

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

OUTLINE PLANNING PERMISSION

Agent:
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Park House
Greyfriars Road
Cardiff
CF10 3AF

Applicant:
Legal & General (Strategic Land) Ltd

Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B. at Land at Model Farm, Port Road, Rhoose

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS OUTLINE 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 22 April 2021 subject to the following condition(s):

1. Details of the layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters for any phase of development shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the scale parameters for buildings illustrated on plan ref: JCD0064-004-I-210511 - Parameter plan - Land Use & Storey Heights, and for the development as a whole, be up to an aggregate gross internal floor space of 161,834 sq.m.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

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

JCD0064-001-D-210331 - Site Boundary Plan;
JCD0064-003-T-210511 - Indicative Concept Masterplan;
JCD0064-004-I-210511 - Parameter plan - Land Use & Storey Heights;
JCD0064-005-G-210510 - Parameter plan - Movement & Access;
JCD0064-006-J-210607 - Parameter plan - Green Infrastructure;
JCD0064-007 - Hedgerow, Scrub and Woodland Plan;
210520_ECO01271-002 Rev A - Proposed Additional Mitigation and Wildlife Enhancement

Environmental Statement Vols1-3 by RPS dated July 2019;
Environmental Statement - Addendum (April 2021);

Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019;

JNY9624-05 v.3 Framework Travel Plan;
Design and Access Statement;
Design Brief V6;

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.

6. No development, or preparatory works such as site clearance, shall take place until a Dormouse Conservation Strategy has been submitted to and approved by the Local Planning Authority. The strategy shall set out the likely impacts of the proposals on dormice, and detail measures that will be put in place to mitigate and/or compensate the impacts on dormice (as appropriate). The Strategy shall include:
- A plan showing habitat to be lost, created and retained, which should identify the extent and location on appropriate scale;
 - Details of protective measures to be taken to minimise the impacts;
 - Proposals to minimise the severance of dormouse habitat, including at least 2 safe crossings for dormice where green infrastructure is severed by the central spine/access road;
 - Details of the nature and widths of dormouse habitat buffers, and where these will apply across the site; we would advise that these are planted with appropriate species
 - Details of the condition of current dormouse habitat, proposed habitat enhancement measures, and the condition of dormouse habitat that these aim to achieve;
 - Details of phasing of construction activities and conservation measures, including a timetable for implementation of mitigation demonstrating that works are aligned with the proposed phasing of the development;
 - Details of initial aftercare and long-term management including details of who will be responsible for and how long-term management will be funded;

The Dormouse Conservation Strategy shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

7. No development, or preparatory works such as site clearance, shall take place until a Biodiversity Management Strategy has been submitted to and approved by the Local Planning Authority. The Strategy shall include:
- Details of habitats, landscape, environmental and ecological features present or to be created at the site, including maps to show their present and desired distribution;
 - Details of the desired conditions of features (present and to be created) at the site;
 - Details of scheduling and timings of activities;

- Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition (including management proposals with dormice in mind);
- Details of aftercare for any new planting, and replacement measures should any new planting die, be removed or become seriously damaged or diseased within 5 years of completion of development;
- Cross-reference to the Precautionary Dormouse Strategy (in particular the monitoring proposals);
- Details of management and maintenance responsibilities;
- Details of timescales, length of plan, and the method to review and update plans (informed by monitoring) at specific intervals;

The Biodiversity Management Strategy shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

8. No development shall take place, nor any excavation or site clearance, until there has been an updated Tree Survey and Arboricultural Impact Assessment submitted to and approved by the Local Planning Authority. The submitted details shall include:

a) a plan, showing the position of every tree on the site and on land adjacent to the site (including woodlands and street trees) that could influence or be affected by the development, and indicating which trees are to be removed and which are to be retained;

b) and in relation to every tree identified a schedule listing:
- information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
- any proposed pruning, felling or other work;

c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
- any proposed alterations to existing ground levels, and of the position of any proposed excavation, including from drainage or SuDS proposals, that might affect the root protection area;
- all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).

d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and 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.

9. No development shall take place on any phase of the development, until a foul water drainage scheme, for that phase and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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 comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

10. No development shall take place on any phase of development, until a point of connection on the public sewerage system for that phase and/or other identified part, has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

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 in accordance with Policy MD7 of the Local Development Plan.

11. No development shall take place on any phase of development until a potable water scheme to serve the site, and for that phase of development and/or other identified part, has been submitted to and approved by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

12. No development, including excavations, shall take place until a sustainable drainage system for the surface water disposal has been submitted to and approved by the Local Planning Authority. The sustainable drainage system shall thereafter be implemented in full accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

To enable a more sustainable form of drainage, and to prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no 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.

