

APPLICANT: Visible Services and Transport Clive Moon, The Alps, Wenvoe, CF5 6AA

AGENT: Mr Athan Tzovaras 1 Callaghan Square, Cardiff, CF10 5BT

Llanmaes, Llantwit Major

This scheme is a Flood Alleviation Scheme for Llanmaes Village

REASON FOR COMMITTEE DETERMINATION

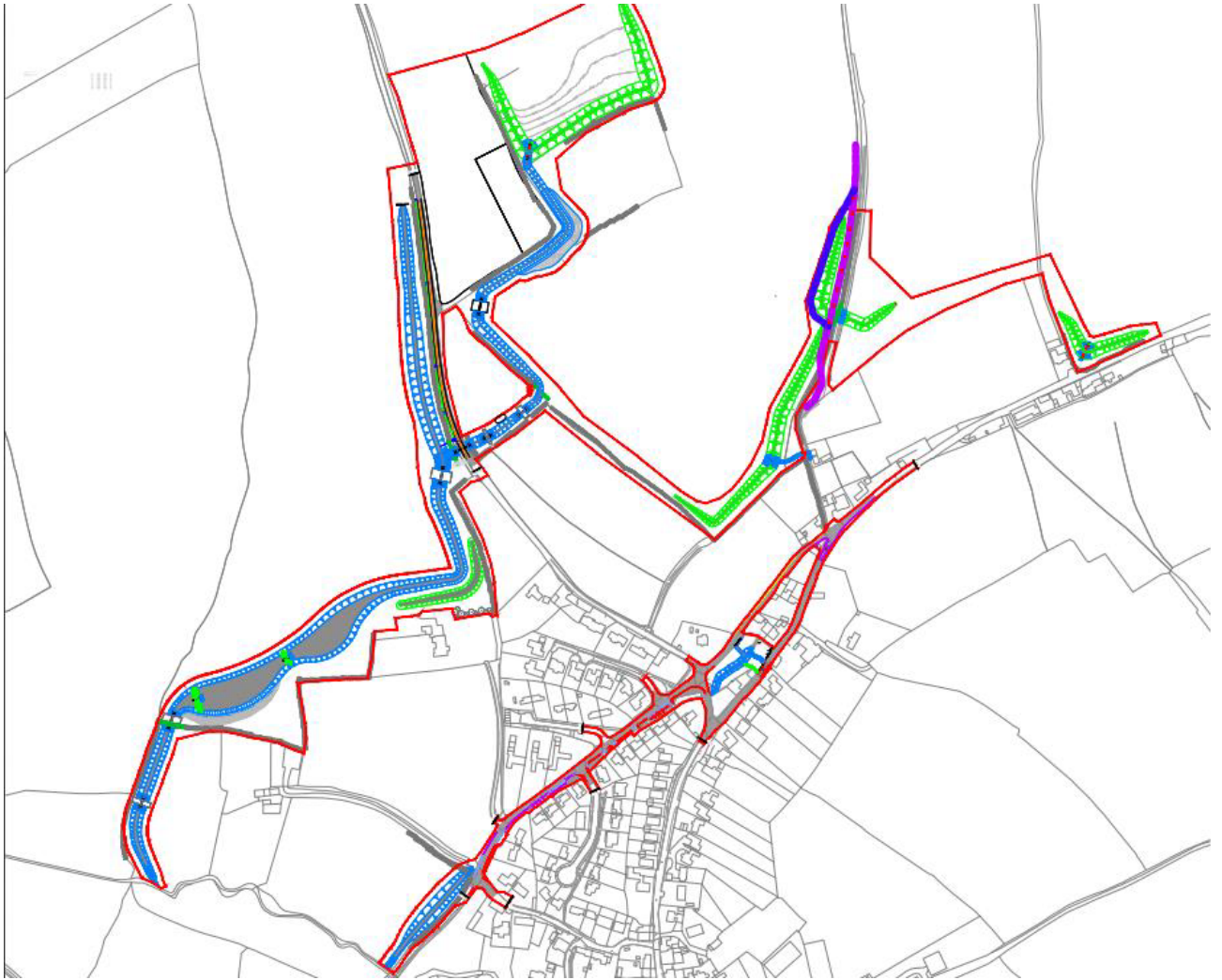
The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale that is not covered by the scheme of delegation

