

APPLICANT: Barry Waterfront Consortium, C/o Agent

AGENT: Miss Llinos Hallett, Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land at Barry Waterfront

The construction of a new primary school, access, car parking, landscaping and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

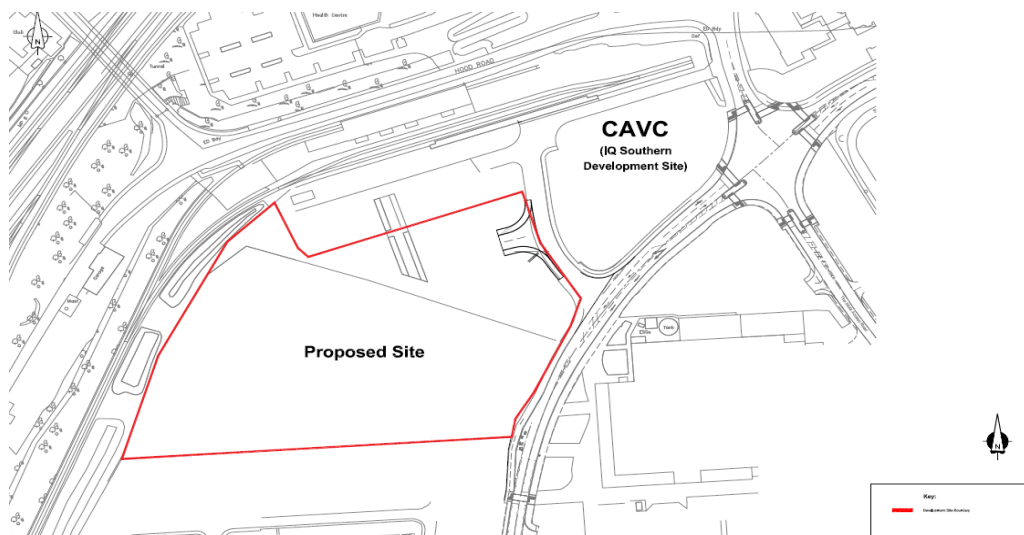
This is a full application for a new two form entry Welsh medium school on land at Barry Waterfront. The application involves the provision of a two storey school building, capable of accommodating up to 420 pupils, 48 nursery places and 38 staff. The new building would be located in the southern part of the site, fronting onto Barry Island Link Road. Vehicular access would be from the link road, and this would lead to staff a parking area comprising 42 parking spaces.

Twenty three representations of support have been received, along with two representations which raise concerns regarding highways and residential amenity impacts. The main issues are considered to be the design and visual impact of the school, impact on neighbours and highways issues.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is approximately 2 hectares of land at Barry Waterfront, as shown on the plan below:



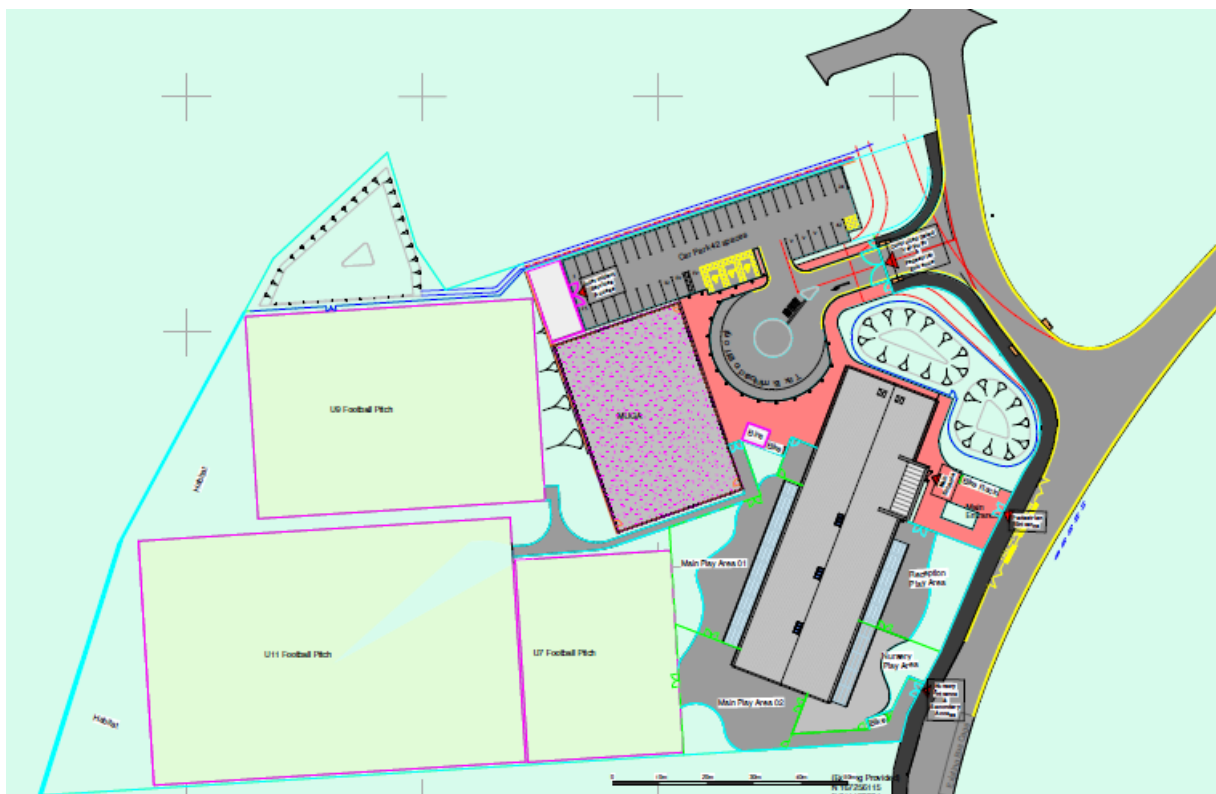
The site is adjoined to the south by a modern residential development, to the west by a railway line, to the north by Council owned land known as the 'IQ Southern Development Site' and to the east by the Barry Island Link Road. The site sits within a context which comprises a mix of uses including residential, A3 and other commercial uses at The Goods Shed and Pumphouse, and a supermarket directly opposite.

The southern half of the site lies within an area allocated in the Local Development Plan for mixed uses (including new educational facilities), and this is set out in policies SP2, MG3 and MG6. That part of the site also lies within the area of outline planning permissions 2009/00946/OUT and 2014/00229/OUT. Access to the site is from the Barry Island Link Road, as shown on the plan above.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for *The construction of a new primary school, access, car parking, landscaping and associated works.*

The plan below shows the proposed layout of the site, including the location of the school building, the access, parking areas and outdoor spaces.



The school would be sited in the eastern part of the site, fronting onto the Barry Island Link Road. Access would be to the north, and this would lead to a parking area of 42 vehicles and a taxi/mini bus drop off loop.

The outdoor spaces comprise an under 7 pitch, and under 9 pitch, an under 11 pitch, a Multi Use Games Area (MUGA) and two further hard surfaced play areas to the side and rear. Nursery and reception play areas are located to the front of the school.

The proposed elevations are shown below:



The building measures approximately 67m wide by 21m deep by between 9.5m and 10m tall.

The proposed school would be '2 form entry' and would deliver primary education for approximately 420 pupils with up to 60 students joining each year. An additional provision of 48 places Nursery School places is proposed for early childcare for children aged between 2 -3 years old.

The scheme is intended to facilitate the relocation of an existing Welsh medium primary school known as Ysgol St Baruc, located at St Pauls Avenue in Barry and to expand its current capacity from 210 spaces to 420 places.

The proposed school would be delivered by the Barry Waterfront Consortium of housing developers comprising Persimmon Homes, Taylor Wimpey and Barratt Homes who are responsible for constructing it in accordance with a Section 106 Legal Agreement pursuant to the above referenced outline planning permissions.

