

**Version 7**

**THE VALE OF GLAMORGAN COUNCIL**

Town and Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004  
The Town and Country Planning (Development Management Procedure) (Wales)  
Order 2012

**FULL PLANNING PERMISSION**

Agent:  
Mr Howard Jones  
Unit 14,  
St Asaph Business Park,  
St Asaph,  
Denbighshire.  
LL17 0LJ

Applicant:  
Dwr Cymru Welsh Water  
Ty Awen,  
Spooner Close,  
Coedkernew,  
Newport.  
NP10 8FZ

**Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of a temporary construction compound at Cog Moors Wastewater Treatment Works (WwTW), Cardiff Road, Dinas Powys at Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys**

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans registered by the Council on 11 April 2018 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 (except for the proposed lightning poles) shall be carried out in accordance with the following approved plans and documents:
  - Design and Access Statement, November 2017
  - Noise Impact Assessment, November 2017
  - Elevation Looking South Sheet 1 of 2. 06110 Rev P06
  - Elevation Looking South Sheet 2 of 2. 06111 Rev P05
  - Elevation Looking North Sheet 1 of 2. 06112 Rev P05
  - Elevation Looking North Sheet 2 of 2. 06113 Rev P06
  - Elevation Looking West Sheet 1 of 2. 06114 Rev P06

- Elevation Looking West Sheet 2 of 2. 06115 Rev P05
- Elevation Looking East Sheet 1 of 2. 06116 Rev P05
- Elevation Looking East Sheet 2 of 2. 06117 Rev P06
- Proposed Structure Sections through Stack 300m. 06140 Rev P04
- Proposed Structure Sections through Stack 500m and 1000m. 06141 Rev P04
- Existing Structure Sections through Stack 300m. 06142 Rev P02
- Existing Structure Sections through Stack 500m and 1000m. 06143 Rev P02
- Exhaust Stack Section Location. 06144 Rev P04
- View towards Pop Hill. 06145 Rev P02
- Construction Traffic Management Plan, November 2017
- Odour Assessment, November 2017 (Figure 3 superseded by 06120 Rev P03)
- Pre-Application Consultation Report
- Drainage Strategy, November 2017
- Tree Report and Arboricultural Impact, November 2017
- Preliminary Ecological Appraisal, October 2016
- Landscape Mitigation Plan 06127 Rev P06 (including dormouse nest boxes) within Habitat Management Plan, Dormouse Report and Biodiversity Strategy
- Transport Statement, January 2018
- Waste Planning Assessment, January 2018
- Letter from Arcadis, dated 21 March 2018, enclosing FCA
- Project Environmental Management Plan, 3rd April 2018
- Supporting Planning Statement, April 2018
- ZVI. 06119 Rev P04
- Landscape Mitigation Plan. 06127 Rev P06
- Landscape Planting Plan. 06133 Rev P02
- Site Location Plan. 06100 Rev P02
- Planning Application Site Boundary. 06101 Rev P02
- Existing Site Layout 1. 06102 Rev P02
- Existing Site Layout 2. 06103 Rev P02
- Existing Site Layout 3. 06104 Rev P02
- Existing Site Layout 4. 06105 Rev P01
- Proposed Site Layout 1. 06106 Rev P03
- Proposed Site Layout 2. 06107 Rev P03
- Proposed Site Layout 3. 06108 Rev P03
- Proposed Site Layout 4. 06109 Rev P06
- Proposed Site Development. 06120 Rev P03
- Photomontages. 06128 – 06132 (All Rev P2)
- Site Development Area. 06149 Rev P02
- Bat Activity Survey Report, March 2018
- Bat Tree Roost Assessment Report, March 2018
- Dormouse Survey Report, March 2018
- Reptile Survey Report, March 2018
- Badger Report, March 2018
- SINC Botanical Survey Report, March 2018
- Addendum Preliminary Ecology Appraisal, March 2018
- Biodiversity Strategy. March 2018
- Habitat Management Plan, March 2018
- Landscape Management Plan, March 2018

- Landscape and Visual Impact Assessment, March 2018
- Great Crested Newt Survey Report, March 2018
- Non-Technical Summary, March 2018

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.

