

# LECKWITH QUAYS

## Pre-Application Consultation Report



JPW1365  
Pre-Application Consultation  
Report  
October 2020

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Prepared by:

**RPS**

Emma Fortune

Principal Planner



Prepared for:

**Mr Phil Worthing**

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# 1 INTRODUCTION

1.1 From 1st August 2016, the Town and Country Planning (Development Management Procedure) (Wales) (Amendments) Order 2016 brought into effect various provisions set out in the Planning (Wales) Act 2015 including the requirement to undertake pre-application consultation which applies to all planning applications for 'major' development (full or outline) as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and applications for Developments of National Significance (DNS).

1.2 This Pre-Application Consultation (PAC) report has been prepared in support of a hybrid planning application submitted by RPS on behalf our client, Mr Phil Worthing, for the following:

“Hybrid planning application for residential development of up to 250 dwellings (submitted in OUTLINE), associated highway and bridge improvement/realignment works (submitted in FULL). Development involves the demolition of all buildings on site and of the existing B4267 Leckwith Road Bridge”.

1.3 This PAC report provides the background to the various consultation processes undertaken in accordance with the above legislation as amended by The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020, sets out the consultation responses received, and explains how the applicant has addressed these comments including any amendments to the development proposals which have emerged as a result.

## Legislative Context

1.4 As stated above the Town and Country Planning (Development Management Procedure (Wales) (Amendments) Order 2016 has brought into effect and provided the detail for various provisions set out in the Planning (Wales) Act 2015.

1.5 Detailed guidance on the requirements for pre-application consultation under Section 17 of the Planning (Wales) Act 2015 is contained in Annex 1 of the Welsh Government’s letter to Chief Planning Officers dated 1<sup>st</sup> February 2016. In November 2017 Welsh Government also issued ‘Best Practice Guidance for Developers’.

1.6 Due to the 2020 COVID-19 emergency, and the closure of all non-essential buildings, the Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 which came into force on 19<sup>th</sup> May 2020 removed the requirement for developers to make information available for inspection at a location in the vicinity of the proposed development for a temporary period. Instead, developers were required to host all information online with the web address clearly visible on the site notice. The Amendment Order also required developers to provide a contact telephone number and provide hard copies of documents if requested. These mitigation measures were introduced to ensure that those without internet access were not disadvantaged by removing the requirement to make information available for inspection locally.

1.7 In light of the Amendment Order and as set out in Annex 1 and the Best Practice Guidance, the applicant is required to undertake the following publicity/consultation procedures prior to the submission of the application:

- Display a Site Notice in at least one place on or near the land to which the proposed application relates for a period of no less than 28 days before submitting an application for the proposed development.
- Write to any ‘owner or occupier’ of any land adjoining the land to which the proposed application relates.
- Make the draft application available publicly online.
- Consult community and specialist consultees before applying for planning permission.

- Consider if Environmental Impact Assessment is required for the project.
- Submit a pre-application consultation (PAC) report as part of the planning application.

### **Format and Content of the Pre-Application Consultation Report**

- 1.8 This PAC report follows the above legislation and guidance and therefore contains:
- a. A copy of the site notice;
  - b. A declaration that the site notice was displayed in accordance with the statutory requirements i.e. in at least one place on or near the development site for no less than 28 days;
  - c. A copy of the notice given to owners and occupiers of adjoining land;
  - d. Copies of all notices provided to councillors, town and community councils and specialist consultees;
  - e. A summary of all issues raised in response to the statutory publicity (i.e. site notice and letters to owners and occupiers – the developer must confirm whether the issues raised have been addressed and if so, how they have been addressed; and
  - f. Copies of all responses received from specialist consultees with an explanation of how each response has been addressed.
- 1.9 In addition to the above, the PAC report includes a summary of all the responses received from interested third parties.



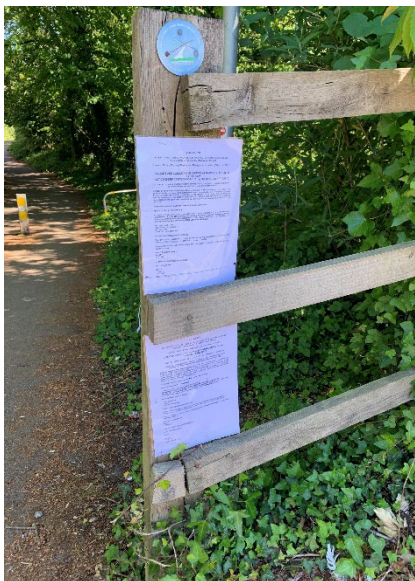
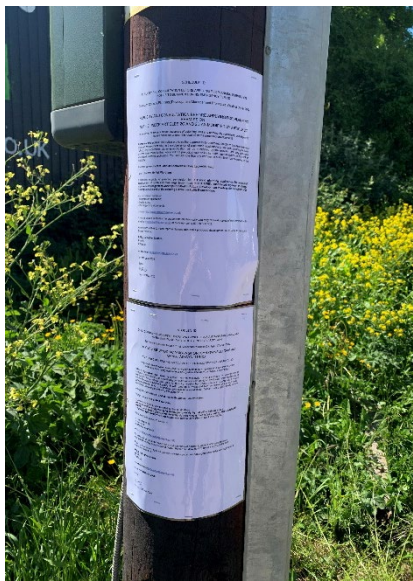
## 2 CONSULTATION

### Site Notice

2.1 RPS, on behalf of Mr Phil Worthing, displayed a bi-lingual (English and Welsh) site notice, in two separate locations as detailed below. The site notice included the dedicated website address for the proposed development where all draft application documents could be viewed. The site notice also included an email address where comments could be sent and a telephone number should anyone wish to discuss the scheme or request hard copies of the draft application documents.

#### Site Notice Locations

- i. Site entrance on the telegraph pole by the Old Leckwith bridge; and
- ii. Entrance to the Ely Trail footpath/cycle path on the opposite side of road to Old Leckwith bridge.



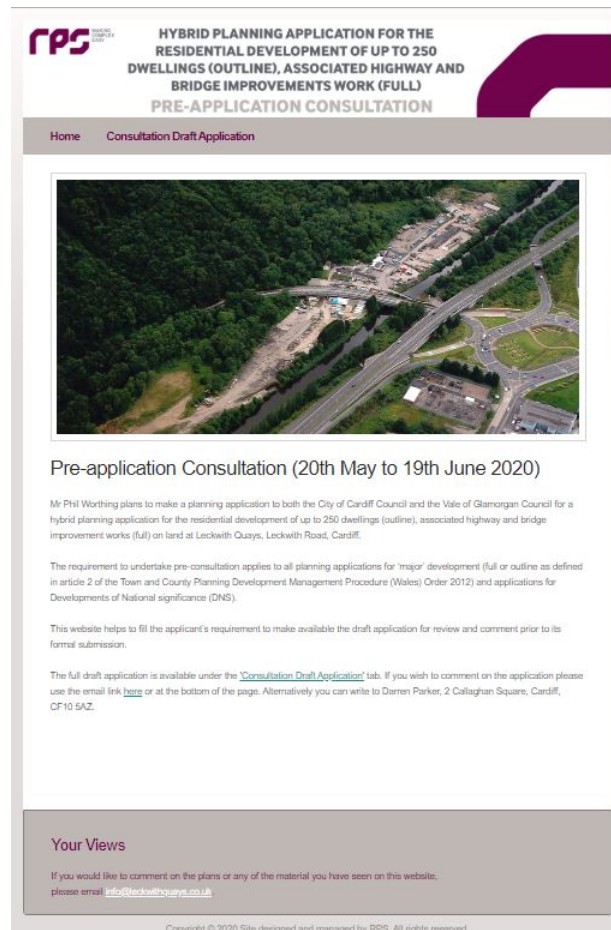
2.2 The notices were erected on Wednesday 20<sup>th</sup> May 2020 and remained in place for the required minimum of 28 days. A declaration to this effect is enclosed at **Appendix A**.

## Adjoining Owner/Occupier and Community Councillor Notices

- 2.3 A Schedule 1B Notice Letter was sent to 18 occupiers/owners of land adjoining the development site and ward members on 20<sup>th</sup> May 2020. A list of those properties and Councillors notified, together with an example of the notice and letters sent is included at **Appendix B**.

## Availability of Draft Planning Application

- 2.4 A dedicated website for the proposed development was set up and hosted at <http://www.leckwithquays.co.uk> as seen in the screenshot below. The website was live from 20th May 2020.



- 2.5 The website's homepage contained a detailed description of the proposed development, together with a link to all of the draft planning application documentation including the application forms, site location plan, application plans, Environmental Statement (Volumes 1, 2 and Non-Technical Summary), Planning Report, Design and Access Statement and other technical surveys and reports relating to highways, landscape and trees.

- 2.6 During the period 20<sup>th</sup> May 2020 to end of 19<sup>th</sup> June 2020 the website was viewed 1,536 times. 79.5% stayed between 1 and 60 seconds, 16.75% stayed between 1 minute and 10 minutes and 3.75% stayed for 10 minutes or more.

- 2.7 During the consultation period no hard copies of the application documentation were requested.

- 2.8 The website also had a link button which allowed visitors to comment directly on the development proposals by emailing: [info@leckwithquays.co.uk](mailto:info@leckwithquays.co.uk) or by telephoning 02920 668 662.

## Specialist Consultees Consultation

2.9 Developers are also required to undertake pre-application consultation with 'specialist consultees'. The following were identified as such and consulted on 11<sup>th</sup> June 2019:

- Natural Resources Wales
- Cadw
- Dwr Cymru Welsh Water
- Canal and Rivers Trust
- HSE
- Vale of Glamorgan Council as the Planning and Highways Authority
- Cardiff Council as the Planning and Highways Authority

## Requirement for Environmental Impact Assessment

- 2.1.1 A formal Scoping Opinion Request was submitted to both the Vale of Glamorgan and Cardiff Council's as the Local Planning Authorities on 31<sup>st</sup> October 2019.
- 2.1.2 The Scoping Opinion from the Vale of Glamorgan Council was issued on 5<sup>th</sup> December 2019 (ref: P/DC/2019/01198/SC2). Cardiff Council issued their Scoping Opinion on 31<sup>st</sup> January 2020 (ref: SC 19/00016/MJR). A copy of the LPA's Scoping Opinions are included at **Appendix C**.
- 2.10 Consequently, the applications are supported by a single Environmental Statement that is applicable to both applications.



## 3 RESPONSES TO THE CONSULTATION PROCESS

### Specialist Consultee Responses

- 3.1 Nine letters were sent out to the identified specialist consultees:
- Natural Resources Wales
  - Cadw
  - Dwr Cymru Welsh Water
  - Canal and Rivers Trust
  - HSE
  - Vale of Glamorgan Council as the Planning and Highways Authority
  - Cardiff Council as the Planning and Highways Authority
- 3.2 Five responses were received by the deadline date of 19<sup>th</sup> June 2020. The responses are enclosed at **Appendix D**.
- 3.3 Table 3.1 overleaf provides a summary of all the matters raised by the statutory consultees.

Table 3.1 Specialist Consultee Responses

Consultee	Comments	Developer Response
CADW	<p><b><u>No Objection</u></b></p> <p>The application will be accompanied by an environmental impact assessment prepared by RPS which includes a section on archaeology that has assessed the impact of the proposed development on the setting of scheduled monument GM014 Leckwith Bridge and concluded that there will be a minor but not significant adverse impact. We concur with the results of this assessment.</p> <p>Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust</p>	<p>The Historic Environment Record has been consulted and the results are included within Chapter 9 (Archaeology and Built Heritage) of the Environmental Statement.</p>
Dwr Cymru Welsh Water	<p><b><u>No Objection</u></b></p> <p>It is noted that the development is in an area where there are water supply problems for which there are no improvements planned within current Capital Programme (2020 to 2025). A Hydraulic Modelling Assessment would be required.</p>	<p>Noted</p>
Natural Resources Wales	<p><b><u>Significant concerns</u></b></p> <p>To overcome concerns, NRW have the following requirements that should be met before permission is granted. A number of conditions are also recommended to be attached to any planning permission:</p> <p><u>Requirement 1</u>: Flood Risk Management – A final Flood Consequences Assessment to be submitted, informed by an accepted hydraulic model, which demonstrates the risks and</p>	<p>A Final FCA has been completed and is submitted with the applications. It concludes that it is likely that the proposal can be brought into compliance with the requirements of TAN15 by land raising on site and by increasing flows through the constriction(s) on the River Ely. The hydraulic model will be made available to NRW on request for consideration.</p>

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	consequences of flooding can be managed to an acceptable level.	The FCA, therefore, needs to be read in order to fully understand the applicant's response to the NRW concerns in respect of Flood Risk Management.
	<u>Requirement 2:</u> European Protected Species-Bats- further information is required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats (European Protected Species).	A detailed ground level assessment of the trees that will be affected by the development has been carried out to identify any bat roosts or features with the potential to support roosting bats. The results of the surveys and further mitigation measures for the loss of any potential roosts has been added to the ES showing the affected trees has been included.
	<u>Requirement 3:</u> European Protected Species -Otter- further information is required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Otter (European Protected Species).	A further survey has been carried out to increase understanding of how the site is used by otter (including the potential for natal use). The results have been considered and addressed in the ES. A plan showing the locations of any evidence of otter found in the vicinity of the site is included, together with a habitats plan, showing the extend of bankside scrub.
	<u>Requirement 4:</u> A Water Framework Directive (WFD) Compliance Assessment- to ensure risks posed to WFD objectives have been identified and addressed through appropriate mitigation. measures.	A Water Framework Directive Scoping Report is being undertaken and will be submitted in due course.
	<u>Requirement 5:</u> Habitats Regulation Assessment – the Local Planning Authority, as the competent authority, should undertake a Habitats Regulations Assessment of the proposal, as required under the Conservation of Habitats and Species Regulations 2017.	The associated Appendices of the submitted Environmental Statement contain the relevant information that will enable the Local Planning Authority to carry out a Habitats Regulation Assessment.
	<u>Requirement 6:</u> Designated Sites – further information is required to demonstrate damage to the features of the Cwm Cydfin Site of Special Scientific Interest (SSSI) will be avoided or can appropriately mitigated/compensated for.	Cwm Cydfin Site of Special Scientific Interest (SSSI) has no formal rights of way through it. Public access to the SSSI is currently, therefore, legally denied and the applicant has no intention of amending that provision. Whilst it is accepted that it is probably impossible to

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		prevent unauthorised access into the woodland it is stressed that the applicant has no control over that situation. It is suggested, however, that a wildlife fence (simple post and wire, no barbwire) and signage (to explain importance of SSSI) for the landowner of the SSSI is erected by the responsible authority.
	<p><u>Conditions:</u>                  Condition 1: Bat Conservation Plan                  Condition 2: Otter Conservation Plan                  Condition 3: Lighting Scheme                  Conditions 4 &amp; 5: Construction Environmental Management Plan                  Condition 6: Biosecurity Risk Assessment                  Conditions 7-11: Land Contamination</p>	Noted
<b>HSE</b>	<b>No response received</b> but the applicant and LPAs are advised of the HSE's pre-application advice online service.	Noted. The HSE has already been contacted.
<b>The Canal and River Trust</b>	<b>No comment</b>	N/A
<b>Vale of Glamorgan Council</b>  Planning and Local Highways Authority	<b>No response received</b>	N/A
<b>Cardiff Council</b>  Planning and Local Highways Authority	<b>No response received</b>	N/A



## **Adjoining Land Owner/Occupier, Elected Members and Local Interest Group Consultation Responses**

- 3.4 Seventeen notice letters were sent out to owners/occupiers of adjoining land and the local ward members.
- 3.5 One response was received from adjacent owner/occupiers and three responses were received from local ward members who were notified. Four further responses were received from adjacent elected members including the Welsh First Minister in his capacity as Cardiff West Assembly Member. Three further responses were received from local interest groups including Cardiff Civic Society and Cardiff Cycle City.
- 3.6 Table 3.2 overleaf provides a summary of all the matters raised from adjoining land owners/occupiers, elected members and local interest groups and explains how the matters have been addressed.