PLANNING HISTORY

2009/00946/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Development of vacant land at Barry Waterfront for residential

(C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Approved

2009/00947/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Approved

2010/00696/FUL, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Re-grading of site, remediation of contamination and construction of link road to Barry Island, Decision: Approved

2020/00852/FUL, Address: Barry Waterfront 2FE school enabling works on Council owned land, Proposal: Proposed enabling works in preparation for the Barry School site development. This includes topsoil strip , removal of obstructions and existing structures and foundations, installation of wick drains, placement and monitoring surcharge, removal of surcharge and monitoring for rebound and ground raise to proposed levels. This application relates to enabling earthworks to be completed in advance of submission of a full planning application and SAB application for a primary school on the application site and adjacent land, Decision: Approved

CONSULTATIONS

Barry Town Council- No objection subject to the respective Council departments being satisfied with the proposals.

Highway Development- Initial comments requested minor amendments to the internal layout and queried items including cycling parking, railings and Traffic Regulation Orders. The plans have now been amended in accordance with the Engineer's requests, and there is no Highways objection.

Councils Drainage Section- No representations received.

Shared Regulatory Services (Pollution)- No representations received.

Local ward members- No representations received.

Dwr Cymru Welsh Water have raised no objection, or requested any conditions. Advisory notes are recommended.

Network Rail- *No objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the*

applicant is strongly recommended to action should the proposal be granted planning permission.

Contaminated Land, Air & Water Quality have recommended conditions relating to dealing with any potential contamination.

South Wales Police- No representations received.

REPRESENTATIONS

The neighbouring properties were consulted on 10 May 2021 and the application has been advertised on site and in the press. Twenty three representations of support have been submitted. Two representations have been submitted expressing concerns in respect of:

- Traffic
- Parking and drop off arrangements
- Adoption of roads
- Noise from playing fields
- Visual intrusion from pitches due to change in levels

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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP 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 SP2 – Strategic Sites

Managing Growth Policies:

POLICY MG3 – Strategic Site at Barry Waterfront

POLICY MG6 – Provision of Educational Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (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.

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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Barry Development Guidelines
- Biodiversity and Development
- Parking Standards
- Public Art in New Development
- Sustainable Development - A Developer's Guide
- Travel Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

Background and the principle of development

The existing Ysgol Sant Baruc is a Welsh medium school serving 3 to 11 year olds in South West Barry. It is a 1 form entry school with a total capacity of 210 pupils. The school also has a 48 place part-time nursery. The existing school currently uses the dining facilities at the adjacent High Street Primary School as there is no catering provision at the school. In addition, the classrooms vary in size ranging from a pupil capacity of 23 to 30 children. The smaller size classes are too small to accommodate the school's admission number of 30 children and it is not possible to replace the school with a new building at its current location, due to restricted outside space. The Council have been awarded Welsh Government Band B funding through the 21st Century School Programme to build the new school at Barry Waterfront.

There is a need to meet future demand from the new housing developments in Barry, as well as the increased demand for Welsh medium education. A new 420 place (2 form entry) school building would accommodate the projected increase in pupil numbers from the new developments in the catchment area. The increased capacity would also accommodate the projected increase in parents choosing Welsh medium education.

In alignment with the above, a school is allocated on this land by Policy MG6- Provision of Educational Facilities, of the LDP. Furthermore, the approval of planning permission 2009/00946/OUT granted outline planning permission for a school on this site and there have been no material changes to the relevant planning considerations that would warrant a different decision now being taken. Consequently, the principle of a school on this site has been established, and while this is a full application (as opposed to a reserved matters application linked to the outline permission), this application nevertheless only fundamentally seeks approval for the detail design/layout of the school.