**2017/001203/1/NMA**

**Condition 2 Amended 11/07/2019**

3. Prior to their erection on site, a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme should include details of the type of lighting to be used; appropriate siting of lights; drawings setting out light spillage in key areas for wildlife, and any operational measures necessary to ensure that dormouse habitats are not illuminated. The scheme should address the construction and operational phases of the development. The lighting thereafter installed shall be in full accordance with the agreed details and thereafter maintained.

Reason:

To ensure that lighting measures do not conflict with the wildlife and dormouse use of the site in accordance with Policies SP10-Built and Natural Environment, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan; TAN5-Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010 as amended.

**2017/01203/1/CD**

**Details Approved 14/08/2018 - Vale of Glamorgan Council**

- 'DCWW Cog Moors WWTW AAD. Lighting Design Report' by Arcadis dated August 2018
- Drawing 4793-S-203-HYD-XX-XX-DR-E-XXXX entitled 'Cog Moors WWTW AAD Scheme. External Lighting Plan (Rev P01) dated 6 August 2018. (This plan is also included within the Lighting Design Report)

**Received on 7 August 2018**

4. Site clearance must be undertaken in accordance with the Method Statement as per the Dormouse European Protected Species NRW licence and in accordance with Section 9 of the Great Crested Newt Survey March 2018

Reason:

To safeguard and mitigate for the ecology and biodiversity interests on the site in accordance with Policies SP10-Built and Natural Environment, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan; TAN5-Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010 as amended.

5. The construction and operational phase of the development shall protect and reinstate the Site of Importance for Nature Conservation in full accordance with the measures detailed in Section 8 of the Habitat Management Plan; March 2018 by Arcadis. Report ref 4798-S-202-HYD-XX-XX-RP-XX-10199, V2 and the Biodiversity Strategy; March 2018.

Reason:

To safeguard and mitigate for the ecology and biodiversity interests on the site in accordance with Policies SP10-Built and Natural Environment, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan; TAN5-Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010 as amended.

6. Notwithstanding the submitted plans and details, within 12 months of the commencement of development on site , a long term management plan to ensure the favourable management of habitat for dormice on site shall be submitted to and approved in writing by the Local Planning Authority. The plan should include, but not exclusively, a description of new and existing habitats and their desired condition, the nature of management operations required to deliver and maintain the desired condition, appropriate scheduling and timing of activities, proposals for the periodic reporting of the results of monitoring to NRW and the LPA, proposals for on-going review of management and remedial action to be undertaken where problems are identified by the dormouse monitoring scheme. Management of the habitat shall thereafter be in fully accordance with the agreed long term management plan.

Reason:

To safeguard the long term ecology interests on the site in accordance with Policies SP10-Built and Natural Environment, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan; TAN5-Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010 as amended.

**2017/01203/5/CD**

**Details Approved 08/07/2021 - Vale of Glamorgan Council**

**COG MOORS WWTW –ADVANCED ANAEROBIC DIGESTION (AAD) PLANT Dormouse Habitat Management Plan (V2)' by Arcadis, dated May 2021 and received 29 May 2021**

7. No drainage works on the site shall take place until a detailed scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Any calculations for onsite attenuation or discharge and compensatory storage should also be included, along with full engineering details of drainage assets. A management plan for the on-going maintenance of the system shall also be included. The approved scheme must be implemented prior to beneficial occupation of new assets on site and thereafter no further surface water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

**2017/01203/4/CD**

**Details Approved 02/04/2019 - Vale of Glamorgan Council**

**Site Location Plan (Ref: 4798-S-202-HYD-XX-XX-DR-XX-06100-S2-P02); Planning Application Site Boundary (Ref: 4798-S-202-HYD-XX-XX-DR-XX-06101-S2-P02) Surface Water Drainage Report. Ref 4793-S-203-HYD-XX-XX-RP-CX-13008-P2-S3 (March 2019)**

8. All site clearance and construction works shall be undertaken in full accordance with the Construction Traffic Management Plan and the Project Environmental Management Plan.