Table 3.2 Owner/Occupier and Community Councillor Consultation Responses

Consultee	Comments	Developer Response
Mr Jakes, Hillside Cottage	Would like the land at Hillside Cottage to be included within the development proposals.	This is noted but not proposed to be considered for action until the applications are approved.
Cllr Andy Robertson, Dinas Powys Ward, VOG	1. The proposal includes a major reconfiguration of the highway with the inclusion of two new junctions (to the north and south) giving access to the new development. These junctions are proposed to be traffic light controlled. This means that after descending Leckwith Hill traffic will be approaching these lights on a steep incline and a sharp right-hand bend. With the considerable amount of traffic that uses this road at peak times there is a significant increase in the risk of traffic accidents.	The proposed new alignment is constrained by the requirement to keep the existing road open to traffic during construction and to maintain the historic, listed, masonry bridge. It is proposed that the speed limit for the new section of highway will be reduced from 40mph to 30mph accordingly. Forward visibility to the proposed new junction will be 90m which accords with the minimum required for the proposed speed limit. The road gradient will be no steeper than the gradient of the existing road, but high friction surfacing will be laid on the new bend and approach to the junction. Warning signs and safety barriers will also form part of the new works. The detailed design will be subject to a full Road Safety Audit prior to construction and if further measures are required to address road safety risk they will be implemented.
	2. Having negotiated the above set of lights traffic will, almost immediately arrive at the traffic light controls for the Leckwith Road/Link Road roundabout. There is already considerable traffic congestion at this point during peak hours and I fear that this scheme will add significantly to that congestion.	<p>The application is supported by a Transport Assessment (TA), the scope of which was informed by pre-application discussions with both the Vale of Glamorgan (VoG) and City and County of Cardiff (CCC) in their roles as local highway authorities.</p> <p>The TA includes detailed junction modelling of the Leckwith Interchange, which has been validated against observed queueing, creating a robust basis for forecast modelling work.</p> <p>The industry standard method of analysis used forecasts that predict that the proposed development will not result in a material impact on the capacity of this junction and associated operation in terms of queueing and delay.</p> <p>The creation of a new signal-controlled junction onto the B4267 Leckwith Road will introduce some limited level of new delay /</p>

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		<p>queueing at the location of the site access junction, associated with mainline traffic being held as vehicles from the proposed development are allowed to exit onto the B4267 Leckwith Road. The proposed design and operation will work to minimise this, with the junction operating within nationally acceptable capacity levels.</p>
	<p>3. The current early twentieth century bridge has a weight restriction which, many people believe, protects Leckwith Village, Dinas Powys and Llandough from the worst excesses of heavy transport. With a new bridge in place that safeguard will, presumably, be removed.</p>	<p>The existing weight restriction is noted. The application of weight restriction or vehicle bans are controlled through Traffic Regulation Orders, created by the Local Authority to ensure that they are legally enforceable.</p> <p>Weight limits are applied under a number of scenarios, the most frequent being to protect sensitive locations such as residential settlements or areas of ecological importance; the design limitation of the structure of the bridge; or age or performance related dilapidation. The weight restriction that currently exists may be in place for either of these scenarios or a combination of issues and it will be for the Council to determine if a weight restriction is appropriate for the new structure when implemented.</p> <p>The design of the new proposed bridge is such that it can carry weight limits in line with UK highway standards. As stated above, therefore, the application of restrictions is a matter for the Local Authority in its role as the Highway Authority.</p>
	<p>4. The construction of both the bridge and the development of houses and flats with the attendant requirement for the importation of plant and material will inevitably lead to a great deal of disruption to the normal flow of traffic. This is a considerable concern.</p>	<p>The concern raised relates to the construction of both the proposed new bridge and the proposed development.</p> <p>The impacts of the proposed development during construction will be temporary. There will be a requirement for traffic management measures during the construction of the new bridge and the demolition of the current bridge. There may also be a requirement for temporary road closures to facilitate the new connection. The planning of this will be progressed with the Highway Authorities and alternative construction traffic routes will be identified and agreed during this temporary situation.</p>

		<p>Construction impacts will be managed, as usual in such circumstances, through a Construction Management Plan (CMP) or similar document, the requirements of which would be intended to protect the environment, amenity and safety of local residents, businesses, the general public and the surroundings in the vicinity of the proposed development. As part of the Management Plan a construction vehicle routeing regime for access to the construction site will be identified and agreed with the local and strategic highway authorities to ensure that drivers of construction related vehicles do not use inappropriate routes which are unsuitable by virtue of their width, alignment or character. The regime will aim to ensure that construction vehicles avoid residential areas and use the strategic highway network, wherever possible.</p> <p>There may also be a requirement for temporary road closures to facilitate the new connection. It is proposed that the existing bridge will remain open during the construction of the new bridge, until such time as it is required for the highway to be temporarily closed for the new connection to be made. The planning of this will be progressed with the Highway Authorities and alternative construction traffic routes will be identified and agreed during this temporary situation.</p>
	<p>5. Once the proposed homes are built and occupied there will be an increase in commuter traffic leaving and entering the new development at peak times. This could lead to further congestion on what is already a pinch point for morning and evening traffic.</p>	<p>The TA includes an extensive assessment of the impact of the proposed development at a number of junctions during the weekday AM and PM peak hours, the extent of which was agreed in advance of the assessment and PAC processes with both Local Highway Authorities. The level of assessment is considered more inclusive than comparative schemes of a similar size. The assessment has first examined the potential changes in traffic flows at surveyed junctions in the study area. Based on industry-standard guidance it is recommended that junctions forecast to experience increases in traffic flows of 5% or more in the future should be examined in further detail.</p> <p>Against that advice it should be noted that the proposed development is forecast to result in increases of no more than 3% in terms total</p>



		<p>traffic entering each junction. In terms of the maximum change on any one arm, the increases are generally of no more than 3%, with the exception of Leckwith Interchange and the B4267 Leckwith Road/Pen-y-Turnpike Road junction. This has informed the requirement for detailed capacity assessment of these junctions. Capacity assessment has also been undertaken for the Merrie Harrier junction, in accordance with the request in the VoG's scoping response, although the increase in traffic flows at this junction are forecast to be no more than 1% which is clearly imperceptible against daily traffic flows at that location.</p> <p>The extensive capacity assessments do not therefore concur with local concerns and have concluded that the proposed development will not result in a material change in operating conditions. The results presented in this analysis are considered a 'worst-case' position, as they do not take account of the potential for a reduction in background traffic associated with CCC's aspirations to achieve a modal split of 50:50 between trips by car and trips by sustainable travel (walking, cycling and public transport) by 2026.</p>
	<p>6. The proposed destruction of a section of natural woodland goes counter to all Welsh Government and Local Authority policy and guidelines. I believe it is this loss of habitat that will cause the greatest concern amongst my constituents.</p>	<p>The loss of part of the Ancient Woodland has been assessed within the Environmental Statement along with all other relevant ecological and biodiversity considerations and appropriate mitigation measures are proposed. It is not considered that the development will lead to the "destruction" of the local natural woodland.</p> <p>Whilst the existing woodland is indeed ancient it is in poor condition with many trees suffering from disease (Ash Die back and Dutch Elms), fungal attack or dead. Please, therefore, refer to the submitted Arboricultural Report for more detailed and factual information on this point.</p> <p>The area of existing woodland within the application site is 3.17ha, of which only 0.65 ha is affected by the new road alignment including allowing for a 5m construction buffer strip. This is the only available route for a replacement road and bridge without building on the</p>

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		<p>existing road alignment. That latter option would not be a viable solution for this planning application.</p> <p>The area of existing woodland within site ownership to the south of the new road is 1.33ha, with only 0.35ha affected by the residential development, again allowing a 5m buffer strip.</p> <p>Where existing woodland is affected and areas have been identified for re-planting i.e. construction buffer zones, then replanting of the woodland with a mix of 45 native broadleaf trees (including some of the following species: Oak, Hornbeam, Silver birch, wild cherry, Beech, Field Maple) will be undertaken.</p>
<p><b>Cllr Stephen Griffiths, Dinas Powys Ward, VOG</b></p>	<p>My main concern is regarding the potential removal of ancient woodlands to make way for this development. In the plans outlined on the Leckwith Quays Pre-Application website, I could not find any definitive passage on what woodland would be felled. Could you clarify what woodland areas would be affected, if any. Any removal of woodland for development purposes would be looked at negatively within the Dinas Powys, Michaelston and Leckwith ward, and should be avoided at all costs.</p>	<p>The site which in total covers 7.7ha is in essence a brown-field site that is already currently occupied by industrial users. It is not, therefore, a green-field site that is largely characterised by ancient woodland.</p> <p>Whilst the existing woodland is indeed ancient it is also in a poor general condition with many trees suffering from disease (Ash Die back and Dutch Elms), fungal attack or dead. The submitted Arboricultural Report provides the detail necessary to support this position.</p> <p>The area of existing woodland within the application site is 3.17ha (the site totals 7.7 ha) of which just 0.65 ha is affected by the new road alignment allowing for a 5m construction buffer strip. This is the only available route for a replacement road and bridge without building on the existing road alignment. That would not be a viable solution for this planning application.</p> <p>The area of existing woodland within site ownership to the south of the new road is 1.33ha, with just 0.35ha affected by the residential development, again allowing a 5m buffer strip.</p> <p>Where existing woodland is affected and areas have been identified for re-planting i.e. construction buffer zones, then replanting of the woodland with a mix of 45 native broadleaf trees (including some of</p>

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		<p>the following species: Oak, Hornbeam, Silver birch, wild cherry, Beech, Field Maple) will be undertaken.</p>
	<p>Secondly, do you have a strategy in relation of how construction traffic will arrive to both the Leckwith Quays construction site and the new road bridge? As there is a weight limit on the current Leckwith Bridge, what measures will you put in place to ensure that no construction traffic will pass through both Dinas Powys and Llandough?</p>	<p>The issue of management of construction traffic will be comprehensively dealt with at the appropriate stage and through the mechanism of a Construction Traffic Management Plan (or similar). This would need to be reviewed and approved by the Local Highway Authority prior to consent being granted to work on the adopted highway.</p>
<p><b>Cllr Stephen Cunnah, Canton Ward, Cardiff</b></p>	<p>While I can accept a local need for new housing, there are two main issues that I believe warrant extra special care in construction management:</p> <p>1. Firstly, although the development is largely proposed on an existing industrial area, it is surrounded by woodland and some of the site – included the new road layout – will be built beyond the current treelines. I believe extra care must be taken with any tree felling in terms of its impact on wildlife, and at least as many trees must be replanted within the development as are proposed to be felled.</p>	<p>The loss of part of the Ancient Woodland has been assessed within the Environmental Statement and appropriate mitigation measures/replacement planting is proposed.</p>
	<p>2. The second construction issue relates to the River Ely, and especially the proposed new bridge and demolition of the current bridge. The River Ely is an urban haven for wildlife including for example herons, otters, and fish. There must be the most robust plans in place to ensure the river is not contaminated and/or unnecessarily disturbed during construction.</p>	<p>The Environmental Statement includes extensive assessments of the impact of the proposed development on the site and the local environs. As part of the mitigation measures proposed a Construction Environmental Management Plan will be agreed with the Local Planning Authorities and adhered to during the construction process, Furthermore, any relevant licences from NRW will be obtained during the construction process to ensure any impacts to the local environs are minimised.</p>
	<p>3. I would like the name of the development and the individual streets to be in the Welsh language. Most of the nearby local habitations have Welsh or Welsh-derived names Llandough (Llandochau Fach), Leckwith (Lecwydd)</p>	<p>Noted and to be considered further post applications determination.</p>

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	<p>etc. There should be a consultation with the Welsh-language historical panel set up by Cardiff Council for its own street naming policies. My own thoughts for the name of the development would be the literal translation of your own idea, “Cei Lecwydd”, or another possible might be “Llandochau Isaf” (i.e. Lower Llandough)</p>	
	<p>4. There must be an unimpeded route for the Ely Trail on the eastern bank of the river. While the plan for a controlled crossing would be a slight improvement on the existing uncontrolled crossing, it would surely be easy to build an underpass or cycle bridge with an onramp to Leckwith Road. It must be costing a lot of money to build a brand new bridge and demolish the old one, so this would be a minor change in my view that would be a permanent improvement for walkers, runners and cyclists along the River Ely.</p>	<p>The proposals do, as stated, result in a potential improved crossing facility.</p> <p>The general thrust of modern policy in terms of pedestrian and cycling facilities is to provide them at grade wherever possible. This represents the minimum future maintenance cost scenario when transferred to public ownership. If the LPA considers during the determination process, however, that there is a cost-effective alternative solution that will address the concerns expressed it will be considered.</p>
<p><b>Mark Drakeford MS and Kevin Brennan MP</b></p>	<p>We understand that there is a housing shortage in Cardiff and its environs and overall we support the building of more family homes for people currently living or working in our constituency. We also appreciate that a large proportion of the site is currently in use for light industry and therefore could be a promising setting for new development. However, we also expect that in any new development a large proportion of the homes are affordable, and also available for social tenants.</p>	<p>The provision and level of appropriate affordable housing will be discussed with the Local Planning Authority during the application determination process.</p>
	<p>The Ely River basin is environmentally important in the urban south west of Cardiff, where dense residential areas and light industrial areas border the river and Leckwith Woods beyond. Many of our constituents regularly share with us concerns over the loss of mature trees in this area. The proposal requires a number of trees to be felled that surround the current industrial site. The area also supports various species such as otters, common lizards, bats, and</p>	<p>The loss of part of the Ancient Woodland has been assessed within the Environmental Statement along with all other relevant ecological and biodiversity considerations and appropriate mitigation measures are proposed.</p>



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	<p>many river and woodland birds. We are not reassured that there are sufficient safeguards in both the development and the construction phase to mitigate the potential environmental damage.</p>	
	<p>We also question the proposed rearrangement of the road off the A4232 / Leckwith Road roundabout, and the construction of a new bridge spanning the river. We believe that a new bridge and the demolition of the current bridge serve to amplify our environmental concerns given the scale of the construction required. We also are concerned about the highways impact on Leckwith Road, which is one of the busier commuter roads into our side of the city. It is already home to a nearby football stadium, shopping centre, and two local schools – one of which Fitzalan High School is in the process of being rebuilt directly opposite this proposed development.</p>	<p>Please refer to the submitted Transport Assessment and to the response to Cllr Andy Robertson in regard to construction traffic impacts (No.4) and impacts once the proposed development is built and occupied (No. 5).</p> <p>Consideration must also be given to the scenario, which is currently in effect, where the existing bridge will soon become dilapidated and lead to its closure by the Vale of Glamorgan Council. If there are no alternative strategic routes provided into Cardiff other than via the Merrie Harrier junction, the local area will suffer significant traffic effects including considerable increases in delay, queuing and deterioration of air quality.</p>
<p><b>Cllr George Carroll, Llandough Ward, VOG</b></p>	<p>I am particularly concerned by the proposals to replace the existing road bridge carrying the B4267 (Leckwith Road) over the River Ely. The proposed new structure will include a crossroads junction operated by traffic lights, which I fear will significantly impede traffic flows along the road. During peak hours, the junction at Capital Retail Park causes significant delays at present, with tailbacks extending into the villages of Leckwith and Llandough. Adding an additional junction of this nature onto the road will exacerbate this problem, increasing congestion and impeding access to the development. I would therefore urge that alternative design proposals are brought forward to address this issue.</p>	<p>Please refer to response to Cllr Andy Robertson in respect of the impacts of the new junction (No.2) and the impacts once the proposed development is built and occupied (No. 5).</p> <p>Please also note the response above which confirms that the current situation in the absence of the bridge replacement will result in far more significant traffic volume issues in the local area.</p>
	<p>The existing road bridge is also subject to a weight restriction, and as such construction traffic to the site will not be able to cross it. I am therefore concerned by the</p>	<p>Please refer to response to Cllr Andy Robertson with regard to construction traffic impacts (Nos.3 and 4); impacts once the proposed</p>

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	<p>prospect of this traffic instead being routed through Llandough, causing considerable disruption to local residents. It is imperative that this is addressed before any construction works are allowed to be carried out on site.</p>	<p>development is built and occupied (No. 5); and the response to Cllr Stephen Griffiths.</p>
	<p>I also have concerns in relation to the destruction of woodland in the area. A considerable number of trees are set to be felled as part of the construction works, despite the development being described as brownfield. I would therefore urge that changes are made to the design plans to mitigate this.</p>	<p>The loss of part of the Ancient Woodland has been assessed within the Environmental Statement and a further survey has been undertaken to identify which trees will be affected by the proposed development. Appropriate mitigation measures/replacement planting has been identified and is proposed as a part of the development opportunity.</p> <p>Whilst the existing woodland is indeed Ancient it is, nevertheless, in a generally poor condition with many trees suffering from disease (Ash Die back and Dutch Elms), fungal attack or dead. The attached and submitted Arboricultural Report identifies the trees that will be affected, and the measures proposed to deal with the problem</p> <p>The site extends to 7.7 ha of which some 3.17ha is covered by woodland. Of that only 0.65 ha is affected by the new road alignment, even allowing for a 5m construction buffer strip. Only 6.93 ha of the site is proposed to be lost to the new road and bridge and this is the only available route for a replacement road and bridge without building on the existing road alignment. The latter is not a viable solution for this proposal.</p> <p>The area of existing woodland within the site to the south of the new road is 1.33ha, with only 0.35ha affected by the residential development, again assuming as has been done a 5m buffer strip.</p> <p>Where existing woodland is affected the areas where re-planting can take place (i.e. construction buffer zones being replanted with a mix of 45 native broadleaf trees including some species such as Oak, Hornbeam, Silver birch, wild cherry, Beech, and Field Maple) are identified and such replanting will be undertaken.</p>

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<p><b>Clerk of Michaelston-le-Pit and Leckwith Community Council</b></p>	<p>It is a very large development and extends into woodland and previously un-developed land. There are 3 SINC's on site. Council note that the SINCs on site will be impacted by the removal of small areas and/or trees from Leckwith Woods and Factory Woods. The erosion of countryside and the loss of ancient woodland around Cardiff is a great concern as is the impact this development would have on wildlife such as otters.</p>	<p>The loss of part of the Ancient Woodland and any possible impacts upon locally designated sites has been assessed within the Environmental Statement and appropriate mitigation measures are proposed.</p> <p>Furthermore, whilst the existing woodland is indeed ancient it is, as already stated, in poor condition with many trees suffering from disease (Ash Die back and Dutch Elms), or fungal attack. Some are actually already dead as confirmed by the submitted Arboricultural Report.</p> <p>The response to the comments made by Councillor George Carroll in respect of the area of the existing woodland within the application site are applicable to the comments made by the Clerk of the Community Council.</p>
	<p>The land straddles one of the main arterial routes into Cardiff Centre and the strain on the area's infrastructure on the western fringes of Cardiff is already intense. The Community Council foresee complete chaos if over a hundred households are attempting to join all the traffic coming from Penyturmpike Road and Leckwith Road (from areas such as Dinas Powys, Llandough and Barry). The additional impact of exceptionally high volumes of traffic and parking in the area during football matches often leads to gridlock at exacerbate the problem.</p>	<p>The response to Cllr Andy Robertson deals with the likely impacts once the proposed development is built and occupied (No. 5) and the response to Mark Drakeford MS and Kevin Brennan MP deal with the likely impacts if the current bridge remains.</p> <p>The TA considers the impact of the proposed development on the study area network during its peak hours of traffic generation. This is the industry's normal practice and enables Local Authorities to consider the worst-case traffic scenario. In this way, and effectively by default, the non-peak traffic impacts are considered acceptable.</p> <p>On football match days the performance of the network and any capacity issues during associated hours is generally attributable to traffic to/from Cardiff City Football Club (CCFC) which will have already been considered acceptable to the VoG Council and CCC in the decision to grant planning consent to the CCFC stadium at that specific location. The stadium application would have been rigorously tested to ensure that such a large scale development was located, as required by local and national policy, in a highly sustainable location. Therefore, there already exist a wide range of high quality sustainable travel opportunities in the locality with the stadium benefitting from a</p>

