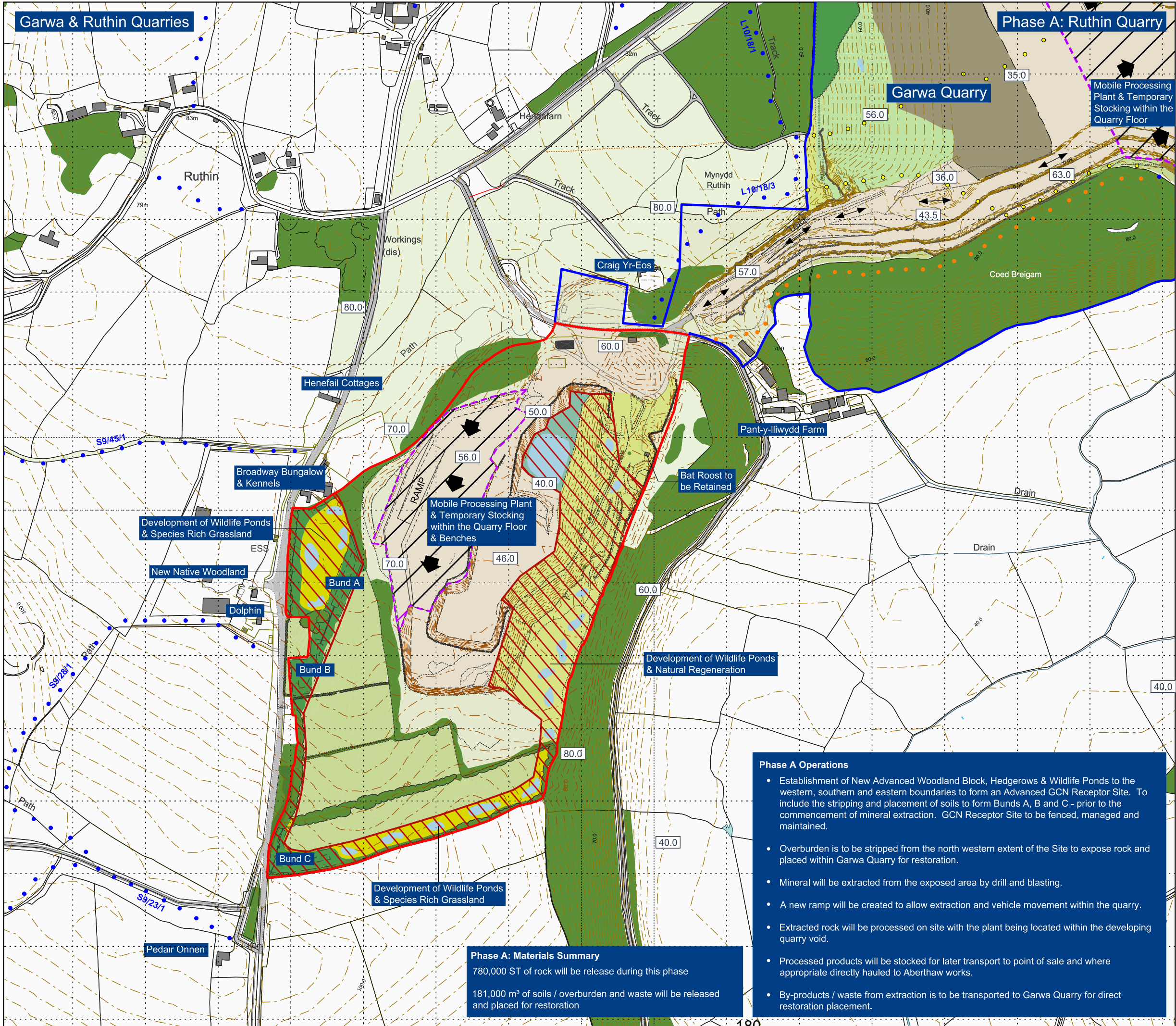


Site Name:
R337 - Garwa & Ruthin Quarries

Drawing Name:
Phase 3: Garwa Quarry

Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: April 2023	Drawing Number: R337-00009-06A





Legend

- Application Boundary
- Land Under the Control of the Applicant
- Contours (2m Intervals) & Spot Levels
- Limit of Extraction within this Phase
- Operational Area
- Phase A Extraction Area & Direction of Working
- Water Bodies
- Existing Woodland / Hedges / Trees
- Agricultural Land within the Application Boundary
- Overburden Stripping Area
- Overburden Placement Area for Restoration
- Great Crested Newt (GCN) Receptor Site - including advanced enhancement works
- Natural Regeneration
- Species Rich Grassland
- New Native Tree & Shrub Planting
- Existing Public Rights of Way
- Proposed New Route of PROW

Phase A Operations

- Establishment of New Advanced Woodland Block, Hedgerows & Wildlife Ponds to the western, southern and eastern boundaries to form an Advanced GCN Receptor Site. To include the stripping and placement of soils to form Bunds A, B and C - prior to the commencement of mineral extraction. GCN Receptor Site to be fenced, managed and maintained.
- Overburden is to be stripped from the north western extent of the Site to expose rock and placed within Garwa Quarry for restoration.
- Mineral will be extracted from the exposed area by drill and blasting.
- A new ramp will be created to allow extraction and vehicle movement within the quarry.
- Extracted rock will be processed on site with the plant being located within the developing quarry void.
- Processed products will be stocked for later transport to point of sale and where appropriate directly hauled to Aberthaw works.
- By-products / waste from extraction is to be transported to Garwa Quarry for direct restoration placement.

Phase A: Materials Summary

780,000 ST of rock will be release during this phase

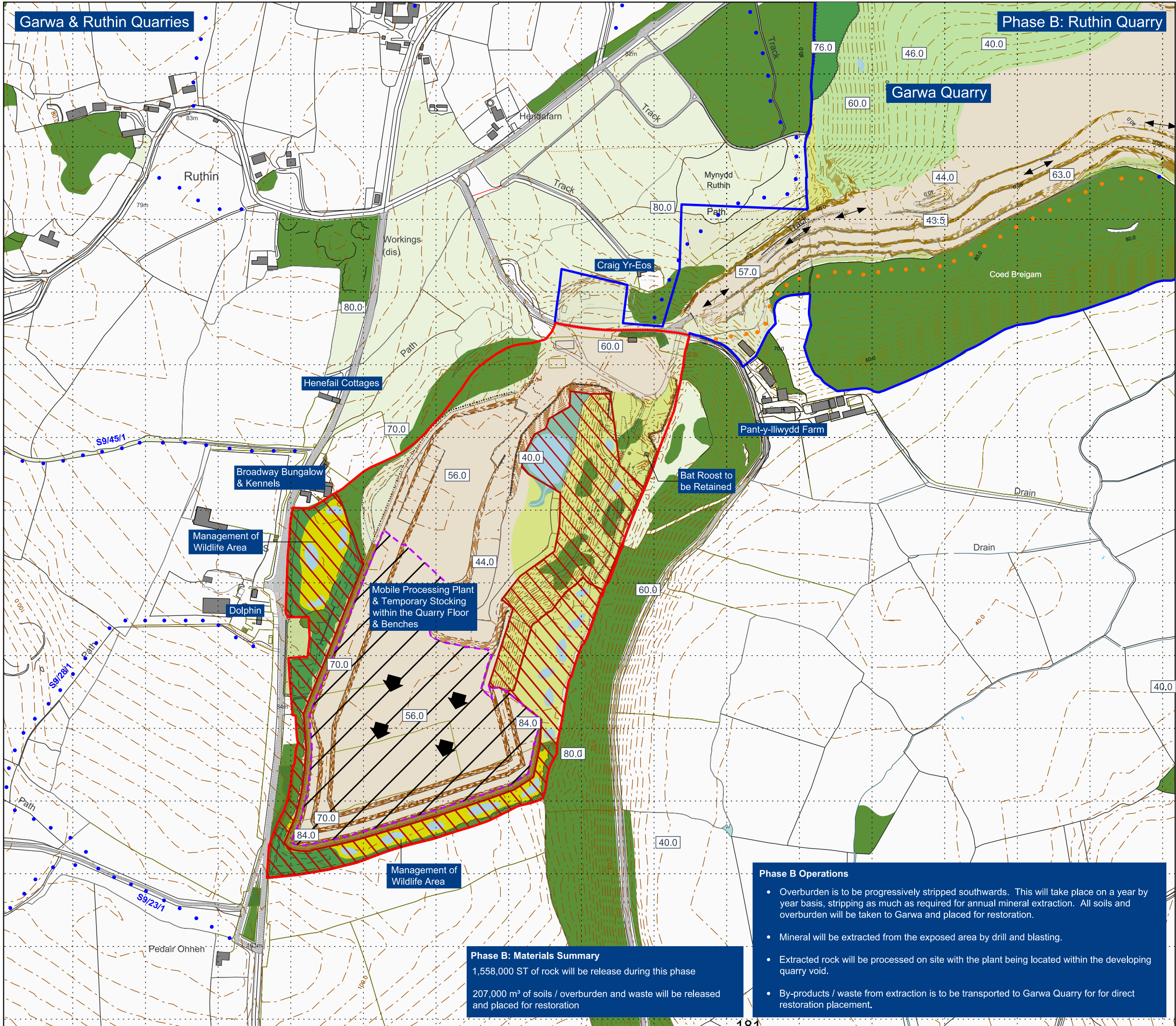
181,000 m³ of soils / overburden and waste will be released and placed for restoration



Site Name:
R337 - Garwa & Ruthin Quarries

Drawing Name:
Phase A: Ruthin Quarry (ROMP Application)

Drawn By: RGD	Scale @ A3: 1:5,000	
Date: April 2023	Drawing Number: R337-00009-07C	



Legend

- Application Boundary
- Land Under the Control of the Applicant
- Contours (2m Intervals) & Spot Levels
- Limit of Extraction within this Phase
- Operational Area
- Phase A Extraction Area & Direction of Working
- Water Bodies
- Existing Woodland / Hedges / Trees
- Agricultural Land within the Application Boundary
- Overburden Stripping Area
- Overburden Placement Area for Restoration
- Great Crested Newt (GCN) Receptor Site
- Natural Regeneration
- Species Rich Grassland
- New Native Tree & Shrub Planting
- Existing Public Rights of Way
- Proposed New Route of PROW

Phase B: Materials Summary
 1,558,000 ST of rock will be released during this phase
 207,000 m³ of soils / overburden and waste will be released and placed for restoration

Phase B Operations

- Overburden is to be progressively stripped southwards. This will take place on a year by year basis, stripping as much as required for annual mineral extraction. All soils and overburden will be taken to Garwa and placed for restoration.
- Mineral will be extracted from the exposed area by drill and blasting.
- Extracted rock will be processed on site with the plant being located within the developing quarry void.
- By-products / waste from extraction is to be transported to Garwa Quarry for direct restoration placement.

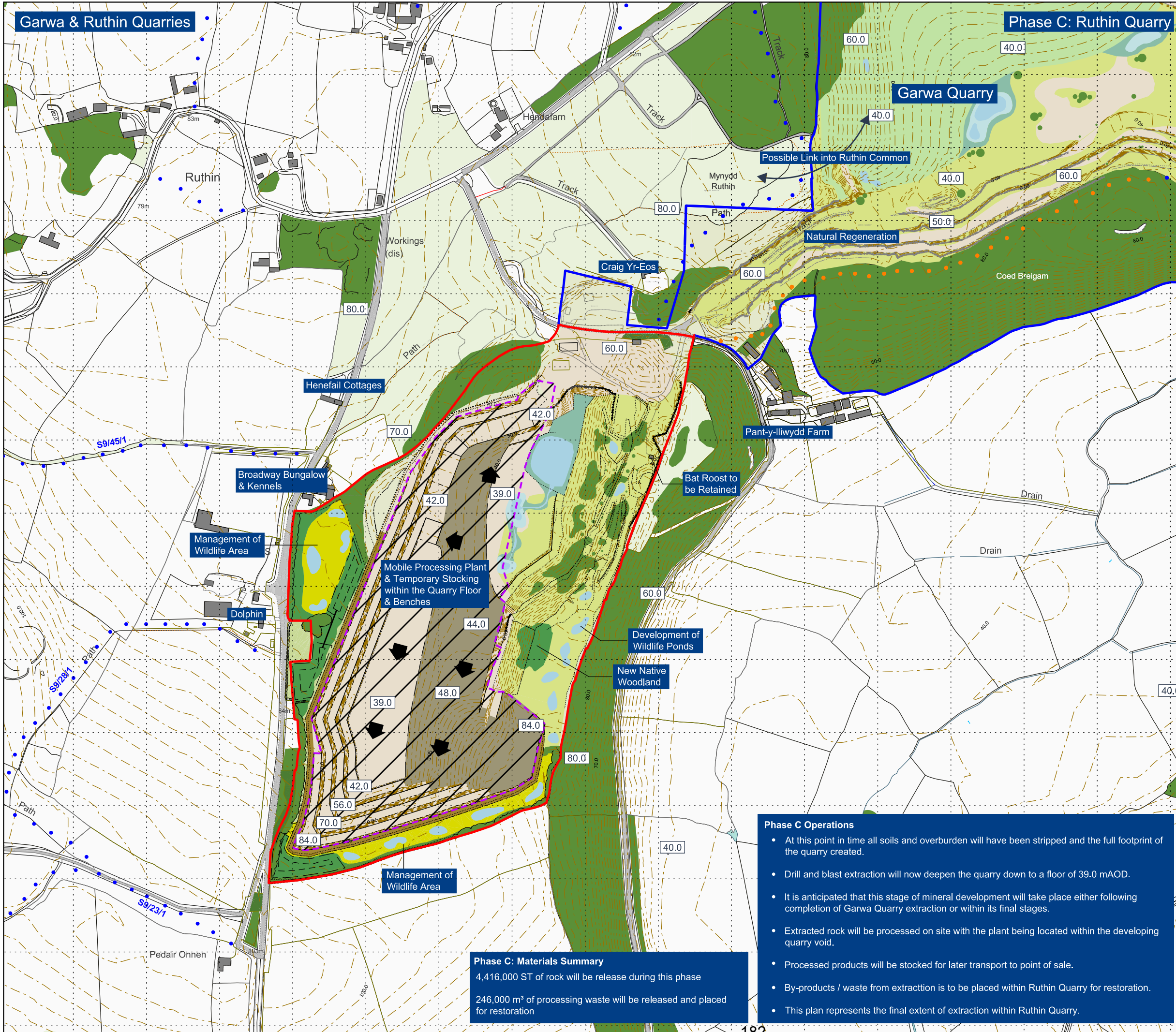


Site Name:
R337 - Garwa & Ruthin Quarries

Drawing Name:
Phase B: Ruthin Quarry

Drawn By: RGD	Scale @ A3: 1:5,000
Date: April 2023	Drawing Number: R337-00009-08C






Legend

-  Application Boundary
-  Land Under the Control of the Applicant
-  Contours (2m Intervals) & Spot Levels
-  Limit of Extraction within this Phase
-  Operational Area
-  Phase C Extraction Area & Direction of Working
-  Water Bodies
-  Existing Woodland / Hedges / Trees
-  Agricultural Land within the Application Boundary
-  Processing Waste Placement Area for Restoration
-  Restoration Placement Area for Soils Materials
-  Natural Regeneration
-  Species Rich Grassland
-  New Native Tree & Shrub Planting
-  Existing Public Rights of Way
-  Proposed New Route of PROW

Phase C: Materials Summary
 4,416,000 ST of rock will be release during this phase
 246,000 m³ of processing waste will be released and placed for restoration


- Phase C Operations**
- At this point in time all soils and overburden will have been stripped and the full footprint of the quarry created.
 - Drill and blast extraction will now deepen the quarry down to a floor of 39.0 mAOD.
 - It is anticipated that this stage of mineral development will take place either following completion of Garwa Quarry extraction or within its final stages.
 - Extracted rock will be processed on site with the plant being located within the developing quarry void.
 - Processed products will be stocked for later transport to point of sale.
 - By-products / waste from extraction is to be placed within Ruthin Quarry for restoration.
 - This plan represents the final extent of extraction within Ruthin Quarry.

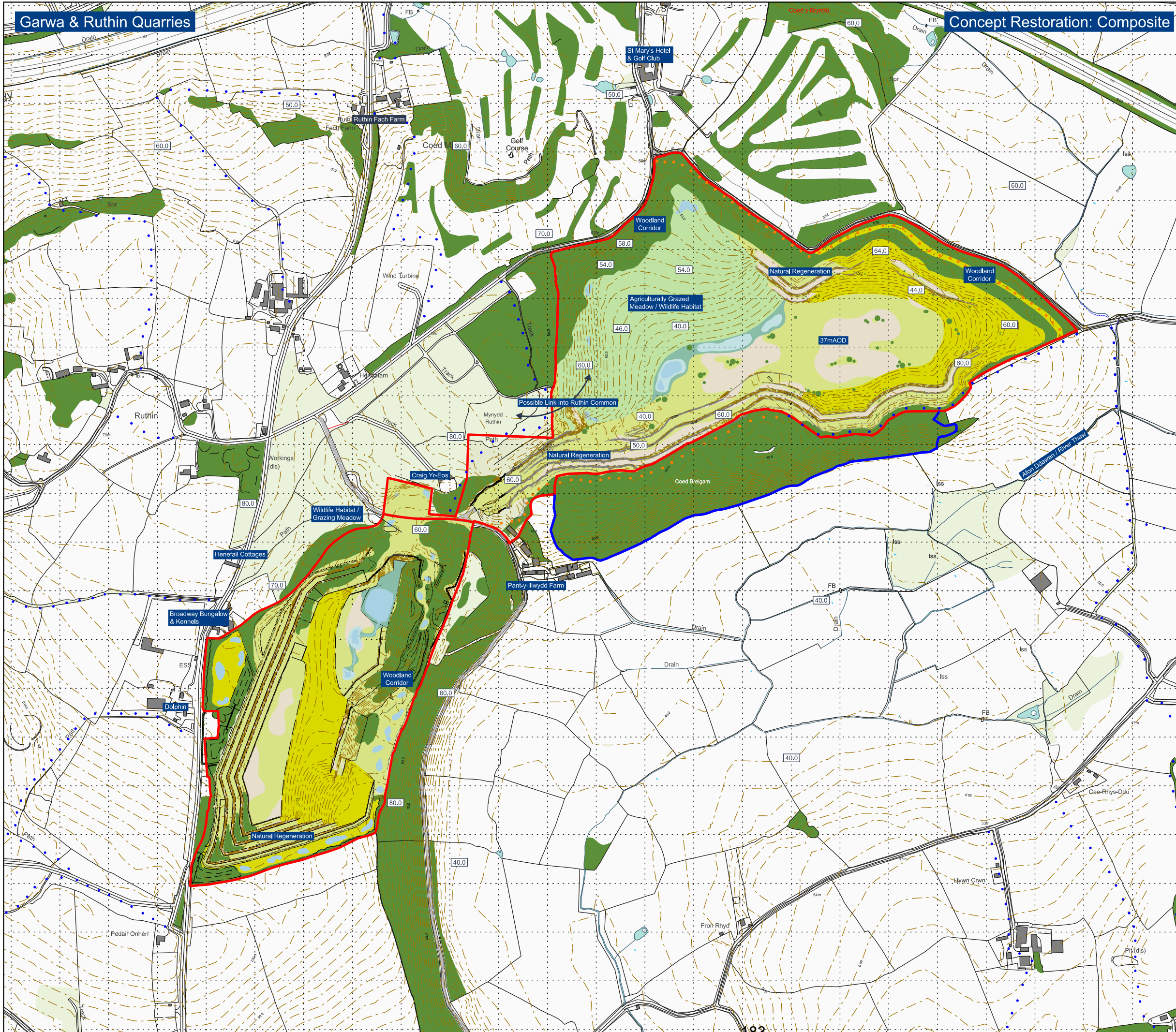


Site Name:
R337 - Garwa & Ruthin Quarries

Drawing Name:
Phase C: Ruthin Quarry

Drawn By: RGD	Scale @ A3: 1:5,000
Date: April 2023	Drawing Number: R337-00009-09B





Concept Restoration: Composite

Legend

- Application Boundaries
- Land Under the Control of the Applicant
- Contours (2m Intervals) & Spot Levels
- Ephemeral Margins
- Shallow Wildlife Ponds
- Native Woodland & Scrub
- Agriculturally Grazed Meadow / Extension to Ruthin Common
- Species Rich Grassland
- Natural Regeneration
- Existing Public Rights of Way
- Proposed New Route of PROW

Restoration Land Uses:

	Ha / linear m
Broadleaved Native Woodland	17.03 Ha
Agriculturally Grazed Meadow	10.42 Ha
Species Rich Grassland	12.44 Ha
Natural Regeneration / Rock Faces / Exposures	28.29 Ha
Ephemeral Margins	0.99 Ha
Wildlife Ponds	1.62 Ha
Public Rights of Way	1,809 lin m



Site Name:
R337 - Garwa & Ruthin Quarries








Drawing Name:
Concept Restoration: Combined

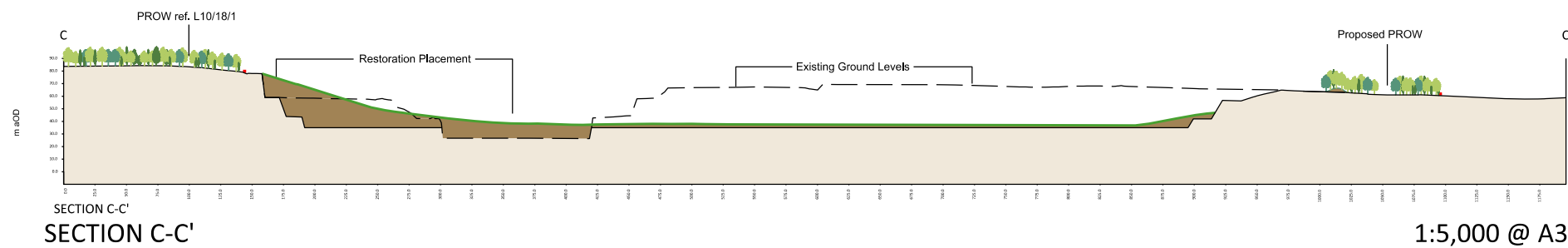
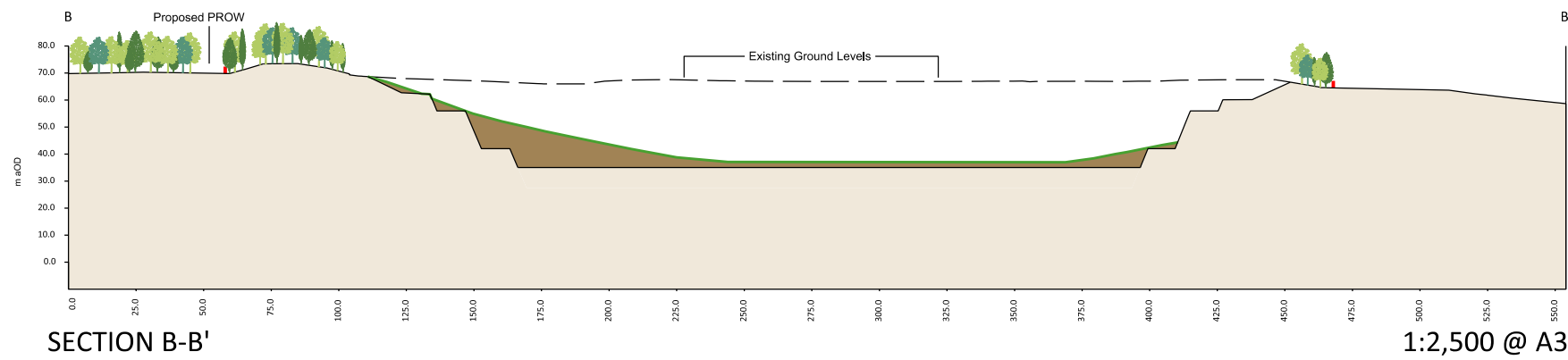
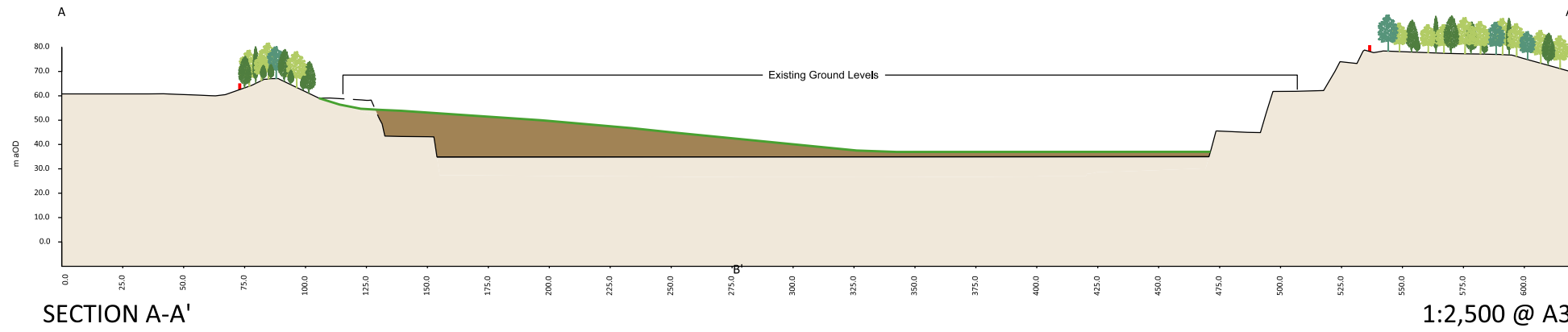
FINAL