13. Notwithstanding the plans and details submitted, no development shall commence until full design and engineering details of the proposed primary vehicular accesses to Port Road, and re-aligned roundabout with the A4226, have been submitted to and approved in writing by the Local Planning Authority. The details shall include provisions for active travel, vision splays, street signage, street lighting, upgrades to bus stop facilities on Port Road, surface water drainage details and any retaining structures. The development shall not be brought into beneficial use until the roundabout, access road and associated junctions have been constructed in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

14. No works whatsoever shall commence upon any structures, drainage systems, street lighting, and water culverts etc. abutting or within close proximity to the existing/ proposed highway, until the design calculations and full Engineering details have been submitted to and approved by the Local Planning Authority.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

15. Prior to the commencement of development, a Highway Signing Strategy shall be submitted and approved in writing by the Local Planning Authority. The Strategy shall thereafter be implemented in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

16. 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 Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

17. No development shall take place until a Bird Hazard Management Plan (BHMP), for the operational phase of the development, has been submitted to and approved by the Local Planning Authority. The Plan shall detail mitigation measures to be in place for the built environment, proposed landscaping and SuDS, aimed at reducing the risk of birdstrike at Cardiff Airport. The plan should include threshold numbers of target species (that will initiate mitigation) and failure criteria to assure the efficacy of the plan.

Reason: To mitigate the risk of birdsrike during construction activity in the interest of air traffic safety

18. Prior to the commencement of development, a construction phase Bird Hazard Management Plan (BHMP) shall be submitted to and approved by the Local Planning Authority. The Plan shall detail mitigation measures to be in place, to ensure there is no increased risk of birdstrike at Cardiff Airport. The plan should include threshold numbers of target species (that will initiate mitigation) and failure criteria to assure the efficacy of the plan.

Reason: To mitigate the risk of birdsrike during construction activity in the interest of air traffic safety

19. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- hours of construction;
- lighting;
- management, control and mitigation of noise and vibration;
- odour management and mitigation;
- diesel and oil tank storage areas and bunds;
- how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- a system for the management of complaints from local residents which will incorporate a reporting system.
- details of the construction programme including timetable, details of site clearance;
- details of site construction drainage, and any watercourse or surface drain.
- pollution prevention, including details of emergency spill procedures and incident response plan.
- details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- details of landscape/ecological clerk of works (to ensure construction compliance with approved plans and environmental regulations).

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy MD7 (Environmental Protection) of the Local Development Plan.

20. 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 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) and MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

21. No development shall take place until a Highway Condition Survey Report (along a haulage route agreed with The Councils Highway Network Manager and undertaken by a suitably qualified Highway Maintenance Consultant) has been submitted to and approved by the Local Planning Authority. It shall also be accompanied by details of timings for subsequent Highway Condition Surveys to be undertaken, post completion of appropriate phases or at other agreed intervals, that will identify any difference in the condition of the highway since the first survey and report, and any remedial works that may be required.

Reason:

In the interest of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

22. The remedial works identified within the subsequent Highway Condition Surveys and Reports, referred to in the above condition, shall be carried out within three months of the date of the approval of that report.

Reason:

In the interest of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

23. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required then no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

24. Prior to the commencement of each phase of development, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

(i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, as recommended by the Phase 1 Combined Geo-environmental and Geotechnical Assessment Desktop Study (5 August 2019) (13 December 2019)

(ii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

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 / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

25. Prior to the commencement of each phase of development a detailed remediation scheme and verification plan to bring the site of each phase 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 schemes 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 / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017),, 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 and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

26. The remediation schemes approved by the above condition must be fully undertaken in accordance with their terms prior to the occupation of any part of the development covered by the relevant remediation scheme unless otherwise agreed in writing by the Local Planning Authority. 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 any given 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 / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), 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 and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

28. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) 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 the relevant Code of Practice and 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 and to ensure compliance with Policies MD1 and MD7 of the LDP.

29. Prior to the commencement of development, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures in the public realm (e.g. furniture, refuse or other storage units, signs, etc.);
- vii) opportunities for public art within the public realm;
- viii) proposed planting within areas such as verges, and other parts of the public realm, and

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of 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

30. 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.

31. Prior to the commencement of development, the detail of the intersections of the green infrastructure with the roads and pedestrian routes shall be submitted to and agreed in writing by the Local Planning Authority. The proposals shall be implemented in accordance with the approved details.

Reason:

To ensure a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow bats and other species to move through the landscape 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.

32. Prior to the commencement of any phase of the development, including site clearance, a pre-construction protected species survey shall be carried out for that phase. If the survey confirms the presence of protected species, no development or site clearance shall take place until the results of the survey, together with proposed mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the potential presence or absence of protected species is confirmed, prior to construction and where necessary, remedial measures are implemented for their protection, in the interests of ecology and to ensure compliance with Policies MG19, MG20, MG21 and MD9 (Promoting Biodiversity) of the LDP.