EXECUTIVE SUMMARY

This is a full application for planning permission for flood alleviation works at Llanmaes in the Vale of Glamorgan. The purpose of the scheme is to provide flood protection to Llanmaes village, by capturing and controlling rainwater, and reducing the volume of rainwater reaching the village. The works involve creating a series of bunds and ditches in the fields to the north and west of the village, and re-profiling road carriageways. Concerns were raised by three members of the public, however, these concerns have now been addressed by the applicant's scheme. Llanmaes Community Council, Llantwit Major Town Council and Councillor Gwyn John have expressed support for the principle of the proposal. The application is recommended for approval.

SITE AND CONTEXT

The application site is land at Llanmaes, and includes land both within the village and within the fields surrounding the village. The site area is shown on the plan below:



The application site for the scheme is approximately 12.8 hectares in area. This includes land required for flood risk mitigation, drainage, construction access, construction compounds and landscaping.

Much of the land lies within a minerals safeguarding zone and the site is crossed by a national cycle route, which runs along the road between Llanmaes and Sigingstone, and two public rights of way. Part of the site also lies within the Llanmaes Conservation Area. The southern tips of the site, adjacent to the brook, lies within a C2 flood zone.

DESCRIPTION OF DEVELOPMENT

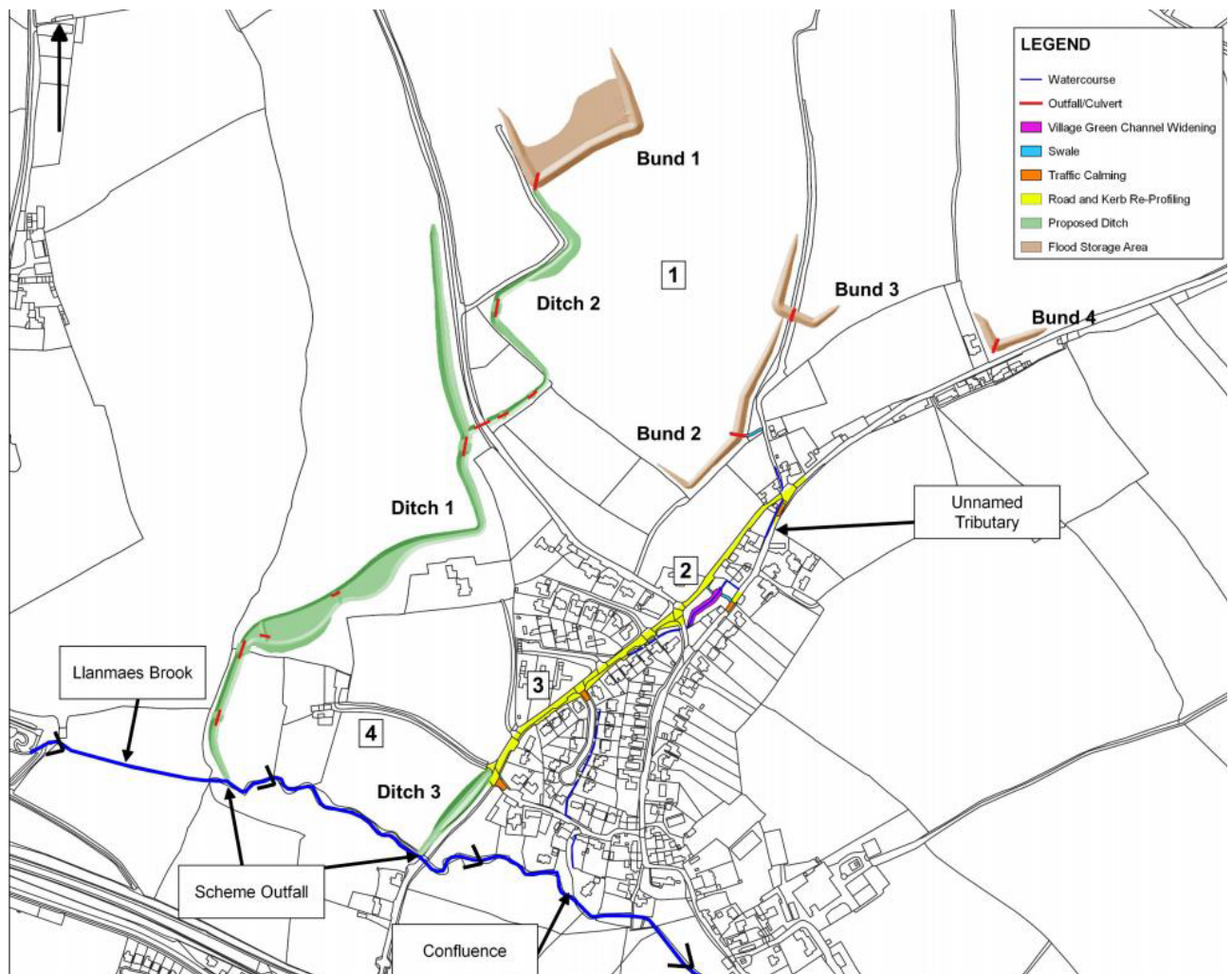
The application proposes a flood alleviation scheme for Llanmaes Village. The purpose of the scheme is to provide flood protection to Llanmaes village, by capturing and controlling rainwater, and reducing the volume of rainwater reaching the village. Some residual flooding would be likely remain but the purpose of the application is to significantly reduce flooding, with betterment to the village. The application comprises broadly the following:

The proposed development consists of:

1. Four upstream flood storage areas including a series of bunds to retain the surface water run-off

2. A series of ditches and swales to manage surface water flows, including check dams for storage, outfalling to Llanmaes Brook
3. Agricultural crossings to provide access to fields across the new ditches and swales
4. Road re-profiling along West Road to the Village Green
5. Road re-profiling along West Road from Tyle House Close to Franklin Court
6. Road re-profiling and raised road junction at the entrance to Tyle House Close
7. Road re-profiling and raised road junction across Gadlys Lane (Village Green Road) and West Road junction
8. Road re-profiling and raised road junction at Low Road and West Road junction
9. General resurfacing works within Gadlys Lane (Village Green Road), West Road and Sigingstone Lane
10. Kerb re-profiling and footway renewal along the southern side of West Road
11. Re-profiling of the grass area within the Village Green and re-profiling of Gadlys Lane (Village Green Road), north of The Croft
12. Two swales connecting West Road and Gadlys Lane (Village Green Road) to the Village Green watercourse
13. Upgrading and installing a new drainage system on West Road, downstream of the Village Green until the southern end of the village

The plan below shows the scope of works described above:



The proposed development is described in the submissions as being a low-impact ‘soft’ engineering solution. The scheme promotes the use of soft features such as flood bunds, ditches and swales to better manage the water flows naturally. In terms of materials management, all materials that would be excavated from the ditches and swales would be re-used on site to construct the flood bunds. The following aspects of the development are highlighted:

Attenuation storage and ditches: Four flood storage areas, designed to hold water and release it at a controlled rate. In the case of the largest storage area above (behind bund 1), the water would be directed to ditches 1 and 2, which have been designed to restrict and control flows directly into Llanmaes Brook.

Sigingstone Lane: The road would be re-profiled to provide crossfalls which direct runoff into a new filter drain located in the western verge. The runoff would be collected in the filter drain and discharged to the new ditch located beyond the hedge line. This is designed to help remove surface water flows from the lane and minimise runoff from the lane into the Village during a storm event.

West Road: At the north of the village the carriageway would be re-profiled and raised to channel the runoff away from properties. New gullies are to be provided to drain runoff and existing gullies are to be repositioned to align with the new road alignment.

From the Village Green southwards, a new surface water carrier drain is proposed to increase capacity of the road drainage system. Increased numbers of gullies would also be provided to improve the collection of runoff from the road surface. This new sewer would discharge flows into the new ditch located to the west of the road. This ditch would attenuate and treat the runoff prior to discharge to Llanmaes Brook.

West Road Junction with Village Green Road: At the north of Village Green Road there are existing gullies which collect and discharge runoff. Moving south and past The Croft, gullies with blockages and capacity issues are located in both sides of the road. The proposed drainage would see this network being extended and redirected to discharge into the existing drainage network at the west end of the Village Green, which ultimately outfalls into the unnamed tributary.