Drawn By: RGD/RJS	Scale @ A3: 1:5,000
Date: May 2023	Drawing Number: R337-00009-12B



Legend

-  Section 73 Application Boundary
-  Undisturbed Ground Levels
-  Existing Ground Levels (to be Disturbed)
-  Final Restoration Landform Levels
-  Materials Placed for Restoration
-  Undisturbed Land
-  Woodland



Site Name:
R337 - Garwa & Ruthin Quarries


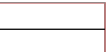
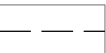
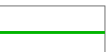



Drawing Name:
Development & Restoration Landform
Cross Sections - Garwa Quarry
(S73 Application)

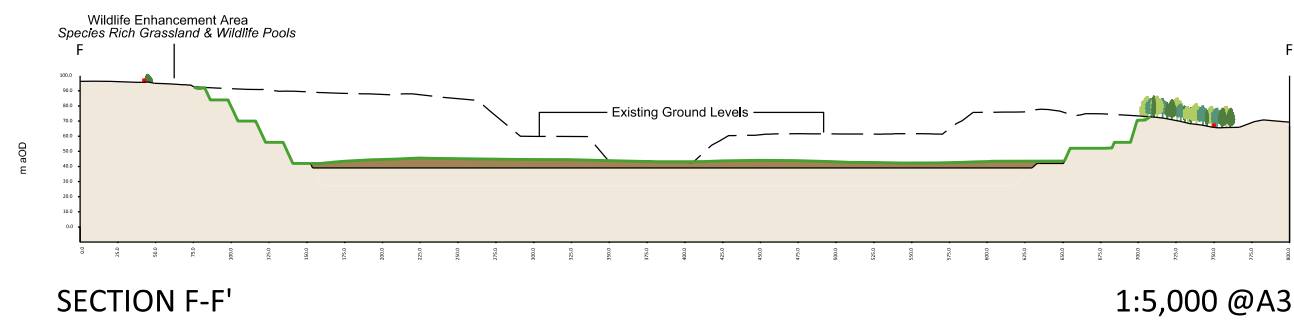
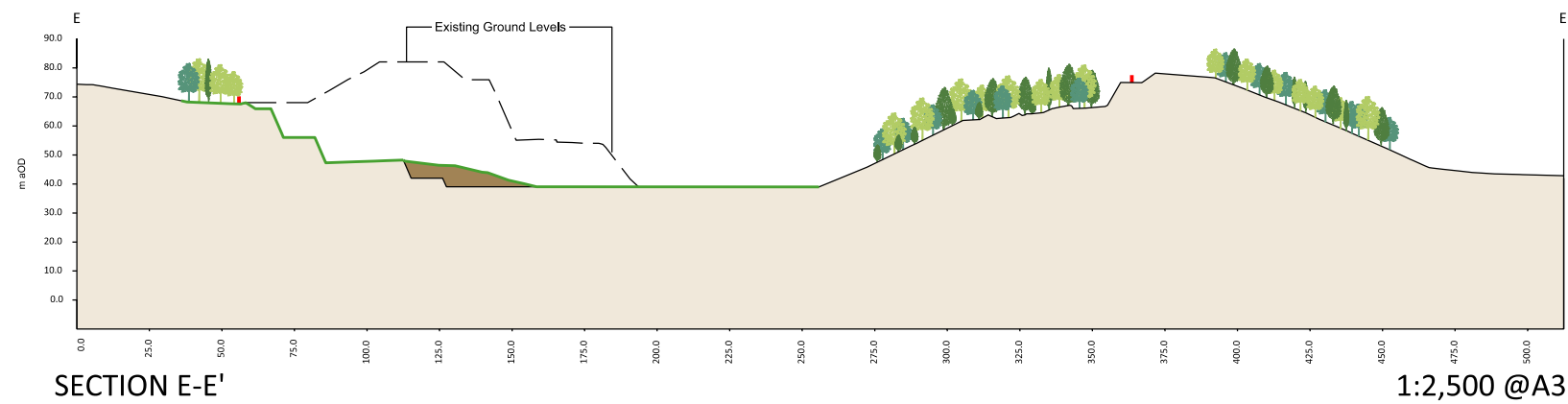
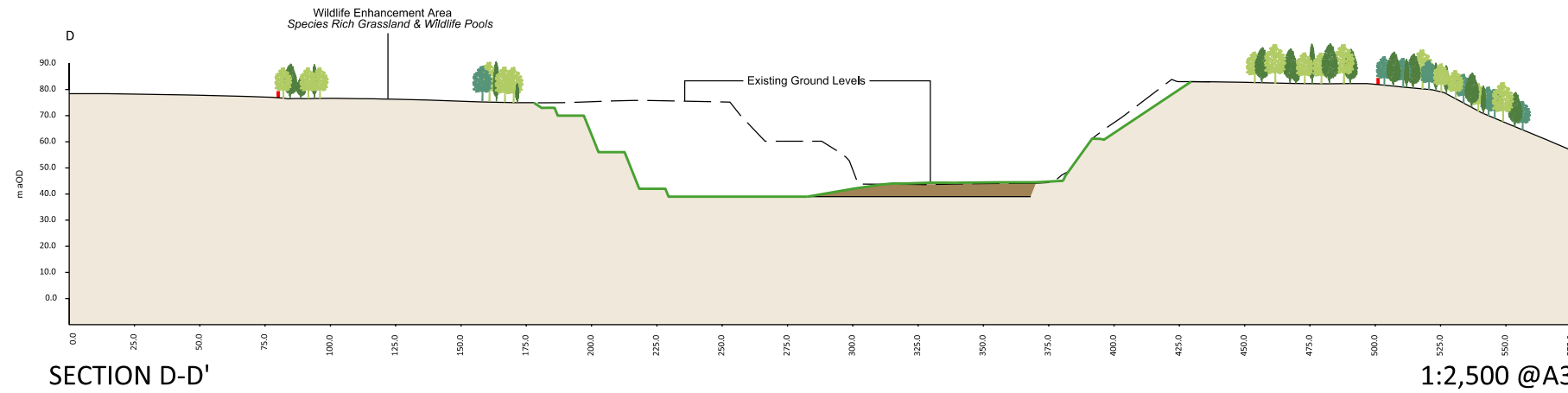
Drawn By:
RGD/RJS
Date:
April 2023

Scale @ A3:
1:5,000
Drawing Number:
R337-00009-13A



Legend

-  ROMP Application Boundary
-  Undisturbed Ground Levels
-  Existing Ground Levels (to be Disturbed)
-  Final Restoration Landform Levels
-  Materials Placed for Restoration
-  Undisturbed Land
-  Woodland



Site Name:
R337 - Garwa & Ruthin Quarries

Drawing Name:
Development & Restoration Landform
Cross Sections - Ruthin Quarry
(ROMP Application)

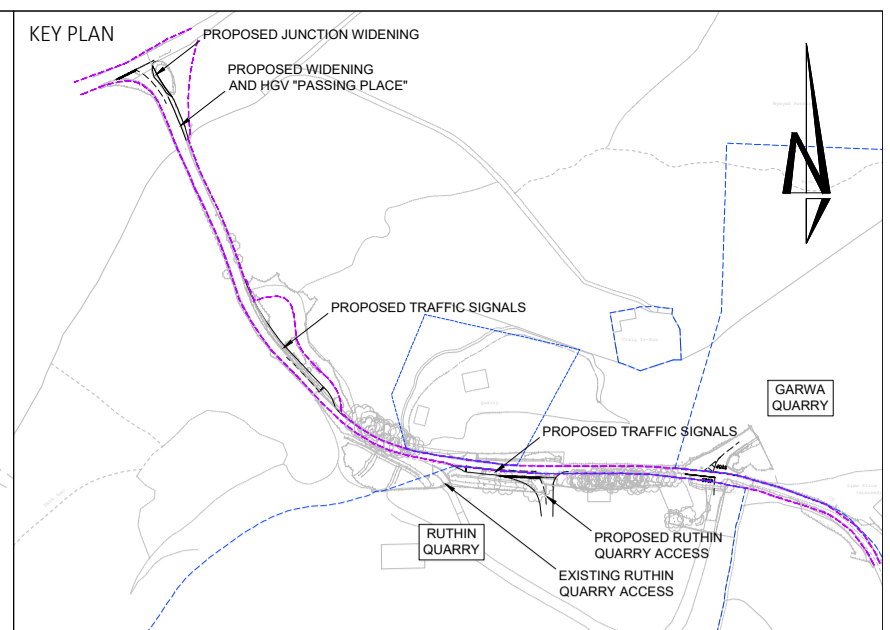
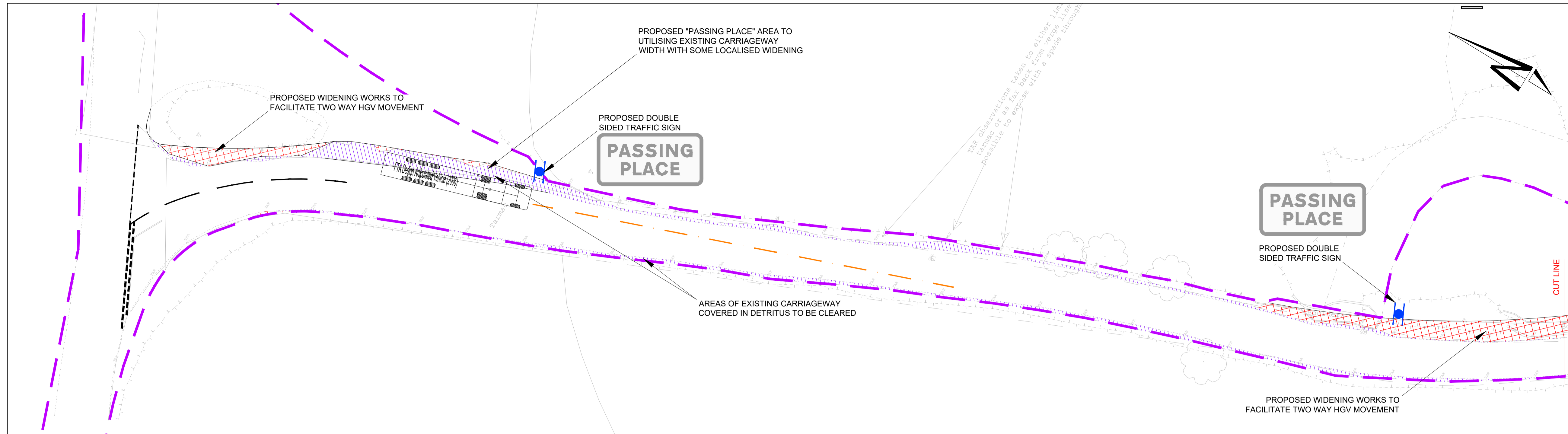
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1:5,000

Date:
April 2023

Drawing Number:
R337-00009-16A

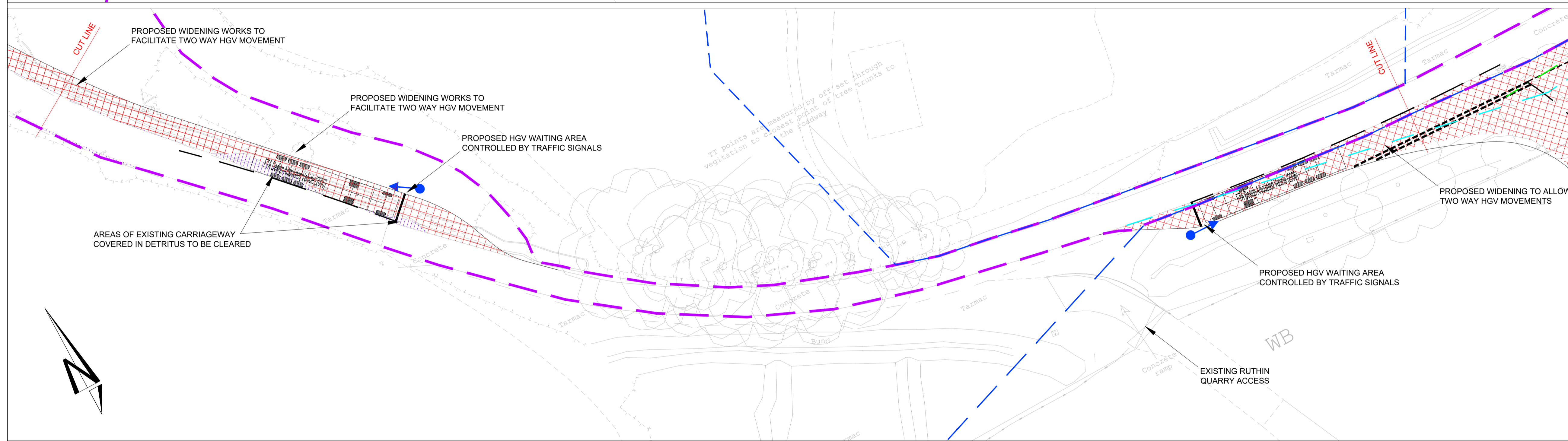




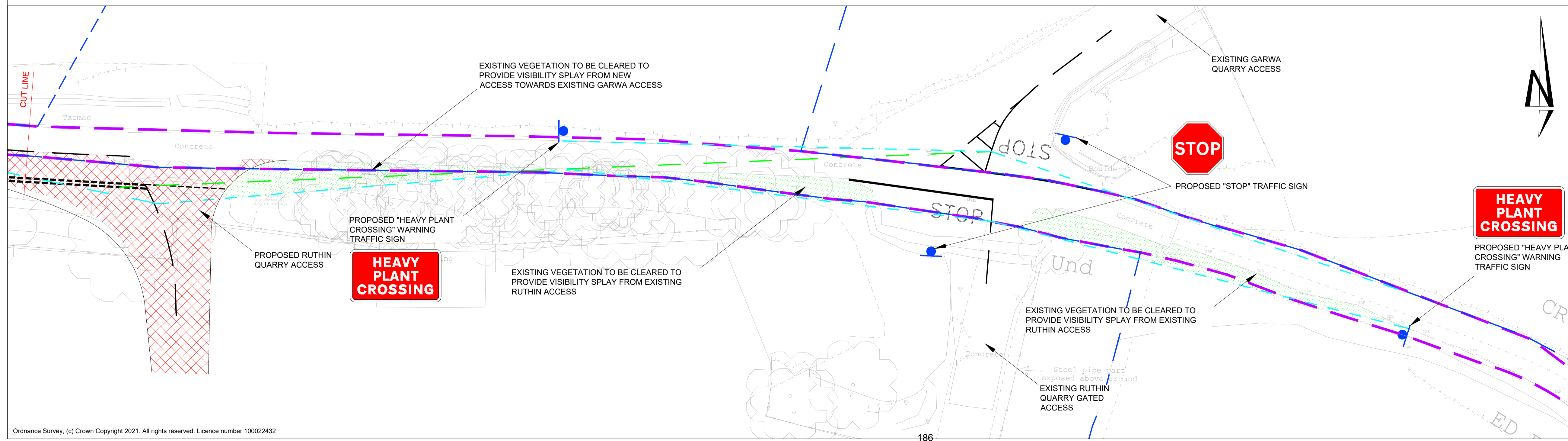
NOTES

- PROPOSED WIDENING TO CARRIAGEWAY ALLOW TWO WAY HGV MOVEMENTS
- AREAS OF EXISTING CARRIAGEWAY WIDENING COVERED IN DETRITUS TO BE CLEARED AND RESURFACED TO MAXIMISE EXISTING CARRIAGEWAY WIDTH
- EXISTING VEGETATION TO BE CLEARED/TREES TO BE PRUNED TO PROVIDE FORWARD VISIBILITY
- EXTENT OF EXISTING CARRIAGEWAY WIDENING ESTABLISHED ON SITE DURING TOPOGRAPHICAL SURVEY
- TARMAC LAND OWNERSHIP BOUNDARY
- ADOPTED HIGHWAY BOUNDARY
- FORWARD VISIBILITY - 47m (MFS 30MPH)
- VISIBILITY SPLAY - 2.4m x 47m (MFS 30MPH)
- ACHIEVABLE FORWARD VISIBILITY GARWA ACCESS AND PROPOSED RUTHIN ACCESS - 95M
- PROPOSED TRAFFIC SIGNAL HEAD
- PROPOSED TRAFFIC SIGN

REVISIONS



REV	REVISION NOTES/COMMENTS	DATE	CHECKED BY	DATE	APPROVED BY	DATE
P02	REVISED IN LINE WITH CLIENTS COMMENTS					
	J.MANTLE	17.11.23	M.BOARDMAN	20.11.23	A.CLAY	20.11.23
P01	PRELIMINARY ISSUE					
	J.MANTLE	13.11.23	M.BOARDMAN	13.11.23	A.CLAY	14.11.23



HYDROCK PROJECT NO.	SCALE @ A1	PURPOSE OF ISSUE	STATUS
C-32256	1:250	PRELIMINARY	S1
DRAWING NO.			REVISION
32256-HYD-ZZ-00-SK-C-0100			P02

Ein cyf/Our ref: CAS-233685-H2S4
Emich cyf/Your ref: 2019/01337/FUL &
2019/01340/FUL

The Vale of Glamorgan Council
Docks Office
Barry Docks
Barry
CF63 4RT

Dyddiad/Date: 21 September 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD / PROPOSAL: VARIATION OF CONDITION 3 - TIME LIMIT 31/12/2019 - EXTRACTION OF CARBONIFEROUS LIMESTONE, GARWA FARM (REF 382(Z)1341) 09/06/1070, AS AMENDED BY DEEPENING OF QUARRY FROM 135FT. TO 90FT. AOD (REF 1048), AS AMENDED BY REVISED WORKING SCHEME AND END DATE CONDITION 3 (REF. 97/00796/FUL)

LLEOLIAD / LOCATION: GARWA QUARRY, ST. MARY HILL, RUTHIN, VALE OF GLAMORGAN

AND

BWRIAD / PROPOSAL: REVIEW OF OLD MINING PERMISSIONS - RESUMPTION OF OPERATIONS AND EXTENSION OF TIME LIMIT

LLEOLIAD / LOCATION: RUTHIN QUARRY, ST. MARY HILL, RUTHIN, PENCOED

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 25 July 2023.

We have concerns with the applications as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions / documents to any planning permission granted. See Appendix 1.

Please note, without the inclusion of these conditions / documents we would object to this planning application. Further details are provided below.

We have previously responded to these applications and provided comments in relation to European Protected Species (EPS) and Hydrology and Water Dependant Features (Breigam Moore SSSI). Please note, our comments are in relation to both Garwa and Ruthin Quarry applications.

European Protected Species

We note welcome the submission of the following revised/additional information in support of the above applications:

- ‘Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan’ by SLR dated 27/6/2023 incorporating:
 - Appendix 5 ecology figures 5.1-5.20 inclusive; and
 - Appendix 6 hydrology figures 6.1-6.9 inclusive.
- ‘Garwa Time Extension Application. Ruthin ROMP application. Supplementary Environmental Statement. Revised Application Plans. Volume 5’ by Tarmac dated June 2023.

We have considered this additional/revised information alongside the previous information submitted as set out in:

- Garwa and Ruthin Quarries. Garwa Time Extension Application. Ruthin ‘ROMP’ Application. ENVIRONMENTAL STATEMENT VOLUME 1 By Tarmac dated December 2019; incorporating:
 - ‘Appendix 7.3 to EclA. Garwa and Ruthin Quarries. Bat Survey Report (Version 2)’ by SLR dated November 2019;
 - ‘Appendix 7.4 to EclA. Garwa and Ruthin Quarries. Hazel Dormouse Survey Report (Version 2)’ by SLR dated November 2019;
 - ‘Appendix 7.5 to EclA. Garwa and Ruthin Quarries. Great Crested Newt Survey Report (Version 2)’ by SLR dated November 2019;

We note that the ‘Mitigation Measures’ section of the Supplementary Environmental Statement (SES) seeks to address the requirements of our previous consultation responses following submission of the 2019 ES and revises the measures that were previously presented in ‘*Garwa and Ruthin Quarries: Protected Species Mitigation Plan. Prepared for Tarmac Cement and Lime Ltd (Version 3. Report Ref: 406.06250.00031)*’ by SLR Consulting dated December 2020’.

Proposed Development

The additional/revised information submitted confirms that the proposals differ from those previously submitted and considered. We welcome SES Table 1-1 sets out a Schedule of Revised Application Plans reflecting the updated proposals.

We note that the revised scheme relies upon the concurrent working of the two quarries and thus the environmental impact and related management issues need to be considered together. Therefore, although two separate applications have been submitted for time extensions for the quarries (S.73 – Garwa, ROMP Review Application – Ruthin), they are effectively considered together as one consolidated application. We also note 31/12/2057 as the proposed end date for working of the quarries.

The revised proposal is to work both quarries to a base level at which no wet working shall be required. A preliminary works phase is also now included prior to the operational phases of the quarries, during which some protected species mitigation is proposed to be delivered.

European Protected Species – Legislation and policy

Bats, dormice and great crested newts, and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where they

are present and a 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. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose 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;
- ii. There is no satisfactory alternative; and
- iii. 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.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Great Crested Newts

Surveys in 2019 and 2023 indicated a medium size population of great crested newt on site, with the application areas offering both aquatic and terrestrial habitat for this species.

GCN Impacts and Mitigation

The revised information confirms that 14.06ha of GCN habitat comprising pond 1 (Garwa), pond 2 (Ruthin) and surrounding terrestrial habitat (especially in Ruthin Quarry) shall be lost in Garwa phase 1 and Ruthin phase 2, with further habitat losses from both quarry voids in Garwa phase 3/Ruthin phase B.

Further to our comments raised in our previous responses we welcome the details of the proposed GCN mitigation and compensation set out in SES section 5.4.7.

We note that an extended receptor site around Ruthin Quarry is proposed to include a minimum 17 compensatory GCN ponds, and welcome that it will be created at least 12 months in advance of any proposed translocation scheme. Further to that, we note additional aquatic habitat will be provided in phase 2 and the restoration phase of Garwa, and phases B and C of Ruthin (ref phasing drawings on pages 24-30 of the SES).

In terms of pond size, we note the proposals to provide ponds with surface area 150m²-470m². We advise the upper end of the quoted sizes is delivered and preferably the optimal surface area of 500m²-700m² as mentioned in 'ARG UK Advice Note 5. Great Crested Newt Habitat Suitability Index' by ARC (2010). However, we consider this matter could be resolved at the EPS licensing stage.

We welcome the commitment to creating new GCN habitat on site, and the long-term management and monitoring of new and retained GCN habitat on site. We note in particular the comment on page 77 of the SES that all future habitat and species management and monitoring would be formalised in a Landscape and Ecological Management Plan (LEMP) for the quarries. We advise that a dedicated conservation plan for great crested newts is incorporated into any LEMP produced for the site and that the agreement of the detail of the LEMP is secured through appropriately worded condition attached to any consent issued (see below). The applicant should note that the LEMP should cover the preliminary works

phase as well as all operational phases of the development and a minimum 25 year aftercare period. Details on the scope of a LEMP is outline below.

Dormice

The 2019 dormouse surveys recorded evidence of dormouse at two locations west of Ruthin Quarry and in a hedgerow east of and linked to woodland at Garwa Quarry.