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		<p>nearby train station, bus routes, and walking and cycling routes. The Local Highway Authorities have the ability and powers to further restrict parking and enforce those restrictions on specific event days should they be deemed necessary</p> <p>The traffic associated with the proposed development would account for a very small proportion of traffic on the network during these periods and would not result in a material change to conditions that are generally attributable to traffic to/from CCFC. This takes into account the scenario where the residents at the application site would continue to drive during match day conditions. The predicted level of traffic to be emitted by this site is regarded as immaterial and the very likely reality is that local residents will be aware of match days and plan their day-to-day needs accordingly. The local conditions on match days are such that residents may choose not to travel by car on those days or they may select an alternative travel choice. This is in keeping with national and local policy to force a travel choice away from private car use, where driver convenience is no longer protected.</p> <p>The site is therefore located adjacent to a sustainable travel network which will provide both match attendees and future residents with high quality alternatives to driving.</p>
	<p>With regards to population and health. How has the development considered the impact of the increased number of households on local catchment schools, healthcare and public transport etc?</p>	<p>The impact of the development on local facilities and services will be fully discussed with the Local Planning Authorities within the S106 negotiations. In reality, though, it should be borne in mind that what is proposed here is no additional development of a virgin, greenfield, site. Instead what is proposed is the development of a brown-field site that already generates traffic onto the network in a manner that is not controlled and could be expanded if necessary.</p>
	<p>Council also have concerns that the offer of a new bridge may strongly influence VOG Council's decision.</p>	<p>We have no idea what the Council's response will be to this situation. What we do know is that a failure to replace the bridge will in due course lead to its closure by the highway authority (the Council) with a resultant increase in local traffic congestion and, in particular, to</p>



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		increased traffic volumes elsewhere on the local network which in our balanced judgement is a scenario that will be significantly worse than that which will exist if a replacement bridge is not provided.
<b>Cardiff Civic Society (1)</b>	Concerns over the damage this proposal will have on biodiversity in this environmentally sensitive area. As well as the proposed loss of mature trees forming part of the SINC.	The loss of part of the Ancient Woodland and any possible impacts upon locally designated sites has been assessed within the Environmental Statement and appropriate mitigation measures are proposed.
	The area is hugely important to species such as otter, the conservation red-listed song thrush and mistle thrush, great spotted woodpecker, treecreeper and nuthatch, as well as being important to invertebrates and species such as the common lizard, which, despite its name, is no longer common due to loss of habitat. It is also home to protected species such as bats.	The ecological impact of the proposals have been fully assessed and are included within the Environmental Statement.  A Habitat Management Plan (HMP) will be agreed with the Local Planning Authority and implemented, which will include mitigation and enhancement measures to include a bird and bat box scheme, as well as new habitats for reptiles and invertebrates. Non-native species, such as Himalayan balsam and Japanese knotweed, will be removed from the site.
	The development itself, and the construction process, will have an extremely negative impact on the biodiversity of this area and will contravene Section 6 of the Environment Wales (2016) Act, which places a statutory duty to protect and enhance biodiversity. This legislation is particularly relevant in this case, as the proposal involves damage to the SINC.	The application has been subject to Environmental Impact Assessment and is accompanied by an Environmental Statement. The EIA process has found the development to be acceptable  A Habitat Management Plan (HMP) will be agreed with the Local Planning Authority and implemented, which will include mitigation and enhancement measures, to include a bird and bat box scheme, as well as new habitats for reptiles and invertebrates. Non-native species, such as Himalayan balsam and Japanese knotweed will be removed from the site. Further information will be provided about the effects on the SINC and how this will be mitigated, including the impact on any trees.  It is not agreed, therefore, that the development will contravene Section 6 of the Environment Wales (2016) Act which places a duty

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		on public authorities, not developers, to maintain and enhance biodiversity and to promote the resilience of ecosystems.
	The visual impact of such a large development also needs to be taken into consideration.	The application has been subject to Environmental Impact Assessment and is accompanied by an Environmental Statement. The Visual impact of the development has been considered in the Landscape and Visual Chapter and the development has been found to be acceptable.
	It is also clear that this site does not form part of the Vale of Glamorgan's LDP on housing, and therefore may be subject to legal action should planning permission be awarded.	It is recognised that the site is not allocated for housing within the Vale of Glamorgan's LDP. The site is however brownfield and would therefore be considered as a 'windfall' site. The suitability of the site to accommodate the proposed development will be judged against the relevant National and Local LDP policy considerations. The Planning Report contains an assessment of the development proposals against all relevant national and local planning policy considerations and the proposed development has been found to fully comply with them and is considered to be resilient to any legal action that may be proposed
<b>Cardiff Civic Society (2)</b>	1. The Planning Report (PR 2.1.4) states that in planning policy terms the site - the majority of which is in the Vale of Glamorgan (VoG) - is "outside the defined settlement limits" of both Cardiff and the Vale of Glamorgan and thus is "in the countryside". The site is not allocated for development in the Vale LDP and so should not be developed unless material planning considerations outweigh its designation as open countryside.	It is recognised that the site is not allocated for housing within the Vale of Glamorgan's LDP. The site is however brownfield and would therefore be considered as a 'windfall' site, a material planning consideration. The suitability of the site to accommodate the proposed development will be judged against the relevant National and Local LDP policy considerations. The Planning Report contains an assessment of the development proposals against all relevant national and local planning policy considerations and the proposed development has been found to fully comply with them.
	2. The proposal is to locate "highly sensitive development" (housing) in a C1 flood zone (PR 2.1.5). This designation means that the site is protected by flood defences, however if these are over-topped the consequences could be devastating. Given that we are in a Climate Emergency with	The proposed development is supported by an ES within which Chapter 7 deals with Flood Risk. The Chapter is also informed by a Flood Consequences Assessment. The FCA concludes that the proposal can be brought into compliance with the relevant policies

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	<p>sea level rise happening even more quickly than previously estimated and hugely destructive torrential rain becoming more frequent it would be most unwise to allow 250 new homes to be built in this precarious location.</p>	<p>and that the risks from flooding can therefore be acceptably managed.</p>
	<p>3. The site is also in a Health and Safety Executive consultation zone (PR 2.1.6) because of potential contamination issues. For this reason alone this site is most unsuitable for housing.</p>	<p>The HSE have been consulted as part of understanding the potential constraints of the site and has not responded to the development in a negative manner. The proposed development is supported by an Environmental Statement within which Chapter 8 specifically deals with Ground Conditions including the assessment of any potential risks during construction and occupation of the development.</p>
	<p>4. A number of permissions for continued use of the site for industrial and related activities have been granted since 1986 (PR 2.2.1), although its use as a Waste Transfer and Recycling Centre was refused in 2002.</p>	<p>This is noted and the Planning Report includes this information.</p>
	<p>5. We note (PR 3.1.2) that the development offers the prospect of a new bridge on the B4267 Leckwith Road at no cost to the public purse which would be a significant benefit, however this offer should not “buy” planning permission for a proposal that would otherwise be refused.</p>	<p>It is widely recognised that the bridge is in a state of disrepair and is in need of replacement. The development proposals, therefore, provide the replacement bridge as a form of ‘planning gain’ which will be balanced alongside other requirements such as the provision of affordable housing and other community/highway infrastructure improvements.</p> <p>The failure to replace the bridge will lead to its closure with significant traffic congestion and, in particular, to increased traffic volumes elsewhere on the local network which in our balanced judgement is a scenario that will be worse than that which will exist if a replacement bridge is not provided.</p>

	<p>6. The Planning Report claims (PR 3.1.3) that the new signal-controlled junction will “facilitate enhanced pedestrian and cycling opportunities”. This statement is clearly wrong. The proposed new junction would be located within a hundred metres of one of the most busy and complex interchanges on Cardiff’s highway network which present a formidable barrier to all but the most fearless pedestrian or cyclist. The site is located close to the Ely Trail, but this is primarily a recreational route so, whilst it would offer opportunities for exercise, it would not lead to facilities located on the Western edge of the City.</p>	<p>A 3.5m shared footway/cycleway is proposed to be provided on the northern side of the carriageway, between the proposed site access junction and the Ely Trail, and will continue northeast to tie-in with provision at Leckwith Interchange. A 2m footway will be provided on the southern side, between the proposed site access junction and the Ely Trail. Northeast of this, the footway will widen to 3.5m to provide a shared footway/cycleway to tie-in with the existing provision at Leckwith Interchange.</p> <p>These design features maximise opportunities for pedestrian/cyclist provision/connections within the constraints of the realignment and bridge construction, and will ensure that existing links between Leckwith Interchange and the Ely Trail are maintained and new provision is an improvement for all modes of travel including buses, cyclists and pedestrians.</p> <p>The design also incorporates a toucan crossing where the Ely Trail meets the B4267 Leckwith Road, therefore allowing for controlled crossing movements between the northern and southern sections of the Ely Trail. This will represent a significant betterment for cyclists and pedestrians over the existing provision, which comprises an uncontrolled, refuge crossing.</p> <p>At Leckwith Interchange, a single pedestrian/cyclist link, running in a northeast-southwest alignment intersects the central island, and there is an orbital pedestrian/cyclist link to facilitate all movements between arms/crossing locations. The junction is well-lit and provides toucan crossings at the A4232 northbound and southbound off-slips, B4267 Leckwith Road (northeast-bound and southwest-bound entries), Hadfield Road (entry), and on the Internal Stop Lines (ISLs) on the circulatory, between the entries/exits of all arms. These facilities provide a suitable level of provision for pedestrians/cyclists.</p> <p>The Ely Trail routes between Cardiff Bay and St Fagans and provides a largely traffic-free journey, giving potential users of the site a safe</p>
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		<p>and convenient option for local travel. Together with linking routes, this provides access to facilities on the western edge of the city.</p> <p>The above summary confirms, therefore, that the proposals are not “clearly wrong” and that local facilities will be enhanced and that these will work with the existing Local Authority designed provision at the Leckwith Interchange to encourage use.</p>
	<p>7. The Society is sceptical that this proposal would “...protect, maintain and enhance the existing habitats, biodiversity, landscape features, woodlands and built heritage assets across the site whilst also enhancing the Cwrt-yr-Ala Basin SLA.” Our fears are amplified by the claim (PR 5.1.3 with our bold italics) that “...it is located within the Cwrt-yr-Ala Basin SLA and overlaps with a small area of the Factory Wood SINC and lies adjacent to both Leckwith Woods and the River Ely which are both designated as a SINC respectively. These, however, are local designations only and the proposed redevelopment of the site will have no direct impact on them.” The construction of a new road bridge and building and occupation of 250 new dwellings with access roadways, lighting and activity levels is bound to have a lasting impact on the adjacent areas and their ecology.</p>	<p>The Environmental Statement includes extensive assessments of the impact of the proposed development on the site and the local environs.</p> <p>The existing woodland and its undergrowth which are unaffected by the proposals will be protected in accordance with the Arboricultural Report recommendations for building near trees and tree roots.</p> <p>Where existing woodland is affected, those areas where re-planting can take place i.e. construction buffer zones, then replanting of woodland with a mix of 45 native broadleaf trees (including Oak, Hornbeam, Silver Birch, Wild Cherry, Beech, Field Maple) will be undertaken. A natural new undergrowth will be encouraged to complement existing habitats and provide local biodiversity.</p> <p>New landscape areas within the housing development and along the River Ely will also be designed to encourage biodiversity and enhance existing habitats.</p>
	<p>8. We dispute the statement (PR 5.1.5) that the development would comply with the VoG LDP MG19 (6) and MG21.</p>	<p>The Planning Report sets out the reasoning behind the proposals and the conclusions that they comply with those policies.</p>
	<p>9. We also dispute the claim (PR 5.1.21 and 5.1.22) that this is a sustainable location which will lead to an imperceptible increase in vehicular traffic and thus complies with Transport policy ie “...Policy SP7 of the Vale of Glamorgan LDP and LDP Policies KP6, KP8, T5 and T6 of the Cardiff LDP.</p>	<p>The TA identifies that the site is within acceptable walking/cycling distance of a number of day-to-day facilities, including employment, education, health, leisure and retail. Regular bus services are accessible from bus stops located on the B4267 Leckwith Road. Whilst parts of the site are slightly beyond the suggested ‘acceptable’ walking distance, this is not considered to be a significant barrier given the frequency of services and the provision of pedestrian links</p>



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		<p>between the site and the bus stops. Ninian Park railway station is located around 1.1km from the site and provides regular services to Cardiff Central Station which, in turn, provides access to regular services to wider destinations such as London, Manchester, Swansea and Bristol. These characteristics, as defined by appropriate guidance, are considered to constitute a 'sustainable' location and they are not, therefore, in conflict with the policies of the LDPs.</p> <p>The TA also identifies through appropriate assessment that the proposed development will not result in a material change in operating conditions on the local highway network.</p>
	<p>10. Given that several of the buildings support roosting bats, there are otters in the River Ely at this point and a badger sett nearby we are sceptical that simply " creat(ing) green fingers of woodland planting to connect the woodland and riverside habitats and forming wildlife corridors between the two.... will .. act as dark corridors across the site providing trees as a buffer from the built environment and shield from any necessary lighting on site." Because of the scale of construction and the short and long-term impacts of 250 dwellings, when the current activity is in the daytime only, we reject the view that " ....the proposed development would not have an adverse impact in terms of ecology and biodiversity and would therefore accord with Vale of Glamorgan Policies SP10 and MD9."</p>	<p>The application has been subject to Environmental Impact Assessment and is accompanied by an Environmental Statement. The EIA process has found the development to be acceptable.</p> <p>A Habitat Management Plan (HMP) will be implemented, which will include mitigation and enhancement measures, to include a bird and bat box scheme, as well as new habitats for reptiles and invertebrates. Non-native species, such as Himalayan Balsam and Japanese Knotweed, will be removed from the site.</p>
	<p>11. We would welcome better protection of the Grade 2* listed and Scheduled Ancient Monument (SAM) bridge (PR 5.1.28)</p>	<p>The existing original bridge, which is a Scheduled Ancient Monument, will be protected throughout the period of construction and existing damaged areas repaired in agreement with CADW.</p>

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	<p>12. Given that the imperative of the Climate Emergency and emerging evidence of the increased risk of fluvial and coastal flooding we can't agree with the assertion that: "...the scheme is not, therefore, in conflict with the flood risk, hydrological and drainage policies of the Vale of Glamorgan LDP Policy MD7."</p>	<p>The FCA concludes that the proposal can be brought into compliance with the relevant policies and that the risks from flooding can therefore be acceptably managed.</p> <p>The proposal is not, therefore, in conflict with the policies of the Vale of Glamorgan LDP.</p>
	<p>13. Given its location we consider that this proposal could not integrate with the locality and thus would be in conflict with the National Sustainable Placemaking Outcomes set out in PPW 10 (PR 5.1.33). Indeed, we consider that this would be the wrong development in the wrong place and so does not "...compl(y) with national and local planning policy".</p>	<p>The Planning Report provides an assessment of the proposed development against all relevant National and Local planning policies. In essence, the proposed development seeks to deliver a sustainable and cohesive community providing a range and choice of housing; a key component of highways infrastructure to maintain accessibility between Cardiff and a part of the Vale of Glamorgan; a cohesive community whilst protecting and enhancing the natural environment; and it will provide connections into the wider environment to promote health and well-being.</p>
	<p>14. Finally we are concerned that conducting this formal pre-application consultation during the Covid 19 Pandemic - when citizens are understandably more concerned about their own and their family's health and safety than planning issues - could result in a lower number of comments than might otherwise be the case. If so, this should not be taken to indicate that this proposal is an acceptable one.</p>	<p>Publicity for the proposal has been undertaken in accordance with the statutory requirements for Pre-Application Consultations as recently amended by the Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 introduced by the Welsh Government specifically to ensure that planning proposals were not unnecessarily withheld because of the Coronavirus outbreak.</p>
	<p>It may be possible to consider alternative land uses on those parts of the site which have been developed already, provided these are compatible with the noise, pollution and flood risk hazards of the site, and would respect the ecological designations on adjoining land as well as protecting a heritage asset - the ancient bridge - on the site.</p>	<p>This point is noted.</p>