PLANNING HISTORY

None relevant to this application.

CONSULTATIONS

Llanmaes Community Council- Support the scheme but would like the following points noted:

1. Residents in properties in the vicinity of the water pump have expressed concerns over access to their properties because of road profiling and raised kerbs in the vicinity of their properties.
2. Residents in properties adjacent to Llanmaes Brook have expressed concern over the apparent extra volume of water being delivered to the brook.
3. We would like to show our support to the application in reference to design elements preserving the amenity value of the Village Green at the same time as ensuring passing traffic is kept off the Green.

Llantwit Major Town Council- “no objections”.

Local ward members- Councillor Gwyn John has stated support for the application.

Public Rights of Way Officer- Advice has been provided regarding maintaining the PROW free of obstruction, and the legal process if a temporary closure is required.

Councils Drainage Section- No representations received (essentially the applicant).

Shared Regulatory Services (Pollution)- Conditions requested regarding unforeseen contamination, importation of materials and a CEMP.

Glamorgan Gwent Archaeological Trust- No representations received.

Dwr Cymru Welsh Water have provided advice regarding the location of foul and clean water assets.

Ecology Officer- No objection.

Natural Resources Wales have requested conditions in respect of FCA modelling, water quality and contamination.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. One email of support has been received.

Three letters of concern were received, raising points relating to (in summary):

- Impact of the bunds on water flows.
- Implications of re-profiling the carriageways.
- Access to water supply.
- Traffic speed tables.
- Impact of altered water flows on access to stables.
- Works will have to be very precise to achieve the aims.
- Maintenance of the system.

Subsequently emails have been received from two of the concerned residents (referencing the third) regarding a meeting between the applicants. The emails state that the concerns appear to have been taken into account in the proposals.

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 SP9 – Minerals

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites 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 MD5 - Development within Settlement Boundaries

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.

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 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 24 – The Historic Environment (2017)

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:

- Biodiversity and Development (2018)
- Design in the Landscape
- Trees, Woodlands, Hedgerows and Development (2018)
- Llanmaes Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 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

The village of Llanmaes is situated on the eastern bank of Llanmaes Brook, approximately 1km north-east of Llantwit Major. A small unnamed watercourse, forming a tributary of Llanmaes Brook, flows from northeast to southwest through Llanmaes and provides the primary conveyance route for the residential area and surrounding agricultural land.

Llanmaes has a history of flood events caused by surface water runoff from the surrounding fields. Once surface runoff reaches Llanmaes, the unnamed watercourse does not have capacity to convey the water away resulting in flooding to highways and properties. Since 2004, the Council has explored a number of options for the Llanmaes Flood Alleviation Scheme through the production of a Pre-feasibility Study, Project Appraisal Report and Options Appraisal Report. The aim of the process between the three studies was to develop a feasible and technically suitable option to take forward for construction which reduces flood risk to properties in Llanmaes, whilst providing no detriment with respect to flooding downstream in Boverton via Boverton Brook. The scheme

before Members is considered by the applicant to represent the most effective and deliverable solution to alleviate flooding.

The principle of development and flood risk

There is a well-documented history of flooding through the village and in principle, a flood alleviation scheme is considered wholly positive. The principle of the proposal is supported by the Local Member (Councillor John), Llantwit Major Town Council and Llanmaes Community Council. There have been no fundamental objections raised by local residents (the only concerns raised related to specific technical details). In principle, therefore, the development complies with Policies MD1 and MD7 of the LDP.