We note that resumption of quarrying operations at these sites will result in the loss of:

- 925m of suitable linear dormouse habitat during Garwa phases 1 and 2, and Garwa phase 3/Ruthin Phase B;
- 1.69ha of other suitable dormouse habitat (broadleaved semi-natural and plantation woodland, scrub) during Ruthin Phase A, Garwa Phase 2 and Garwa Phase 3/Ruthin Phase B.

We welcome the mitigation and compensation proposals for dormice as set out in section 5.4.6 of the SES. Whilst we note that there are no proposals to compensate the linear habitat losses, we welcome the proposals create new dormouse habitat including 2.68ha during the preliminary works phase, 1.45ha during Garwa phase 1, 1.03ha during Garwa phase 2, 0.05ha during Garwa phase 3 and 8.39ha during the restoration phase. We also welcome that 15.72ha retained woodland habitat within Tarmac's ownership but outside of the red line planning boundary shall be positively managed from the preliminary works phase on to improve its structure for dormice.

Further to our previous comments and concerns about the potential impacts on dormice, we welcome that some habitat creation has been brought forward to Garwa phases 1, 2, and 3 and Ruthin Phase B, ahead of the anticipated habitat losses.

With regard to dormouse, we welcome the commitment to implement and thereafter manage all woodland planting and habitat enhancement works to ensure that the proposed habitat compensation and monitoring measures are delivered as planned and maintained in the long-term (a minimum 25 years aftercare period). Our comments above regarding a LEMP also apply to dormice and we refer to our recommendation to include a suitably worded LEMP condition as outlined below.

Please note, within the detail of the LEMP we shall be seeking refinements to the proposals to ensure that appropriate management regimes are included (E.g. coppice regime for woodland habitat), and to refine monitoring proposals.

Bats

We note from the 2019 bat survey results that:

- Building B was observed to support a peak count of 45 lesser horseshoe bats, and it is considered to have an important functional role during the maternity season and into September;
- Building D is considered to support brown long-eared bats and lesser horseshoe bats, and potentially used as a maternity site by these species;
- Common pipistrelle non-breeding roosts were identified in quarry faces G1 and R2, with the potential for further roosts in the inaccessible quarry faces.

We welcome that additional monitoring of building B was carried out in 2023. We note that the monitoring recorded a peak count of 50 lesser horseshoe bats at the end of May, with the numbers of bats using the structure increasing from early May onwards. We observe the comments that the building is considered to form part of a network of roost sites but note

that the locations and patterns of use of other linked roosts have not been established. As this roost has previously been classified as a maternity roost, we advise that it is treated as such.

The SES considers that building B is mostly likely used during the period when bats are active, rather than during the hibernation period. We note that no further monitoring of building D since the 2019 surveys has been undertaken but that the SES still concludes that it is a lesser horseshoe and brown long-eared bat roost.

Impacts and Mitigation

Building B

In regards to the revised scheme, we note that the nearest extraction work, including blasting, would take place approximately 170m from building B as indicated in on page 63 of the ES:

- Phase A - Approximately one blast per month at distances in excess of 170m from 'Building B', throughout the year, in Years 1 – 4 after recommencement of quarrying.
- Phase B - Approximately one blast per month, throughout the year but more than 300m from 'Building B', in Years 5 – 12 after recommencement of quarrying.
- Phase C - Approximately one blast per month, throughout the year at distances in excess of 170m from 'Building B', in Year 13 onwards.

We welcome that a precautionary 250m buffer shall be applied around the roost in respect of blasting activities during the bat maternity period because of uncertainty about the likely disturbance impacts that blasting may cause.

With reference to page 67 of the SES, we welcome the following commitments:

- To undertake monitoring of the retained roosts for a period of two years prior to the resumption of blasting in Ruthin, to include simultaneous monitoring of buildings B and D for use by horseshoe bats, along with survey and assessment of potential bat flight routes between the two buildings and;
- No blasting within 250m of Building B during the bat maternity season (May – August) unless monitoring provides evidence that blasting is unlikely to cause disturbance and a further working scheme is agreed with NRW.

We advise that these matters are secured through appropriately worded conditions attached to any planning consents granted. With regards to the uncertainties that exist regarding the impacts of heavy plant passing the roost during the preliminary works phase, we advise that the roost monitoring also encompasses the period when the receptor site is created.

We note that there are no proposals to provide a compensatory lesser horseshoe bat roost at this juncture and that the results of the further bat roost and flightpath monitoring shall be used to determine the need for one.

We consider that the details of the bat monitoring scheme and any further mitigation/compensation that may be required can be agreed and secured through use of appropriately worded planning conditions attached to any consent granted.

Building D

We note that 'Building D' is elevated above the working area at the closest point, but that at its closest point is located approximately 200m from the extraction area (ie. within the 250m

precautionary buffer). As such, the results of the further roost monitoring on this roost shall also be required to assess the requirement for a compensatory roost.

Bats in Cliff Faces

We note and welcome confirmation of the approach to dealing with bat roosts in cliff faces as set out on page 67 of the SES.

Update bat surveys shall be undertaken prior to the commencement of each operational quarry phase and at 5 yearly intervals thereafter for each operational phase longer than 5 years. We advise that this matter could be secured by appropriately worded condition to any permission granted (see Appendix 1).

Bats in Trees

We note that initial phases of development do not affect tree roosts but welcome the clarification that in the event that future phases require removal of a tree roost that all capture and exclusion works will be undertaken during the active bat season. Our comments for bats in trees are otherwise as above for bats in quarry faces.

Invasive Non-native Species (INNS)

We note that non-native species are present on site including Japanese Knotweed, Himalayan Balsam and Cotoneaster horizontalis. We welcome that an invasive species control programme is proposed to be implemented. This is vital to realise the benefits of new and enhanced protected species habitat, particularly that provided for dormice and great crested newts.

The control programme will also need to include appropriate measures to prevent the spread of fish and invasive aquatic plants which may threaten the GCN population at the site. We advise that the details are agreed and secured through the use of an appropriately worded condition attached to any consent issued.

ROMP – Draft Conditions for Ruthin Quarry

We note that a number of conditions have been drafted for the application under 'ROMP Schedule of the conditions rev 1 27/06/2023'. We have reviewed these conditions and advise that those suggested for ecology amendment. We therefore advise that the conditions as identified below in Appendix 1 are included on any permission your Authority is minded to grant.

EPS Licence

We advise that the applicant seeks a European Protected Species licence from Natural Resources Wales under Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon bats, dormice or great crested newts. Please note that the granting of planning permission does not negate the need to obtain a licence.

Hydrology & Water Dependant Features

We have reviewed the following submitted information in relation to Hydrology & Water Dependant Features: 'Supplementary Environmental Statement – Volume 4. SLR, June 2023' and attended a meeting with the applicant on the 10th March 2023.

Both the meeting and the ES confirmed that the previous proposal of dewatering at the site will not occur and the mineral will be worked dry above the water table (i.e. above the

groundwater). We are therefore satisfied that there will be no impact on the Breigam Moore SSSI. As no dewatering will occur on site and excavation of the mineral will be worked dry we have no objection to the development.

As part of the 'ROMP Schedule of the conditions rev 1 27/06/2023' as submitted, we note that new updated conditions are suggested by the applicant. We note and accept the wording of all four in relation to Hydrology and Hydrogeology (notably conditions 9, 10, 11 and 12).

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

Lindy Marshall

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 3091

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.

Appendix 1

Condition 1a: The inclusion of the following documents and drawings in the condition listing the approved documents and drawings for Garwa Quarry 2019/01337/FUL:

- R337-00009-01 Location Plan
- R337-00009-02 Current Situation Composite
- R337-00009-03A Block Phasing Consolidated
- R337-00009-12B Concept Restoration Combined
- R337-00009-14 Garwa S73 Application Plan
- R337-00009-04A Phase 1 Garwa Quarry
- R337-00009-05B Phase 2 Garwa Quarry
- R337-00009-06A Phase 3 Garwa Quarry
- R337-00009-10C Garwa Quarry Concept Restoration
- R337-00009-13A Cross Sections Garwa Quarry
- R337-00009-20A Preliminary Works Plan Garwa Quarry
- R337-00009-23A Final Works Restoration Plan Garwa Quarry
- ‘*Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan*’ by SLR dated 27/6/2023 incorporating ecology figures 5.1-5.20 inclusive;
- ‘*Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan*’ by SLR dated 27/6/2023 incorporating hydrology figures 6.1-6.9 inclusive;
- ‘*Garwa Time Extension Application. Ruthin ROMP application. Supplementary Environmental Statement. Revised Application Plans. Volume 5*’ by Tarmac dated June 2023.

Condition 1b: The inclusion of the following documents and drawings in the condition listing the approved documents and drawings for Ruthin Quarry 2019/01340/FUL:

- R337-00009-01 Location Plan
- R337-00009-02 Current Situation Composite
- R337-00009-03A Block Phasing Consolidated
- R337-00009-15 Ruthin ROMP Application Site Plan
- R337-00009-07C Phase A Ruthin Quarry
- R337-00009-08C Phase B Ruthin Quarry
- R337-00009-09B Phase C Ruthin Quarry
- R337-00009-11B Ruthin Quarry Concept Restoration
- R337-00009-16A Cross Sections Ruthin Quarry
- R337-00009-24 Ruthin Quarry GCN Receptor Site
- R337-00009-19A Preliminary Works Plan Ruthin Quarry
- ‘*Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan*’ by SLR dated 27/6/2023 incorporating ecology figures 5.1-5.20 inclusive;
- ‘*Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan*’ by SLR dated 27/6/2023 incorporating hydrology figures 6.1-6.9 inclusive;

- 'Garwa Time Extension Application. Ruthin ROMP application. Supplementary Environmental Statement. Revised Application Plans. Volume 5' by Tarmac dated June 2023.

Condition 2: Timetable of Phasing (to be applied to both 2019/01337/FUL and 2019/01340/FUL):

No development or phase of development shall commence until a timetable for the phasing of works has been submitted to and approved in writing by the Local Planning Authority. The timetable, and any arising revisions, shall be implemented as approved.

Condition 3: The inclusion of the following condition for a Landscape and Environmental Management Plan (LEMP) for both 2019/01337/FUL and 2019/01340/FUL:

No development or phase of development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at Garwa and Ruthin Quarries for all phases of the development has been submitted to and approved by the Local Planning Authority.

The LEMP shall build upon the principles and commitments for protected species mitigation and compensation for bats, dormice and great crested newts set out in 'Supplementary Environmental Statement. Volume 4. Garwa and Ruthin Quarries. Vale of Glamorgan' by SLR dated 27/6/2023, and shall ensure that protected species mitigation measures dovetail with the management of ecological and landscape features of the wider site.

The LEMP shall include:

- Details of, and plans showing ecological features and habitats to be lost, retained and created for the species which shall include descriptions of the existing and proposed habitat, including extent and location on an appropriate scale;
- Details of the desired conditions of features (present and to be created) at the site;
- Details of short and long-term management, monitoring and maintenance of new and existing ecological features at the site to deliver and maintain the desired condition;
- Details of proposals to create / enhance retained habitats for the protected species, including planting mixes and specifications;;
- Details of protective measures to be taken to minimise the impacts of the works on the protected species;
- Details of timing, phasing and duration of construction activities and conservation measures demonstrating that works are aligned with the phasing of the development;
- Details of, and measures to ensure, initial aftercare and long-term management and maintenance and the mechanism for their delivery.
- Ecological Compliance Audit programme;

- Details of measures to prevent or reduce incidental capture or killing of the protected species;
- Proposals for monitoring the condition of new and retained habitat, to inform on-going habitat management;
- Details of timings of management and maintenance activities, and responsibilities;
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within 5 years of completion of each phase of development.

The LEMP shall include the preliminary works phase and a minimum 25 year aftercare period. The development and aftercare shall be carried out in accordance with the approved LEMP

Condition 4: LEMP Compliance and Review (to be applied to 2019/01337/FUL and 2019/01340/FUL)

A written report of the effectiveness of the LEMP shall be submitted to and approved in writing by the Local Planning Authority at the conclusion of every development phase, commencing with the preliminary works phase, and every 5 years during those phases. The report shall include a revised LEMP (as appropriate) which incorporates recommended changes arising from the review. The development shall be carried out in accordance with the approved revised LEMP.

Condition 5: Restrictions on blasting in Ruthin (to be applied to 2019/01340/FUL only)

No blasting within 250m of Building B shall occur during the bat maternity season (May – August inclusive).

Condition 6: Bat Monitoring Scheme (to be applied to 2019/01337/FUL and 2019/01340/FUL)

Prior to development commencing on site, a detailed scheme for the simultaneous monitoring of buildings B and D for use by horseshoe bats, along with potential flight routes between the two buildings, shall be submitted to and approved in writing by the Local Planning Authority

The scheme shall cover a two year period prior to the resumption of blasting in Ruthin and annually during the operational phases and shall include:

- The monitoring methods proposed to be used;
- Timing of monitoring works;
- A review of bat mitigation/compensation requirements for the scheme;
- Details of any further bat mitigation/compensation required as indicated by the results of the monitoring, and a timeframe for their implementation;
- Any further survey required;

A written report detailing the results of the bat monitoring, any scheme of bat mitigation/compensation, and any arising revisions thereof, shall be submitted to and approved in writing by the Local Planning Authority following completion of monitoring in each year that monitoring is proposed.

Condition 7: Bats in Cliff Faces & Trees (to be applied to 2019/01337/FUL and 2019/01340/FUL)

Bat surveys of trees and quarry faces shall be undertaken prior to the commencement of each operational quarry phase and at 5 yearly intervals thereafter for each operational phase longer than 5 years.

A written report of each survey shall be submitted to and agreed in writing by the Local Planning Authority following completion of monitoring in each year that surveys are carried out. The report shall detail survey methods and results and where identified by the written report, include an updated ecological impact assessment, proposals for additional bat mitigation and/or compensation appropriate to the impacts, and a timeframe for their implementation.

Condition 8: Invasive Non-Native Species Control Programme (to be applied to 2019/01337/FUL and 2019/01340/FUL)

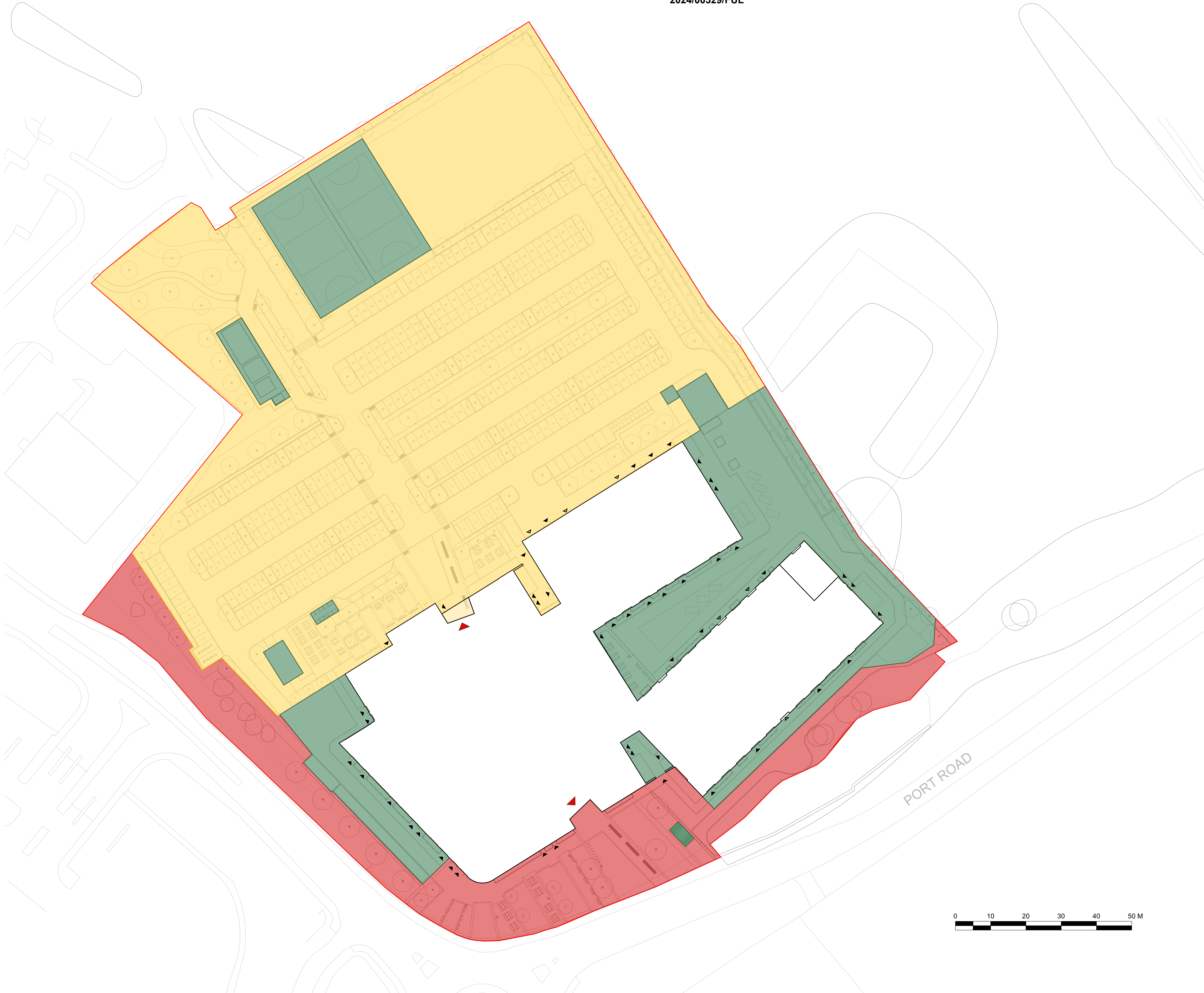
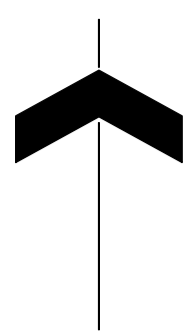
Prior to development commencing on site and, thereafter prior to each subsequent phase of the development, an invasive species (INNS) control strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- Include fish, and invasive terrestrial and aquatic plants;
- Confirm the location and extent of invasive non-native species on site;
- Set out appropriate measures to reduce their spread further, prevent them spreading into the site and eradicate them from site.

The INNS Control Strategy shall be implemented as approved.

Condition 9: INNS Compliance and Review (to be applied to 2019/01337/FUL and 2019/01340/FUL)

A written report of the effectiveness of the INNS Control Strategy shall be submitted to and approved in writing by the Local Planning Authority at the conclusion of every development phase, commencing with the preliminary works phase, and every 5 years during those phases. The report shall include a revised INNS Control Strategy (as appropriate) which incorporates recommended changes arising from the review. The revised INNS Control Strategy shall be implemented as approved.



Note
 1. Do not scale from this drawing
 2. To be read in conjunction with Project Risk Register REF: XXX
 3. To be read in conjunction with all other Landscape Architect's drawings

KEY

- Publicly Accessible Area
- Controlled Access
- Secure Area

ID	RISK	MITIGATION	DATE MITIGATED
RESIDUAL PROJECT RISKS			

DATE	REV	DESCRIPTION OF REVISION	DRAWN BY	APPROVED BY
05/04/2024	P07	Issued for Planning	MH	BH
REVISIONS				

STATUS
A2 - Authorised and Accepted as Planning Application Submission

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 e: hello@aresdesign.co.uk
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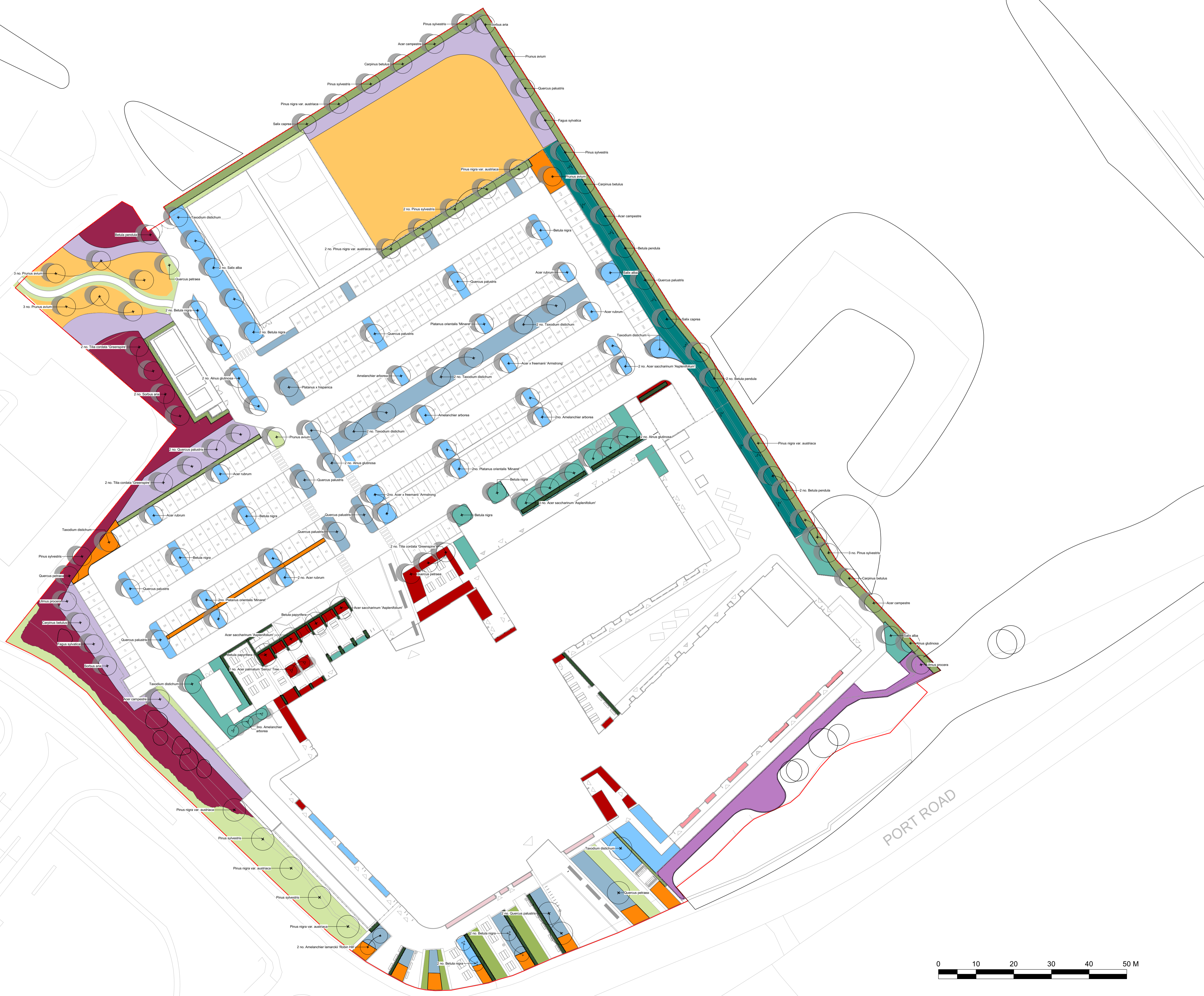
CLIENT:
Cardiff and Vale College

PROJECT TITLE:
Advanced Technology Centre

DRAWING TITLE:
Secure Line Strategy

DRAWING SCALE: 1:500	DRAWN BY: MDS	DRAWN DATE: 15/06/2022
PAPER SIZE: A1	APPROVED BY: HT	ALA PROJECT CODE: ALAT23

DRAWING NUMBER: **VG0101-ALA-00-XX-DR-L-00008 A2** STATUS: **P07**



Note
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 2. To be read in conjunction with Project Risk Register REF: XXX
 3. To be read in conjunction with all other Landscape Architect's drawings

KEY

ID	RISK	MITIGATION	DATE MITIGATED
RESIDUAL PROJECT RISKS			

DATE	REV	DESCRIPTION OF REVISION	DRAWN BY	APPROVED BY
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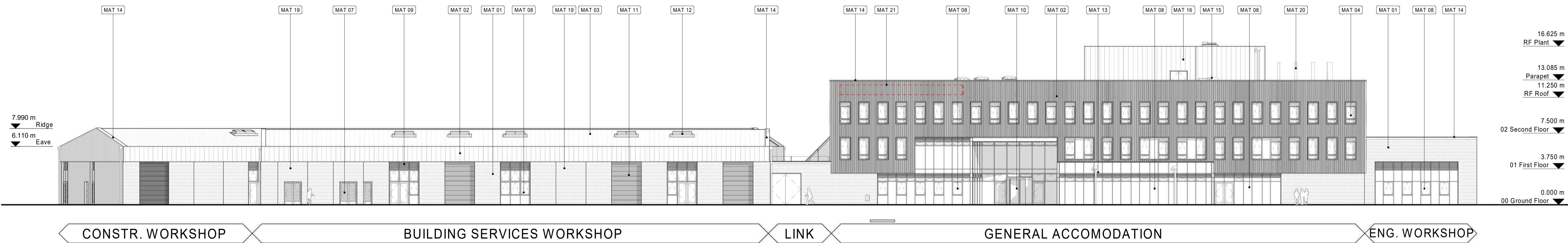
PROJECT TITLE:
Advanced Technology Centre