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<b>Cardiff Cycle City</b>	<p>We believe there is an over reliance on shared use cycle/ pedestrian paths within the proposed development. Segregated cycle facilities should be designed to that of Cardiff City Council, which has a higher standard that more closely aligns with the Active Travel Act Design Guidance.</p> <p>Separated cycleway and footway facilities provide a much improved experience for pedestrians and cyclists, as possible conflict is reduced, thereby enhancing the quality and value of the development.</p>	<p>The proposed development comprises two residential development parcels, either side of the B4267 Leckwith Road. These are effectively cul-de-sac developments and, as such, pedestrian and cyclist movements will generally be associated with the development itself, although there is potential for some through movements. The provision of shared use paths within the development is considered appropriate to the proposed scale to accommodate pedestrian/cyclist demand associated with the proposed development and envisaged levels of through movement.</p>
	<p>Due to the likely elevated section of the new bridge we would request serious consideration be given to providing an underpass for the Ely Trail in lieu of the Toucan crossing. A well-designed underpass with good lighting and visual oversight provides the most convenient and safe method for residents and users of the Ely trail. It will also enable the Ely Trail to be kept at the level of the cycle and walking (historic) bridge and thus avoid unnecessary gradients and delay for through commuters / users of the trail.</p> <p>If a grade separated underpass cannot be provided and an at-grade controlled crossing is to be used, we would request that a separated cycle and pedestrian crossing is installed which will future proof the Ely Trail for any future upgrade and separation of cyclists from pedestrians as per the current trend and best practice.</p>	<p>The general thrust of modern policy in terms of pedestrian and cycling facilities is to provide them at grade wherever possible. This represents the minimum future maintenance cost scenario when transferred to public ownership.</p> <p>Consideration was given to the provision of an underpass for the Ely Trail cycle route and there are a number of technical difficulties relating to headroom, flooding, impact on the listed bridge and connectivity with the highway to overcome. The constrained nature of the site and level difference make it very difficult to provide an arrangement that allows for all movements whilst maintaining acceptable gradients, horizontal radii and indivisibility. The proposed arrangement provides betterment of the existing arrangement and continues to allow access to all movements.</p> <p>A shared controlled pedestrian/cycle crossing has been proposed as this aligns with the shared pedestrian cycleways that currently exist as part of the Ely Trail. It is considered that this is the most appropriate form of crossing for the existing and proposed pedestrian and cycle arrangements.</p>
	<p>The Northern side of the new B4267 bridge is proposed to be a 3.5m shared footway/cycleway linking the housing site with the Ely Trail. While this facility does meet the standard</p>	<p>The proposals meet the Active Travel Act Design Guidance DE024. Provision of segregated pedestrian and cycle facilities would require the proposed bridge structure to be widened by 1.5 – 2.5m. This</p>

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	<p>of the Active Travel Act Design Guidance DE024 it is our opinion that as the design and construction of the new road provides a blank canvas then the facilities provided should be to the highest standard to enable high active travel usage as an alternative to the private motor car. We advocate Design Guidance DE023 which provides for a grade separated facility where a 2m footway is provided (minimum 1.5m) alongside a bidirectional cycleway of 3 meters (min 2.5m). Allowance should also be given for a buffer from the carriageway and vertical features of the bridge parapet.</p>	<p>would add significant un-necessary cost to the scheme. As the local cycle network is generally a shared network it is difficult to justify the additional cost to segregate pedestrians and cycles over the new structure.</p> <p>In terms of the proposed shared footway the shared facilities will have ample capacity to accommodate safely the numbers of pedestrians and cyclists expect to use these facilities. The facilities as proposed will provide a safe and attractive connection with the local cycle network as an alternative to the private car and will serve to encourage active travel usage.</p>
	<p>We would ask what financial contribution or to what extent will the surface of the existing Ely Trail be upgraded? For active travel to be a realistic alternative to private motor car usage for residents of this development the current surface of the Ely Trail is substandard.</p>	<p>The design of the proposed site access arrangements incorporates a toucan crossing where the Ely Trail meets the B4267 Leckwith Road, therefore allowing for controlled crossing movements between the northern and southern sections of the Ely Trail. This will represent a significant betterment for cyclists and pedestrians over the existing provision, which comprises an uncontrolled, refuge crossing. No upgrades to surfacing on the wider Ely Trail are proposed, as this is considered disproportionate to the scale of the proposed development, particularly in view of what is already proposed to be delivered for the benefit of the local highway network.</p>
	<p>We could not find any detail on cycle parking or the residential units.</p>	<p>Details of the proposed cycle parking will be set out by the Council and agreed at the reserved matters stage in accordance with the adopted standards at that time.</p>
	<p>As this residential settlement is more closely associated with Cardiff City than the nearest settlement in Vale of Glamorgan car parking levels should be as required by Cardiff Council's Supplementary Planning Guidance. This is to minimise the number of cars on site and encourage model shift to sustainable transport.</p>	<p>Car parking provision will be set out by the relevant Council at the reserved matters stage in accordance with the adopted standards at that time. It is for the Local Highway Authorities to determine which standards should be adhered to.</p>

**LECKWITH QUAYS PRE-APPLICATION CONSULTATION REPORT**

	<p>While there is mention of design speeds not to exceed 20mph on carriageways in the development, there is no explicit mention that the speed limit will be 20mph. Therefore, we request inclusion of an explicit 20mph speed limit in the full planning application.</p>	<p>Details of on-site speed limits will be set out at the reserved matters stage and as part of the Section 38 adoption process. Given that the development is residential, and the internal highways are proposed to be designed to a 20mph design speed, it is envisaged that the internal highways will be subject to a 20mph speed limit.</p>
	<p>There appears to be no access to the cycle pedestrian bridge (historic bridge) from the main entrance to the development. An access paths with cyclists and pedestrians grade separated should be provided from the main entrance to the cycle and pedestrian (historic) bridge to allow all residents to have direct, convenient access the cycle network.</p>	<p>It is not possible to provide a direct cycle connection to the existing historic bridge due to the significant difference in level between the proposed new road junction and the existing bridge. The level of the new road at the development entrance is high as a result of the new bridge needing to be above the river flood level. The existing historic bridge is however connected to the development via a new cycle path as part of the southern development parcel where proposed ground levels allow. All residents of the new development will have easy access to the existing cycle network, either via the new bridge or via the historic bridge.</p>
	<p>The General Highway Arrangement plan shows the location of direction signs being placed in the shared use path just prior to the A4232 underpass. Ensure the linkage to the existing cycle and walking network towards Leckwith is to the highest standard possible with no signs or posts placed in the path as this narrows the available space and causes conflict.</p>	<p>This is noted and will be dealt with at the detailed design stage.</p>
	<p>The new roadway will have an impact on the entrance to Leckwith woods which is a recreational route towards Trelai Park, Ely. The design of the new roadway should cater for access to the entrance to the woods and should have pedestrian and cycle links into the Northern section of the development.</p>	<p>Cardiff Council's Definitive Map of Public Rights of Way does not show any PROW, trails or cycle routes that link into the local woods and we are not aware of any formal entrance to 'Leckwith Woods' to connect into.</p>



### **Third Party Representations**

- 3.7 During the 28 day PAC period 116 emails were received between 20<sup>th</sup> May and 19<sup>th</sup> June 2020. Throughout the course of the PAC, one respondent also raised a query direct to RPS about the development proposals via telephone.
- 3.8 Table 3.3 overleaf provides a summary of all the matters raised from third parties and a response to how the matters have been addressed.

<b>Table 3.3 Third Party Representations</b>	
<b>Comment</b>	<b>Developer Response</b>
<p>The development will harm the biodiversity in an environmentally sensitive area.</p>	<p>The application has been subject to Environmental Impact Assessment (EIA) and is accompanied by an Environmental Statement. The EIA process has found the development to be acceptable. A Wildlife Protection Plan (WPP) will be included within the Construction Environmental Management Plan (CEMP), to ensure that protected species and retained habitats are not damaged during the construction phase of the project. A Habitat Management Plan (HMP) will be implemented, which will include mitigation and enhancement measures, to include a bird and bat box scheme, as well as new habitats for reptiles and invertebrates. Non-native species, such as Himalayan Balsam and Japanese Knotweed, will be removed from the site.</p>
<p>The development will cause the loss of mature trees forming part of the SINC.</p>	<p>The application has been subject to Environmental Impact Assessment (EIA) and is accompanied by an Environmental Statement. The EIA process has found the development to be acceptable subject to the implementation of certain mitigation measures which are set out within the Environment Statement.</p> <p>An Arboricultural Assessment has been undertaken which has found that the existing woodland is in a poor condition with many ash suffering from 'ash die-back'. Replacement tree planting will be undertaken to rejuvenate the woodland where retained and new planting will be introduced on either side of the new road alignment.</p>
<p>A considerable number of trees are set to be felled as part of the construction works. Request details on the number of trees to be felled.</p>	<p>The existing woodland is in poor condition with many trees suffering from disease (Ash Die back and Dutch Elms), fungal attack. Alternatively, it is already dead and the condition is as set out within the submitted Arboricultural Assessment.</p> <p>The overall site area is 7.7 ha and the area of existing woodland within the application site is 3.17ha, of which 0.65 ha is affected by the new road alignment allowing for a 5m construction buffer strip. This is the only available route for a replacement road and bridge without building on the existing road alignment. That would not be a viable solution for this planning application.</p> <p>The area of existing woodland within site ownership to the south of the new road is 1.33ha, with 0.35ha affected by the residential development, again allowing a 5m buffer strip.</p>

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<p>The area is hugely important to species such as otter, the conservation red-listed song thrush and mistle thrush, great spotted woodpecker, treecreeper and nuthatch, as well as being important to invertebrates and species such as the common lizard, which, despite its name, is no longer common due to loss of habitat. It is also home to protected species such as bats.</p>	<p>The application has been subject to Environmental Impact Assessment and is accompanied by an Environmental Statement. The EIA process has found the development to be acceptable.</p> <p>A Habitat Management Plan (HMP) will be implemented, which will include mitigation and enhancement measures, to include a bird and bat box scheme, as well as new habitats for reptiles and invertebrates. Non-native species, such as Himalayan Balsam and Japanese Knotweed will be removed from the site.</p>
<p>The development itself, and the construction process, will have an extremely negative impact on the biodiversity of this area and will contravene Section 6 of the Environment Wales (2016) Act, which places a statutory duty to protect and enhance biodiversity.</p>	<p>The application has been subject to Environmental Impact Assessment and is accompanied by an Environmental Statement. The EIA process has found the development to be acceptable. A Wildlife Protection Plan (WPP) will be included within the Construction Environmental Management Plan (CEMP), to ensure that protected species and retained habitats are not damaged during the construction phase of the project. A Habitat Management Plan (HMP) will be implemented, which will include mitigation and enhancement measures, to include a bird and bat box scheme, as well as new habitats for reptiles and invertebrates. Non-native species, such as Himalayan Balsam and Japanese Knotweed, will be removed from the site.</p>
<p>The visual impact of such a large development also needs to be taken into consideration.</p>	<p>The application proposals have been the subject of a Landscape and Visual Assessment which is contained within Chapter 6 of the Environmental Impact Assessment. Consideration of this issue has already, therefore, taken place.</p>
<p>This site does not form part of the Vale of Glamorgan's LDP on housing.</p>	<p>It is recognised that the site is not allocated for housing within the Vale of Glamorgan's LDP. The site is however brownfield and would therefore be considered as a 'windfall' site. The suitability of the site to accommodate the proposed development will be judged against the relevant National and Local LDP policy considerations. The Planning Report contains an assessment of the development proposals against all relevant national and local planning policy considerations and the proposed development has been found to fully comply with them.</p>
<p>The site is greenfield and brownfield sites should be developed before considering any development on greenfield sites</p>	<p>The majority of the proposed development is located on previous developed 'brownfield' land as the site is currently used for commercial and industrial uses associated with Leckwith Yard. It is not, therefore, a greenfield site.</p> <p>The suitability of the site to accommodate the proposed development will be judged against the relevant National and Local LDP policy considerations. The Planning Report contains an assessment of the</p>

**LECKWITH QUAYS PRE-APPLICATION CONSULTATION REPORT**

	development proposals against all relevant national and local planning policy considerations and the proposed development has been found to fully comply with them.
Development will impact upon residents of Grangetown, Cardiff Bay Penarth, Leckwith, and Cardiff by decreasing their access to green space and diverse habits.	The site is brownfield, not greenfield, and currently used for existing commercial and industrial uses associated with Leckwith Yard which could at some future date expand and develop at the site. Public access to the site is currently restricted. The development proposals, however, seek to promote active travel to local facilities, services and public transport nodes, a form of travel that is currently not offered by or available to the site. The development proposals include the provision of a river walk and cycle paths to help improve the site's accessibility and provide health and well-being benefits for local residents, thus improving access to green space and the local environment. Also, they are proposed at a location that is sustainable in transport terms and will, therefore, increase public accessibility to publicly available facilities including existing green spaces.
The existing weight limit over the viaduct currently restricts heavy goods vehicle access to Llandough, Pen y Turnpike Road and central Dinas Powys. Removal of this restriction would adversely affect road safety and noise at these locations.. The proposals must not be allowed to adversely affect these environmental benefits.	Please refer to response to Cllr Andy Robertson with regard to weight limits imposed on the bridge (No.3).
Given the weight restrictions on the existing Leckwith Road bridge, all construction traffic will have to travel through either Llandough or Dinas Powys.	Please refer to response to Cllr Andy Robertson with regard to construction traffic impacts (No.4).
The introduction of a new traffic light controlled, four way, junction at close proximity to the junction with the A4232 will compound the congestion already experienced at this busy location and in conjunction with the factors mentioned above would be wholly unacceptable.	Please refer to response to Cllr Andy Robertson with regard to the impacts of the new junction (No.2) and the response to Mark Drakeford MS and Kevin Brennan MP regarding the future of the existing bridge.

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<p>Concerned by the proposals to replace the existing road bridge carrying the B4267 (Leckwith Road) over the River Ely. The proposed new structure will include a crossroads junction operated by traffic lights, which I fear will significantly impede traffic flows along the road. During peak hours, the junction at Capital Retail Park causes significant delays at present, with tailbacks extending into the villages of Leckwith and Llandough. Adding an additional junction of this nature onto the road will exacerbate this problem, increasing congestion and impeding access to the development. I would therefore urge that alternative design proposals are brought forward to address this issue.</p>	<p>Please refer to the response to Cllr Andy Robertson with regard to the impacts of the new junction (No.2) and the response to Mark Drakeford MS and Kevin Brennan MP regarding the future of the existing bridge.</p>
<p>The existing road bridge is also subject to a weight restriction, and as such construction traffic to the site will not be able to cross it. I am therefore concerned by the prospect of this traffic instead being routed through Llandough, causing considerable disruption to local residents. It is imperative that this is addressed before any construction works are allowed to be carried out on site.</p>	<p>Please refer to the response to Cllr Andy Robertson with regard to construction traffic impacts (No.4).</p>
<p>The Ely trail cycleway which crosses the B4267 on the north side of the current bridge, via a pedestrian refuge. The proposal is to demolish the current bridge and build a new one, retaining the crossing of the B4267 albeit via a controlled</p>	<p>The general thrust of modern policy in terms of pedestrian and cycling facilities is to provide them “at grade” wherever possible. This represents the minimum future maintenance cost scenario when transferred to public ownership.</p>

## LECKWITH QUAYS PRE-APPLICATION CONSULTATION REPORT

<p>crossing, which would be safer. Why can't the Ely Trail cross the B4267 via a tunnel underneath it?</p>	<p>During the evolution of the proposals consideration was given to the provision of an underpass for the Ely Trail cycle route but there are a number of technical difficulties associated with that option including headroom, flooding, impact on the listed bridge, and connectivity with the highway. The level differences at the site therefore make it very difficult to provide an arrangement that allows for all movements whilst maintaining acceptable gradients, horizontal radii, and indivisibility. The proposed arrangement provides an improvement of the existing arrangement and continues to allow access to all movements.</p> <p>A shared controlled pedestrian/cycle crossing has been proposed as this aligns with the shared pedestrian cycleways that currently exist as part of the Ely Trail. It is considered that this is the most appropriate form of crossing for the existing and proposed pedestrian and cycle arrangements and will maintain consistency along The Trail.</p>
<p>It will definitely mean greatly increased traffic carnage for those already struggling to get out of Dinas Powys and Llandough and into Cardiff/M4 in the morning, especially due to all the other recent new developments and the Barry traffic using Dinas as their main through road!!! We need more housing, but it HAS TO BE DEVELOPED IN APPROPRIATE PLACES IN TANDEM WITH SUFFICIENT ROAD AND TRANSPORT INFRASTRUCTURE!!!</p>	<p>Please refer to response to Cllr Andy Robertson with regard to impacts once the proposed development is built and occupied (No. 5) and the response to Mark Drakeford MS and Kevin Brennan MP regarding the future of the existing bridge. There is no current "carnage" and the location, being sustainable, brown-field, and currently occupied makes it an extremely appropriate location for new development, including the provision of replacement and new transport infrastructure.</p>
<p>Extra traffic would cause further damage to roads and housing. Llandough and Dinas Powis don't have capacity for any extra traffic and the risks this would bring.</p>	<p>Please refer to response to Cllr Andy Robertson with regard to impacts once the proposed development is built and occupied (No. 5) and the response to Mark Drakeford MS and Kevin Brennan MP regarding the future of the existing bridge.</p> <p>It should be noted that the site is already occupied and already generates traffic. Therefore, there is no evidence to suggest that all the traffic to be generated by the redeveloped site will, in fact, be "extra". The TA provides more detail on this important point.</p>
<p>The proposed crossroads presents a major hazard and will disrupt traffic flows on Leckwith Road, increasing congestion.</p>	<p>Please refer to response to Cllr Andy Robertson with regard to the impacts of the new junction (No.2).</p> <p>The proposed Junction will accord with highway authority design standards and will be subject to a full Road Safety Audit prior to construction. It will not, therefore, constitute a "major hazard".</p>



