

Date/Dyddiad: 9 July 2012

Ask for/Gofynwch am: Mr. S. J. Ball

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Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/SJB/2009/00946/OUT

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Nathaniel Lichfield & Partners,
Helmont House,
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BY EMAIL ONLY TO Jenny Mitter jmitter@nlplanning.com

Dear Madam,

Town and Country Planning Act, 1990 (as amended)
Planning Permission References: 2009/00946/OUT and 2010/00946/FUL
Land at Barry Waterfront adjacent to Dock No. 1, Barry

I refer to the above referenced planning permissions approved on 2 March 2012 and 21st September 2011 respectively, and the details submitted in respect of the conditions of those permissions. I apologise for the delay in formally responding on the various submissions to date, and seek to address each of those matters submitted to date in turn below, as far as is currently practicable.

Condition 24 (outline) – Whole Site Management Plan and Monitoring Scheme for Biodiversity Interests

Condition 25 (outline) – Proposed Habitat Mitigation / Creation

Condition 26 (outline) – Artificial Bird Roosting Locations

Details were submitted by letter dated 27th April 2012 in respect of the above conditions and have been the subject of discussions with the Council's Ecology team, including a meeting with Solstys Brewster on 29th May 2012, following which amended details have been awaited.

I have been waiting on these details to be submitted for our ecologist to review, but in order to provide an update on the conditions I simply advise at this stage that, to date, the additional submissions requested at the above meeting have not been provided. Once they are supplied, I will respond on this matter once our ecology team have reviewed the requested changes.

Condition 31 (outline) and 9 (full) – Badger Survey

The Council's Ecology team have reviewed the submitted letter from Solstys Brewster, received by email dated 24th May 2012, which confirms that no presence of Badgers was found on West Pond (Phase 1) during the latest walkover survey undertaken in May 2012.

In response I can confirm that the submitted report is sufficient for the:-

- DISCHARGE of Condition 9 of the application 2010/00696/FUL and
- PARTIAL DISCHARGE of Condition 31 of the outline consent, insofar as it relates to Phase 1.

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Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

Robert Thomas, Director of Development Services/ Cyfarwyddwr Gwasanaethau Datblygu

Condition 37 (outline) and 13 (full) – Water Mains

Dŵr Cymru Welsh Water (DCWW) originally confirmed in their correspondence of 15th May 2012 that the above conditions could not be discharged at that time because the submitted route of the proposed water main as indicated in the vicinity of the Steam Museum was not correct, with other minor modifications also likely.

They have since confirmed by letter dated 13th July 2012 that a scheme for the on-site and off-site water mains serving the West Pond area of the development has been designed and accepted by Gattica Associates Ltd on behalf of the Consortium. They also advise that a scheme has also been agreed for the off-site water main serving the South Quay area.

These schemes are as indicated on drawings BCR2100243 003 issue 01 and BCD0100298 001 issue 01 which, while not formally submitted to the Council, have been provided to the Council by DCWW.

Having reviewed the submitted plans, however, I regret that the LPA are unable to approve the plans as they stand, given concerns over the precise route of the water mains where it runs between the railway and the new road, through the education site. This is because I consider the location will have an adverse effect on the master planning of the new education site and unacceptably constrain development in that area.

There is, however, an obvious solution which will involve the mains running through the Council's 'Hood Road' site which itself is subject to master planning at this stage and joining up in the area of the new junction. To this end, I would encourage the consortium and DCWW to liaise with my colleague, Mark White, in our Project Management Unit in order to achieve an acceptable route through that site (or another such agreed route) which leaves the front of the site clear for future development without constraint.

While writing on this point, I would also ask that the plans addressing the above are submitted formally to the Council for approval, and also ensure that they include sufficient details over phasing of the works to ensure all parts of the condition can be approved. In this regard, I also note that DCWW have advised that due to the phasing requirements, the on-site water mains for the South Quay area have not yet been designed and will be subject to future requisition instruction by the consortium. Accordingly, any such approval in future will only relate to part of the development.

Condition 40 (outline) and 15 (full) – Contamination

The submitted information contained in your letter dated 21st March 2012 has been considered by the Environment Agency Wales (EAW) and the Council's Environmental Health Officer (EHO).

In response, I can confirm that parts 1 (desk study) and 2 (site investigation and risk assessment) of the above conditions are hereby APPROVED in PARTIAL DISCHARGE of the above conditions.