Reason:

To ensure that the amenities of residents are safeguarded and in the interests of highway safety 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.

9. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical

environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

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.

#### **2017/001203/2/CD**

#### **Details Approved 05/10/2018 - Vale of Glamorgan Council**

- **Caulmert Ltd, 20th September 2018; Cover letter Ref: ref: 2932-CAU-XX-XX-CO-T-9111.S0-P0.1**
- **Arcadis, September 2018; Geo-Environmental Assessment Report,**
- **Remediation Strategy and Verification Plan Ref: 4793-S-203-HYD-XX-XX-RP-GX-20002\_V5**

10. The remediation scheme approved by condition 9 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

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.

**Condition 10 Notification**

**Email received 08/10/2018 giving two weeks notice of the commencement of the previously approved remediation works at the site**

**Approved remediation works are due to commence on Tuesday 23rd October 2018.**

11. 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.

12. Any topsoil [natural or manufactured], or subsoil or aggregate (other than virgin quarry stone), 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.

**2017/001203/2/CD**

**Details Approved 05/10/2018 - Vale of Glamorgan Council**

- **Caulmert Ltd, 20th September 2018; Cover letter Ref: ref: 2932-CAU-XX-XX-CO-T-9111.S0-P0.1**
- **Arcadis, September 2018; Geo-Environmental Assessment Report,**
- **Remediation Strategy and Verification Plan Ref: 4793-S-203-HYD-XX-XX-RP-GX-20002\_V5**

13. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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.

**2017/001203/2/CD**

**Details Approved 05/10/2018 - Vale of Glamorgan Council**

- **Caulmert Ltd, 20th September 2018; Cover letter Ref: ref: 2932-CAU-XX-XX-CO-T-9111.S0-P0.1**
- **Arcadis, September 2018; Geo-Environmental Assessment Report,**
- **Remediation Strategy and Verification Plan Ref: 4793-S-203-HYD-XX-XX-RP-GX-20002\_V5**

14. Notwithstanding the submitted plans, the planning permission hereby approved does not relate to the proposed lightning poles.

Reason :

For the avoidance of doubt.

**2017/001203/1/NMA**  
**Condition 14 added 11/7/2019**

Reason for Granting Planning Permission

Having regard to Policies SP1 – Delivering the Strategy, SP8 – Sustainable Waste Management, SP9 – Minerals, SP10 – Built and Natural Environment, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species Extraction), MG22 – Development in Minerals Safeguarding Areas, MD1 - Location of New Development, MD2 - Design of New Development POLICY MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity and MD20 - Assessment of Waste Management Proposals, the proposal, subject to the compliance with conditions and necessary mitigation and management, is considered acceptable having regard to its visual and wider landscape impacts. In addition the proposal would not be detrimental to residential amenity, in terms of odour, noise and air quality, nor cause an impact on the local highway network, nor prejudice the minerals resource and would ensure the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

**NOTE:**

1. **Should any archaeological material may be disturbed during the course of the work,the developer/contractor should contact Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208).**
  
2. **1. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
  - (i) determining the extent and effects of such constraints;**
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**
    - Unprocessed / unsorted demolition wastes.**
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
    - Japanese Knotweed stems, leaves and rhizome infested soils.**
  - In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**
  - (iii) the safe development and secure occupancy of the site rests with the developer.**

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

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

3. **Warning: An European protected species (EPS) Licence is required for this development.**

**This planning permission does not provide consent to undertake works that require an EPS licence.**

**It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.**

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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.

Dated: 8 June 2018

**M. J. Goldsworthy**

Head of Regeneration and Planning

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES  
ATTACHED TO THIS FORM**

NOTES

Notification to be sent to an applicant when a Local Planning Authority refuse planning permission or grant it subject to conditions.

Appeals to the Welsh Government:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ or you can access their website here: <https://gov.wales/planning-appeals>
- The Welsh Government can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Welsh Government need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS  
LISTED BUILDING LEGISLATION  
HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

**Please quote the application number in all correspondence.**