**LECKWITH QUAYS PRE-APPLICATION CONSULTATION REPORT**

<p>The proposed new route of the road over the new bridge looks very unsafe and quite hazardous as the curve is extremely sharp. In inclement weather the road is hazardous now, how much worse will this be if the new route is taken.</p>	<p>The proposed new alignment is set by the requirement to keep the existing road open to traffic during construction and to maintain the historic, listed, masonry bridge. It is proposed that the speed limit for the new section of highway will be reduced from 40mph to 30mph.</p> <p>Forward visibility to the proposed new junction will be 90m which accords with the minimum required for the proposed speed limit. The road gradient will be no steeper than the gradient of the existing road but high friction surfacing, which does not currently exist, will be laid on the new bend and approach to the junction. Warning signs and safety barriers will also form part of the new works.</p> <p>The detailed design will additionally be subject to a full Road Safety Audit prior to construction and if further measures are agreed to be necessary to address road safety risk they will be implemented and the design will be amended accordingly.</p>
<p>Potential pressures on schools, doctors surgeries and other local services</p>	<p>The impact of the development on local facilities and services has been assessed and will be fully negotiated with the Local Planning Authorities during the S106 negotiations.</p>
<p>No public transport provision is being provided.</p>	<p>There are already regular bus services which are accessible from bus stops located on the B4267 Leckwith Road. Whilst it is acknowledged that parts of the site are slightly beyond suggested 'acceptable' walking distance, this is not considered to be a significant barrier given the frequency of services and provision of pedestrian links between the site and the bus stops.</p> <p>Also, Ninian Park railway station is located only 1.1km from the site which is comfortably within walking/cycling distance. It provides regular services to Cardiff Central, which in turn provides access to regular services to wider destinations such as London, Manchester, Swansea and Bristol. Therefore, no specific additional public transport provision is considered necessary.</p>
<p>This is an isolated site that has no relationship with other residential areas.</p>	<p>This is a site that is becoming increasingly linked to other residential areas as the Cardiff Bay area is developed. Like many of the other waterfront/riverside areas which sit on the boundary of Cardiff and the Vale of Glamorgan the site meets national criteria because it is brown-field, sustainable, under-utilised even though currently used, and it lies in close proximity to a range of retail, commercial, industrial and sporting uses. The site is situated in a very sustainable location and in close proximity to existing public transport facilities. The proposed development's inclusion of a river walk and cycle paths further improves the site's accessibility to other nearby local areas and the populations of Cardiff and the eastern Vale.</p>

## LECKWITH QUAYS PRE-APPLICATION CONSULTATION REPORT

<p>It is my understanding that Leckwith Bridge is a Listed building and would be a loss to the Welsh heritage.</p>	<p>The original Leckwith (Old) Bridge is indeed listed and it is a Scheduled Ancient Monument. Accordingly, it is proposed to be protected throughout the period of construction and the existing damaged parts of it are proposed to be repaired in agreement with CADW. It is not being removed and CADW has offered no objection to the proposals (see first point in Table 3.1).</p> <p>Given that the current use of the site is for commercial/light industrial, most of the movements over the bridge are by vans or HGV's and are therefore inappropriate given the historical status of the bridge. The development proposals would, however, remove all vehicular movements from Leckwith Old Bridge entirely, allowing for cycling and pedestrian movements across it only.</p>
<p>Closure of the current bridge would necessitate the road being closed and traffic going via Penarth road, putting extra pressure on Llandough Hill and Llandough village and hospital.</p>	<p>The current over-bridge (NB: this is not the Leckwith Old Bridge) is not proposed to be closed until a new bridge design has been approved and is being constructed as a replacement. Any road closure, if necessary, will be kept to a minimum temporary term.</p>
<p>The lanes between the Leckwith Hill though to the Merrie Harriers would not be able to cope with the tailbacks extra traffic would cause.</p>	<p>Please refer to response to Cllr Andy Robertson with regard to impacts once the proposed development is built and occupied (No. 5) and the response to Mark Drakeford MS and Kevin Brennan MP regarding the future of the existing bridge.</p>
<p>This development seems entirely inappropriate on such a site blighted as it is by both noise and air pollution from traffic.</p>	<p>The application proposals have been the subject of both a Noise Impact Assessment and Air Quality Assessment which are contained within Chapters 10 and 11 of the Environmental Impact Assessment respectively. Please, therefore, refer to the finding of those assessments.</p>
<p>The proposal is not in the spirit of the Well-Being of Future Generations Act.</p>	<p>The Act cites seven "well-being goals". The proposal I has been assessed against those goals and it has been concluded that it is compliant with, and "in the spirit of", each goal..</p>
<p>I wish to raise serious procedural issues relating to this proposed development and the 'consultation' that this response will be part of, including the lack of transparency and accessibility of this proposal, no apparent consultation within the community nor digitally in places that community members can easily access</p>	<p>Publicity for the proposal has been undertaken in accordance with the statutory requirements as recently amended by the Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020. It has therefore been wholly transparent and this report itself reflects the interaction that has taken place with the community and the responses that have been received.</p>

## 4 DEVELOPER RESPONSE TO CONSULTATION RESPONSES

4.1 As a result of the consultation and the representations received, the following changes/amendments have been made:

- Flood Modelling. Additional investigations have been undertaken to determine a likely viable arrangement of bringing the site into full compliance with TAN15 via a combination of site raising and increasing flow conveyance through the existing constriction on the River Ely.
- Further tree assessment work to quantify the loss of trees on site;
- Further bat and otter surveys have been undertaken, the results of which are included within Chapter 5 of the Environmental Statement.
- WSP Water Framework Directive Scoping Report is currently being undertaken.

4.2 It is considered that the applicant has complied with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) (Amendments) Order 2016, as amended by The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 in respect of pre-application consultation requirements.

## Appendix A

### Site Notice Declaration

**Pre-Application Consultation Report**

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I, Emma Fortune, declare that the Site Notices were displayed in accordance with the statutory requirements for a minimum of 28 days.

Signed



Date

**1st October 2020**

## Appendix B

### Specialist Consultee Details and Letter



List of owner/occupiers and Community Councillors sent the notice and letter:

<b>Occupier</b>	<b>Entity / Company Name</b>	<b>Address 1</b>	<b>Address 2</b>	<b>Address 3</b>	<b>Address 4</b>	<b>Town</b>	<b>Postcode</b>
Mr Keith Young		Viaduct Works	Leckwith Road			Cardiff	CF11 8AN
Marcus Vataaloo		Hillside Cottage	Leckwith Road			Cardiff	CF11 8AN
Philip Worthing	Oakridge House	44, Castle Oak				Usk	NP15 1SG
Raymond Barton	(MII Directors Retirement Plan)	Pendeloque Palm	1, Albany Road			Abergavenny	NP7 7BD
Graham Wilson Gonthier & Michele Moira Gonthier		Old Mill House	Cog Road			Sully	CF64 5TE
Barbara Jean Davies		Ashley House	125, Ely Road		Llandaff	Cardiff	
Councillor Stephen Cunnah	Canton Welsh Labour / Llafur Cymru	Members Services	Room 286	County Hall	Atlantic Wharf	Cardiff	CF10 4UW
Councillor Ramesh Patel	Canton Welsh Labour / Llafur Cymru	Members Services	Room 286	County Hall	Atlantic Wharf	Cardiff	CF10 4UW
Councillor Susan Elsmore	Canton Welsh Labour / Llafur Cymru	Cabinet Office	Room 512	County Hall	Atlantic Wharf	Cardiff	CF10 4UW
Councillor Robert Crowley	Conservative Party - Dinas Powys	63, Highwalls Avenue				Dinas Powys	CF64 4AP
Councillor Vincent Peter Driscoll	Conservative Party - Dinas Powys	Sunnycroft Farm	Sunnycroft Lane			Dinas Powys	CF64 4QP
Councillor Andrew Robertson	Conservative Party - Dinas Powys	Beggan Farm			Leckwith	Cardiff	CF11 8AS
Councillor Stephen John Griffiths	Conservative Party - Dinas Powys	58, Greenfield Avenue				Dinas Powys	CF64 4BX
Dinas Powys Community Council	The Clerk	Council Offices	2, Britway Road			Dinas Powys	CF64 4AF
Llandough Community Council	The Clerk	63, Woodham Park				Barry	CF62 8FJ
Strategic Estates Estates Department	Economic Development Vale of Glamorgan	Cardiff Council	CY1 County Hall	Atlantic Wharf		Cardiff	CF10 4UW
		<a href="mailto:strategicpropertyonevale@valeofglamorgan.gov.uk">strategicpropertyonevale@valeofglamorgan.gov.uk</a>					

Our Ref: JPW1365 Notice 1B Ltr



Date: 22/05/2020

2 Callaghan Square  
Cardiff  
CF10 5AZ  
T +44 2920 668 662

Estates Department  
Vale of Glamorgan  
(via e-mail)

Dear Sir/Madam / Annwyl syr neu madam,

**Notice of Publicity and Consultation Before Applying for Planning Permission  
Town and Country Planning (Development Management Procedure) (Wales) Order 2012 /  
Hysbysiad o Cyhoeddusrwydd ac Ymgynghori Cyn Gwneud Cais am Ganiatâd Cynllunio  
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012**

In accordance with the above please find enclosed a Notice relating to a proposed planning application. Yn unol â'r uchod, amgaeaf Hysbysiad i ymwneud a cais cynllunio arfaethedig.

Should you require any clarification please do not hesitate to contact me. Os bydd angen eglurhad arnoch mae croeso i chi gysylltu â mi.

Yours faithfully / Yr eiddoch yn gywir  
for RPS Group Limited / i Grwp RPS Cyfyngedig

**Darren Parker**  
[info@leckwithquays.co.uk](mailto:info@leckwithquays.co.uk)

Enc: As above / Fel uchod

## SCHEDULE 1D

### PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION: NOTICE TO BE GIVEN DURING EMERGENCY PERIOD

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

### PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION NOTICE UNDER ARTICLES 2C AND 2D AS MODIFIED BY ARTICLE 2G

(to be served on owners and/or occupiers of adjoining land and community consultees; and displayed by site notice on or near the location of the proposed development)

**Purpose of this notice:** this notice provides the opportunity to comment directly to the developer on a proposed development prior to the submission of a planning application to the local planning authority ("LPA"). Any subsequent planning application will be publicised by the relevant LPA; any comments provided in response to this notice will not prejudice your ability to make representations to the LPA on any related planning application. You should note that any comments submitted may be placed on the public file.

Proposed development at **Land at Leckwith Quays, Leckwith Road**

I give notice that **Mr Phil Worthing**

is intending to apply for planning permission for: **a Hybrid planning application for residential development of up to 250 dwellings (submitted in OUTLINE), associated highway and bridge improvement/realignment works (submitted in FULL). Development involves the demolition of all buildings on site and of the existing B4267 Leckwith Road Bridge.**

You may inspect copies of:

- the proposed application;
- the plans; and
- other supporting documents

online at <http://www.leckwithquays.co.uk>

If you are unable to access the documents electronically you may request copies of this information by emailing [info@leckwithquays.co.uk](mailto:info@leckwithquays.co.uk) or by telephoning 02920 668 662.

Anyone who wishes to make representations about this proposed development must write to the agent Darren Parker at

**RPS, 2 Callaghan Square,  
Cardiff,  
CF10 5AZ**

or emailing [info@leckwithquays.co.uk](mailto:info@leckwithquays.co.uk)

By: **19<sup>th</sup> June 2020.**

Signed:

RPS

Date: 20<sup>th</sup> May 2020

## ATODLEN 1D

### CYHOEDDUSRWYDD AC YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO: HYSBYSIAD I'W ROI YN YSTOD CYFNOD YR ARGYFWNG

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

### CYHOEDDUSRWYDD AC YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO

HYSBYSIAD O DAN ERTHYGLAU 2C A 2D FEL Y'U HADDASWYD GAN ERTHYGL 2G

(i'w gyflwyno i berchnogion a/neu feddianwyr tir cyffiniol ac ymgygoreion cymunedol; ac i'w arddangos drwy hysbysiad safle ar neu gerllaw lleoliad y datblygiad arfaethedig)

**Diben yr hysbysiad hwn:** mae'r hysbysiad hwn yn rhoi cyfle i wneud sylwadau yn uniongyrchol i'r datblygwr ynglŷn â datblygiad arfaethedig cyn cyflwyno cais am ganiatâd cynllunio i'r awdurdod cynllunio lleol ("ACLI"). Bydd unrhyw gais cynllunio dilynol yn cael ei hysbysebu gan yr ACLI perthnasol; ni fydd unrhyw sylwadau a ddarperir gennych wrth ymateb i'r hysbysiad hwn yn lleihau dim ar eich gallu i gyflwyno sylwadau i'r ACLI ar unrhyw gais cynllunio cysylltiedig. Dylech nodi y gellir gosod unrhyw sylwadau a gyflwynir gennych yn y ffeil gyhoeddus.

Datblygiad Arfaethedig yn **Land at Leckwith Quays, Leckwith Road**

Rwyf yn hysbysu bod **Mr Phil Worthing**

yn bwriadu gwneud cais am ganiatâd cynllunio i ddatblygu

**Cais cynllunio Cymysgryw ar gyfer datblygiad preswyl hyd at 250 o anheddau (yn AMLINELLOL), gwaith gwella / adlinio priffyrdd a bont cysylltiedig (yn LLAWN). Mae'r datblygiad yn cynnwys dymchwel yr holl adeiladau ar y safle a Bont Ffordd Leckwith B4267.**

Gellwch archwilio copïau o'r canlynol:

- y cais arfaethedig;
- y planiau; a
- dogfennau ategol eraill

ar-lein yn <http://www.leckwithquays.co.uk>

Os nad ydych yn gallu cael mynediad at y dogfennau yn electronig gallwch ofyn am gopïau o'r wybodaeth hon drwy anfon e-bost at Darren Parker neu drwy ffonio'r ceisydd ar 02920 668 662.

Rhaid l unrhyw un sy'n dymuno gwneud sylwadau ynglŷn a'r datblygiad arfaethedig hwn ysgrifennu at y ceisydd/yr asiant yn

**RPS, 2 Callaghan Square,  
Cardiff,  
CF10 5AZ**

neu ebostiwrch [info@leckwithquays.co.uk](mailto:info@leckwithquays.co.uk)

erbyn **19<sup>th</sup> Mehefin 2020**

Llofnod:

RPS

Dyddiad: 20<sup>th</sup> Mai 2020

## Appendix C

### EIA Scoping Reports

Date/Dyddiad: 5 December 2019

Ask for/Gofynwch am: Administration

Telephone/Rhif ffon: (01446) 704656

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2019/01198/SC2

e-mail/e-bost: [Planning@valeofglamorgan.gov.uk](mailto:Planning@valeofglamorgan.gov.uk)

The Vale of Glamorgan Council  
Dock Office, Barry Docks, Barry CF63 4RT  
Tel: (01446) 700111  
Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
Ffon: (01446) 700111  
[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



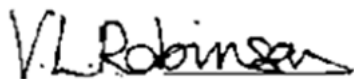
Ms Emma Fortune  
RPS  
2, Callaghan Square,  
Cardiff.  
CF10 5AZ

Dear Madam,

**Town and Country Planning (Environmental Impact Assessment)  
(Wales) Regulations 2017.  
Request for a formal Screening Opinion on the scope of an  
Environmental Statement (ES) to be submitted in conjunction with a  
hybrid planning application for residential development (to be  
submitted in Outline), associated highway and bridge improvement  
works (to be submitted in Full)  
at Land at Leckwith Quays, Leckwith Road**

The Council in accordance with the application and plans registered by the Council on 31 October 2019 is of the opinion that an environmental statement should cover the topics set out in the application documents, Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, this report and the observations made by the planning authority's technical advisers.

Yours faithfully,



Operational Manager Development Management



Ms Emma Fortune RPS, 2, Callaghan Square,, Cardiff., CF10 5AZ

**Land at Leckwith Quays, Leckwith Road**

Request for a formal opinion on the scope of an Environmental Statement (ES) to be submitted in conjunction with a hybrid planning application for residential development (to be submitted in Outline), associated highway and bridge improvement works (to be submitted in Full)

A formal request has been made under Regulation 14 the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017) for a Scoping Opinion prior to the preparation of an Environmental Statement to accompany a planning application.

**SITE AND CONTEXT**

Nearly eight hectares in area, the site consists of industrial buildings, associated hard-surfaced land, woodland, a section of an adopted highway (Leckwith Road) and a section of the Leckwith roundabout, which is under Cardiff Council's authority. It is next to the River Ely, Leckwith Woods and the A4232. Nearby uses include a retail park, a trading estate and two sports stadiums within Cardiff.



The Local Development Plan does not allocate the site for a particular land use. For policy purposes, though, the site is in the countryside, Flood Zones A, B, C1 and C2, the Cwrt-y-Ala Basin Special Landscape Area (SLA) and a mineral safeguarding area (limestone, category two). The site includes parts of the 'Factory Wood' and 'Leckwith Woods' Sites of Importance of Nature Conservation (SINCs), several protected trees, a grade II\* listed structure (Old Leckwith Bridge), a scheduled ancient monument (Old Leckwith Bridge) and several other features of archaeological interest. One public right of way (ref. L2/1/1) enters the site from the south-west, while the Ely Trail, which is used for walking and cycling, is on the other side of the River Ely. A Site of Special Scientific Interest (SSSI) (ref. 'Cwm Cydfin') is less than a kilometre south-east of the site.

## DESCRIPTION OF DEVELOPMENT

The applicants intend to build circa 250 dwellings on the site with associated public open space, landscaping and parking areas.

The proposals include the realignment of the existing B4267 Leckwith Road link and a new bridge crossing of the River Ely. The new bridge has been positioned immediately upstream of the existing, listed, masonry bridge which is to be retained to allow pedestrian and cyclist access to the site.

The proposed development falls within Section 10 (b) (Infrastructure Projects) of Schedule 2 of the 2017 Regulations. Part 10(b) relates to Urban Development Projects where sites exceed 5 hectares or the proposed development exceeds 150 dwellings. For such Schedule 2 Developments the 2017 Regulations require that Environmental Impact Assessment (EIA) be undertaken where the development is likely to have 'significant effects on the environment by virtue of factors such as its nature, size or location.