Design, layout and visual impact

The proposed building would be in the region of 9.6m tall and this is similar to the three storey apartment block to the south west. The likely building form on the adjacent IQ site is not yet known, however, it is likely that the site will accommodate a building of 'scale', quite possibly taller than the building proposed here. In that context, the proposed school building is likely to provide a transition between the IQ site and the adjacent residential area, where the built form would step down from the larger commercial buildings around Hood Road (including the IQ site) towards the residential areas to the south west.

The proposed building initially (pre-application) had a flat roof form and concerns were raised in respect of the necessary scale of the building in this context of larger buildings. Subsequently it has been amended and the pitched roof (albeit shallow) would ensure that the height that is compatible with the surrounding buildings.

The building would be relatively conventional in form, while the proposed detailing would give a relatively contemporary finish. The elevations would be constructed in traditional brick, complemented by more contemporary cladding panels and dark grey windows to add interest. The elevations would be punctuated with large windows and door openings and the southern side of the building would present an active and engaging frontage to the link road. A large and striking modern entrance feature would give the front legibility and would assist how it engages with views from the street.

The building would be sited relatively close to the front boundary, which would give a positive sense of enclosure to the street, and the parking area is located to the rear. The bulk of hard and soft play spaces and landscaped areas would be located to the rear, with the play areas for the youngest children at the front. There would be substantial grassed areas which, in addition to landscaping, would soften the appearance of the development.

In summary, it is considered that the building is of an appropriate size/siting and design, which would sit comfortably in this context and would add positively to the wider built environment, in accordance with Policies SP1 and MD2 of the LDP.

Impact on residential amenity

The proposed building would be approximately 10m away from the site's southern boundary; sufficient distance to ensure it would not appear overbearing to the occupants of the adjacent apartments or dwellings.

The distance that the building would be sited back from the highway is sufficient to ensure that there would be no direct overlooking from windows to the existing apartment building, and there would be sufficient distance to the site boundary to ensure that neighbouring private gardens would not be unacceptably overlooked. There is not a significant difference between the adjacent properties and the proposed development levels, and no retaining structures are indicated at the site boundary. However, in order to control this and to ensure the levels have due regard to the gardens of neighbours, this is controlled by condition 10.

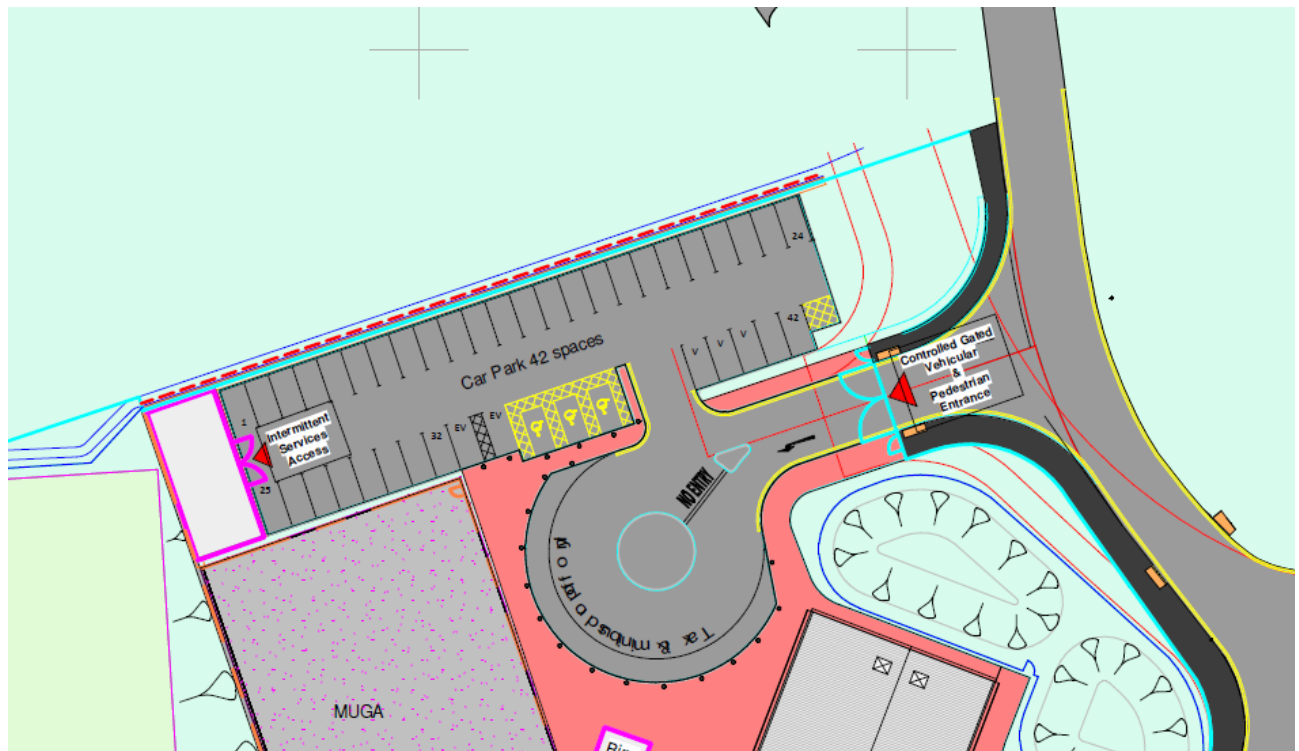
There would inevitably be a level of noise emanating from the site when operational, particularly as a consequence of break times and outdoor sport, however, this would not be to a level which would unacceptably impact upon residential amenity (given the nature/level of the noise and the operational daytime hours of the school).