33. Prior to the first beneficial occupation of each phase of the development, full details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of that phase of the site (or reserved matters application) to which the lighting relates. The lighting scheme shall include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas (Ancient Semi-Natural Woodland, green infrastructure linking the two, and retained boundary hedgerows). Lighting in these areas shall be <1lux;
- Details of lighting to be used both during construction and operation;
- Measures to monitor light spillage once the development is operational; and provisions for any subsequent remedial works that may be required to maintain dark corridors, as a consequence of the monitoring results.
- Details of measures to deter birds, such as spikes on the lighting head and arm

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety, air traffic safety, security, heritage and in the interests of ecology and to accord with Policies MD2 (Design of New Development), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Local Development Plan.

34. Prior to the commencement of development, an Energy Masterplan and Implementation Plan shall be submitted to and approved in writing by the Local Planning Authority. The masterplan shall include a study of the feasibility of a sustainable energy centre to service the Enterprise Zone, and if not feasible, a District Heat Network to service the application site. The development shall thereafter be carried out in accordance with the measures and timings outlined in the Energy Masterplan and Implementation Plan.

Reason:

To ensure the development has high sustainability credentials and to ensure compliance with Policies MG10 (St Athan - Cardiff Airport Enterprise Zone) and MD2 (Design of New Development) of the Local Development Plan, and Policy 16 of Future Wales (2021).

35. Prior to the commencement of the development, a Labour Recruitment Strategy shall be submitted to and approved by the Local Planning Authority. The Strategy shall include measures aimed at facilitating best available access for people to the opportunities for employment arising from the construction and operation development, such as the provision of a local 'job shop, and shall include a timetable for its implementation. The Strategy shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure that the developer facilitates best available access for local people to the opportunities for employment arising from the construction and operation of the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), SP5 (Employment Requirements), MD14 (New Employment Proposals, and the wider economic objectives of the Local Development Plan.

36. Prior to beneficial occupation of any building / development plot of the development hereby approved, a Training and Development Scheme for future employees within that respective part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include measures for training and development, such as apprenticeship schemes, and timings of their implementation. The Scheme shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure that the developer facilitates best available access for local people to the opportunities for employment arising from the construction and operation of the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), SP5 (Employment Requirements), MD14 (New Employment Proposals, and the wider economic objectives of the Local Development Plan.

37. The development shall be carried out in accordance with the document JNY9624-05 v.3 - Framework Travel Plan.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policy MD2 of the Local Development Plan

38. No more than 20,000sq.m gross floor area of the development shall be put into beneficial occupation until provision of a compliant Active Travel Route has been completed along Port Road, connecting the site to existing facilities at Cardiff Airport and Barry (Weycock Cross).

Reason:

In the interest of sustainability, highway safety, to avoid unacceptable traffic congestion and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

39. The development hereby approved shall only be for uses falling within Class B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

40. The application(s) for reserved matters shall be accompanied by a statement which explains how that phase of development shall comply with the strategic objectives of the Enterprise Zone and Local Development Plan, specifically to create a business destination that caters for the needs of the aerospace industry and high tech manufacturing.

Reason:

Due to the strategic location of the site and control the precise nature of the use in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

41. The application(s) for reserved matters shall be accompanied by full design and engineering details of the proposed primary internal spine road to serve the development parcels within the site. The design details shall also include bus stop facilities to allow for services to penetrate the site, active travel provision, vision splays, street signage, street lighting, surface water drainage details and details of any retaining structures. The spine road shall be completed in accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

42. The application(s) for reserved matters shall be accompanied by a statement which explains how that phase of development has regard to the design objectives of the site (Design Brief V6) and has explored opportunities for delivery of public art

Reason:

Due to the strategic location of the site and control the precise nature of the use in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

43. Each phase of development shall provide a minimum of 10% of all car parking spaces provided therein to have electric vehicle charging points prior to beneficial occupation of that phase of the development which shall remain available for their designated use in perpetuity.

Reason:

To ensure the provision on site of electric vehicle charging point parking to serve the development to ensure compliance with policy 12 of Future Wales: The National Plan.

Reason for Granting Planning Permission

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. In accordance with Regulation 25(1) of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the Local Planning Authority has examined the environmental information submitted with this application

Having regard to Policies SP1, SP2, SP5, SP7, SP10, SP11, MG9, MG10, MG11, MG16, MG18, MG19, MG20, MG21, MG22, MG28, MD1, MD2, MD3, MD4, MD7, MD8, MD9, MD14 and MD15 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales 11, Future Wales, TANs 5, 11, 12, 13, 14, 16, 18, 23 and 24, the Welsh National Marine Plan and the Council's SPG on Biodiversity and Development, Cardiff Airport and Gateway Development Zone, Conservation Areas in the Rural Vale, County Treasures, Design in the Landscape, Parking Standards, Planning Obligations, Public Art in New Development, Travel Plan, Trees, Woodlands, Hedgerows and Development, and the Porthkerry Conservation Area Appraisal and Management Plan the proposed development is considered acceptable in principle, in terms of the loss of the farm and buildings and in terms of sustainability, design scale, highway safety, traffic and transportation, impact on neighbouring uses, residential amenity, ecology, drainage, flooding, contamination, soil conservation and, on balance, the landscape impact and impact to the historic environment.