A planning application for EIA development would need to include an environmental statement (ES). To identify the 'scope and level of detail' to be provided in the environmental statement, the applicants now seek the planning authority's 'scoping opinion' under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

## PLANNING HISTORY

The site's recorded planning history is not relevant to this request for a scoping opinion.

## CONSULTATIONS

**Michaelston le Pit with Leckwith Community Council** was consulted and said the following:

### Highways and transport

The transport section of the ES should account for traffic associated with football matches at Cardiff City Stadium.

### Ecology

The ES should account for the proposal's effect on ancient woodland.

### Landscape

The community council does not agree that 'views into the site are extremely limited and only really available from close to the eastern boundary'. In addition, the 'tallest proposed building is considerably higher than any of the existing buildings on the site or buildings in the vicinity'.

### Archaeology

A planning application should perhaps include field surveys and investigations in addition to a desk-based study.

### Climate change and health

The applicants have 'scoped out' these topics but perhaps a planning application should account for 'climate-change-induced' flooding on the site and the proposal's impact on local schools, health facilities and public transport.

### Additional comments

Concerned about the proposal's effect on woodland, ecology and local infrastructure and a listed house (the community council does not identify the listed house, and no such house appears in the planning authority's records or on Cadw's website). Also concerned that the 'offer of a new bridge may strongly influence [the planning authority's] decision'.

The **highway authority** was consulted and said the following:

- Parking: The transport section of the ES should refer to the Parking Standards SPG and 'indicate the availability of more sustainable modes of transport that could influence and reduce the use of the private car in order to justify the reduction of one space per dwelling';
- Traffic flows: 'The information related to the traffic flows across the surveyed network needs to be provided in order for the Highway authority to agree the above AM and PM peak hours';
- Trip distribution: The transport section of the ES should clearly explain how the Leckwith park-and-ride facility would reduce the proposal's overall traffic by 6%;
- Future traffic: The transport section of the ES should account for the impact of the proposal until 2030;
- Local impact: The transport section of the ES should assess the proposal's impact on the junction of the Merrie Harrier and Redlands Road;
- Appendices: 'The Appendices have not been provided with the scoping note and [need] to be provided in order for the Highway authority consider the scoping note as a whole'.

**Cardiff County Council** was consulted but has not commented on the application.

The **Council's drainage section** was consulted but has not commented on the application.

**Environmental-health officers (Shared Regulatory Services (Pollution))** were consulted and said the following:

### Noise

#### *Road traffic*

'The EIA Scoping Report produced by RPS already indicates that a noise assessment has been carried out by Mach Acoustics to assess noise and vibration. That report indicates very high levels of noise associated with nearby traffic sources and this will need to be taken into account at the design stage, to design out these issues through massing and internal and external arrangement.'

#### *Demolition and construction*

'Noise from demolition and construction is likely to be addressed through the outline planning process, at which time it is likely that this department would ask for a Construction and Environmental Management Plan (CEMP) to be submitted, with possibly a request for a condition limiting working hours, and hours of deliveries relating to construction. The CEMP would address noise, dust, and other air quality issues. However due to the location of the nearby highway, A4232, these noise issues would likely be a component of the Environmental Statement submitted under the EIA.'

#### *Plant*

'Noise emitted from fixed plant and equipment on the development should be considered within the ES.'

### Contamination

'The applicant has indicated that Ground Conditions Assessments will be included within the scope of the proposed Environmental Statement. It is noted that their preliminary assessments have identified the need for intrusive investigations in relation to the risk from ground gas and contamination, to inform any remediation/mitigation measures.'

Although it did not express any concern over the applicants' approach at the 'scoping opinion' stage, SRS did say that it would probably recommend that planning permission carry standard conditions about ground-gas protection, contaminated land, imported soil, imported aggregates and the use of site-won materials.

The **Councils Conservation and Design officer** was consulted and has made the following comments.

It is noted that the Scoping Request Letter (“SRL”) states that an Archaeological Desk Based Assessment (“DBA”) has been prepared which has defined a study area for the ‘archaeology’ topic which has identified forty-two sites of direct archaeological interest with ten of those being in the proposed development area. It is further noted that the DBA has not been submitted and the extent of the study area has not been demonstrated.

The Applicant should be able to demonstrate that the study area is sufficiently wide to capture all historic assets that could be significantly affected by the proposed development not just archaeology.

The SRL identifies the direct archaeological sites that are identified within the site, however, the assessment should consider both the site itself and the study area to ensure that all historic assets that could be affected by the proposed development are properly identified, assessed and reported on in the Environmental Statement “ES”.

The Scoping Report notes that the ES will consider all practical and reasonable measures which can be implemented to preserve, mitigate or record the heritage assets associated with the site and the selected measures, in accordance with best practice standards, will be included within the ES Chapter. Such measures should be identified prior to the submission of the application, so that features and impacts are identified and assessed, and mitigation measures proposed as necessary, and the information included in the ES. Cross reference should be made from this chapter of the ES to the Landscape and Visual chapter.

**Glamorgan-Gwent Archaeological Trust (GGAT)** was consulted and said that the approach set out in the application documents is acceptable. However, until it is able to read a desk-based assessment in detail, GGAT cannot rule out asking the applicants to carry out further archaeological work.

**Cadw (Ancient Monuments)** was consulted and said the following:

‘There are 13 scheduled monuments, 10 registered historic parks and gardens and 430 listed buildings are located inside 3km of the proposed development. However due to intervening topography, buildings and vegetation block all views between them apart from scheduled monument/Listed Building Old Leckwith Bridge. Consequently apart from Old Leckwith Bridge the proposed development will have no impact on the setting of any designated heritage asset.’

‘We have not been given the opportunity to read the archaeological desk based assessment and therefore cannot comment if the impact on the scheduled monument/listed building has been full assessed in accordance with current guidance ... . [In any case,] the environmental statement will need to clearly include measures which will be implemented to preserve the scheduled monument/listed building and mitigate any impact to its setting.’

The **Councils Ecology Officer** was consulted and has made the following comments:

'We recommend that the applicant consult their ecologists to determine which ecological surveys will be required for this site. We have no specific survey requirements, however, we draw the applicants attention to the mature trees on site and the potential to support bat roost(s), therefore bat tree assessment/survey will be required, in addition to a PEA / Phase I habitat mapping of the site.'

The **Councils Landscape Section** was consulted but did not comment on the application.

**Natural Resources Wales (NRW)** was consulted and said the following:

#### Land contamination

'We note, and concur with, the intention to undertake intrusive ground investigations which will serve to inform any required remediation mitigation measures. Full details should be included within the ES.'

#### Water quality

'The presence of sensitive receptors including abstractions from the **near-by spring and a private drinking water supply** will also need to be considered in relation to the proposed development and appropriate mitigation measures included, to protect water quality [emphasis added].'

'[It] is stated that the **River Ely** may also be impacted by pollution during and after the site's development [emphasis added]. The ES should consider all aspects of pollution risk including drainage, site run off, silt control and waste storage and appropriate mitigation measures considered.'

'We are aware that the applicant intends to undertake a **WFD (Water Framework Directive) scoping assessment**, to assess the potential impacts of the proposed development on the water environment [emphasis added]. We would take this opportunity to advise the applicant that this site falls within the Cardiff Bay waterbody GB30947042, not the Ely water body GB109057027270. The results of the WFD assessment should be included within the ES.'

#### Ecology

The ES should include:

- 'sufficient information to enable the local planning authorities to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals'; and
- 'a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts'.

#### Flood risk management



'The proposed development site lies partially within zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The site is shown to be partially within our flood maps.'

**Dinas Powys ward members** were consulted but did not comment on the application.

## REPRESENTATIONS

The planning authority has not received any letters of representation about the request for a scoping opinion.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

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

#### Strategic Policies:

POLICY SP1 – Delivering the Strategy  
POLICY SP7– Transportation  
POLICY SP8 – Sustainable Waste Management  
POLICY SP9 – Minerals  
POLICY SP10 – Built and Natural Environment

#### Managing Growth Policies:

POLICY MG16 – Transport Proposals  
POLICY MG17 – Special Landscape Areas  
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species  
POLICY MG22 – Development in Minerals Safeguarding Areas

#### Managing Development Policies:

POLICY MD1 – Location of New Development  
POLICY MD2 – Design of New Development  
POLICY MD7 – Environmental Protection  
POLICY MD8 – Historic Environment  
POLICY MD9 – Promoting Biodiversity

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

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

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

#### Chapter 3 - Strategic and Spatial Choices

- Sustainable Management of Natural Resources

#### Chapter 6 - Distinctive and Natural Places

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

### **Technical Advice Notes:**

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 20 – Planning and the Welsh Language (2017)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

**Other relevant evidence or policy guidance:**

- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

**Well-being of Future Generations (Wales) Act 2015**

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

Issues

In accordance with paragraph 14(6) of the Regulations, the planning authority must take into account the following topics before adopting a scoping opinion:

- any information provided by the applicant about the proposed development;
- the specific characteristics of the particular development;
- the specific characteristics of development of the type concerned; and
- the environmental features likely to be significantly affected by the development.

In accordance with paragraph 14(2)(a) of the Regulations, the applicants have provide the planning authority with:

- a plan sufficient to identify the land;
- a brief description of the nature and purpose of the development including its location and technical capacity;
- its likely significant effects on the environment; and
- such other information or representations as the person making the request may wish to provide or make.

The application documents include:

- existing site plan;
- several parameters plans (land uses, building heights and access routes);
- a detailed covering letter;
- technical note about scope of transport assessment;

- air-quality scoping note.

The covering letter states that an environmental statement would cover the following topics:

- highways;
- ecology;
- landscape;
- flooding and drainage;
- land contamination;
- archaeology;
- noise;
- vibration;
- air quality.

The covering letter discusses these topics in some detail but the planning authority recommends that an ES include the following details too:

### Highways

#### *Traffic flows*

To allow the highway authority to consider peak times, the transport section of the ES should include information about traffic flows across the surveyed network.

#### *Trip distribution*

The transport section of the ES should clearly explain how the Leckwith park-and-rise facility would reduce the proposal's overall traffic by 6%.

#### *Future traffic*

The transport section of the ES should account for the impact of the proposal until 2030.

#### *Local impact*

The transport section of the ES should assess the proposal's impact on the junction of the Merrie Harrier and Redlands Road.

### Ecology

The ecology section of the ES should account for the proposal's impact on the SSSI to the south-east of the site.

### Landscape

The landscape section of the ES should account for short-, medium- and long-distance views of the site, such as those from the Ely Trail, Leckwith, Ely (Trelai Park, for example) and elevated positions in Cardiff city centre.

### Air quality

The air-quality section of the ES should set out arrangements for controlling the amount and movement of dust during demolition and construction.

### RECOMMENDATION

An environmental statement should cover the topics set out in the application documents, Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, this report and the observations made by the planning authority's technical advisers.

It is considered that the scoping opinion 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. Environmental Impact Assessment submitted should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as referred to in the information details as submitted with the request but should also include an assessment of the following:

### NOTE:

**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.**

**DEVELOPMENT MANAGEMENT  
DELEGATION OF PLANNING FUNCTIONS FORM**

**City Development**

**LOCAL GOVERNMENT ACT 1972 SECTION 101  
DELEGATION OF PLANNING FUNCTIONS - SCOPING OPINION**

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**Application No: SC 19/00016/MJR**

**Proposal: SCOPING REQUEST FOR ENVIRONMENTAL STATEMENT**

**Location: LAND AT LECKWITH ROAD, LECKWITH**

The above proposal has been scoped with regard to the need for the preparation of an Environmental Statement to accompany the application, in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (hereafter 'the Regulations').

**(i) Introduction**

This request for a scoping opinion relates to proposals for residential development, and highway improvement works including a new overbridge on land at Leckwith Road, Leckwith.

This scoping opinion has been prepared by Cardiff Council in response to the information contained within the letter by the RPS Group dated 31 October 2019 and the Transport Assessment Scoping Note provided by Aecom on 20 December 2019.

The opinion comprises a brief description of the site and the proposals, a summary of the consultation responses, and the scoping opinion.

The Local Planning Authority has taken the following into account before adopting its opinion in accordance with Regulation 14(6) of the Regulations:

- (i) any information provided by the applicant about the proposed development;
- (ii) the specific characteristics of the particular development;
- (iii) the specific characteristics of development of the type concerned; and
- (iv) the environmental features likely to be significantly affected by the development

**(ii) Description of The Proposed Development and Site Context**

## The Proposed Development

A hybrid planning application for residential development, highway and bridge improvement works is being prepared for land at Leckwith Road, Leckwith. The residential element of the application will be submitted in outline and the highway and bridge improvement works will be submitted in full.

The proposals seek to redevelop the existing brownfield site for residential uses (circa 250 units) comprising a mix of houses and apartments with associated public open space, landscaping and parking areas. The proposals include the realignment of the existing B4267 Leckwith Road link and a new bridge crossing of the River Ely. The existing B4267 runs through the site on a viaduct which is in a very poor state of repair. The new road alignment has been arranged to allow the existing road to remain open during its construction. The new bridge has been positioned immediately upstream of the existing, listed, masonry bridge which is to be retained to allow pedestrian and cyclist access to the site.

The existing site is subject to a number of physical constraints. It is currently proposed that the development is split into two parcels on either side of the proposed new bridge crossing - referred to as the northern (1.3 ha) plateau and the southern plateau (6.4 ha). The northern area will deliver a residential development of around 80 dwellings, whilst the southern plateau will deliver circa 170 dwellings. A new signalised four arm junction is proposed to allow access to each development parcel. The site extends along approximately 890 metres of the Ely riverbank on the Vale of Glamorgan side.

The development proposals are cross boundary in that the residential element of the proposed development lies solely within the administrative boundary of the Vale of Glamorgan whilst some of the highway works fall within the administrative boundary of Cardiff and the jurisdiction of Cardiff Council.

Due to the cross-boundary nature of the development the applicant intends to submit an Environmental Statement (ES) that is common to both Authorities, the scope of the ES having first been informed by Scoping Opinions that will ensure that the issues raised by both Authorities, and their consultees, have been adequately assessed.

The proposed development falls within Section 10 (b) (Infrastructure Projects) of Schedule 2 of the 2017 Regulations. Part 10(b) relates to Urban Development Projects where sites exceed 5 hectares or the proposed development exceeds 150 dwellings. For such Schedule 2 Developments the 2017 Regulations require that Environmental Impact Assessment (EIA) be undertaken where the development is likely to have 'significant effects on the environment by virtue of factors such as its nature, size or location'. Due to the nature of the proposals, and in response to the pre-application response provided in relation to the proposals by Vale of Glamorgan



Council in July 2016, it has been agreed that an EIA of the proposed development will be undertaken and the consequential ES will be submitted in support of the application to both Authorities.

### Site Context

The site comprises approximately 7.7 Hectares of land known as Leckwith Yard/Works and is accessed off the B4267 Leckwith Road via the 'Old Leckwith Bridge' which is a Grade II\* listed building and Scheduled Ancient Monument. This access also serves the Ely Trail which is, primarily, an off-road walking/cycling route. The Leckwith Road Viaduct rises and continues to run above and across the site continuing up towards Llandough. The site is made up of two plateaux either side of the bridge which are both largely cleared and levelled. The land is currently used for commercial and industrial uses comprising a number of buildings and hard standing areas. The site is located adjacent to the River Ely and the Grangetown-Ely Link Road which runs along the north-eastern boundary of the site. To the south and west large areas of woodland, comprising Leckwith Wood and Factory Woods, border the site.

The site does not have any international or national biodiversity designations however the Factory Woods are designated locally as a Site of Importance for Nature Conservation (SINC).

The site is located within the Ely Valley & Ridge Slopes Special Landscape Area (SLA) and lies within Flood Zone C1 as shown on the relevant Development Advice Map of the Welsh Government's Technical Advice Note 15 (Flood Risk). It is therefore formally recorded as being "served by significant infrastructure including flood defences".

The site is also located within a Health and Safety Executive Consultation Zone and the implications thereof will be addressed within the ES.

### (iii) **Consultation Responses**

#### Socio-Economic Impacts

The proposed scope is considered to be acceptable. It is noted that effects of the development on health are referenced. Risks to human health must be considered in EIA development as required by the EIA Regulations (Schedule 4 Part 5(d)).

#### Highways and Transportation

The Operational Manager, Transportation has provided the following comments:

They would expect the Environmental Statement to consider the impact of the proposed site upon the following locations, where traffic might be expected to utilise Cardiff roads. These would be those already surveyed by AECOM as listed in section 5 Data Collection of the AECOM Technical Note.

The data collected would illustrate the traffic peaks and have identified local traffic peaks. The wider spread of traffic and the potential impacts should be considered wherever possible.

He has no comment on the parking standards to be applied in the Vale, however he would support the use of reduced car parking standards to deter the potential for car borne traffic being used to access Cardiff. The development should also demonstrate its support for Active Travel by the provision of NMU routes and adequate cycle parking provision for residents. Cardiff is fully supportive of WG's Active Travel Act and the need for all developments to take full account of these matters. To this end he would request additional/specific attention be paid to active travel and suitability of routes/access to/from the proposed bridge and public transport facilities.

The limited operational period of the Leckwith P&R during the week should be considered when allocating traffic movements to / from Cardiff. Is it realistic to assume that the P&R would constitute a meaningful quantum of commuter traffic. Otherwise the traffic distribution data is missing from the letter submitted by RPS.

The use of Temprow is accepted. The determination of the necessity to undertake a junction assessment should be agreed with the highway authority (as intimated), rather than dependent upon the "5% rule".