DRAWING TITLE:
Planting Strategy

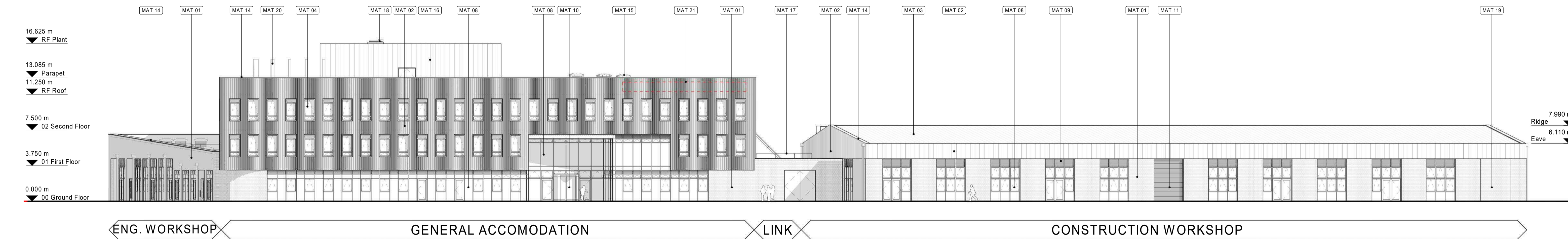
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DRAWING NUMBER:
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STATUS:
P06



1 North West Elevation
02200 1 : 200



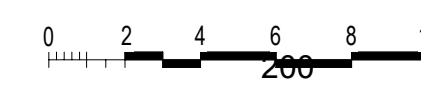
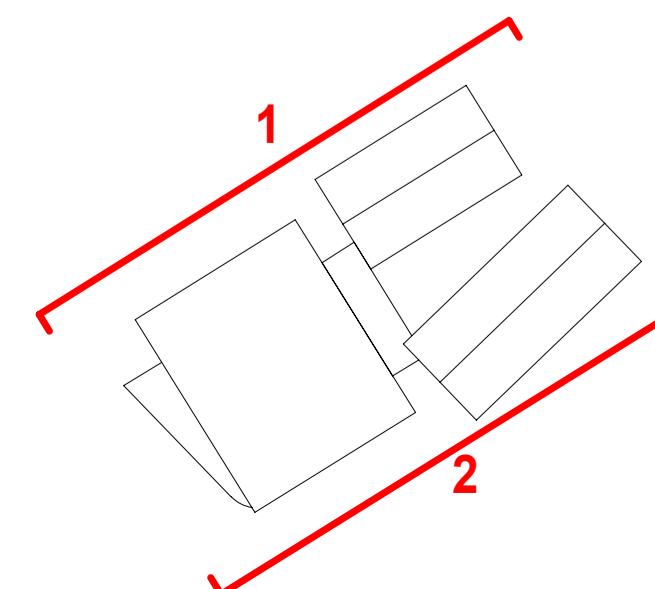
2 South East Elevation
02200 1 : 200

Material Key

- MAT 01 – Facing brickwork
- MAT 02 – Metal cladding
- MAT 03 – Metal roof
- MAT 04 – Aluminium window frame and glazing
- MAT 05 – Aluminium framed door and glazing
- MAT 06 – Metal solid door
- MAT 07 – Aluminium louvred door
- MAT 08 – Curtain walling and glazing
- MAT 09 – Aluminium louvres
- MAT 10 – Revolving door
- MAT 11 – Roller shutter
- MAT 12 – Rooflight
- MAT 13 – Rainwater downpipe
- MAT 14 – Metal coping
- MAT 15 – Windcatcher
- MAT 16 – Metal cladding to roof plant/stair enclosure
- MAT 17 – Roof guardrail system
- MAT 18 – Automatic opening vent
- MAT 19 – Recessed brickwork panel
- MAT 20 – Flues (refer to M&E information)
- MAT 21 – Possible signage location TBA

REV.	DATE	AMENDMENT
P01	18.12.2023	Issued for Pre Application Consultation
P02	17.01.2024	Issued for Pre Application Consultation Revised
C01	25.03.2024	Issued for Planning
C02	04.04.2024	Issued for Planning

KEY PLAN



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STATUS PURPOSE FOR ISSUE
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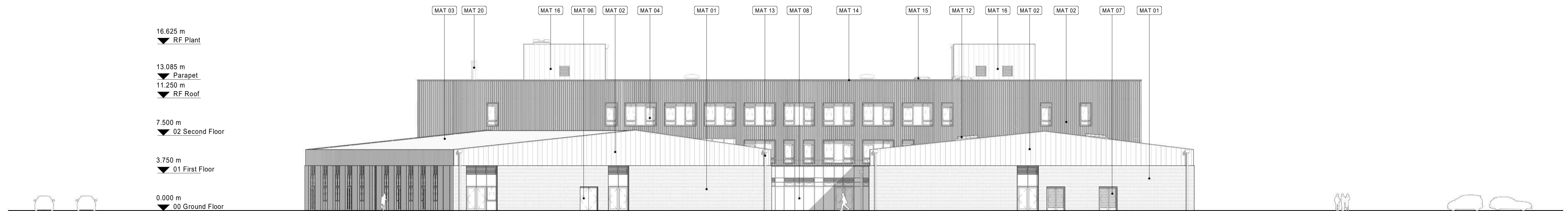
77 Parkway Camden Town London NW1 7PU
T: +44 (0)20 7504 1700 E: enquiries@sheppardrobson.com

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1 : 200 04.04.2024 DC MC JJ

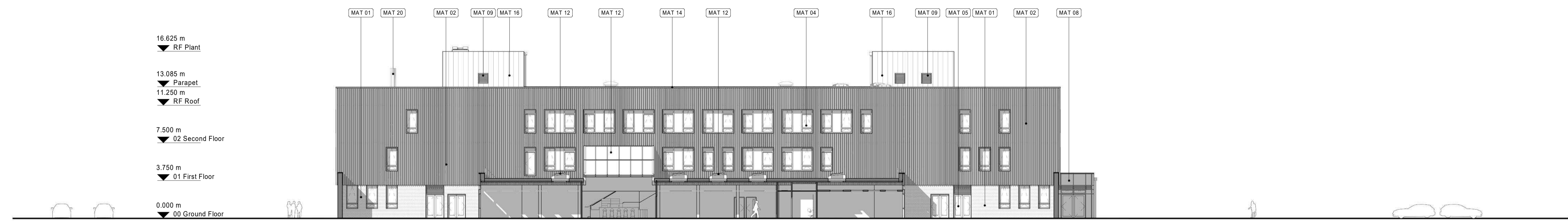
Advanced Technology Centre
General Arrangement
North West & South East Elevation

WEPco 2 / RIBA 4

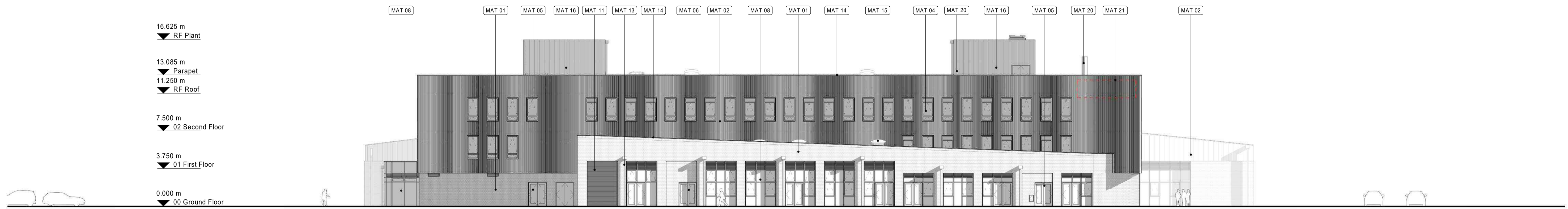
DRAWING NO. **VG0101-SRA-XX-XX-DR-A-02200** SR NO. **6653**
REV. **C02**



1 North East Elevation
02201 1 : 200



2 North East Elevation
02201 1 : 200

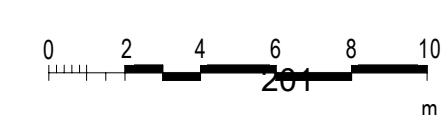
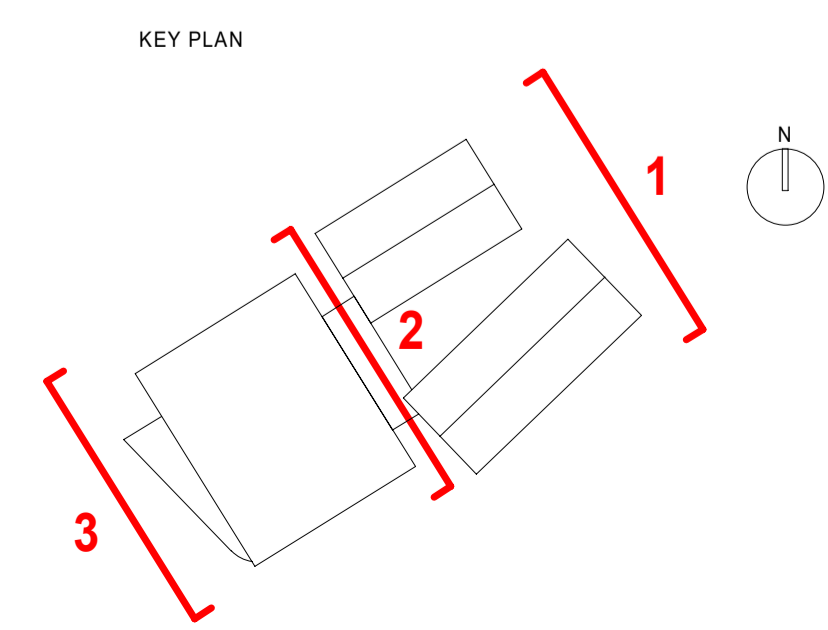


3 South West Elevation
02201 1 : 200

Material Key

- MAT 01 – Facing brickwork
- MAT 02 – Metal cladding
- MAT 03 – Metal roof
- MAT 04 – Aluminium window frame and glazing
- MAT 05 – Aluminium framed door and glazing
- MAT 06 – Metal solid door
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- MAT 19 – Recessed brickwork panel
- MAT 20 – Flues (refer to M&E information)
- MAT 21 – Possible signage location TBA

REV.	DATE	AMENDMENT
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PROJECT
Advanced Technology Centre
General Arrangement
North East & South West Elevation

SR NO.
6653

WEPCo 2 / RIBA 4

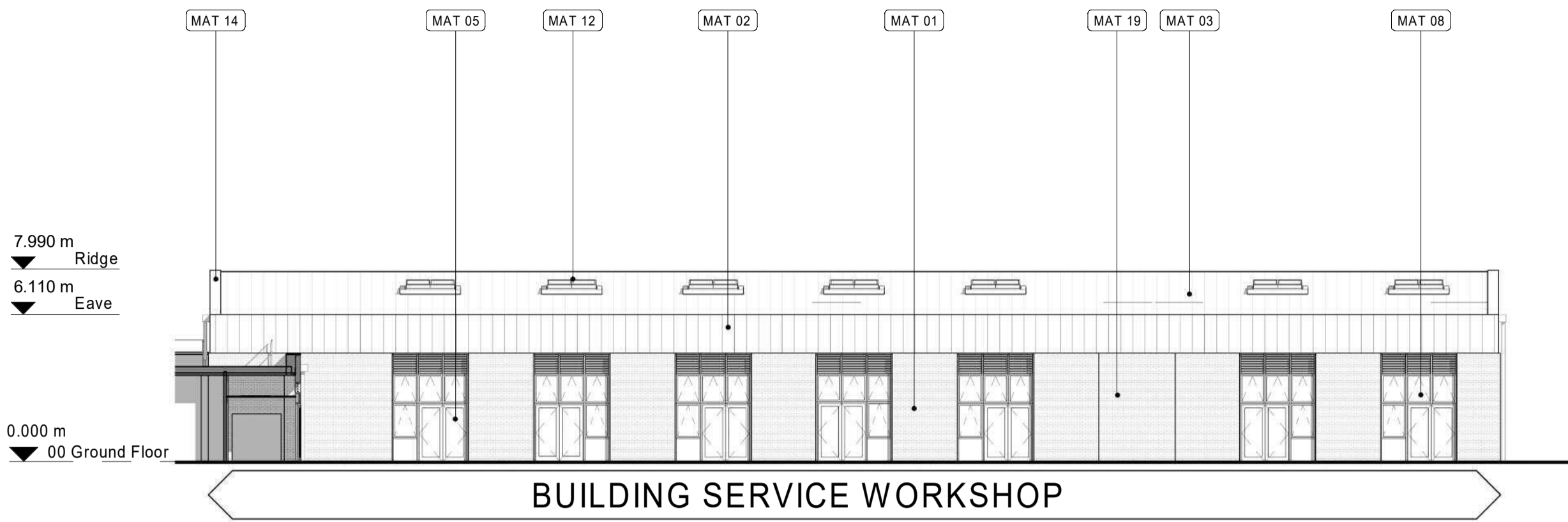
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REV.
C02

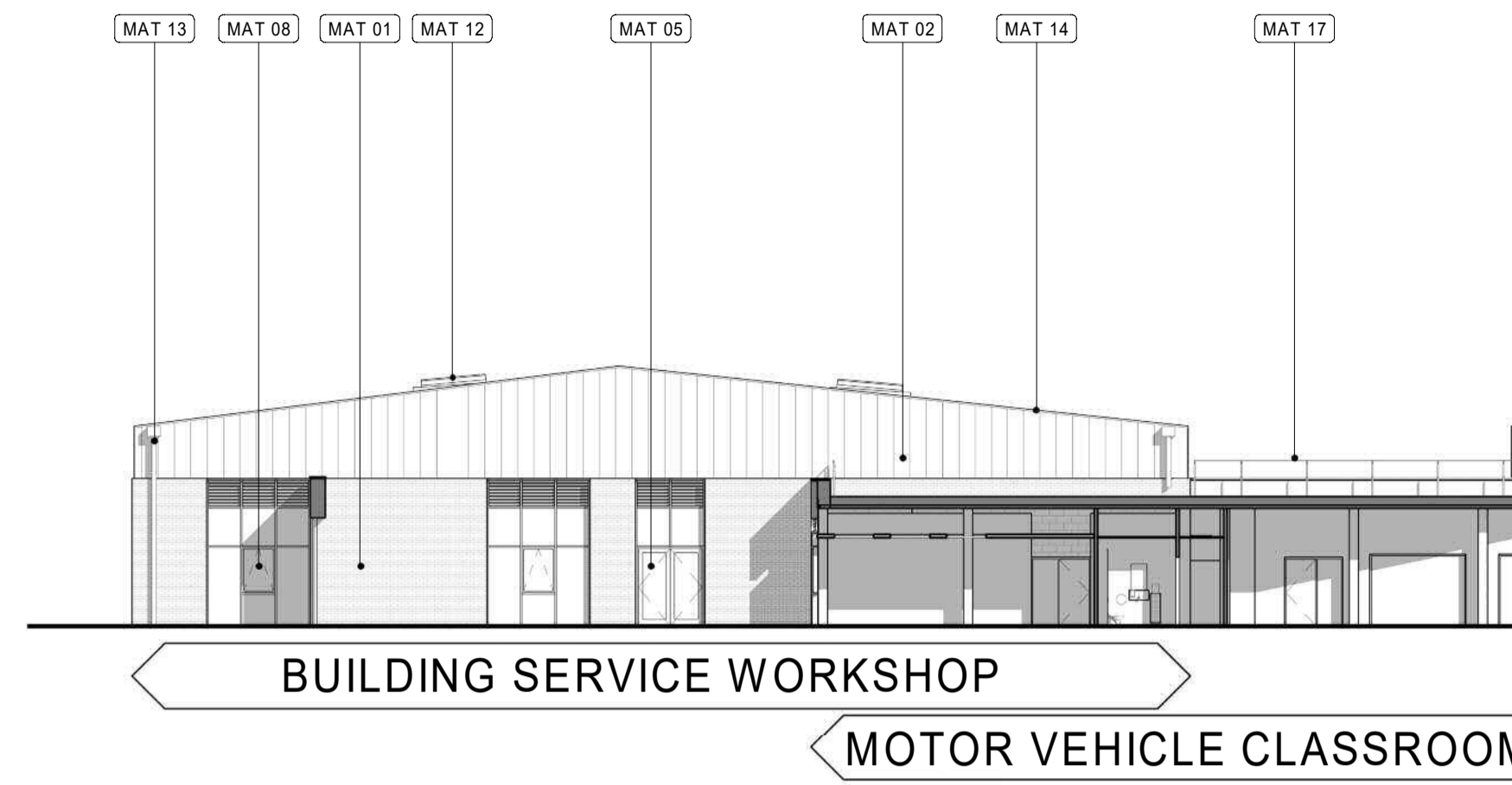
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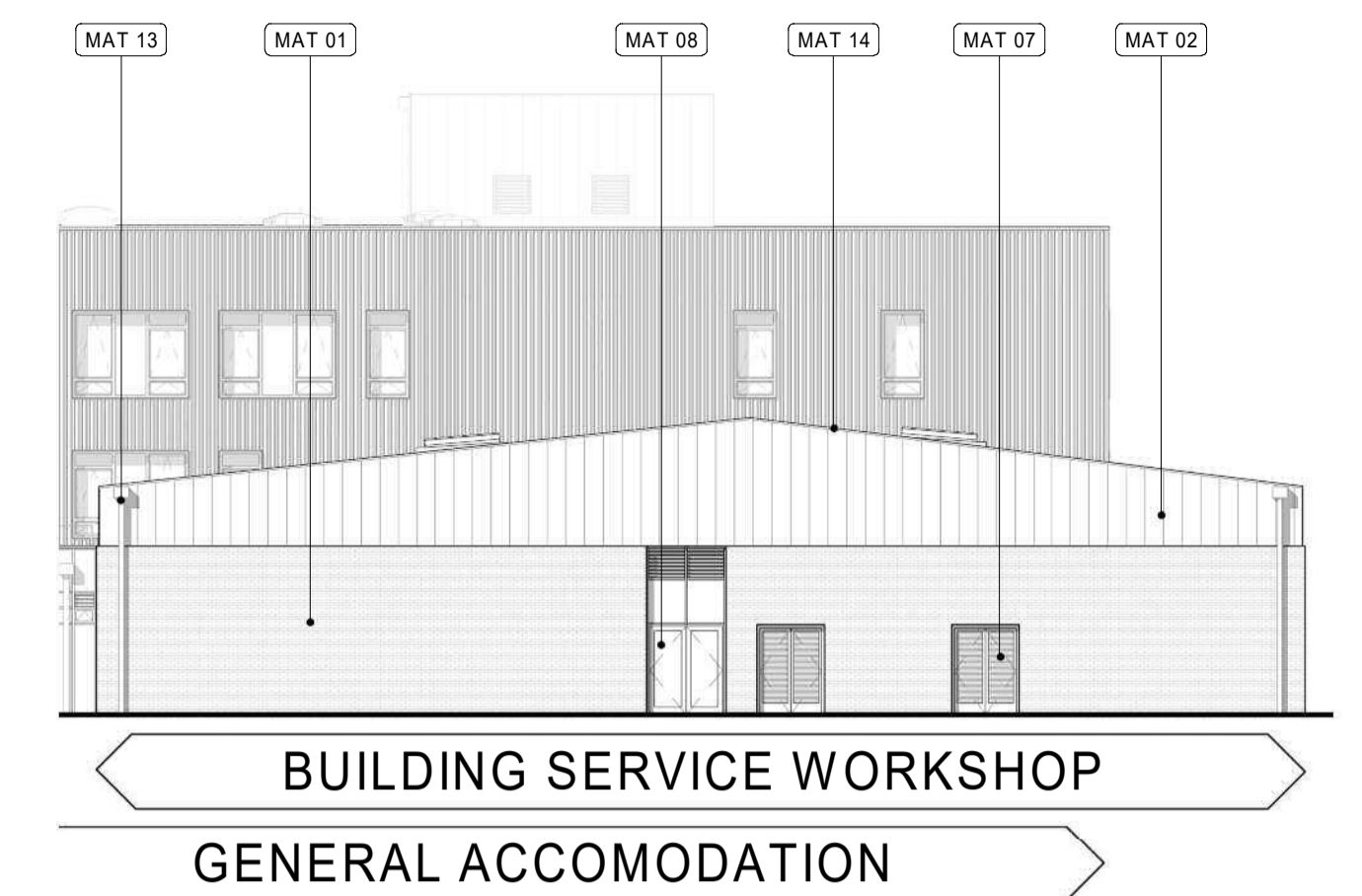
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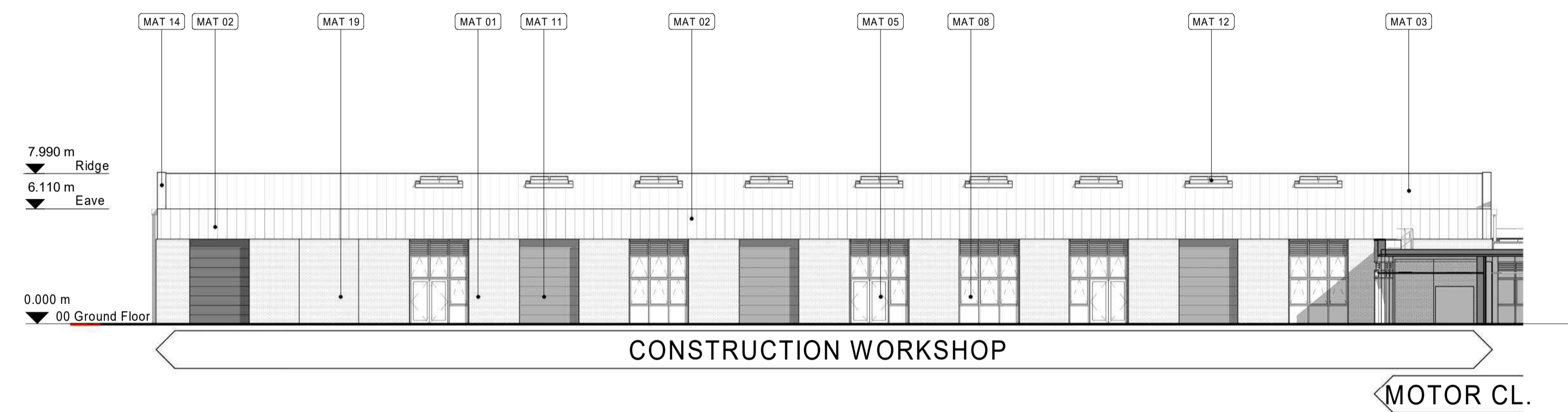
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02202 1 : 200