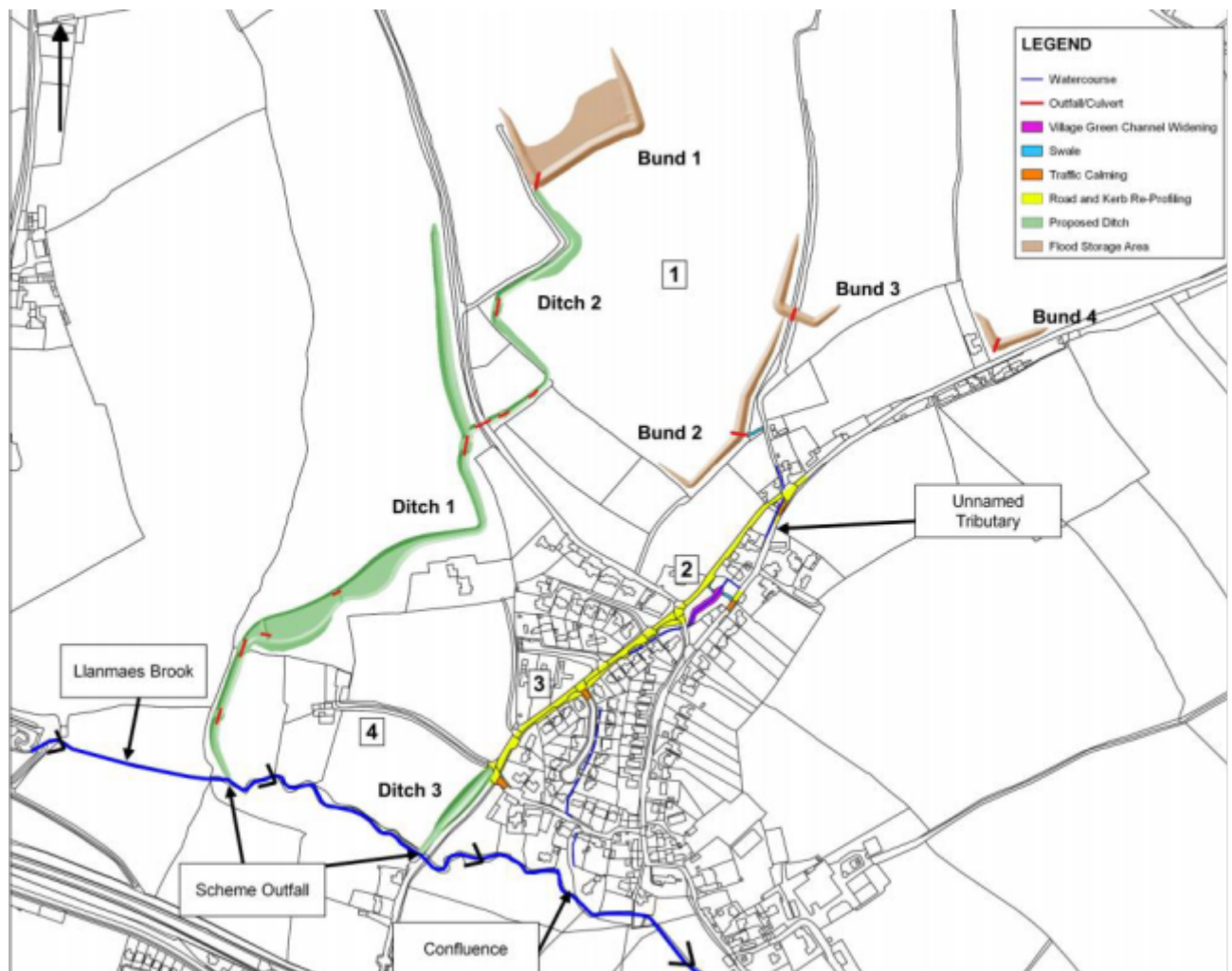
Policy MD1 states that developments should benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment. This proposal would be new infrastructure and consequently it is necessary to ensure that there is no detriment to the environment. Policy MD2 states that development should include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change. Therefore, while the principle of the proposal is clearly acceptable, it is still necessary to assess whether the proposed development would achieve those aims and not worsen environmental impacts. Similarly TAN 15 states that:

All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; **and**,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

These tests are principally to assess the merit of new development that may be subject to flood risk, rather than works that are fundamentally proposed to lessen flood risk. However, notwithstanding that, the location (of part of the site) within Zone C is necessary to assist this flood alleviation initiative and the consequences of flooding have been assessed (see below). The land is not, in the main, previously developed, however, given the nature of the works this does not infer conflict with the aims of the TAN.