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. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.

2. **R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE**

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. Secured by design has been shown to reduce crime risks by up to 75 % further information about this can be found on www.securedbydesign.com. South Wales Police welcome the opportunity to work with developers to achieve Secured by Design on the proposed developments. The applicant is advised to contact Gwyn Batten at South Wales Police on 01656 761888 to ensure that the development complies with Secured by Design Standards.

The applicant should consider the following to reduce the risk of crime.

- 1) Ensure that a perimeter fence at least 2.4m high and of light coloured weld mesh construction is erected to posts with galvanised fixings on the inside of the posts that securely attach the weldmesh and that are embedded in concrete (LPS 1175:ISSUE 7, SECURITY RATING 2)
- 2) Gated entrance with a gate to the same height as the fence. The gates should free from foot holds that can be used to climb and to LPS 1175: ISSUE 7, SECURITY RATING 2 standard.
- 3) An appropriate access control system is installed – this could be by means of gate house during the day or automatic gates operated by key/ card/manual control.
- 4) CCTV system that is capable of recording and retaining information of evidential quality for a minimum of 30 days. Reason: to control those coming in and out of development and reduce the risk of crime and offer appropriate levels of security.
- 5) Install clear signage Reason: giving direction as to the public / private areas of the site.
- 6) Design paths that are straight and well lit. Any planting near paths should be managed and be of a type that is slow growing with a low mature height of no more than 1m. Reason: To make those using the site to feel safe whilst walking around, particularly at night.
- 7) Produce a scheme work of lighting produced for the whole site. This should be approved by The Vale of Glamorgan council and appropriate for this site.
- 8) Configuring buildings to maximise natural surveillance. Designing out any recessed areas . Reason: During quiet times e.g. over the weekend this could leave the development vulnerable to burglary/ theft.
- 9) Building shell/roof security is important as the site is remote and could be prone to criminal attack during the night/ weekends. If lightweight construction is being considered reinforced lining such as welded steel mesh can enhance the security of the building. All doors and windows to LPS 1175:issue 7 SR 2. Roller shutter and grilles can provide additional protection to internal and external doors and windows, the minimum standard would be to LPS 1175: ISSUE 7 SECURITY RATING 1. Reason: To reduce the risk of burglary.
- 10) Install an access control system for each unit Reason: To reduce the risk of theft

- 11) Install intruder alarm systems to the following standard: LPS 1602 ISSUE 1.0: 2005
- 12) Depending on what is being stored in the premise consideration should also be given to SAFES and STRONGROOMS certified to LPS 1183: ISSUE 4.2
- 13) There should be a management plan in place. If there are multiple users on this site a suitable plan should be in place that clearly defines key areas such as security, access control, vetting of staff, general safety on site etc.
- 14) Install a secure waste storage that is lockable – with a pin code lock Reduce: littering/ instances of arson.
- 15) The documents refer to the site being accessible to cyclist – A cycle stand should be in overlooked by occupied offices. Bicycles should facilitate the locking of both wheels and the crossbar, be of galvanised steel construction and have a minimum depth of 300mm with a welded anchor bar. Reason: Reduce risk of theft.
- 16) Appropriate Fire Risk Assessments are in place and include adequate fire warning and prevention measures.

4. 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

5. The applicant is advised to contact Dwr Cymru Welsh Water Developer Services at an early stage to discuss foul drainage options and water supply to the site.

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 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.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

6. The applicant is advised to

- 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.**
- 2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.**
- 3. Refer to the Environment Agency's (2018) 'Approach to Groundwater Protection'**

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

7. 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 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.

8. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
9. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.

At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

10. Please note, Western Power stated their immediate concerns are the close proximity of the development to our overhead lines, to ensure they comply with current ESQCR Regulations, statutory distances must be kept from any fixed objects as per GS6 guidance from the Health and Safety Executive.

Furthermore, if there are new sub-stations installed/required on site to feed the development, they would request as part of the new connections process, the freehold for these sites, to ensure we have full control for any future maintenance of the sub-stations.

The developer in the first instance, should make an application for a quotation directly with Western Power, to divert any overhead and underground lines, which are affected by the development and for any new connections that are required.

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: 30 July 2021

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.