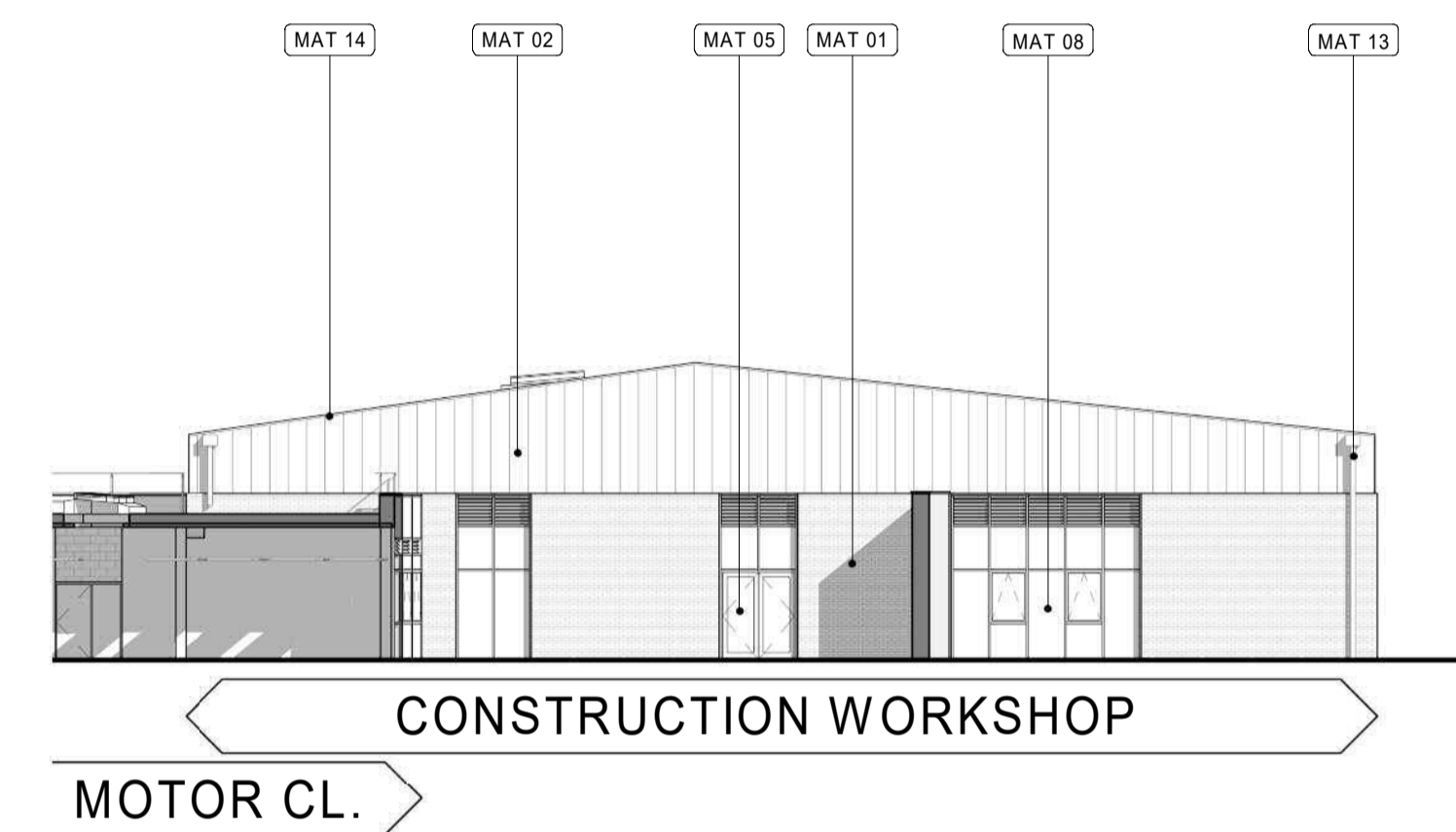
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02202 1 : 200



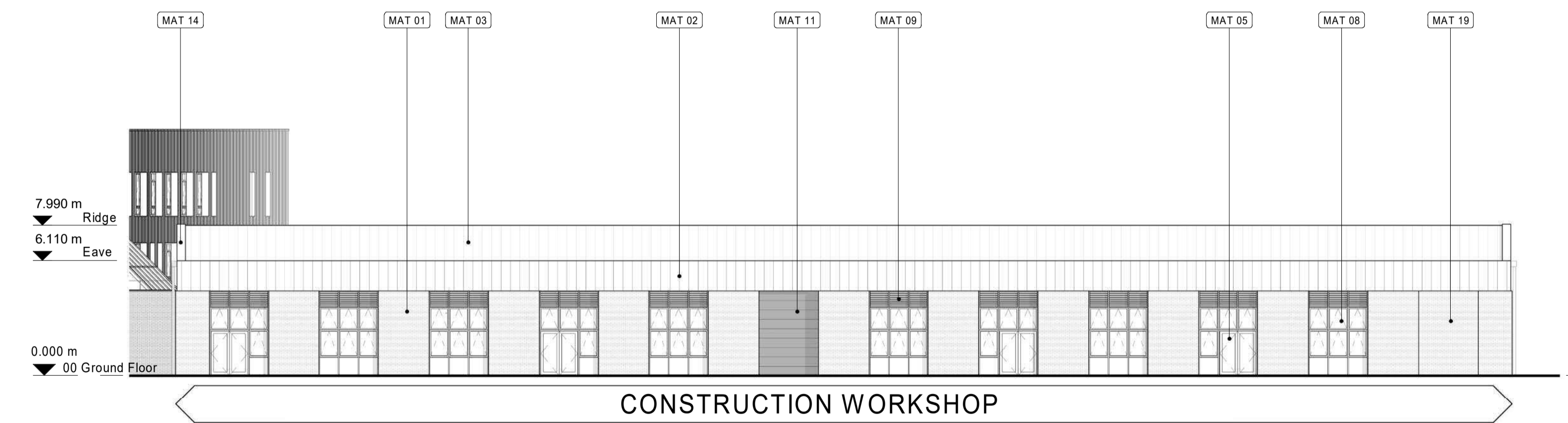
3 Building Service Workshop Northeast Elevation
02202 1 : 200



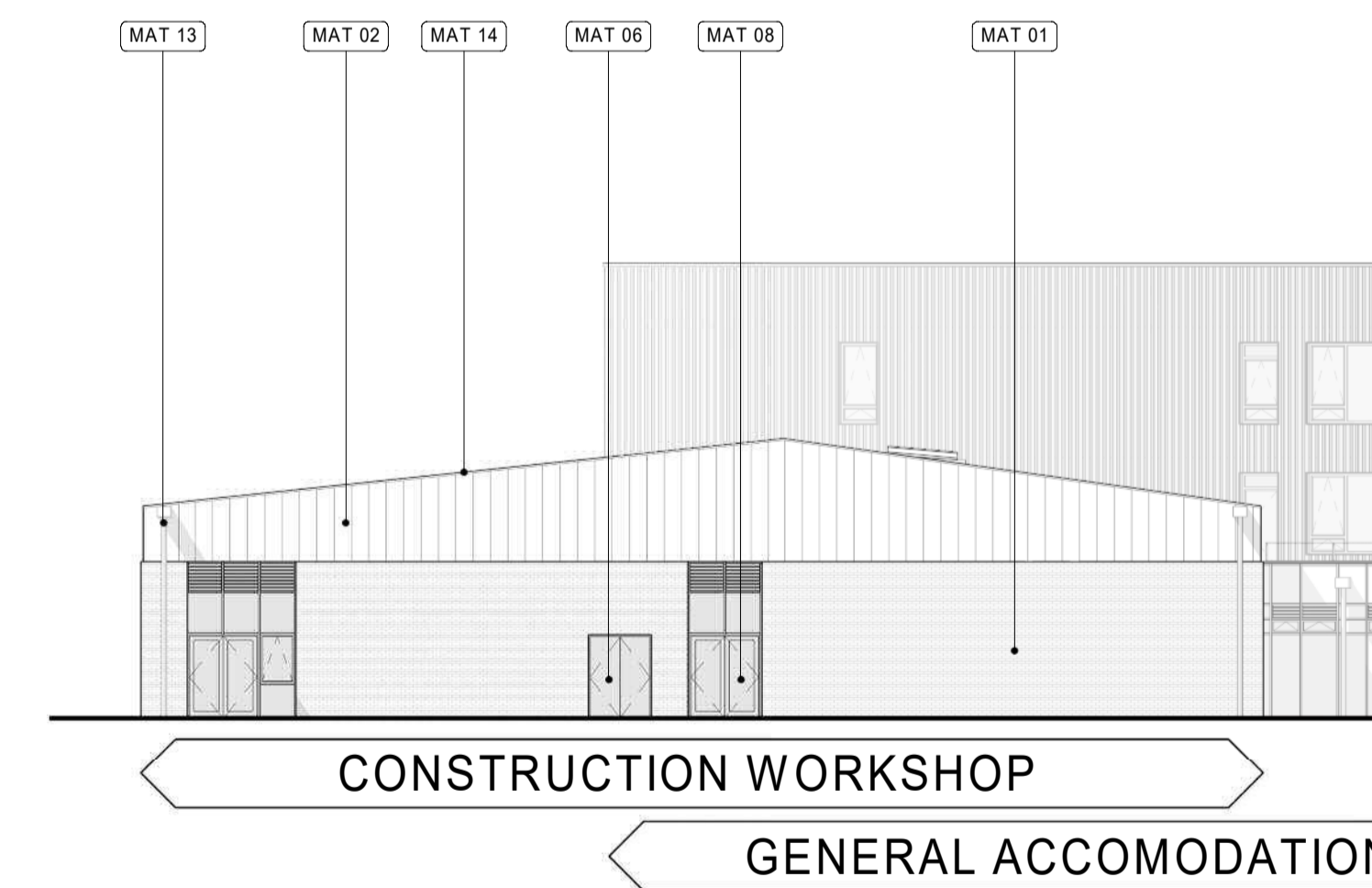
4 Construction Workshop Northwest Elevation
02202 1 : 200



5 Construction Workshop Southwest Elevation
02202 1 : 200



6 Construction Workshop Southeast Elevation
02202 1 : 200



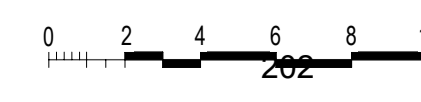
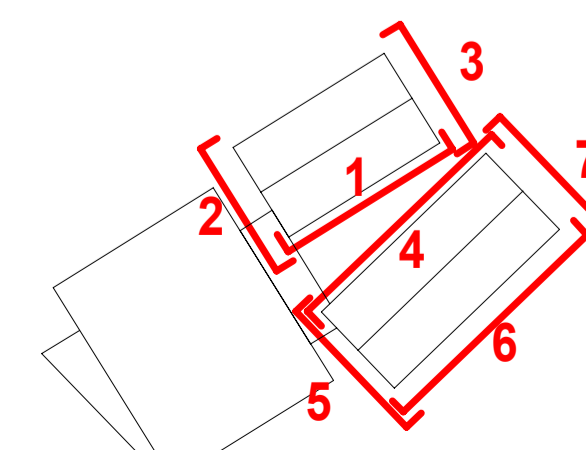
7 Construction Workshop Northeast Elevation
02202 1 : 200

Material Key

- MAT 01 – Facing brickwork
- MAT 02 – Metal cladding
- MAT 03 – Metal roof
- MAT 04 – Aluminium window frame and glazing
- MAT 05 – Aluminium framed door and glazing
- MAT 06 – Metal solid door
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- MAT 19 – Recessed brickwork panel
- MAT 20 – Flues (refer to M&E information)
- MAT 21 – Possible signage location TBA

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P01	18.12.2023	Issued for Pre Application Consultation
P02	17.01.2024	Issued for Pre Application Consultation Revised
C01	25.03.2024	Issued for Planning
C02	04.04.2024	Issued for Planning

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STATUS PURPOSE FOR ISSUE
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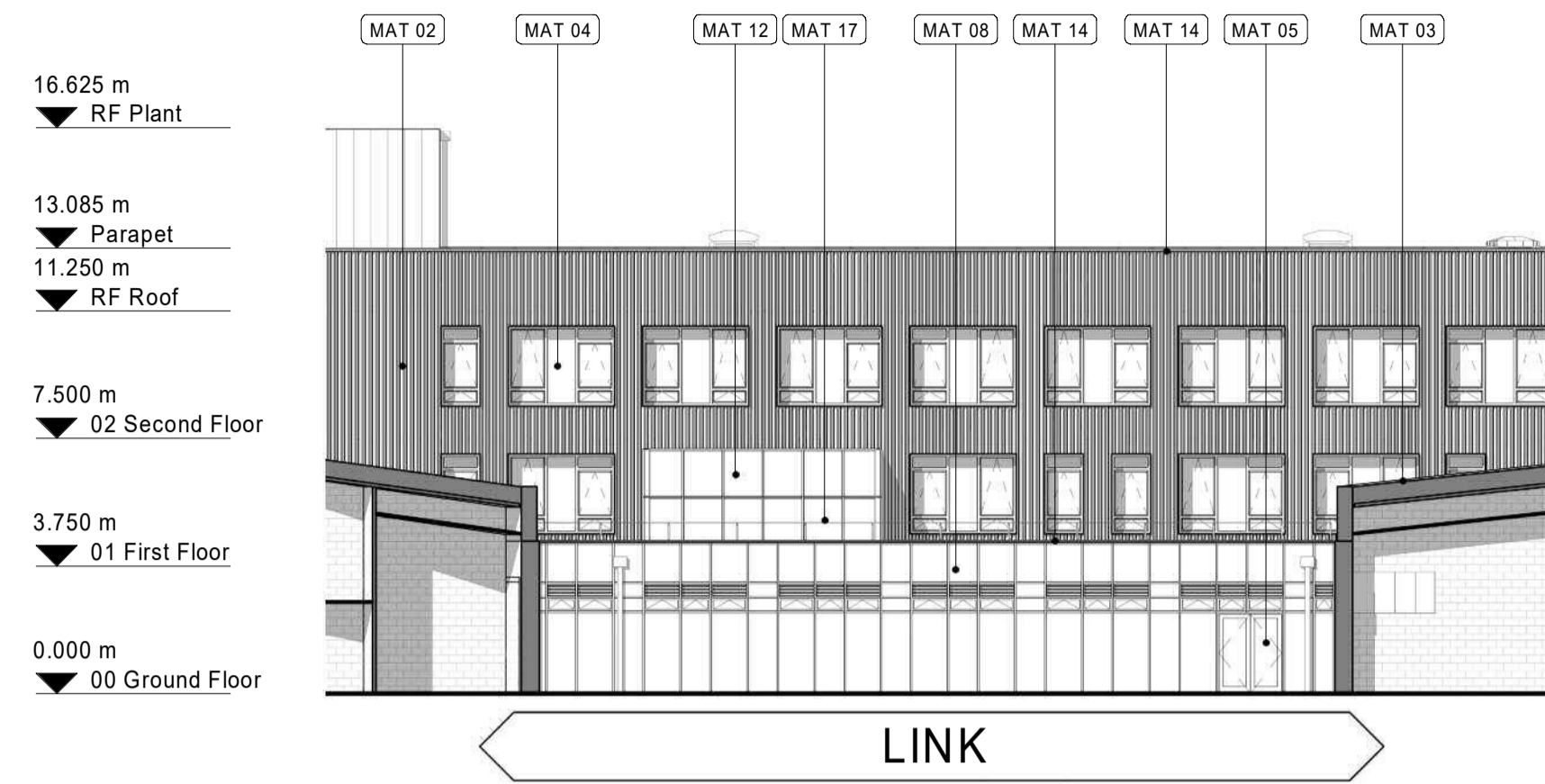
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T: +44 (0)20 7504 1700 E: enquiries@sheppardrobson.com

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1 : 200 04.04.2024 DC MC JJ

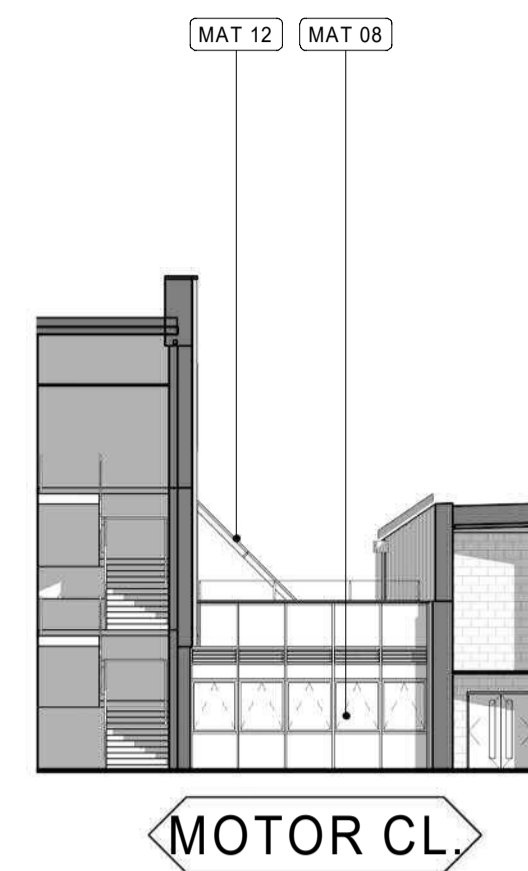
PROJECT
Advanced Technology Centre
General Arrangement
Construction & Building Services Workshops Elevations

WEPCo 2 / RIBA 4

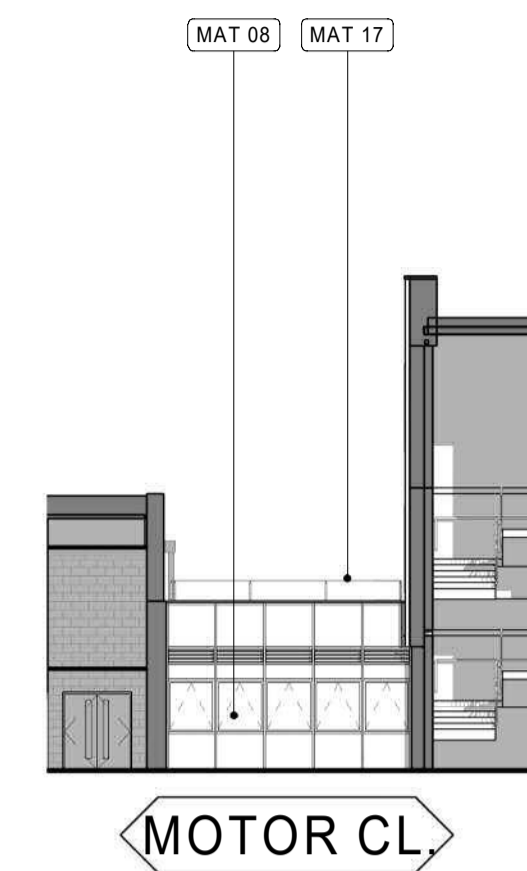
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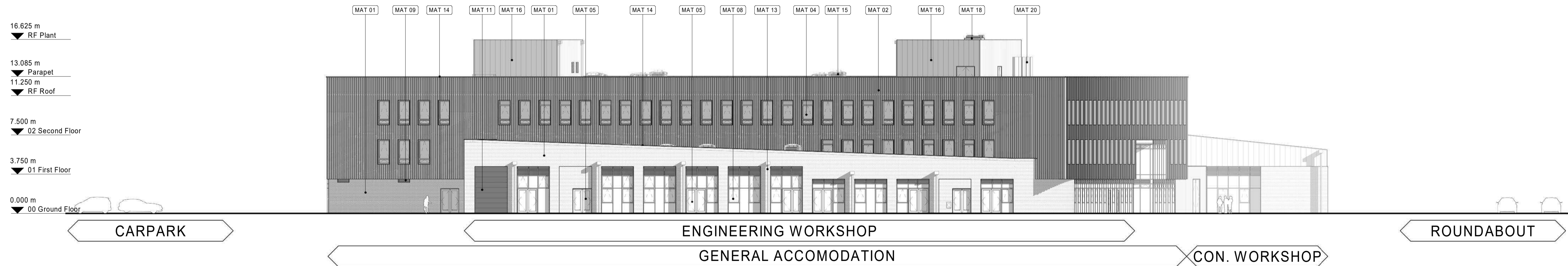
1 Motor Vehicle Classroom Block Northeast Elevation
1 : 200



2 Motor Vehicle Classroom Block Southeast Elevation
1 : 200



3 Motor Vehicle Classroom Block Northwest Elevation
1 : 200



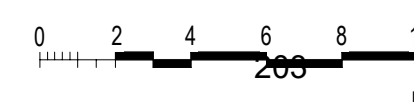
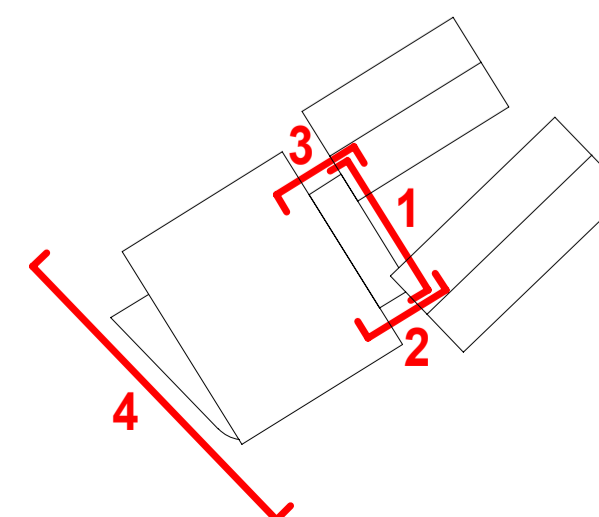
4 Engineering Workshop Southwest Elevation
1 : 200

Material Key

- MAT 01 – Facing brickwork
- MAT 02 – Metal cladding
- MAT 03 – Metal roof
- MAT 04 – Aluminium window frame and glazing
- MAT 05 – Aluminium framed door and glazing
- MAT 06 – Metal solid door
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REV.	DATE	AMENDMENT
P01	18.12.2023	Issued for Pre Application Consultation
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PROJECT
Advanced Technology Centre
General Arrangement
Link & Engineering Workshop Elevations

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REV. **C02**

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1 North West Elevation
1 : 200



2 South East Elevation
1 : 200

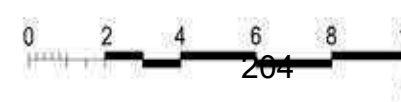
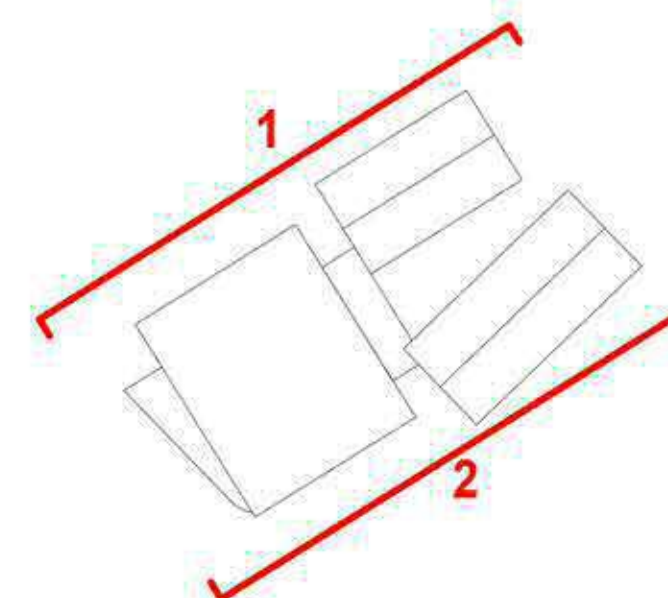
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KEY PLAN



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A2 Planning Application Submission

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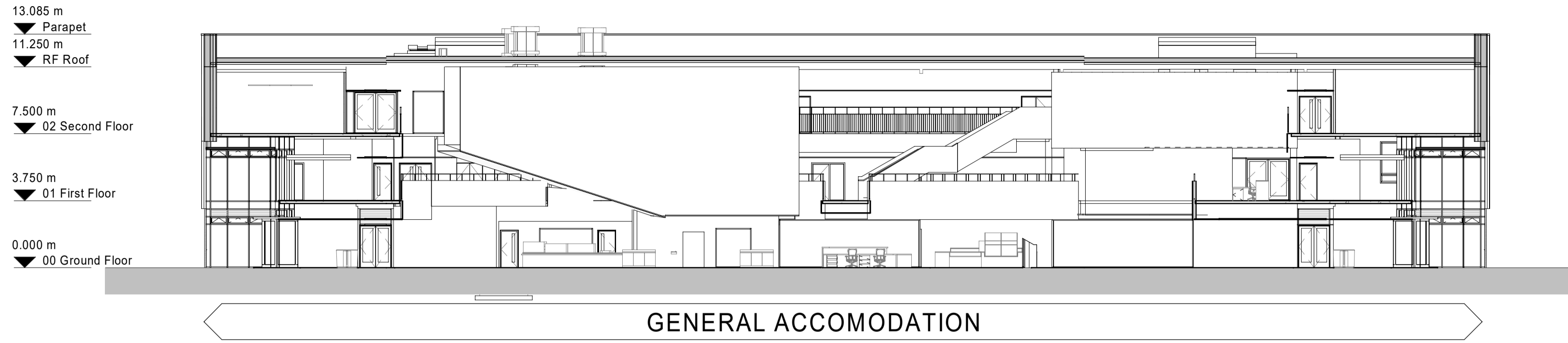
SCALE@A1	DATE	ORIGINATOR	CHECKED	AUTHORISED
1 : 200	04.04.2024	MP	HI	JJ