He would expect to see a travel plan to be provided with the Transport Assessment.

The traffic impact of the new housing will need to be managed. The access to / from the site is reasonably compromised as it stands. The site is essentially a cul-de-sac. The demolition / construction works will also require significant consideration of traffic routes. It is likely to cause a large number of movements and the removal / delivery of significant quantities of material to / from the site.

### Ecology

The Council's Ecologist advises that the Environmental Statement needs to consider impacts upon Otters, nesting birds, foraging and commuting bats, and the riverine habitats of the River Ely SINC.

In addition, the 2016 EclA Guidelines make it clear that any ecological impact assessment, whether standalone or part of an Environmental Statement, should consider the impacts upon ecosystems, as well as habitats and species. Statements to this effect are found throughout the document, for example at sections 1.3, 1.9,

2.3, 4.1 and 4.8 etc. All Environmental Statements submitted to Cardiff Council should demonstrate how the impacts upon ecosystems have been assessed, in accordance with the 2016 EclA Guidelines. This will allow Cardiff Council to demonstrate compliance with the ecosystem approach as required by Section 6 of the Environment (Wales) Act 2016.

Natural Resources Wales advises that the ES should include sufficient information to enable the local planning authorities to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals. The ES should include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts.

Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). They advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present.

They advise the site is subject to assessment to determine the likelihood of protected species and that targeted species surveys are undertaken for all species scoped in. These should comply with current best practice guidelines and in the event that the surveys deviate or there are good reasons for deviation that full justification for this is included within the ES. Should protected species be found during the surveys, information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified. They advise that the ES sets out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial and management responsibility. Where the potential for significant impacts on protected species is identified, they advocate that a Conservation Plan is prepared for the relevant species and included as an Annex to the ES. Where a European Protected Species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from NRW. The ES must include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. These requirements are also translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.22 and 6.4.23 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The local planning authority will take them into account when considering the ES where a European Protected Species is present.

Note: Otter are known to be breeding in the locality. Adult and juvenile otter footprints were recorded under the A48 road bridge in spring 2019. Otter breeding habitat is limited in this area, surveys should identify potential natal holts and safe secluded areas for the mother otter to move her young to. Riparian zone design should consider the provision of secluded habitat for otter.

They recommend that the developer consults the local authorities' Ecologists on the scope of the work, to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan, and are that are considered important for the conservation of biological diversity in Wales. They also recommend that the developer contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

### Landscape and Visual Character

It is recommended that the assessment of landscape and visual impacts of the proposed development has regard to the 'Guidelines for Landscape and Visual Assessment, Third Edition (2013): The Landscape Institute and Institute of Environmental Management and Assessment.'

The stages of assessment should include landscape value, character and susceptibility to change, and sensitivity enabling an assessment of the magnitude and significance of the effects to be assessed.

It is acknowledged that views into the site are limited.

### Flooding and Hydrology

In respect of flooding, Natural Resources Wales (NRW) advise that the development site lies partially within zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The site is shown to be partially within NRW's flood maps. They note that a Flood Consequences Assessment (FCA) will be undertaken in support of the planning application. Section 6 of TAN15 requires the Local Authority to determine whether the development at this location is justified. The FCA should meet the criteria set out in TAN15.

Regarding hydrology, the drainage strategy for both surface and foul water drainage should be considered. Further information is required in the form of site and ground water assessments, to determine opportunities for the use of sustainable drainage schemes. The presence of sensitive receptors including abstractions from the nearby spring and a private drinking water supply will also need to be considered in

relation to the proposed development and appropriate mitigation measures included, to protect water quality.

They note under point 4 of the Ecology section that the River Ely may also be impacted by pollution during and after the development. The ES should consider all aspects of pollution risk including drainage, site run off, silt control and waste storage and appropriate mitigation measures considered.

They are aware that the applicant intends to undertake a WFD (Water Framework Directive) scoping assessment, to assess the potential impacts of the proposed development on the water environment. They would take this opportunity to advise the applicant that this site falls within the Cardiff Bay waterbody GB30947042, not the Ely water body GB109057027270. The results of the WFD assessment should be included within the ES.

The watercourse known as the River Ely is scheduled as a statutory main river, pursuant to the Water Resources Act 1991. Your client will need to apply for a Flood Risk Activity Permit if they wish to undertake any work in, over, under, adjacent to, or within 8m of the top of bank of this main river. Further information is available at: <https://naturalresources.wales/permits-andpermissions/flood-risk-activities/?lang=en>

### Ground Conditions

Natural Resources Wales advises that there is potential for the previous contaminative uses on the site to have led to land contamination. They note that a Preliminary Ground Condition baseline survey has been undertaken by WSP and the risk to controlled waters is considered to be high. They note, and concur with, the intention to undertake intrusive ground investigations which will serve to inform any required remediation mitigation measures. Full details should be included within the ES.

They recommend that the developers:

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 "Guiding Principles for Land Contamination" (which has been adopted by NRW) for the type of information required in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, e.g. human health.

The Council's Contaminated Land Team notes that Ground Conditions Assessments will be included within the scope of the proposed Environmental Statement. It is noted that their preliminary assessments have identified the need for intrusive

investigations in relation to the risk from ground gas and contamination, to inform any remediation/mitigation measures. They have no further comments at this stage.

### Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) notes that a desk-based assessment has been undertaken by GGAT Projects in order to consider the nature and location of archaeological resources and designated heritage assets on and nearby the site. It identified ten sites within the proposed development area, including Leckwith Bridge, a Scheduled Monument and Grade II\* Listed Building. The proposed development will have a 'Major' to 'Minor' effect on these identified sites and the assessment contains 'practical and reasonable measures which can be implemented to preserve, mitigate or record the heritage assets'. However such measures are not specified in the scoping document. Nevertheless, such an approach is appropriate, and they look forward to reading the assessment in detail. It should be noted that, depending on the results of the assessment and the details of the proposal, additional archaeological work may be required. Such work could be required pre-determination, or secured by a condition. Furthermore, due to the presence of a Scheduled Monument within the development area, Cadw will need to be consulted over the proposal.

The Council's Conservation Officer advises that the ES should consider how the development will impact on the significance of the scheduled monument. This should include an assessment of how physically it will be affected and how the setting contributes to the bridge.

### Noise and Vibration

The Noise Pollution Officer has considered the noise assessment carried out by Mach Acoustics to assess noise and vibration. The report's findings indicate very high levels of noise associated with nearby traffic sources which will need to be a component of the Environmental Statement.

Noise emitted from fixed plant and equipment on the development should also be considered within the Environmental Statement.

### Air Quality

No comments have been provided by the Air Quality Officer.

### Climate Change

It is noted that climate change will be considered within the flooding and hydrology and air quality chapters. This is accepted.

### Human Health

It is recommended that risks to human health be assessed and referred to under the topics covering noise and vibration, air quality, ground conditions and landscape and visual.

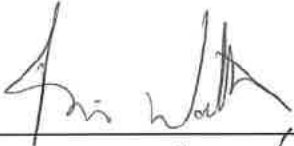
(iv) **Scoping Opinion**

In preparing the Environmental Statement, I would draw your attention to the requirements for Environmental Statements set out in Regulation 17 and Schedule 4 to the EIA Regulations.

Regulation 5(e) of Schedule 4 to the EIA Regulations requires that the cumulative effects with other existing and/or approved projects must be taken into account in an EIA.

The Council considers that, subject to the comments above, the issues identified in the submitted scoping report should be included in the Environmental Impact Assessment to enable the Council to consider the likely environmental effects of the development and whether these are likely to be significant.

Please note that this scoping opinion is provided without prejudice and does not preclude Cardiff Council from requesting further information, in accordance with Regulation 24 of the Regulations, should the need arise.

Signed (Case Officer):  Date 31/1/20

Signed (Operational Manager):  Date 31/01/20.

Signed (Admin - Letter sent to Agent/Applicant): \_\_\_\_\_ Date \_\_\_\_\_  
(and copy placed on planning register)



## Appendix D

# Specialist Consultee Responses



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-114967-J7X5  
Eich cyf/Your ref: JPW1365Notice 1C  
Ltr

Rivers House,  
St Mellons Business Park,  
St Mellons,  
Cardiff,  
CF3 0EY

Darren Parker  
RPS  
2 Callaghan Square  
Cardiff  
CF10 5AX

ebost/email:  
southeastplanning@cyfoethnaturiolcymru.gov.uk  
Ffôn/Phone: 03000 653098

24/06/2020

Annwyl Syr/Madam / Dear Sir/Madam,

**STATUTORY PRE-APPLICATION CONSULTATION - TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED.**

**BWRIAD / PROPOSAL: Hybrid planning application for residential development of up to 250 dwellings (outline), associated highway and bridge improvements/realignment works (full). Development involves demolition of all buildings on site and of existing B4267 Leckwith Road Bridge**

**LLEOLIAD / LOCATION: Land at Leckwith Quays, Leckwith Road**

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 20 May 2020.

**Based on the information provided, we have significant concerns with the proposed development. To overcome these concerns, we would recommend to the planning authorities that the following requirements should be met before permission is granted and the conditions listed below are attached to the permissions. Otherwise, we would object to the planning applications.**

Requirements:

**Requirement 1: Flood Risk Management** – A final Flood Consequences Assessment to be submitted, informed by an accepted hydraulic model, which demonstrates the risks and consequences of flooding can be managed to an acceptable level.

**Requirement 2: European Protected Species-Bats-** further information is required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats (European Protected Species).

**Requirement 3: European Protected Species -Otter-** further information is required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Otter (European Protected Species).

**Requirement 4:** A Water Framework Directive (WFD) Compliance Assessment- to ensure risks posed to WFD objectives have been identified and addressed through appropriate mitigation measures.

**Requirement 5: Habitats Regulation Assessment** – the Local Planning Authority, as the competent authority, should undertake a Habitats Regulations Assessment of the proposal, as required under the Conservation of Habitats and Species Regulations 2017.

**Requirement 6: Designated Sites** – further information is required to demonstrate damage to the features of the Cwm Cydfin Site of Special Scientific Interest (SSSI) will be avoided or can appropriately mitigated/compensated for.

Conditions:

**Condition 1: Bat Conservation Plan**

**Condition 2: Otter Conservation Plan**

**Condition 3: Lighting Scheme**

**Conditions 4 & 5: Construction Environmental Management Plan**

**Condition 6: Biosecurity Risk Assessment**

**Conditions 7-11: Land Contamination**

## **Requirement 1 – Flood Risk Management**

The planning application includes highly vulnerable development (housing) and a new bridge. Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability flood outlines.

Section 6 of TAN15 requires the Local Planning Authority (LPA) to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If the LPA consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have considered chapter 7 of the Environmental Statement (ES) Volume 1 – Flooding and Hydrology and the Preliminary Flood Consequences Assessment (FCA) by WSP, Ref:7005-3561-C-RP-0002-01-PFCA, May 2020.

Section 5 of the preliminary FCA notes that “*the model study is ongoing at time of writing this report and hence these results should be considered indicative and preliminary. A full set of mapped results will be available once the model study has completed.*”

We note in the conclusion at Section 8 that “*Whilst these results are preliminary, they suggest that the proposed layout requires additional measures to ensure that the level of risk and consequence are fully acceptable when assessed against the requirements of TAN15.*”

Due to the complex nature of the risk and consequences of flooding associated with the proposed development, we would wish to undertake a detailed review of the hydraulic modelling information once it is complete, to ensure that it is fit to inform the final FCA. This review may find anomalies/discrepancies in the model which will need to be addressed to ensure that it is representative of the risk of flooding and fit to inform the FCA. The review is likely to take 6-8 weeks to complete. We reserve the right to request further information to establish the risks and consequences of flooding if necessary. Please note that should the applicant wish us to review the hydraulic model prior to submission of the applications to the Local Planning Authorities, then this would fall within our Discretionary Advice Service.

Until we have reviewed the model, confirmed that it is representative of the flood risk, and a final FCA has been submitted for our consideration, which has been based upon the approved model, we will be unable to advise whether the consequences of flooding can be managed to an acceptable level.

### **Requirements 2 & 3- European Protected Species**

We welcome the submission of the following documents:

- Leckwith Quays, Leckwith Road, Cardiff, Environmental Statement Volume 1: Written Statement, RPS.
- Leckwith Yard, Cardiff, Ecological Assessment, V. 2.0, February 2020, David Clements Ecology (from Appendix 5.2 of the Environmental Statement Volume 2: Figures and Appendices, RPS).
- Leckwith Quay Development, Leckwith quay bridge proposed general arrangement, Drawing 70053561-002, Rev. P01. Dated February 2020. WSP.
- Leckwith Quay, B4267 Leckwith road highway improvements street lighting & traffic signals, drawing 70053561-WSP-XX-XX-CR-DE-1300. Dated September 2019. WSP.

We note the following from the Ecological Assessment report:

- Six of the buildings on site are confirmed bat roosts for common and soprano pipistrelle and brown long-eared bats, with a further building and the road viaduct identified as possible bat roosts;
- Several trees on site were assessed to have potential to support bat roosts;
- Evidence of otter presence on site using the River Ely; and
- The surveys undertaken did not identify presence of dormice or great crested newts on site.

Bats and otters are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed.

Where a European Protected Species is present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

These requirements are translated into planning policy through Planning Policy Wales and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

We advise the additional information as set out below is required prior to determination of the application.

### **Requirement 2: Additional information on impacts upon bat roosts within trees on site**

The ES states that the trees on site were subject to ground based assessment which identified a large number of trees supported features suitable for use by roosting bats. The ES indicates that the exact extent of impacts to trees for the whole development was not known at the time of writing. However, it is identified that some of the trees assessed as suitable for use by roosting bats will be removed to facilitate the highways and bridge works, for which a full planning application is to be submitted. The report recommends that further surveys are required to establish any bat use of trees to be impacted. We are in agreement with this recommendation and advise as follows:

- Additional bat surveys are undertaken of all trees identified to support features suitable for roosting bats that will be impacted (directly or indirectly) by the full planning application for the highways and bridge works. These surveys should consist of a climbing inspection and/or a dusk emergence/dawn re-entry observation, carried out in accordance with published guidelines ('Bats Surveys for Professional Ecologists; Good Practice Guidelines' 3rd edition, 2016).
- If surveys identify any bat roosts, the impacts upon these roosts should be detailed in the ES. And an indication of how these impacts will be mitigated and/or compensated.

- Whilst we acknowledge that the precise layout of the outline application for the dwellings, and associated works is not known at this time, we advise that additional information that gives an indication of the likely extent of tree loss associated with the proposed development is included in the ES.

### **Requirement 3: Additional information regarding otters**

The otter surveys detailed in the ES, comprised a search for signs of presence along the River Ely and found evidence of otter presence within the proposed development site. In view of their presence on the site, the potential for natal use of the site by otters needs to be considered and addressed in detail within the ES. If there is natal use of the site, the impacts of the development could be of much greater significance for the species and have potential to be detrimental to the maintenance of favourable conservation status.

Please note that measures to suitably avoid or minimise impacts on any natal use identified may require changes to the proposed layout of the development.

#### *Additional advice*

The Ecological Assessment lacks the inclusion of any plans referenced in the text which makes interpretation of the impacts on otter and the trees that may be used by bats difficult. We recommend that a full set of the supporting plans and drawings for the Ecological Assessment report, and any other ecology reports to be undertaken, are submitted with the planning application.

#### **Informative to be included on any planning permission issued:**

***Warning: A European Protected Species (EPS) licence is required for this development.***

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.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. 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>.

We may wish to discuss aspects of the proposed bat mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

#### **Requirement 4: Water Framework Directive Compliance Assessment**

The application site lies adjacent to the Cardiff Bay water body and runs along approximately 800 metres of the right-hand bank of the River Ely. This water body is classified as a heavily modified water body (HMWB) under the Water Framework Directive (WFD) and is currently at moderate status.

All new bridges that cross a water body pose a potential risk to WFD objectives and geomorphological stability. The proposed bridge has the potential to disrupt the current geomorphic situation e.g. altering flows, sediment transport, erosion. In addition, the proposals for outfalls, bank reprofiling, bankside platforms, vegetation management, new riverside access etc associated with this application pose a risk to the WFD objectives

Given the above potential risks to the WFD objectives, we consider a WFD compliance assessment is required prior to the determination of this application.

The WFD compliance assessment should assess and confirm how the development and/or its activity will affect a water body, its status and classification. It will need to identify and assess those measures required to reduce risks, avoid, mitigate or compensate for adverse impacts. Consideration must be given to the potential for cumulative impacts within a water body. Although individually an activity may not have a significant impact on the WFD status, the additive effect of several small scale schemes or existing/historical pressures/modifications, within a waterbody may cause deterioration. Examples of such are existing fishing platforms, bridges and pontoons. It is important to consider the cumulative effects of existing pressures in a water body and the combined impacts of the proposed activity and those activities not yet completed, started or ongoing. Such as the Central Quay development (although on the Taff falls into the Cardiff Bay Water Body).

The assessment should not only consider how the proposed development and its activities can prevent a water body from achieving its objectives, as set out in the River Basin Management Plan (RBMP), but also how the scheme can make positive contributions and enhancements to achieve these objectives.

We note that the ES refers to a WFD assessment being undertaken. In our ES scoping opinion, we advised the findings of the WFD assessment should be included within the ES. We await its submission.

#### **Requirement 5: The Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations)**

The proposed development lies within 5 km of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and Site of Special Scientific Interest (SSSI).



Having considered the information submitted, an adverse effect from the proposed development on the integrity of the Severn Estuary SAC, SPA and RAMSAR cannot be ruled out. There are hydrological links from the proposed development site to these areas. Therefore, there is potential for the features of these protected sites to be affected due to impacts on water quality.