Condition 4 requires compliance with the submitted Construction Environmental Management Plan, to minimise impacts during the construction phase.

Subject to the above condition, it is considered that the development would not adversely impact upon residential amenity, in accordance with policies MD2 and MD7 of the LDP.

Highways issues

The proposed site access and parking layout is shown on the plan below:



Both the access into the site from the immediately adjacent road, and the access to that from the main link road benefit from geometry and vision splays that comply with the appropriate standards to ensure they would not adversely impact upon highway safety. The associated lining and signage would be controlled through the associated Section 38 or 278 highways agreements.

The traffic impacts of a school in this location were assessed at the time of the original outline application. The proposed primary school is unlikely to be a significant traffic generator (with new or different impacts within the wider highway network) given that the majority of school traffic is either already travelling within the highway network (diverted to the site from the existing school) or will be linked to existing trips from the new residential areas. Therefore, and given that the adjacent highway has been designed taking account of all traffic from the consented outline application (which includes a school) it is considered that the

development proposal will not lead to any appreciable traffic impact on the wider highway network or congestion.

The proposed school would be served by a staff parking area located to the north of the building, accessed from the 'internal' site road that itself is a spur off the main link road. The development site does not include an area for parents to park, drop off and pick up on site.

The Council's parking standards require a maximum of 1 parking space per member of staff and three visitor spaces. The Transport Statement (TS) and plans identify 42 spaces which, given the sustainable nature of the location, are sufficient to meet the staff and visitor need arising from the development. There is sufficient space for taxi and minibus drop off in the loop that lies just south of the main car park.

As noted above, the development does not make provision for parent parking or drop off. The site could not practicably accommodate such facilities (without removing necessary staff parking) but in any case, the provision of such would be likely to work against the promotion of more sustainable means of travelling to the school. The Highways Engineer has advised that, notwithstanding sustainability issues, where there is not space for parking to be provided to meet all likely parent parking/drop off demand, it is most appropriate for none to be provided (to avoid vehicle conflict). In such circumstances, parents and carers will be fully aware that no such facilities exist but the access will be manned to ensure that this will be enforced. There is some parking available in the highway network around the site, but the site is in an extremely sustainable location, easily accessible on foot and by train and bus. Consequently, the Highways Engineer has raised no objection to this arrangement, which will be likely to encourage and facilitate sustainable patterns of travel. Condition 8 requires compliance with the submitted Travel Plan, which sets out measures to encourage sustainable patterns of travel.