PROJECT
Advanced Technology Centre
General Arrangement (Rendered)
North West & South East Elevation

WEPCo 2 / RIBA 4

DRAWING NO. **VG0101-SRA-XX-XX-DR · A · 02204** REV. **C02**

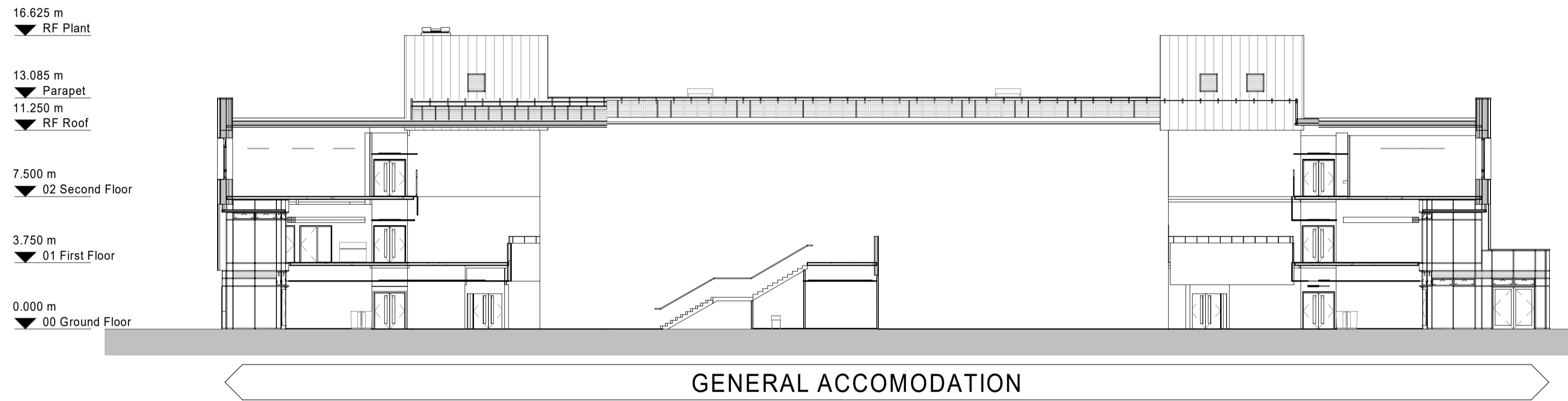
SR NO.
6653



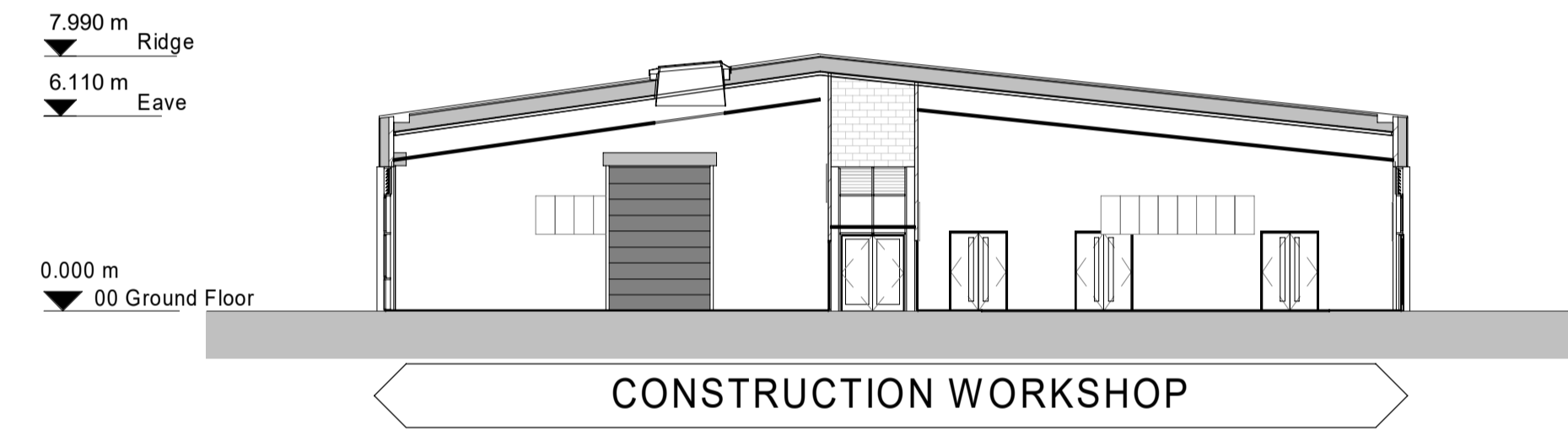
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02250 1 : 200



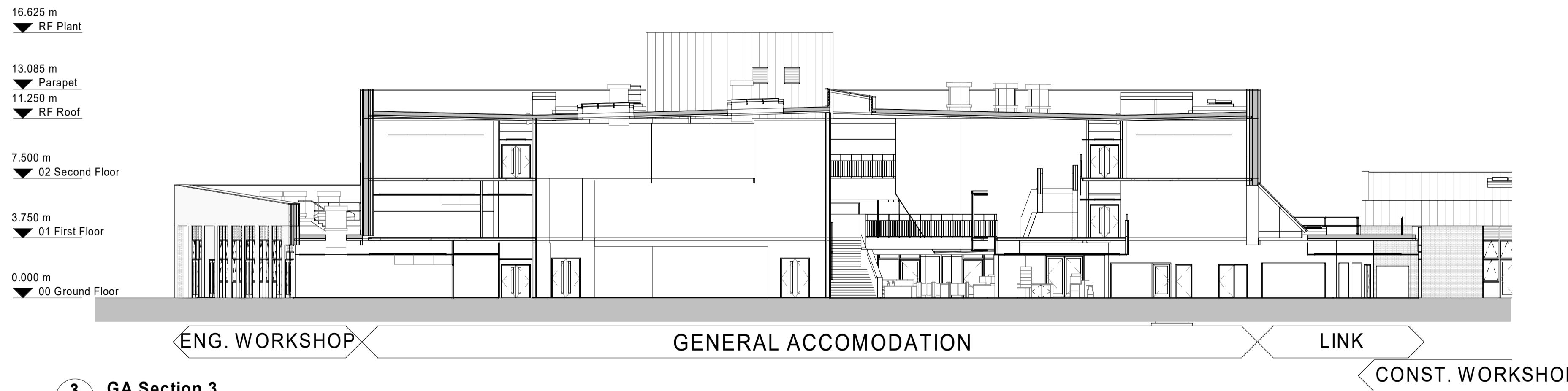
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2 GA Section 2
02250 1 : 200



5 GA Section 5
02250 1 : 200



3 GA Section 3
02250 1 : 200

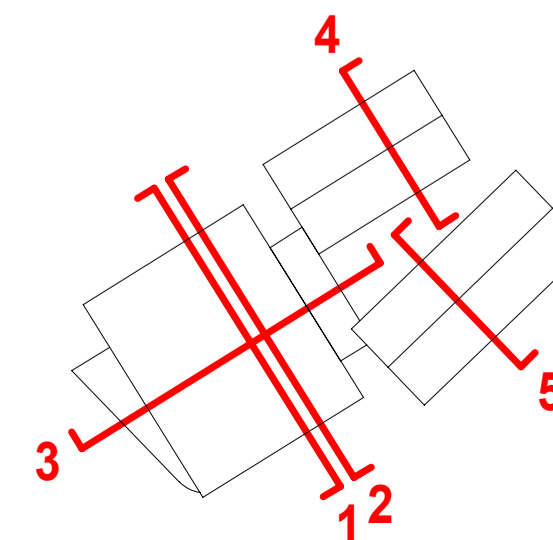
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REV.	DATE	AMENDMENT
P01	18.12.2023	Issued for Pre Application Consultation
P02	17.01.2024	Issued for Pre Application Consultation Revised
C01	25.03.2024	Issued for Planning
C02	04.04.2024	Issued for Planning

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A2 Planning Application Submission

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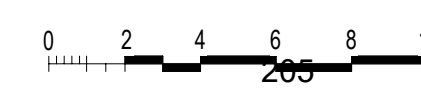
SCALE@A1 DATE ORIGINATOR CHECKED AUTHORISED
1 : 200 04.04.2024 DC MC JJ

PROJECT
Advanced Technology Centre
General Arrangement Sections

WEPCo 2 / RIBA 4

DRAWING NO. **VG0101-SRA-XX-XX-DR-A-02250** REV. **C02**

SR NO.
6653



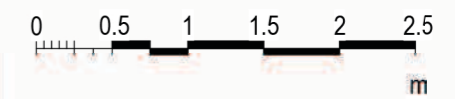


Teaching Block Bay Study

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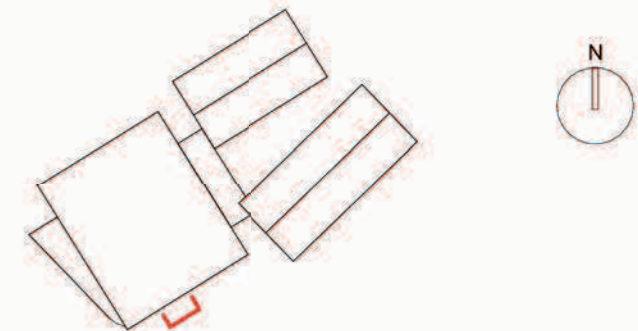
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P01	18.12.2023	Issued for Pre Application Consultation
C01	25.03.2024	Issued for Planning
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1 : 50	04.04.2024	DC	MC	JJ

Typical Bay Elevation - Teaching Block South Elevation

WEPCo 2 / RIBA 4

STATUS	PURPOSE FOR ISSUE	SR NO.
A2	Planning Application Submission	6653
DRAWING NO.	REV.	
VG0101-SRA-XX-XX-DR-A-02350	C02	

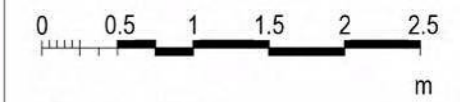
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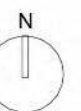
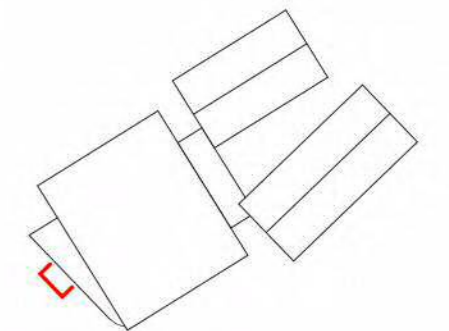


Engineering Workshop Bay Study



REV.	DATE	AMENDMENT
P01	18.12.2023	Issued for Pre Application Consultation
C01	25.03.2024	Issued for Planning
C02	04.04.2024	Issued for Planning

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1 : 50	04.04.2024	DC	MC	JJ

Typical Bay Elevation - Engineering Workshop West Elevation

WEPCo 2 / RIBA 4

STATUS	PURPOSE FOR ISSUE	SR NO.
A2	Planning Application Submission	6653
DRAWING NO.	REV.	
VG0101-SRA-XX-XX-DR-A-02351	C02	

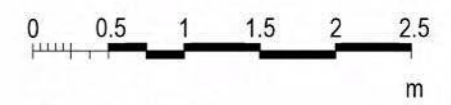
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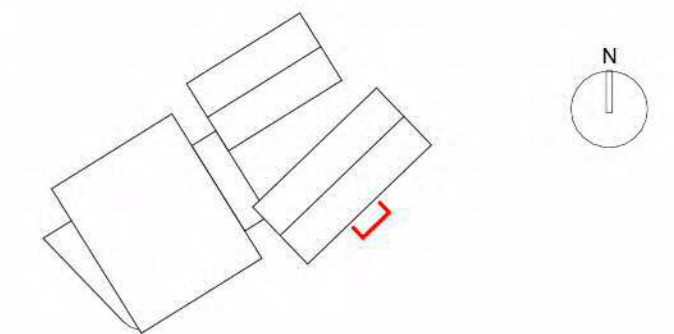


Workshops Bay Study



REV.	DATE	AMENDMENT
P01	18.12.2023	Issued for Pre Application Consultation
C01	25.03.2024	Issued for Planning
C02	04.04.2024	Issued for Planning

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1 : 50	04.04.2024	DC	MC	JJ

Typical Bay Elevation - Workshops South Elevation

WEPCo 2 / RIBA 4

STATUS	PURPOSE FOR ISSUE	SR NO.
A2	Planning Application Submission	6653
DRAWING NO.	REV.	
VG0101-SRA-XX-XX-DR-A-02352	C02	

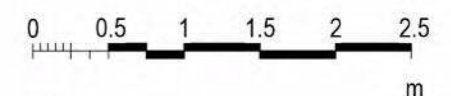
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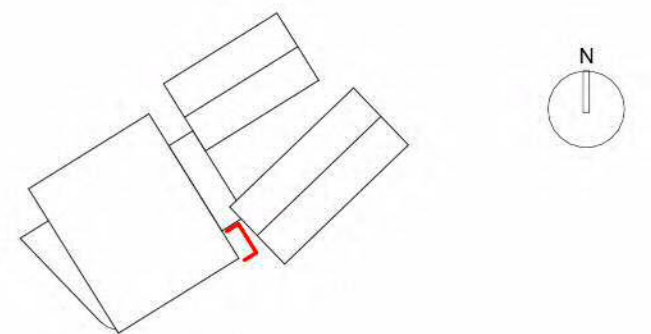


Teaching Block Strip Section - SE Courtyard



REV.	DATE	AMENDMENT
P01	18.12.2023	Issued for Pre Application Consultation
C01	25.03.2024	Issued for Planning
C02	04.04.2024	Issued for Planning

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1 : 50	04.04.2024	DC	MC	JJ

Typical Bay Elevation - Teaching Block
Elevation to SE Courtyard

WEPCo 2 / RIBA 4

STATUS	PURPOSE FOR ISSUE	SR NO.
A2	Planning Application Submission	6653
DRAWING NO.	REV.	
VG0101-SRA-XX-XX-DR-A-02354	C02	

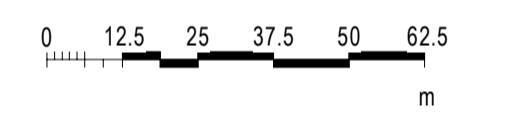
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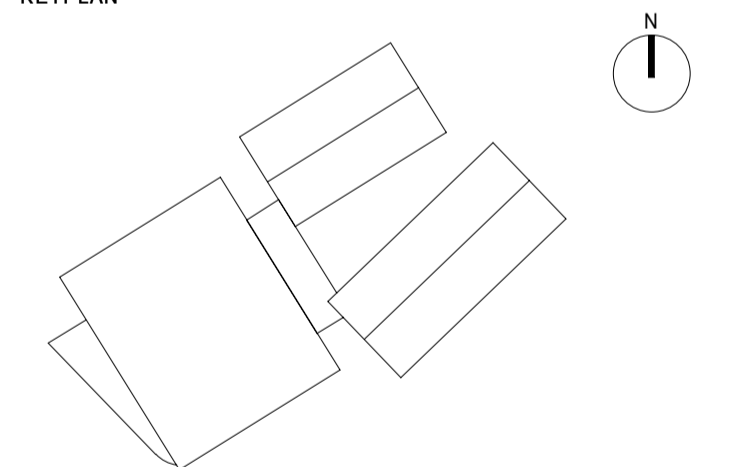
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— Site application boundary
- - - Buffer zone

REV.	DATE	AMENDMENT
P01	18.12.2023	Issued for Pre Application Consultation
C01	25.03.2024	Issued for Planning
C02	04.04.2024	Issued for Planning



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1 : 1250	04.04.2024	DC	MC	JJ

Location Plan

WEPCo 2 / RIBA 4

STATUS	PURPOSE FOR ISSUE	SR NO.
A2	Planning Application Submission	6653
DRAWING NO.	REV.	
VG0101-SRA-ZZ-ZZ-DR-A-02000	C02	

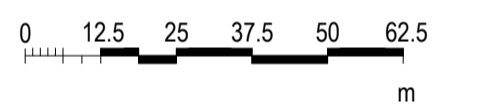
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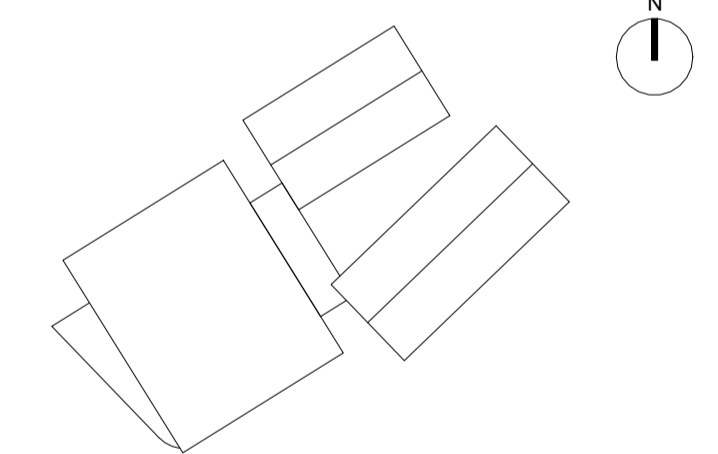
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— Site application boundary

REV.	DATE	AMENDMENT
P01	18.12.2023	Issued for Pre Application Consultation
C01	25.03.2024	Issued for Planning
C02	04.04.2024	Issued for Planning
C03	23.04.2024	Issued for Planning
C04	24.04.2024	Issued for Planning