Although some details of remediation have been submitted (section 8.0 remedial strategy) the EAW have advised that additional information will be required to allow discharge of parts 3 and 4 of the above consents. A copy of this letter has previously been sent to you direct. In addition the EHO has advised that the key next stage is remediation which will need to be suitable for the proposed end uses, which if necessary could be on a phase by phase basis.

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Condition 45 (outline) - Odour Management Plan

With regards to Condition 45, I note your submissions that ultimately the management will be in DCWW's hands and therefore you consider you are unable to discharge the condition.

I note from the submitted note, however, that a legal agreement between the Consortium and DCWW is to be entered into, and that Persimmon has requested that DCWW provide a management plan. In this respect, I consider at this stage that it remains a matter between the respective parties to ensure that DCWW sign up to the submission of such a plan. As advised previously, I would have thought your client should also be ensuring that they put a date clause in the agreement so it coincides with the pre-commencement date for West Pond.

In considering the submissions, my EHO has stated that if DCWW are happy to agree mitigation and prevention of any statutory odour and or noise nuisance, then that will be acceptable to him.

In light of this, I consider further discussion should be held with DCWW to see if this matter can be addressed through them, before reporting back to me.

Condition 46 (outline) and Condition 19 (full) – Construction Environmental Management Plan (CEMP)

Condition 47 (outline) and Condition 20 (full) – Site Waste Management Plan (SWMP)

Following receipt of initial comments from EAW to the initial CEMP and SWMP submissions, amended details were provided in your email of 21st June 2012. These were sent to EAW on 21st June 2012 but, to date, I have not received a reply.

Once I have received their reply to the documents, I will provide a further written response.

Condition 51 (outline) and Condition 2 (full) – Parking for Construction traffic and routes for heavy vehicles (received by letter dated 21st March 2012)

Condition 52 (outline) and Condition 4 (full) – Junction Improvements to connect Barry Island to Link Road (received by letter dated 14th March 2012)

2010/00946/FUL – Conditions 3 and 5 – Highway Engineering Details (received by letter dated 14th March 2012)

With regard to the above, I emailed you on 9th July 2012 with regard to the need for additional submissions, as well as matters relating to surface materials. I understand that Healers have since been in contact with my colleague Tom Bevan in Highway Development, and that much of the requested information has been submitted.

Once I have received feedback from Tom I will provide a further written response and, if deemed necessary, arrange a meeting to discuss any outstanding points.

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Recent Submissions as part of Reserved Matters Applications

I Note that, in accordance with the outline approval, the recent reserved matters submissions have been accompanied by submissions on a number of conditions on that consent. These will be dealt with concurrently but separate from the applications, and correspondence will be sent once these matters have been fully considered, although I make the following points at this stage for your comment: -

Condition 22 Water Use Strategy

I note the intention (drwg. ref SK/Mole/101 refers) to create proposed sailing facilities on the Mole through a temporary secure compound.

While I welcome works to encourage the use of the water, nevertheless I have some concerns over the enclosure of the proposed 'secure compound' by 1.8m high palisade fencing, which I feel has the potential to visually detract from the council and consortium's efforts to encourage people to the waterfront at the earliest stage of the development.

In light of the above, I would welcome your views on the consortiums involvement in seeking a more appropriate form of temporary enclosure, such as the spike and spear fencing used elsewhere by the Council.

Condition 23 Public Realm Strategy (this also being required by condition 6 of the 2010/00946/FUL)

This condition requires submission of "a strategy(s) to include full indicative details of the public realm (including soft landscaping) and public art (including an implementation plan) for the whole of the application site".

While I note that a public art strategy has been provided, your correspondence refers to submission of a 'public realm plan" within the plan package, although I am unable to find any such plans.

I would therefore be pleased to receive such a plan which, you should note, must relate to the whole of the application site (not just individual reserved matters), the aim being to ensure a comprehensive public realm (and public art strategy) is provided for the whole development.

Condition 48 Public Pedestrian Access

This condition requires submission of details of the means of providing and maintaining public pedestrian access through the development site from Barry Island, and ultimately relates to the link from Clive Road steps along the dock towards the Ffordd y Milleniwm roundabout.

Given that West Pond has no impact on this route, I am content that the submitted details would maintain such access throughout the development of that site. I would emphasise, however, that any subsequent applications for the District Centre and South Quay should provide full details of how this pedestrian route will be maintained without disruption.

Please feel free to contact me on the above direct line should you wish to discuss any matter further.

Yours faithfully,



M. Goldsworthy

Operational Manager Development & Building Control