Therefore, prior to determination of the application, the local planning authority, as competent authority, will need to carry out an assessment of the proposal as required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, in order to ensure no adverse effects on the sites' integrity.

### **Requirement 6: Designated Sites – Cwm Cydfin SSSI**

The proposed development lies approximately 600 metres from the Cwm Cydfin SSSI. The Landscape and Visual Impact Assessment states that the proposals could possibly contribute to an increase in visitors to Cwm Cydfin SSSI, but the impacts have not been considered in the ES. Although there are no formal Public Rights of Way on this protected site, this does not ensure no public access. Housing developments near woodland areas can increase pressure on woodland features due to recreational activities and vandalism.

The ES should therefore consider any potential increased human access to the Cwm Cydfin SSSI woodland and the impacts. If needed, the ES should consider what measures could be incorporated into the proposals to impede or minimise access to the woodland and mitigate any impacts such as appropriate fencing and a design that minimises access to the adjacent woodland.

In the absence of this information, we cannot rule out adverse impacts on the special interest features of the SSSI from the scheme.

We therefore recommend that planning permission should only be granted, if information is provided which demonstrates that the proposed development will not damage features for which the SSSI is of special interest.

Should the above requirements be satisfactorily met, there are a number of conditions which we are likely to advise the LPAs should be attached to any planning permission, to ensure no detrimental impact to the maintenance of the species' favourable conservation status and to protect the environment during and post construction. These are set out below. However, please note that we may wish to review the conditions, depending on the information submitted to address the above requirements.

### **Condition 1: Bat Conservation Plan**

A Bat Conservation Plan should be provided which shall be informed by the results of the surveys undertaken so far, and any additional surveys, and shall include:

- Results of additional bat surveys of all trees identified to support features suitable for roosting bats that will be impacted (directly or indirectly) by the development.

These surveys should consist of a climbing inspection and/or a dusk emergence/dawn re-entry observation.

- Details of impacts (direct and indirect) upon any bat roosts identified within trees on site.
- Details of measures to mitigate the impacts upon bats, including details of the design and location of replacement roosts appropriate to the species and nature of the roosts identified.
- Details of timing, phasing and duration of construction activities and conservation measures.

The Bat Conservation Plan shall be carried out in accordance with the approved details.

**Justification:** To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

### **Condition 2: Otter Conservation Plan**

An Otter Conservation Plan should be provided which shall include:

- A plan of the vegetated buffer to be retained alongside the river showing the width of the buffer, extent and location of habitat to be retained and created.
- Measures to protect the buffer from human disturbance.
- Details of protective measures to prevent incidental killing, injuring or capture of otters during construction.
- An assessment of the impacts of the proposals upon otter. This should consider direct and indirect impacts and address the construction and operational phases. Clarification of the extent, distribution and structure of existing habitat; habitat lost, habitat to be retained, enhanced, and any habitat to be created; and an assessment of their condition and value for otter. A plan should identify these areas at an appropriate scale.
- Details of suitable features to be included in the design of the new road bridge to ensure otter will be able to pass under the road safely, including at times of high water level.
- Details of initial aftercare (if new habitat is to be created) and ongoing management proposals for the long-term maintenance of retained/created vegetation along the river bank as suitable for otter. This should include a description of the current condition and desired condition of habitats, details of the management operations, appropriate timing and scheduling of activities and proposals for monitoring and ongoing review of management.
- Persons responsible for implementing the management of otter habitats and how delivery of the management will be financed and secured.

The Otter Conservation Plan shall be carried out in accordance with the approved details.

**Justification:** To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

We would advocate that the vegetated corridor buffer along the western bank of the River Ely is increased from the 8m currently proposed to a minimum of 10m wide and be sufficiently vegetated to help prevent disturbance to otter using the river corridor.

### **Condition 3: Lighting Scheme**

A Lighting Scheme to be submitted. The scheme is to include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.
- Details of lighting to be used both during construction and operation.

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

**Justification:** A lighting plan should be submitted, to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, including bats and otters, the habitats and the commuting corridors along the Western boundary of the site and the River Ely.

We also note the proposal within Landscape Strategy to light Old Leckwith Bridge “*Subtle lighting to highlight bridge and create shimmering reflections in and from the river.*” However, we can find no further details within the application. We advise that this aspect will need to be considered as part of the proposed lighting scheme.

### **Pollution Prevention**

We note references within the ES that the developer will be preparing a Construction Environmental Management Plan (CEMP) to accompany the planning application.

As this is a hybrid planning application, comprising an outline application for housing development and a full application for a new bridge, we would request that the LPA includes two separate CEMP conditions, to address the different issues affecting the aspects of the application as follows:

### **Condition 4: Construction Environmental Management Plan (Outline - Housing)**

Prior to the commencement of any site clearance, construction works or development on any Reserved Matters site a Construction Environmental and Management Plan (CEMP) for that Reserved Matters site shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be in substantial accordance with the mitigation measures set out in the Environmental Statement). The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of

spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan, with particular attention paid to silt mitigation measures.
- Water Quality Monitoring Plan- to include
  - Details of monitoring methods
  - Frequent assessment of the visual water quality, particularly whilst carrying out bridgework, or working in or near the watercourse.
  - Instructions to notify NRW in the event of a pollution being caused.
  - A requirement to stop work and review further measures in the event that existing pollution mitigation is not effective.
  - Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

**Justification:** A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

#### **Condition 5: Construction Environmental Management Plan – (Full New Bridge)**

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

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan, with particular attention paid to silt mitigation measures.
- Water Quality Monitoring Plan- to include
  - Details of monitoring methods
  - Frequent assessment of the visual water quality, particularly whilst carrying out bridgework, or working in or near the watercourse.
  - Instructions to notify NRW in the event of a pollution being caused.
  - A requirement to stop work and review further measures in the event that existing pollution mitigation is not effective.
  - Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations

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

**Justification:** A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

### **Condition 6 - Biosecurity Risk Assessment**

Invasive Non-native species (INNS) have been identified on site, namely Himalayan balsam and Japanese knotweed. Specialist advice and detailed method statements for eradicating and controlling the listed invasive species during the site clearance, construction and operational phases should be drawn up and agreed with the Local Planning Authority ecologist.

Often, particularly with Japanese knotweed, INNS management can be required for many years post construction.

We therefore, request the following condition be included on any planning permission the LPA is likely to grant:

**Condition:** No development or phase of development, including site clearance, with the potential to impact on Japanese knotweed or Himalayan balsam shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of Japanese knotweed and Himalayan balsam during site-clearance, construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

**Justification:** To ensure that an approved Biosecurity Risk Assessment is implemented, to secure measures to control the spread and effective management of invasive non-native species at the site.

### **Land Contamination**

We note that the site was utilised for a number of industrial and commercial uses from pre-1880s to present day including scrap yards and, lime kilns. Therefore, in view of the potential risks from historic land contamination to soil and controlled waters, we agree with the conclusion within Chapter 8 of the ES that further site investigation is required.

In the absence of additional information being provided with any future planning application, we would recommend to the local authority that they should only grant planning permission for this scheme if the conditions listed below are attached to the planning permission.

### **Condition 7 - Land affected by contamination**

No <development or phase of development> shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses



- a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

**Justification:** To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development, as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

#### **Condition 8 - Contamination verification report**

Prior to the occupation of the <development or phase of development> a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

#### **Justification:**

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation. To minimise the risks to both future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Condition 9- Unsuspected contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in

writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

**Justification:**

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

**Condition 10- Surface water drainage**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

**Justification:**

To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

**Condition 11 - Piling**

No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

**Justification:**

Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

**Informative/ advice to applicant:**

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.

### **Other Matters**

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

### **Advice for the Developer**

These proposals are likely to require Flood Risk Activity Permits from NRW prior to works being undertaken. Please see our website for further details:

<https://naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

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

Yn gywir / Yours faithfully

### **Mrs C McCorkindale**

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales

Mrs Emma Fortune  
RPS Planning & Development  
2 Callaghan Square  
Cardiff  
CF10 5AZ

**Date: 12/06/2020**  
**Our Ref: PPA0004888**

Dear Mrs Fortune,

**Grid Ref: 315944, 175096**  
**Site Address: Leckwith Quays, Cardiff**  
**Development: Schedule 1C Article 2D - Highway & Bridge Works**

I refer to the Schedule 1C - Article 2D notice received and your formal request for a pre-application consultation response before applying for planning permission from Dwr Cymru Welsh Water as a 'Specialist Consultee' as defined by Paragraph (y) of Schedule 4 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. It is acknowledged that the consultation request relates to a major development site and thus seeks a substantive response within 28 days from the date of the notice, as per the requirements of Article 2E. This request includes our views on the capacity of our network of assets and infrastructure to accommodate your proposed development. Having reviewed the details submitted I would advise there is **no objection** to the proposed development and offer the following standing advice which should be taken into account within any future planning application for the development.

### **APPRAISAL**

Firstly, we note that the proposal relates to a proposed residential development for 250 no. units on Leckwith Quay and acknowledge that the site comprises of a potential windfall development with no allocated status in the Local Development Plan (LDP). Accordingly, whilst it does not appear an assessment has been previously undertaken of the public sewerage system, we offer the following comments as part of our appraisal of this development.

## **ASSET PROTECTION**

This site is crossed by a 975mm surface water sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. No part of any building will be permitted within the protection zone of the public sewer measured 5 metres either side of the centreline. Our strong recommendation is that your site layout takes into account the location of the assets crossing the site and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application. Further information regarding Asset Protection is provided in the attached Advice & Guidance note.

You are 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 you may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus in and around your site. Please be mindful that under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## **SEWERAGE**

In principle, we would advise that foul flows from the proposed development can be accommodated within the public sewerage system and no problems are envisaged with the WwTW for treatment of domestic discharges from this site. However, the point of discharge for the foul only flows from the proposed development shall be at manhole reference ST16751201 which is on our 1600mm diameter public combined sewer as shown on the attached Statutory Sewer Record Plan. Due to the strategic nature of this asset, should a direct connection to this public sewer be required, works may be required to be undertaken by ourselves. Please contact this office on 0800 917 2652 in advance of any site works in order to discuss the connection. Should a planning application be submitted for this development we will seek to control these points of communication via appropriate planning conditions and therefore recommend that any drainage layout or strategy submitted as part of your application takes this into account. However, should you wish for an alternative connection point to be considered please provide further information to us in the form of a drainage strategy, preferably in advance of a planning application being submitted.

You may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under Section 106 of the Water industry Act 1991. However, 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 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](http://www.dwrcymru.com).

## **Surface Water Drainage**

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. As highlighted in these standards, the developer is required to explore and fully exhaust all surface water drainage options in accordance with a hierarchy which states that discharge to a combined sewer shall only be made as a last resort. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to a surface water drainage body in liaison with the Land Drainage Authority and/or Natural Resources Wales.

It is therefore recommended that the developer engage in consultation with the Vale of Glamorgan Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, DCWW is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system.

## **SEWAGE TREATMENT**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

## **WATER SUPPLY**

The proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP7 (years 2020 to 2025). In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. For the developer to obtain a quotation for the hydraulic modelling assessment, we will require a fee of £250 + VAT.



I trust the above information is helpful and will assist you in forming water and drainage strategies that should accompany any future planning application. I also attach copies of our water and sewer extract plans for the area, and a copy of our Planning Guidance Note which provides further information on our approach to the planning process, making connections to our systems and ensuring any existing public assets or infrastructure located within new development sites are protected.

Please note that our response is based on the information provided in your enquiry and should the information change we reserve the right to make a new representation. Should you have any queries or wish to discuss any aspect of our response please do not hesitate to contact our dedicated team of planning officers, either on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence.

Yours faithfully,



**Owain George**  
**Planning Liaison Manager**  
**Developer Services**

***Please Note that demands upon the water and sewerage systems change continually; consequently the information given above should be regarded as reliable for a maximum period of 12 months from the date of this letter.***



Llywodraeth Cymru  
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd CF15 7QQ  
Ffôn 0300 025 6000  
E-bost [cadw@llyw.cymru](mailto:cadw@llyw.cymru)  
[cadw.gov.wales](http://cadw.gov.wales)

Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd CF15 7QQ  
Ffôn 0300 025 6000  
E-bost [cadw@llyw.wales](mailto:cadw@llyw.wales)  
[cadw.gov.wales](http://cadw.gov.wales)

RPS Group

By email

Eich cyfeirnod  
Your reference

Ein cyfeirnod  
Our reference

Dyddiad  
Date

Linell uniongyrchol  
Direct line

E-bost  
Email:

DH

23 June 2020

0300 0256004

[cadwplanning@gov.wales](mailto:cadwplanning@gov.wales)

Dear Sir/Madam,

### **Pre-Planning Application – Hybrid Application, residential development of up to 250 dwellings, demolition of Leckwith Road Bridge and associated works, Land at Leckwith Quays, Leckwith Road**

Thank you for your letter of 20 May 2020 inviting our comments on the pre-planning application consultation for the proposed development described above.

#### Advice

The following comments are based on information made available to us as part of the pre-application consultation and we will review our comments when we are consulted on the final planning application.

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument.

Our assessment of the pre-application is given below.

#### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

#### National Policy

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW ([planning-policy-wales-edition-10.pdf](#)) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

[Technical Advice Note 24: The Historic Environment](#) elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

### Assessment

GM014 Leckwith Bridge

This statutory pre-planning application consultation is in regard to a proposed hybrid planning application for residential development of up to 250 dwellings and associated works including demolition of Leckwith Road Bridge on land at Leckwith Quays, Leckwith Road

The application will be accompanied by an environmental impact assessment prepared by RPS which includes a section on archaeology that has assessed the impact of the proposed development on the setting of scheduled monument GM014 Leckwith Bridge and concluded that there will be a minor but not significant adverse impact. We concur with the results of this assessment.

Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust [www.ggat.org.uk](http://www.ggat.org.uk)

Yours sincerely,

Denise Harris  
Diogelu a Pholisi / Protection and Policy



**From:** [Jane Hennell](#)  
**To:** [info@leckwithquays.co.uk](mailto:info@leckwithquays.co.uk)  
**Subject:** Leckwith Quays Pre-application Consultation  
**Date:** 22 May 2020 15:09:01  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.wmz](#)  
[image006.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

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Dear Mr Parker

Thank you for your pre-application consultation on development at Leckwith Quays, Cardiff which appears to be adjacent to the River Ely. As The Canal & River Trust, or Glandwr Cymru in Wales, do not own or maintain this river we have no comment to make.

Kind regards

Jane Hennell MRTPI  
Area Planner  
Cynlluniwr Ardal  
The Canal & River Trust  
Glandwr Cymru

**M 07747 897793**  
**Canal & River Trust**

The Dock Office, Commercial Road, Gloucester, GL1 2EB



[canalrivertrust.org.uk](http://canalrivertrust.org.uk)

Sign up for the Canal & River Trust Newsletter

[canalrivertrust.org.uk/newsletter](http://canalrivertrust.org.uk/newsletter)



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### Keep in touch

Sign up for the Canal & River Trust e-newsletter <https://canalrivertrust.org.uk/newsletter>

Become a fan on <https://www.facebook.com/canalrivertrust>

Follow us on <https://twitter.com/canalrivertrust> and

<https://www.instagram.com/canalrivertrust>



**From:** Sue.Howe@hsl.gsi.gov.uk on behalf of lupenquiries@hsl.gsi.gov.uk  
**To:** info@eckwithquays.co.uk  
**Subject:** Re: Post received  
**Date:** 04 June 2020 15:32:28

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FAO Darren Parker

Dear Darren

In response to your letter dated 20 May 2020 (shown below).

HSE has launched a Planning Advice Web App which allows developers to obtain HSE's pre application advice online.

The Web App can be used to enquire if land is within a consultation zone of a Major Hazard site or major accident hazard pipeline, and also to obtain pre-application advice relating to a proposed application or development within HSE consultation distances.

The Web App can be found here;

<http://www.hsl.gsi.gov.uk/planningadvice>

As a new user you will need to contact HSE to gain access to the Web App. You will need to email the following information to lupenquiries@hsl.gsi.gov.uk

Organisation name

Address

Telephone

Group Administrator Email Address (The group admin will be our main point of contact for the use of this app)

Title (Ms, Mr, Dr, Miss...)

First Name

Surname

You will then be provided with login details and password.

You will need to use the web app to find out if your proposed development is in a HSE consultation zone. If your site is in a HSE zone then please forward the pdf to us and we will provide you with a credit to use the web app to obtain HSE's advice for this pre-app

There is also further information on HSE's land use planning, including HSE's Land Use Planning methodology here [www.HSE.gov.uk/landuseplanning/](http://www.HSE.gov.uk/landuseplanning/)

Regards

Sue Howe

HSE's Land Use Planning Support Team  
HSE Science and Research Centre  
Harpur Hill, Buxton, Derbyshire, SK17 9JN

THE HSE LUP PHONE NUMBER IS NO LONGER CURRENTLY OPERATIONAL DUE TO THE COVID-19 PANDEMIC

ALL HSE LUP TEAM MEMBERS ARE WORKING FROM HOME DURING THIS PERIOD AND WILL RESPOND TO ENQUIRIES RECEIVED AT HIS EMAIL ADDRESS: lupenquiries@hsl.gsi.gov.uk

In the current COVID-19 Pandemic making receipt of and access to post extremely problematic HSE would be grateful if you could avoid sending hard copy mail wherever possible and instead send electronic versions

Please let us know by email of any instances where this is not possible and hard copy mail needs urgent attention

Find out how HSE is [Helping Great Britain work well](#)

For HSE's Land Use Planning Advice Terms and Conditions, please click on the following link <https://www.hsl.gsi.gov.uk/planningadvice> and then click on 'terms and conditions'.