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Advanced Technology Centre

SCALE@A1	DATE	ORIGINATOR	CHECKED	AUTHORISED
1: 1250	24.04.2024	DC	MC	JJ

Location Plan

WEPCo 2 / RIBA 4

STATUS	PURPOSE FOR ISSUE	SR NO.
A2	Planning Application Submission	6653

DRAWING NO.	REV.
VG0101-SRA-ZZ-ZZ-DR-A-02000	C04



Nick Wall Design + Build
07745581167
idesign.nick@gmail.com

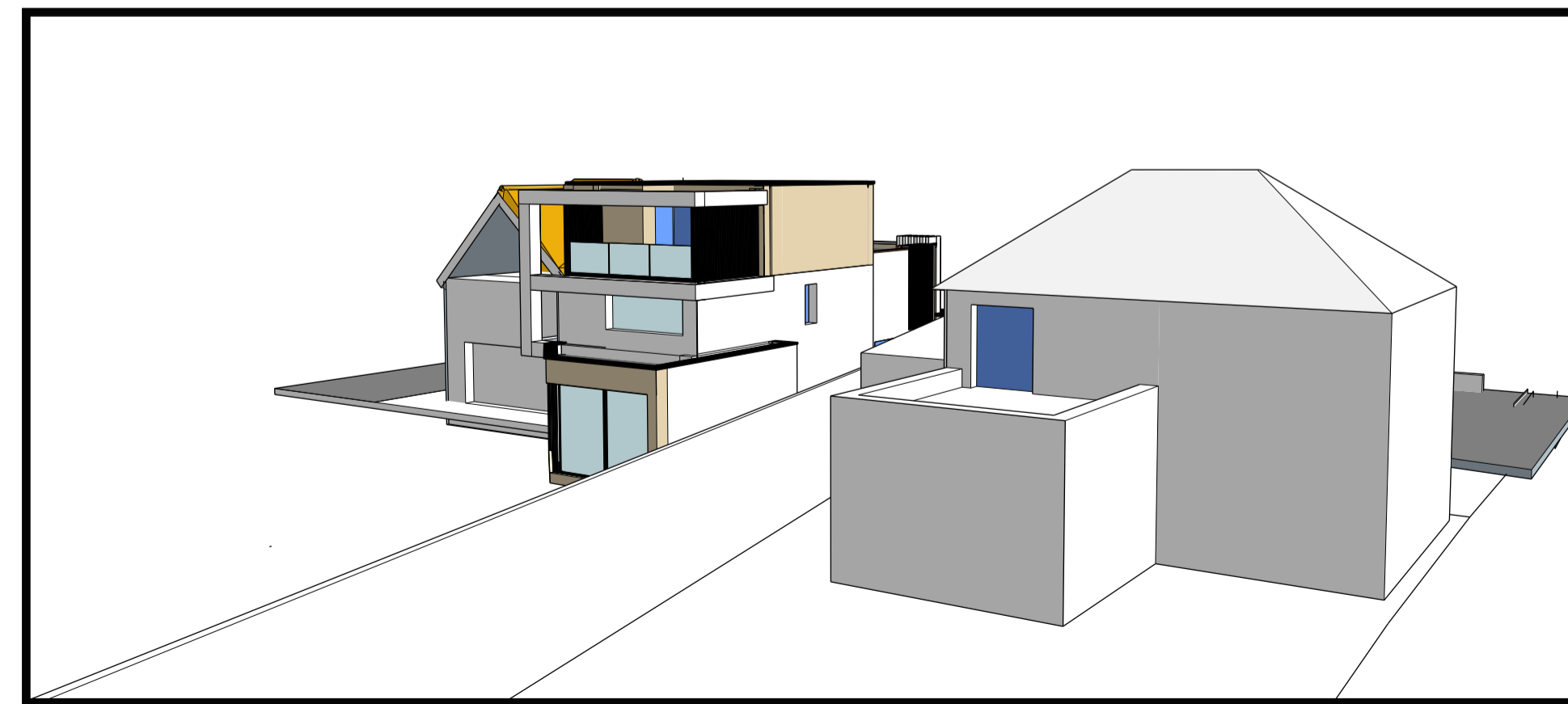
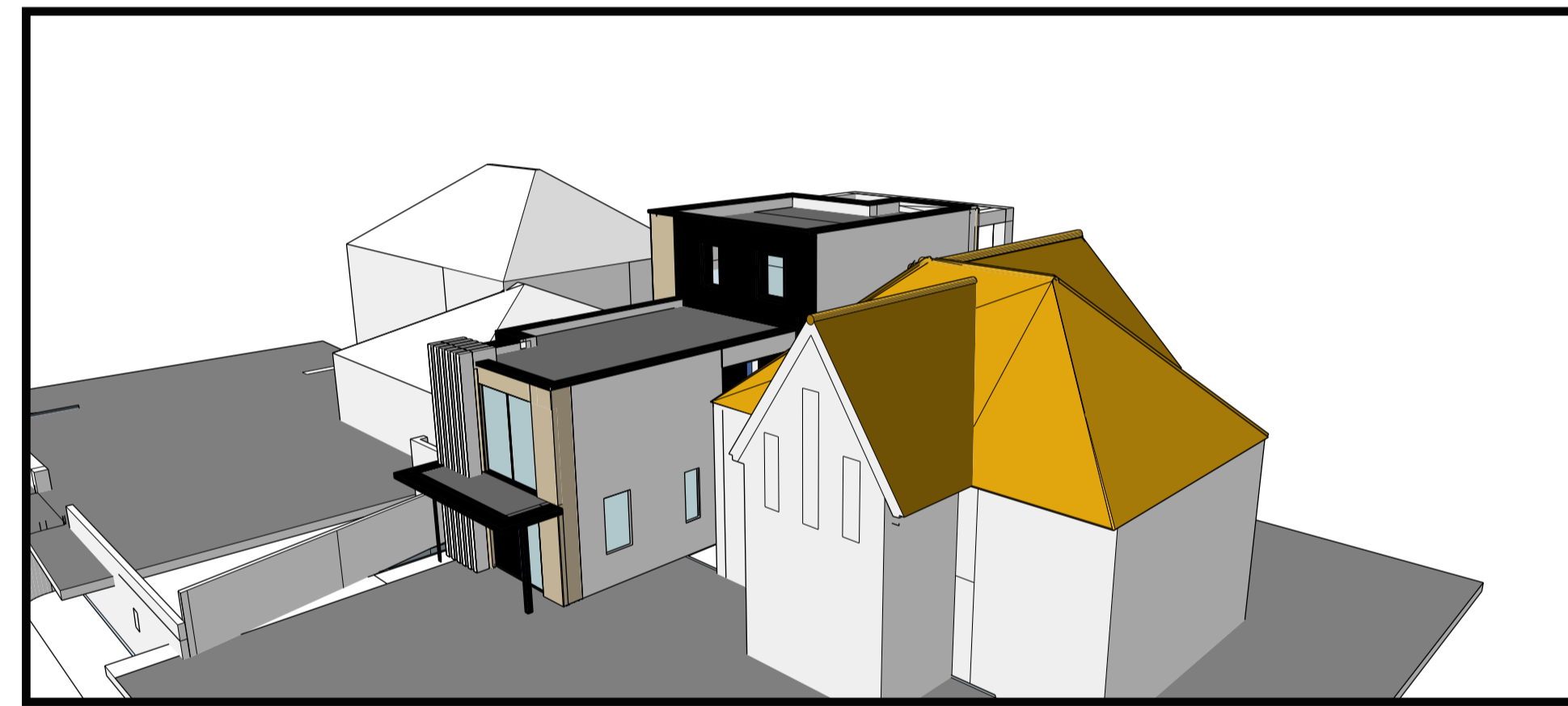
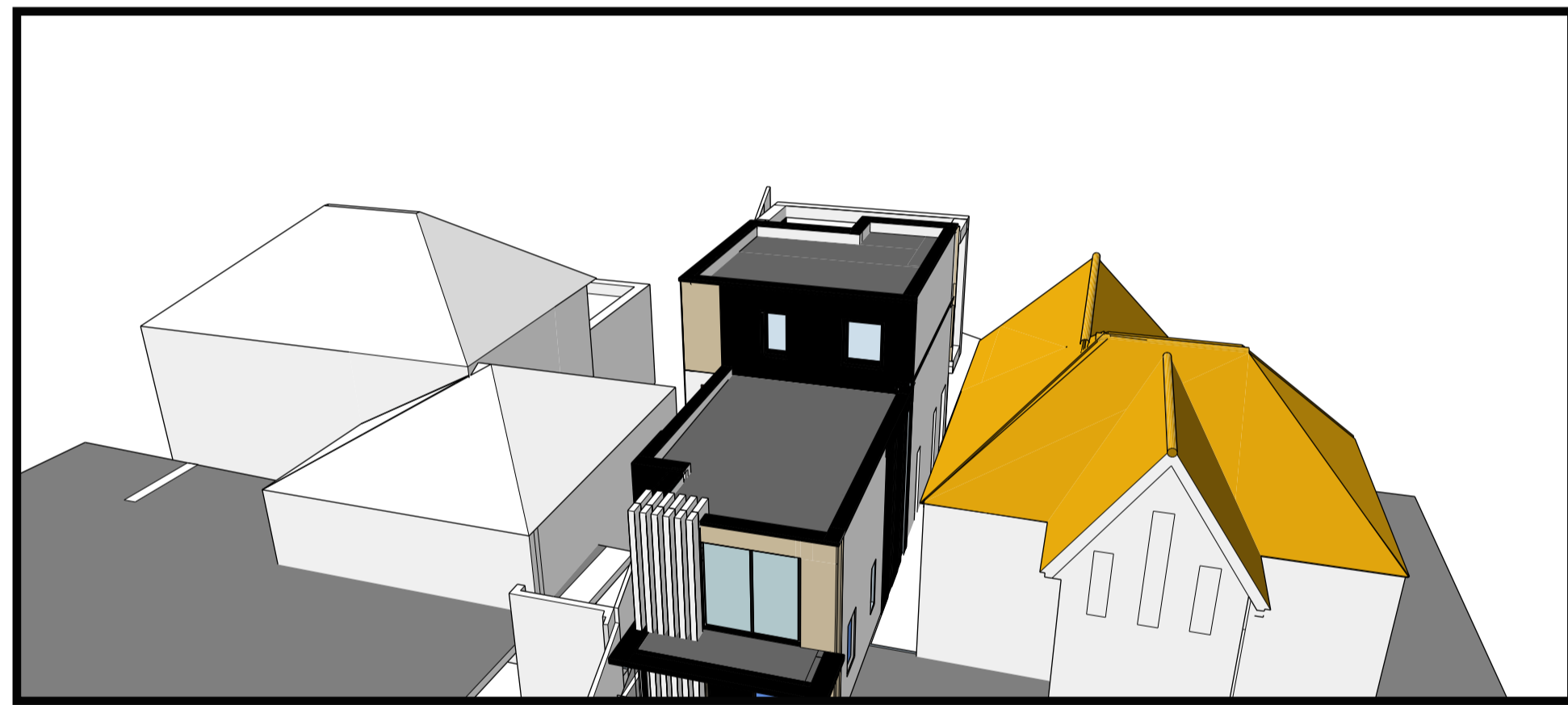
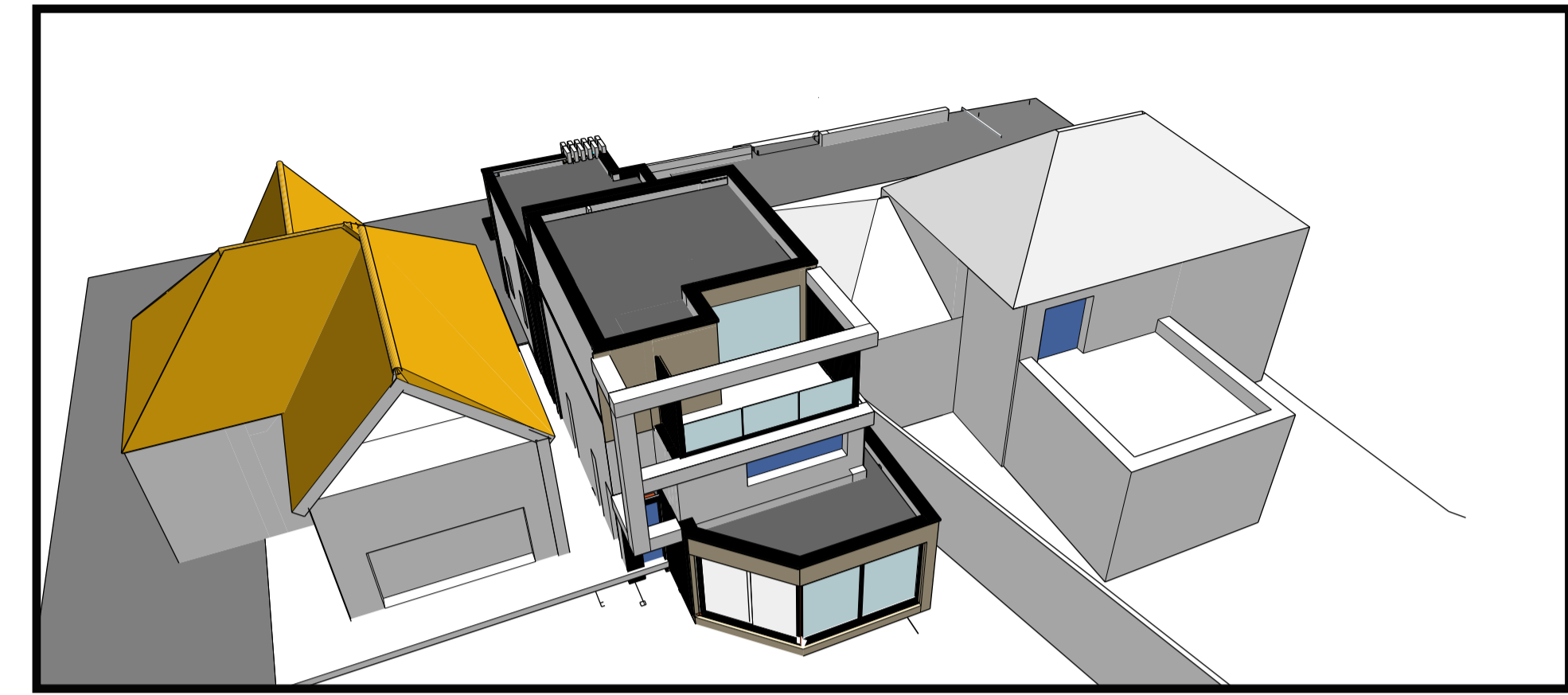
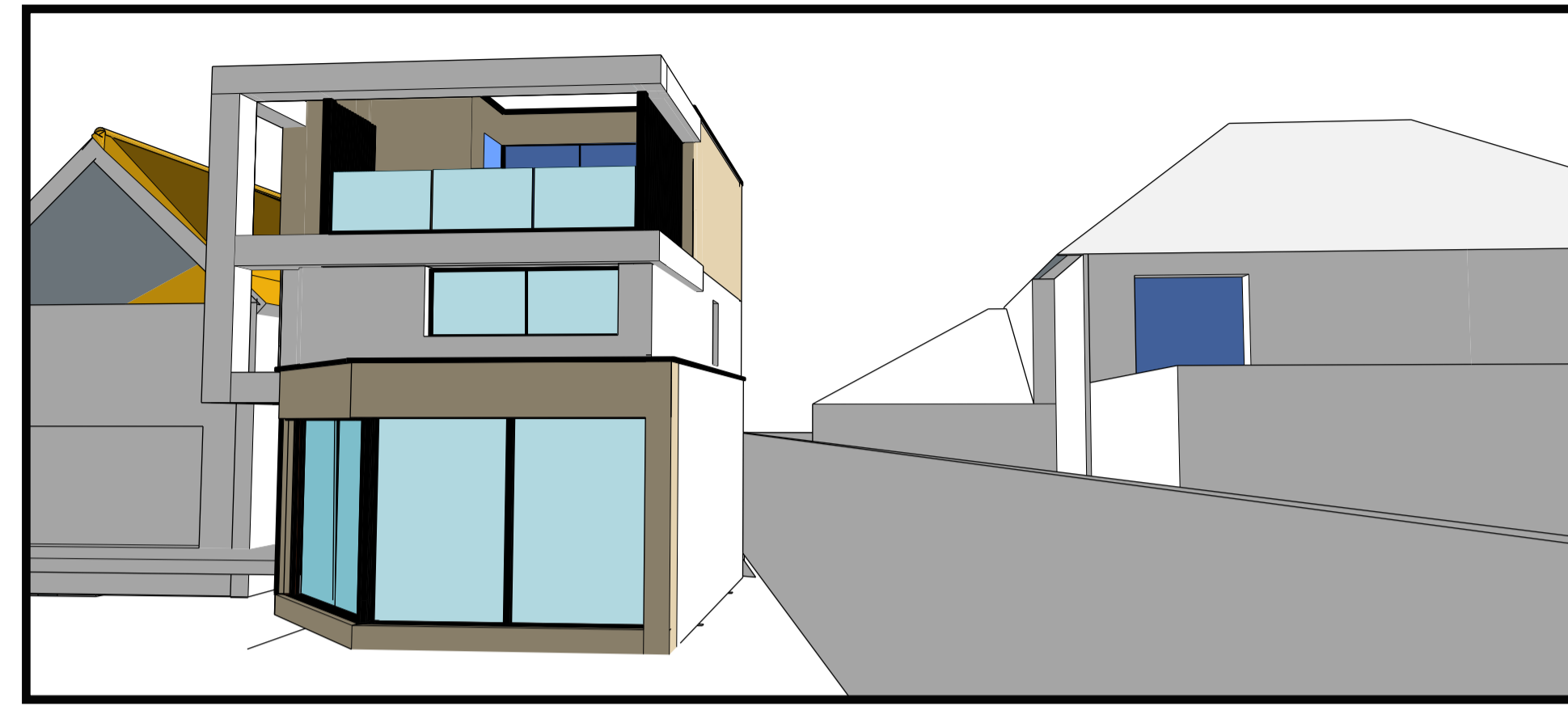
Drawing: Site Plan showing
relationship to adjacent
properties*.

*Derived from 3d point cloud
site survey 28/06/2024 using
Leica Lidar laser scanning
technology.

SCALE 1:100



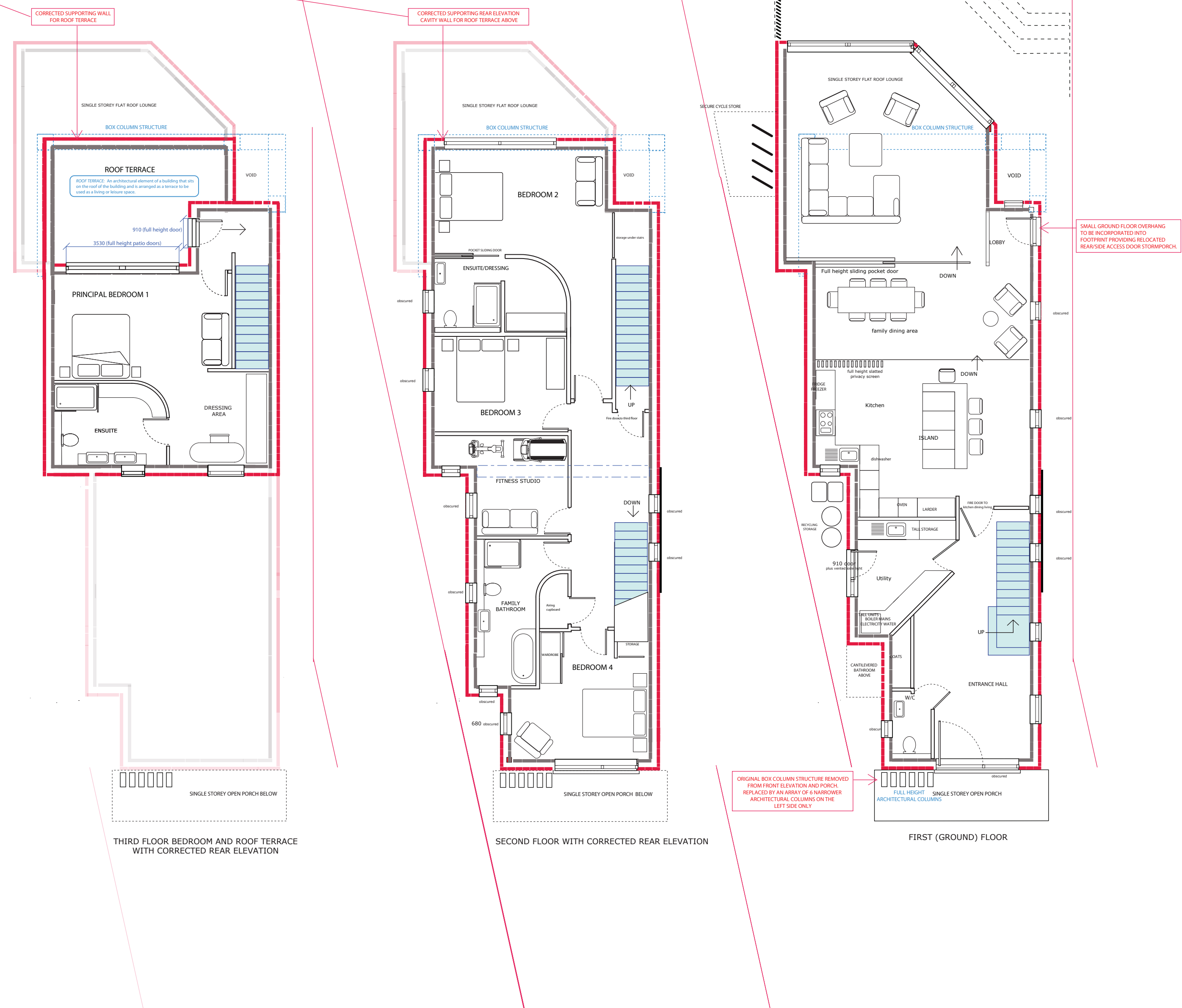
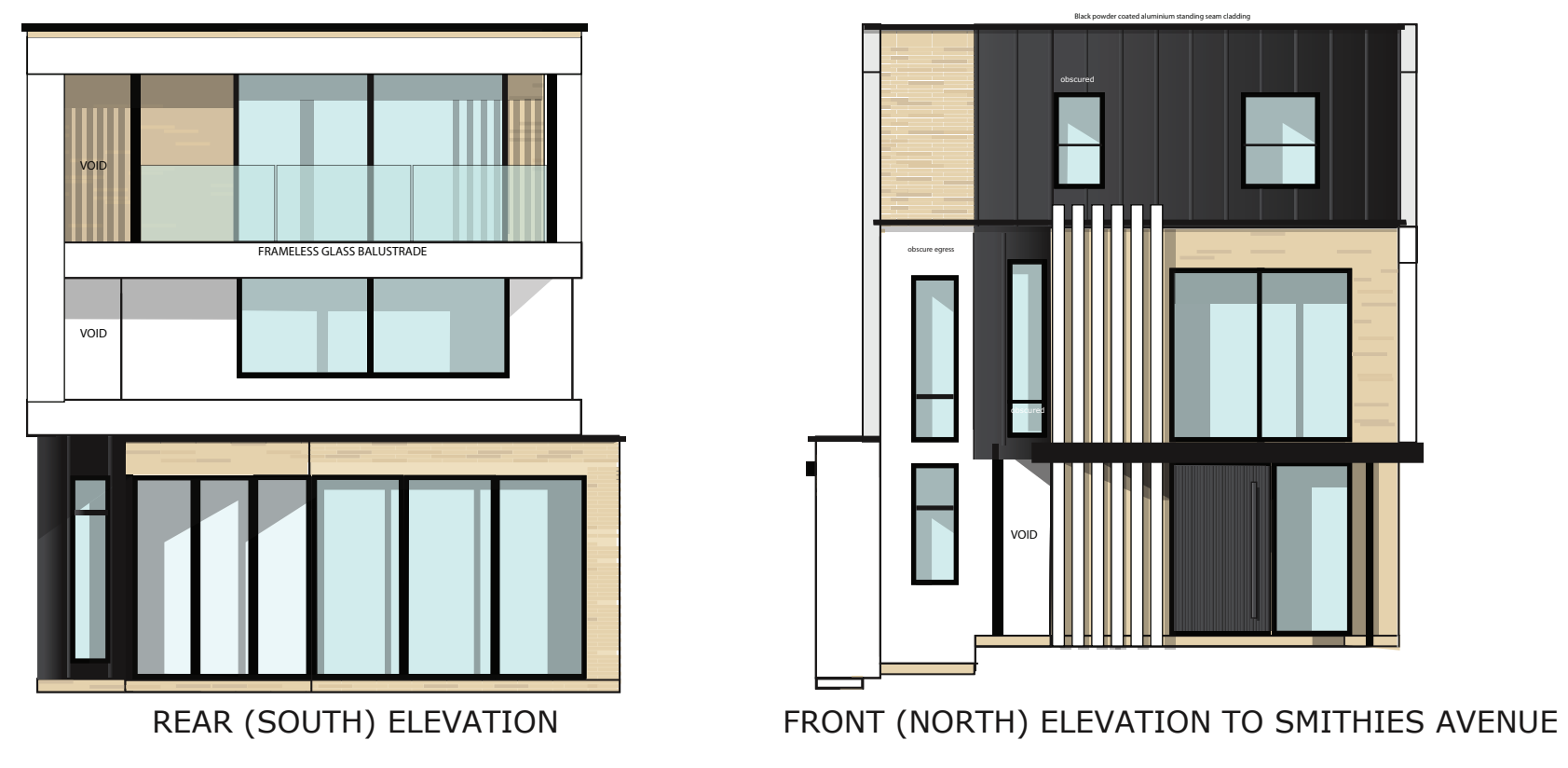
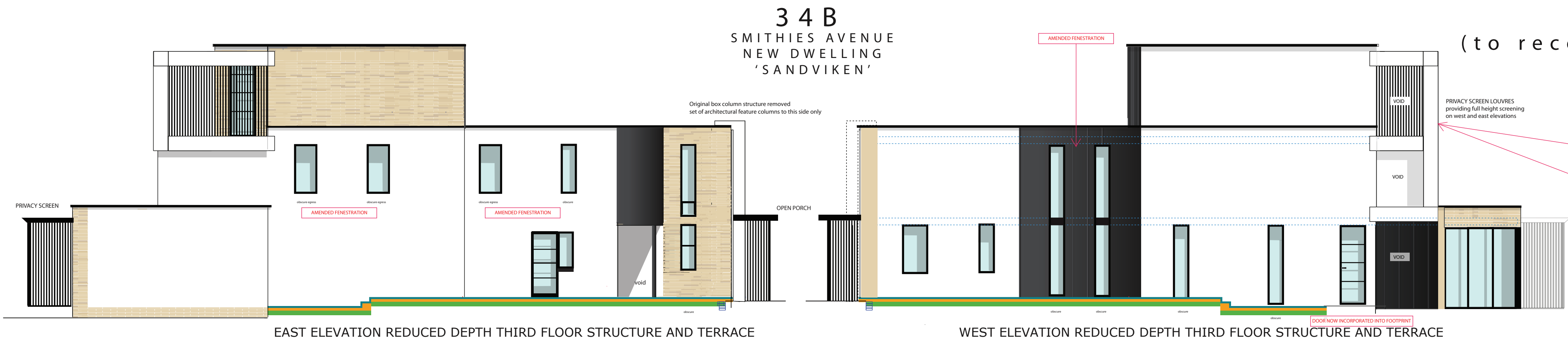
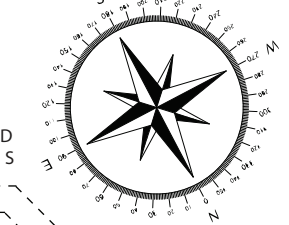
View from roof level of 34A Smithies Avenue



Side view from roof terrace 34A Smithies Avenue
- new dwelling in background

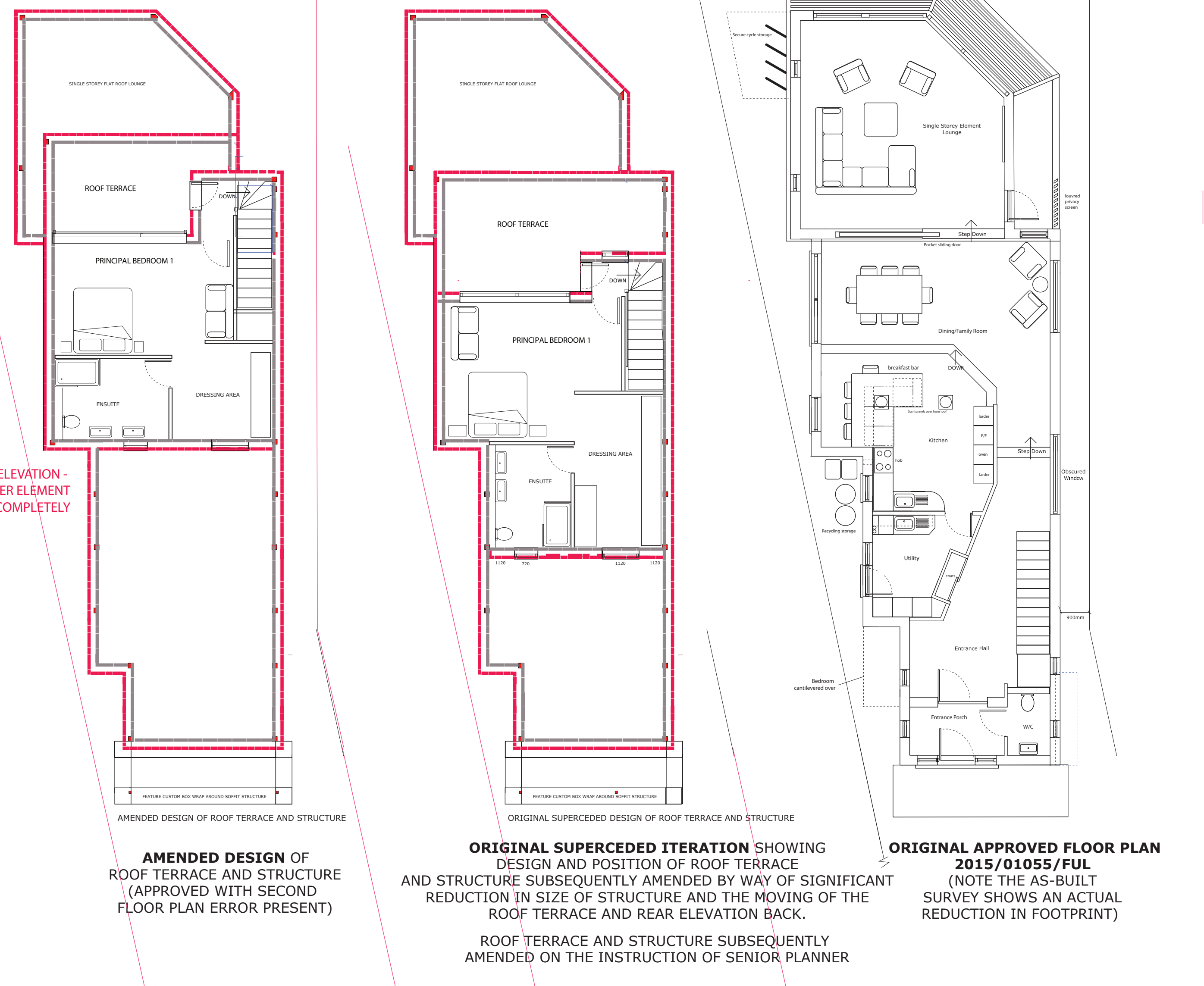
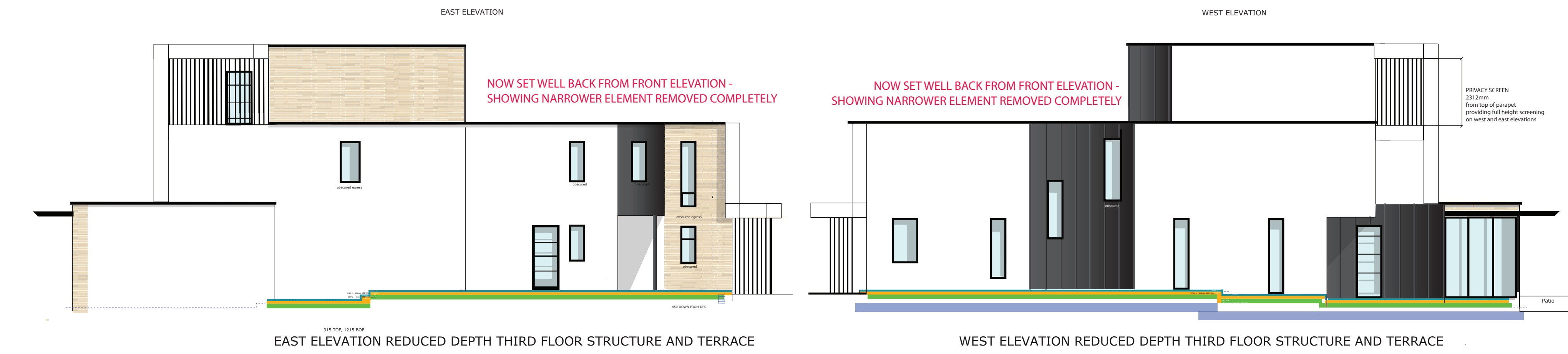
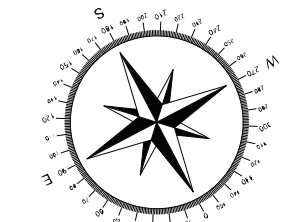