In summary, having regard to the above it is considered that the development is acceptable in respect of parking, travel and highway/pedestrian safety.

Drainage

Dwr Cymru Welsh Water have confirmed that there is capacity within the sewerage system to accept foul flows from the development.

For surface water, a detention basin, floor compensatory storage area, drainage ditches and a rain garden form the main parts of the sustainable drainage infrastructure. The development is covered by SAB Regulations and the applicant has designed the drainage scheme in direct consultation with the Council's drainage engineers. Given that the surface water regime is controlled by the SAB process, there is no requirement for a separate planning condition.

Ecology

Policy MD9 of the LDP states:

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

The application is accompanied by a preliminary Ecological Appraisal (PEA) which has assessed the site's ecological potential. In summary the site has relatively low ecological potential and no further survey work is recommended as being necessary.

Subject to compliance with the recommendations in the PEA and a condition requiring ecological enhancements (see Condition 6), it is considered that the development would comply with Policy MD9 and the Council's Supplementary Planning Guidance on Biodiversity and Development.

Contamination

The Shared Regulatory Services Team have requested conditions relating to investigations for contaminated land. However, the northern half of the site is covered by conditions on planning permission 2020/00852/FUL and the southern part is covered by conditions on planning permission 2014/00229/EAO. Consequently, there is no need to add further similar conditions here.

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1, SP7, MG6, MD2, MD5, MD7 and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, PPW 10, TANs 11, 12, 16 and 18 and the Council's SPG on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide and Travel Plans, the proposed development is considered acceptable in principle, and in respect of design, residential amenity, highway safety, parking, ecology and drainage.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

- C4238 PDA V1 XX DR A 05 1000 Rev H
- C4328 JUB XX XX DR C 902 Rev P6
- C4328 JUB XX XX DR C 903 Rev P1
- C4328 PDA XX XX DR A 05 1010 Rev B
- C4328 PDA V1 XX DR A 05 1100
- C4328 PDA V1 RF DR A 05 1003 Rev D
- C4328 PDA V1 01 DR A 05 1002 Rev E
- C4328 PDA V1 00 DR A 05 1001 Rev E
- C4328 PDA V1 XX DR A 05 1000 Rev F
- C4328 PDA V1 XX DR A 05 3000 Rev A
- C4328 PDA V1 XX DR A 05 2000 Rev E
- C4294 JUBB XX XX DR Cs 0500 Rev P2

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Prior to their use in the development hereby approved, samples of the brickwork and cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed and maintained in accordance with the approved materials.

Reason:

To safeguard local visual amenities, as required by Policies SP1 and MD2 of the Local Development Plan.

4. The development shall at all times be undertaken in accordance with the Galliford Try Construction Environmental Management Plan submitted 18/3/21.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and

the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

5. The development shall at all times be carried out in accordance with the recommendations contained within the Soltys Brewster Preliminary Ecology Appraisal July 2019.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

6. Prior to the first occupation of the development, a scheme of ecological enhancements (and timescales for their delivery) shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall thereafter be delivered in accordance with the approved timescales and retained at all times thereafter.

Reason:

In the interests of ecology and to ensure compliance with policy MD9 of the LDP.

7. The landscaping of the site shall be in accordance with plan RMA-XX-XX-DR-L-470/1 Rev 01. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

8. The school shall be operated in accordance with the Jubb Travel Plan Ref 20111 March 2021.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

9. All means of enclosure associated with the development hereby approved shall be completed in accordance with those shown on plan C4328-PDS-V1-XX-DR-A-05-1000 Rev H, other than in respect of the front boundary fence, which shall be a maximum of 1.8m high for the extent of site

boundary between the vehicular site access and the play area referred to on the plan as 'Main Play Area 02'.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

10. Prior to the first occupation of the school and prior to the completion of the playing field areas, details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that residential amenity is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

NOTE:

1. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW 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 DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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.