

Planning Policy Context

Planning Policy Wales Edition 10 (Welsh Government, December 2018)

Chapter 3.51: Previously Developed Land

- 1.1.1 Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

Chapter 5.12: Design Choices to Prevent Waste

- 1.1.2 Promoting the best choice of materials and efficiency of use will often go hand in hand. The use of fewer resources in the first place will help to avoid the creation of waste which cannot be effectively reused and waste prevention is key to the efficient use of natural resources.

Chapter 5.14: Minerals

- 1.1.3 Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure, such as schools, roads, railways, airports and flood defences and a steady and adequate supply of materials is necessary.

Chapter 6.3: Landscapes

- 1.1.4 Geological features are a key part of our natural environment, and protecting geodiversity underpins the wider protection and management of our natural resources, including land availability, renewable energy potential, groundwater supply and flood risk.

Chapter 6.9: Unlocking Potential by Taking a De-risking Approach:

- 1.1.5 A de-risking approach, where the consideration of natural and human-made surface and subsurface hazards and environmental risks is factored in as an integral part of a better understanding of the characteristics of places, should be actively facilitated by planning authorities, with the input of local authority Environment Health departments, whose assistance should be sought at the earliest stage.
- 1.1.6 A de-risking approach could involve, but not be limited to, surface and sub-surface information on PDL and buildings, ground conditions, soil structure, radon, unstable ground, geotechnical issues, land contamination and the location of historical or disused infrastructure and mining legacy.

Vale of Glamorgan Local Development Plan (June 2017)

Strategic Policy (SP) 9 Minerals

- 1.1.7 The local and regional need for the provision of a continuous supply of minerals will be achieved through:
- Maintaining a minimum of 10 years land bank of hard rock throughout the plan period; including extended time periods to complete permitted extraction at existing sites;
 - Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and alternative resources;

- The safeguarding of known resources of sandstone, limestone, sand and gravel (where these occur outside settlements), from permanent development that would unnecessarily sterilise them or hinder their future extraction; and
- Safeguarding wharf facilities for the landing of marine dredged sand and gravel.

SP10 - Built and Natural Environment

- 1.1.8 Development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including: Important archaeological and geological features.

Managing Development (MD)7 - Environmental Protection

- 1.1.9 Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

- Pollution of land, surface water, ground water and the air;
- Land contamination;
- Hazardous substances;
- Coastal erosion or land stability;
- The loss of the best and most versatile agricultural land; or
- Any other identified risk to public health and safety.

Cardiff Local Development Plan (2006 – 2026): Written Statement (January 2016)

Key Policy (KP) 5 - Good Quality and Sustainable Design

- 1.1.10 To help support the development of Cardiff as a world-class European Capital City, all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by:
- x. Promoting the efficient use of land, developing at highest practicable densities and where appropriate achieving the remediation of land contamination

KP18 – Natural Resources

- 1.1.11 In the interests of the long-term sustainable development of Cardiff, development proposals must take full account of the need to minimise impacts on the city's natural resources and minimise pollution, in particular the following elements:
- i. Protecting the best and most versatile agricultural land;
 - ii. Protecting the quality and quantity of water resources, including underground surface and coastal waters; and
 - iv. Remediating land contamination through the redevelopment of contaminated sites.

- 1.1.12 The redevelopment of sites with land contamination allows such land to be brought back into beneficial use, prevents dereliction and reduces the need to develop greenfield sites. Developers will be required to demonstrate that any actual or potential contamination can be overcome, thereby ensuring that the land is suitable for the development proposed.

Detailed Policies:

H6 - Change of use or Redevelopment to Residential Use

- 1.1.13 Change of use of redundant premises or redevelopment of redundant previously developed land for residential use will be permitted where: v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.
- 1.1.14 Where there is a change of use or redevelopment of commercial/industrial units to residential, there needs to be an appropriate assessment for the presence of land contamination. The land contamination standards set for commercial/industrial use are not suitably protective for residential use and therefore unacceptable risks to the end users may be present and will require appropriate remediation, where residential use is proposed.

EN5 - Designated Sites

- 1.1.15 Development proposals that would affect locally designated sites of nature conservation and geological importance should maintain or enhance the nature conservation and/or geological importance of the designation.
- 1.1.16 Geological and geomorphological sites of importance that do not merit notification as a SSSI may also be designated as a SINC or Regionally Important Geological Site (RIGS). Such sites define the most important places for geology and geomorphology outside those that are statutorily protected. Geological sites within Cardiff will be designated during the Plan period.

EN11 - Protection of Water Resources

- 1.1.17 Development will not be permitted that would cause unacceptable harm to the quality or quantity of underground, surface or coastal waters.
- 1.1.18 This Policy expands on Policy KP18 and its purpose is to maintain and enhance the quality and quantity of water resources, including rivers, lakes, ponds and other water bodies, which are important for a wide range of uses and users.
- 1.1.19 The EU Water Framework Directive (2000/60/EC) establishes a strategic approach to water management and a common means of protecting and setting environmental objectives for all groundwater and surface waters. It aims to protect and restore clean water and ensure its long-term sustainable use. PPW emphasises that planning controls should be used to prevent the location of incompatible land uses and development close to potential sources of pollution.
- 1.1.20 Development will only be allowed where provision is made for the necessary infrastructure to protect water quality and quantity. Planning permission may be granted subject to conditions to secure the necessary measures, or developers may be required to enter into planning obligations. Applications that cannot provide adequate protection of watercourses, ground and surface water will be refused. New development that:
- Poses an unacceptable risk to ground water or water courses;
 - Poses an unacceptable risk of ground water pollution, depletion or obstruction; and

- Incorporates inappropriate measures to prevent pollution will be refused planning permission, unless appropriate measures to prevent pollution can be incorporated into the development proposal.
- 1.1.21 Future development will be limited to areas where adequate water resources exist or they can be reasonably provided without adversely affecting existing abstractions, river flows, water quality, agriculture, fisheries, amenity or nature conservation and where provision coincides with the timing of development. Existing groundwater and river levels must be maintained, and water pollution must be avoided.
- 1.1.22 Natural Resources Wales is responsible for protecting and improving the water environment.
- 1.1.23 Planning permission will not be granted for development that, in the opinion of the Council, following consultation with NRW and the Caldicot and Wentlooge Levels Internal Drainage Board, would adversely affect the quality, quantity or supply of surface water or groundwater as a result of:
- The nature of the surface or waste water discharge; or
 - Unsatisfactory agreements for the disposal of foul sewerage, trade effluent or surface water; or
 - The spillage or leakage of stored oil or chemicals.

EN13 - Air, Noise, Light Pollution and Land Contamination

- 1.1.24 Development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination.
- 1.1.25 As detailed in PPW, where significant contamination is likely to be present, the local planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land. Where acceptable remedial measures can overcome such contamination, planning permission may be granted subject to conditions specifying the necessary measures. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.
- 1.1.26 The onus will remain with the developer to ensure that the development of the site will not result in designation as a site with land contamination under Part 2A of the Environmental Protection Act 1990, thus ensuring the land is suitable for its proposed use.