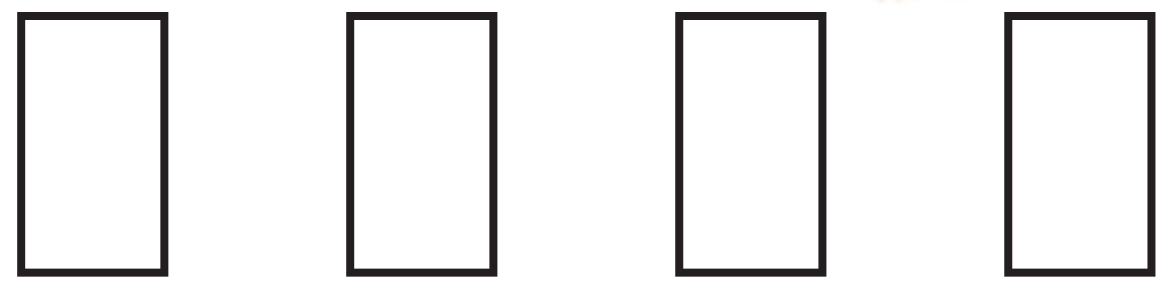
2024/00636/FUL FLOOR PLANS AND ELEVATIONS TO BE REGULARISED
(to reconconcile with approved elevations including non-material amendments)
AS-BUILT DERIVED FROM LEICA LIDAR 360 DEGREE LASER SURVEY SCAN JUNE 29th 2024
34B SMITHIES AVENUE
NEW DWELLING UNDER CONSTRUCTION



FLOOR PLANS AND ELEVATIONS AS APPROVED 2023/00136/FUL AND 2015/01055/FUL - FOR COMPARISON AND CLARITY
(UNALTERED, SHOWING ERROR ON SECOND FLOOR PLANS RELATIVE TO DEPTH SHOWN ON ELEVATIONS)

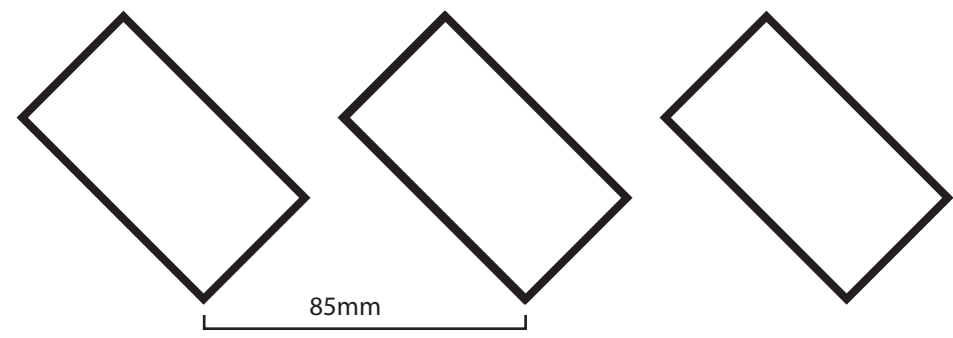
34B SMITHIES AVENUE
NEW DWELLING UNDER CONSTRUCTION





Facade Blades

70mm x 40mm black powder coated box section aluminium full height vertical, aligned at 50mm spacing for FRONT ELEVATION porch.

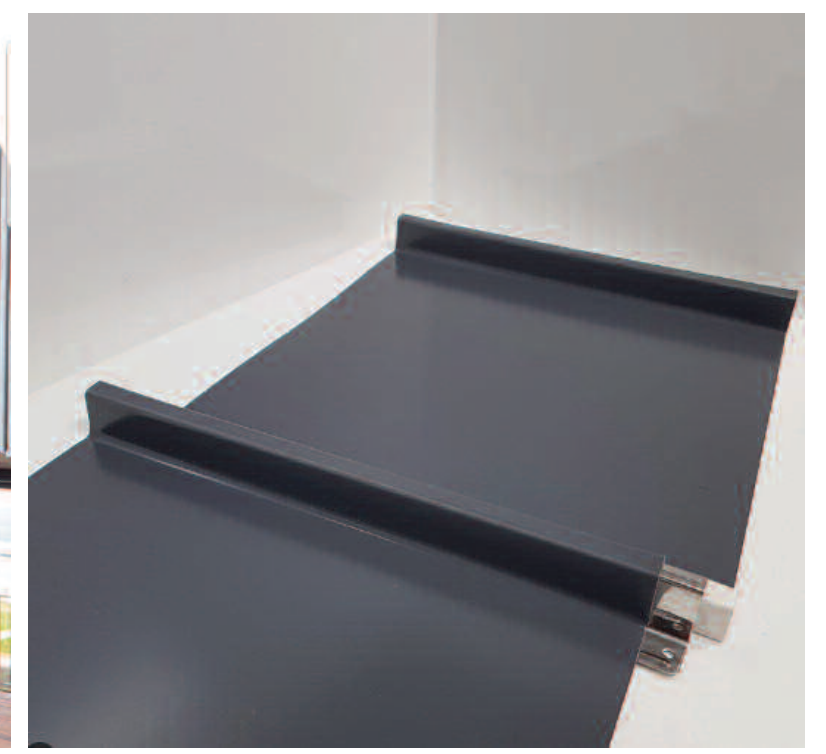


Privacy Facade Blades

70mm x 40mm black powder coated box section full height vertical, aligned at 45 degrees for ROOF TERRACE SIDES.



Silicone thin coat render or sand and cement render painted white
Stain resistant breathable smooth coat 1-1.5 grit Pure White render.



Standing Seam Euroclad Cladding

Black powder coated aluminium 455mm continuous vertically fixed panels (invisible fixings).

Concealed gutters and down pipes. Black aluminium copings to parapet walls.

Fenestration

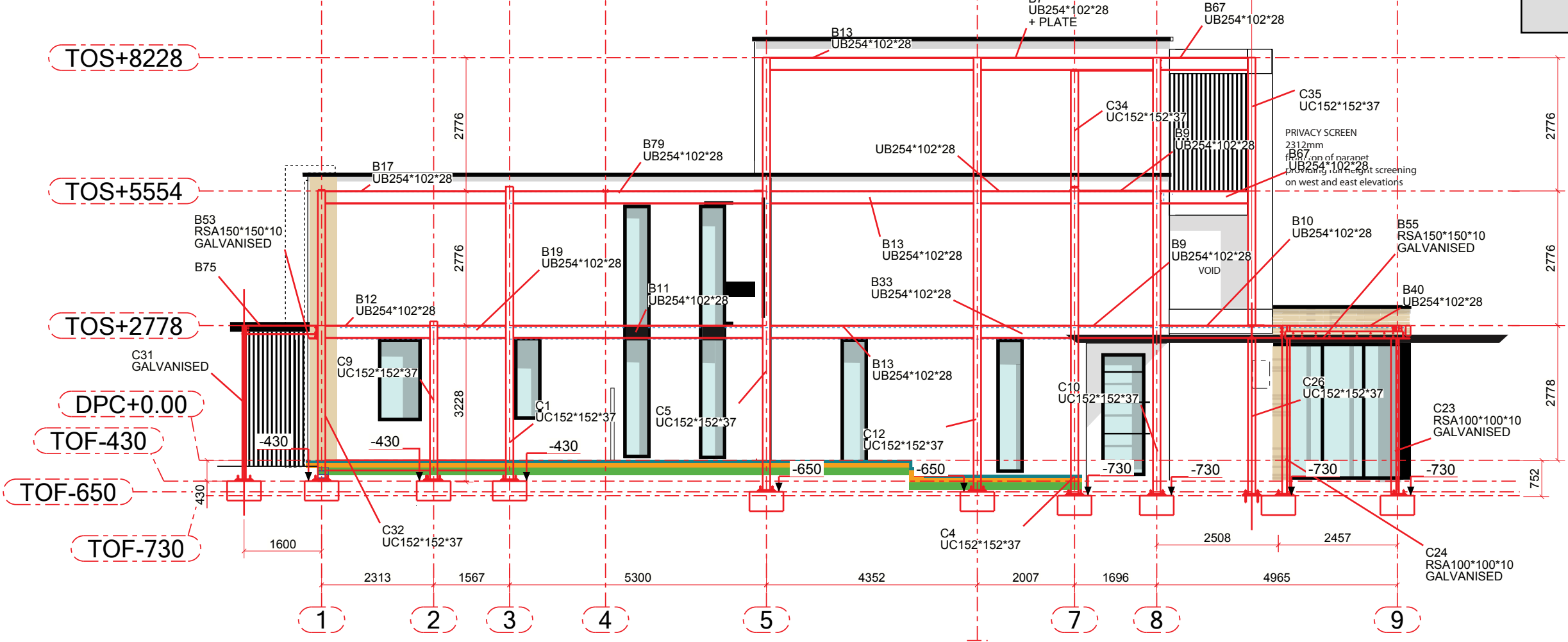
All windows and patio doors matching double glazed black powder coated aluminium frames



< Linea Apollo
Available in 490 x 90 x 52mm.

Long Format Bricks
European imported. Semi glazed cream clay . Lime white mortar.

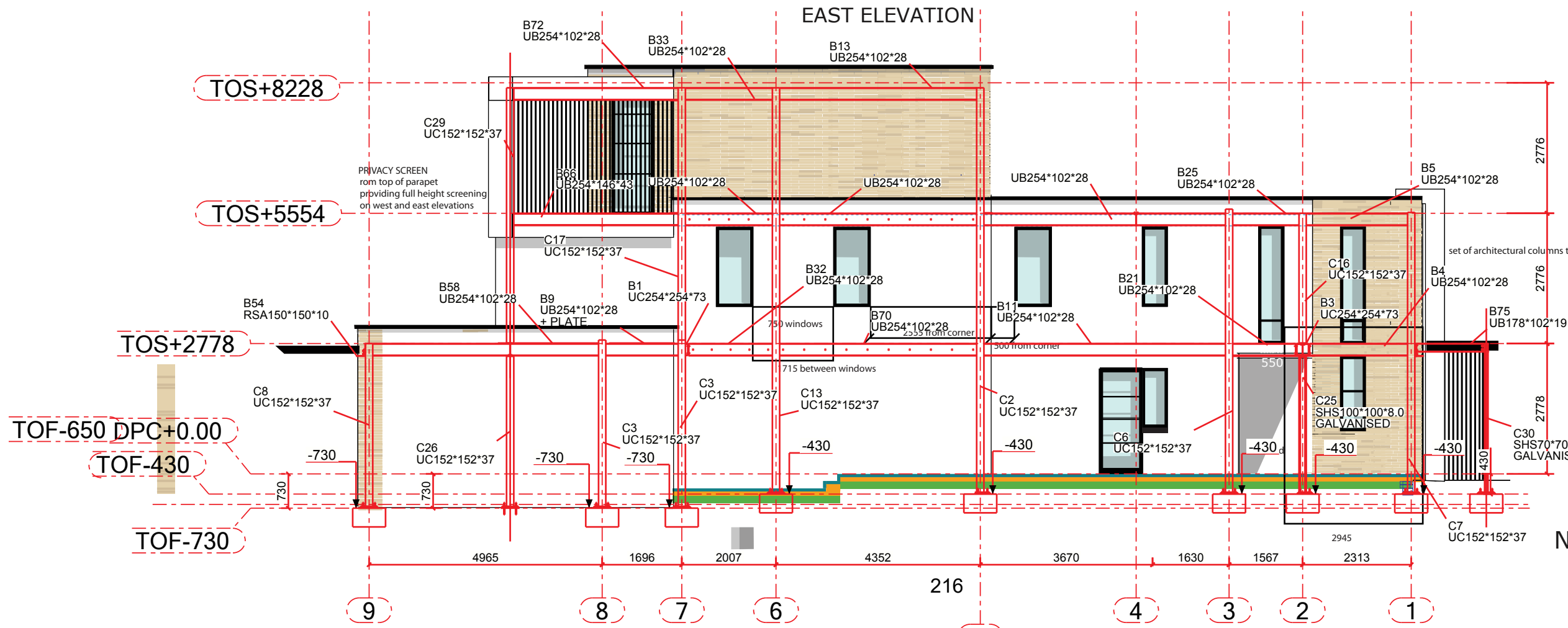
WEST ELEVATION



Tekla engineering drawings of installed steel structure overlaid showing parapet walls at minimum height to allow for insulation, firrings and roof surface makeup

34B
SMITHIES AVENUE
NEW DWELLING
'SANDVIKEN'

EAST ELEVATION



SCALE 1:100



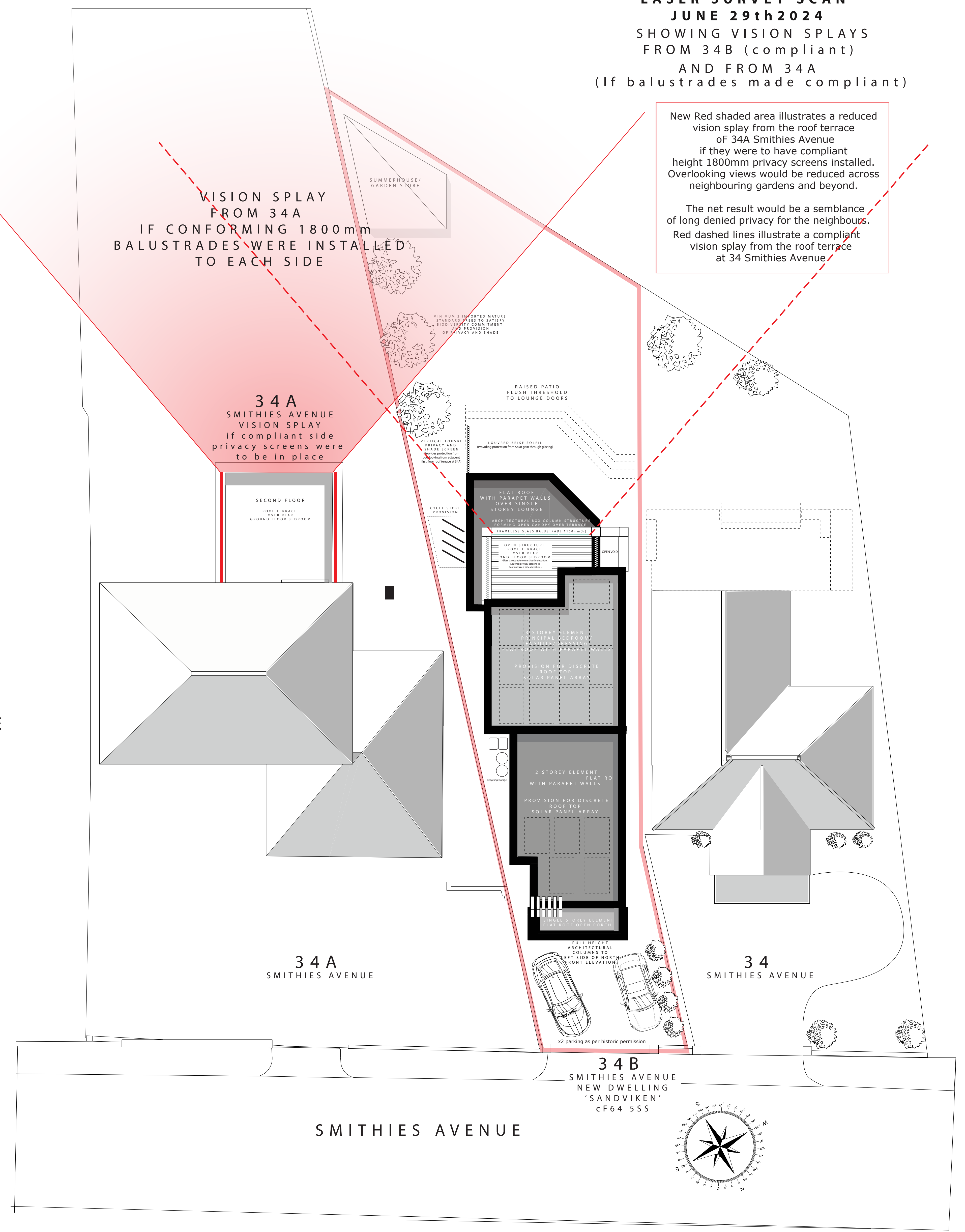
Nick Wall Design + Build

**SITE PLAN
DERIVED FROM LEICA 360 DEGREE
LASER SURVEY SCAN
JUNE 29th 2024
SHOWING VISION SPLAYS
FROM 34B (compliant)
AND FROM 34A
(If balustrades made compliant)**

New Red shaded area illustrates a reduced vision splay from the roof terrace of 34A Smithies Avenue if they were to have compliant height 1800mm privacy screens installed. Overlooking views would be reduced across neighbouring gardens and beyond.

The net result would be a semblance of long denied privacy for the neighbours. Red dashed lines illustrate a compliant vision splay from the roof terrace at 34 Smithies Avenue.

VISION SPLAY FROM 34A IF CONFORMING 1800mm BALUSTRADES WERE INSTALLED TO EACH SIDE



34 B
SMITHIES AVENUE
NEW DWELLING
'SANDVIKEN'



Nick Wall Design + Build
07745581167
idesign.nick@gmail.com

Drawing: Site Plan showing relationship to adjacent properties*.

*Derived from 3d point cloud site survey 28/06/2024 using Leica Lidar laser scanning technology.

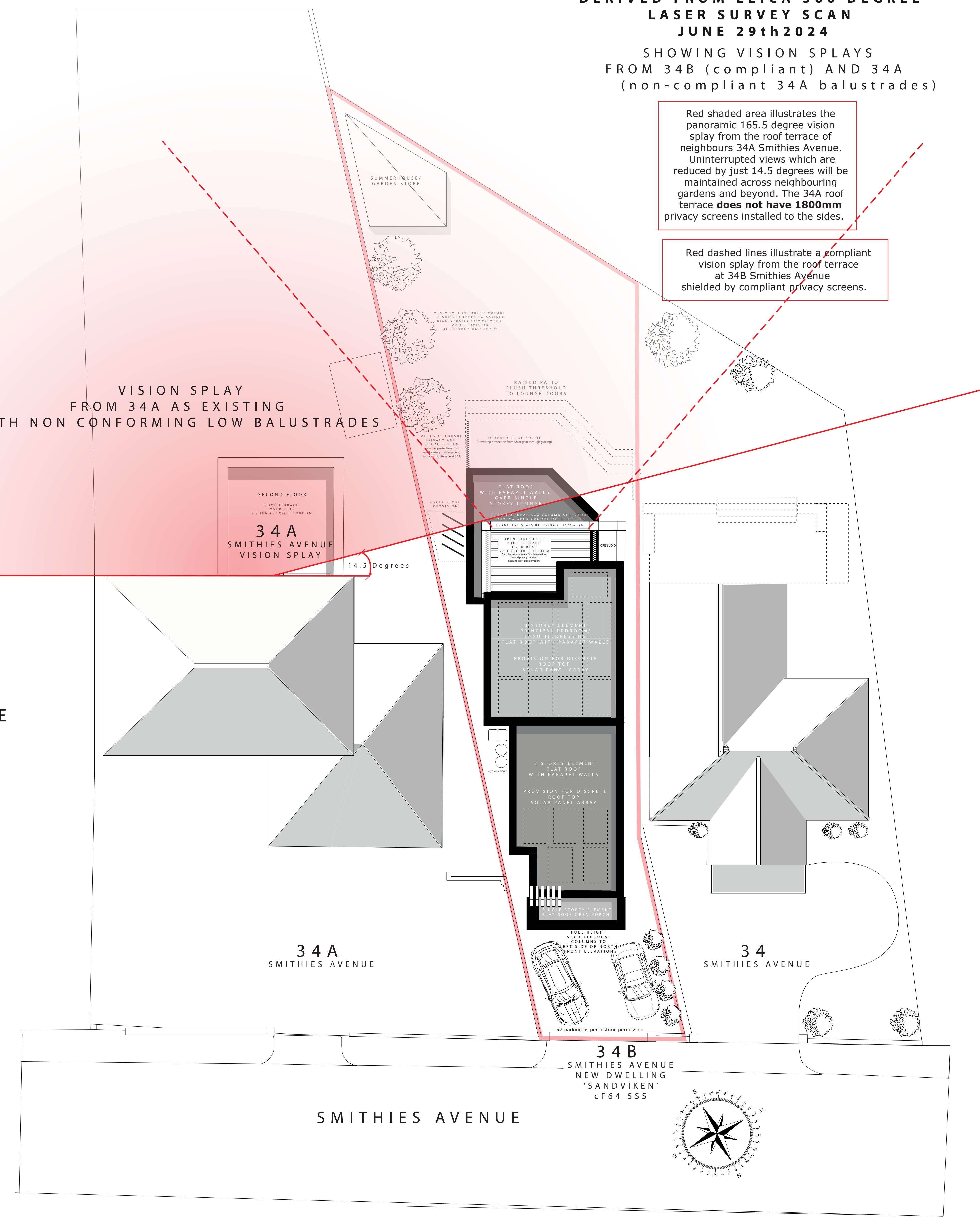
SCALE 1:100

**SITE PLAN
DERIVED FROM LEICA 360 DEGREE
LASER SURVEY SCAN
JUNE 29th 2024
SHOWING VISION SPLAYS
FROM 34B (compliant) AND 34A
(non-compliant 34A balustrades)**

Red shaded area illustrates the panoramic 165.5 degree vision splay from the roof terrace of neighbours 34A Smithies Avenue. Uninterrupted views which are reduced by just 14.5 degrees will be maintained across neighbouring gardens and beyond. The 34A roof terrace **does not have 1800mm** privacy screens installed to the sides.

Red dashed lines illustrate a compliant vision splay from the roof terrace at 34B Smithies Avenue shielded by compliant privacy screens.

VISION SPLAY FROM 34A AS EXISTING WITH NON CONFORMING LOW BALUSTRADES



34 B
SMITHIES AVENUE
NEW DWELLING
'SANDVIKEN'



Nick Wall Design + Build
07745581167
idesign.nick@gmail.com

Drawing: Site Plan showing relationship to adjacent properties*.

*Derived from 3d point cloud site survey 28/06/2024 using Leica Lidar laser scanning technology.

SCALE 1:100