The main parts of the proposal are depicted on the plan below (replicated from above for ease of reference):



The four bunds to the north of the village would create flood storage areas, from which water would be released at a controlled and restricted rate. These areas feed into a series of new drainage ditches (from Bund 1) or a re-profiled highway (Bunds 2-4), which in turn both feed into the Brook. The effect of these works would be to reduce flood depths in Llanmaes and allow water through or around the village at a reduced rate. There are other more minor works proposed such as widening the watercourse channel by the village green and other localised areas of carriageway re-profiling, all of which would serve the same purpose of reducing flood risk to properties in the village.

Natural Resources Wales (NRW) have been consulted and initially responded to state that a detailed review of the hydraulic modelling information was necessary to ensure that it is fit to inform the Flood Consequence Assessment (FCA) prepared by the applicant. Subsequently, NRW responded to advise that for robustness, certain changes were required to the flood model. However, NRW acknowledge in their report that based on the current modelling the “updated Flood Alleviation Scheme reduces flood depths within Llanmaes, without adversely affecting flows at Boverton” and that “although the flows for Boverton Brook have not been applied, this should not affect the current comparison”. i.e. The relatively minor technical changes requested are not likely to fundamentally affect the conclusions, which are that the development would alleviate flooding in

Llanmaes without detriment downstream at Boverton. NRW have agreed that this matter can be dealt with by condition, whereby the amended FCA model must be approved by NRW prior to the commencement of works. This is recommended at Condition 3.

Neighbouring residents initially raised some concerns regarding certain aspects of the work, principally with regard to whether the development would result in increased re-directed flows towards certain properties. However, as noted above the applicant has now met with the respective residents on site to describe in detail the overall design principles and how the proposals would affect flood risk outside specific properties. Correspondence received from these residents suggest that these concerns have now been allayed.

In summary, and subject to the above referenced condition 3, it is considered that the proposed development would have a positive impact on alleviating flood risk in Llanmaes, without causing detriment in Boverton. The development therefore complies with the aims of Policies MD1, MD2 and MD7 of the LDP and the aims of TAN 15.

Visual impact

The principal engineering operations are the construction of the new bunds and ditches. The bunds would generally vary between 1m and 2m in height and they have slopes around 1:4. They would be sited at the corners and perimeter of field parcels, closely adjoined by hedgerows and trees. Therefore, having regard to their siting and proportions, they would not be significant landforms or substantially affect the wider landscape. Bunds 2 and 3 would be most highly visible due to their proximity to the public right of way, however, they, and the other bunds, would be planted with a diverse grass mix. Consequently, they would effectively assimilate into the wider rural landscape and would not cause harm to the character of the countryside. The proposed ditches similarly have relatively gentle profiles and they would be more visually discreet than the bunds. The same kind of planting mix would ensure that they also assimilate into the fields.

The works to re-profile carriageways and widen the watercourse channel by the village green would have nominal impact on the character of the streets and the village green area. While the raised tables in the carriageway (designed to re-direct water flows) would result in the road having a slightly more 'engineered' appearance, these works are very small in scale and would not have an adverse impact on the character of the conservation area. Consequently, the development would comply with the aims of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

In summary, it is considered that the development would preserve the character of the countryside surrounding the village and the character of the area within the village, in compliance with policies MD1, MD2, MD5 and MD8 of the LDP.

Water Quality and Biodiversity

On the matter of water quality and biodiversity, Natural Resources Wales (NRW) has raised no objection, but provided advice in respect of measures which they contend would maximise biodiversity gain. These suggestions include varying the

profiles of the ditches, 'two stage channels' instead of flat ditch bases, burying inverts of culverts, more significantly burying erosion control matting, and additional scour protection.

The scheme as now designed does address many of the suggestions listed by NRW; for example, ditches now have localised suppressions to hold water longer, allowing for localised biodiversity, the Village Green ditch (as is today) would become a swale with greater "green" characteristics and increased safety for the public, and matting to prevent erosion. The applicant does not propose to bury the inverts of culverts given that this would require the flood model to be re-designed and given that deposition over time is likely to achieve a similar effect.

The Council's Ecologist has raised no objection but suggests that the ecological enhancements would ideally be amended to provide tree sparrow boxes rather than barn owl boxes. This recommendation can be accommodated through submission to Condition 8. NRW raise no objection in this respect, subject to compliance with the recommendations contained in the submitted Ecology report. This is required by Condition 7.

In summary, the development would not have adverse water quality or biodiversity impacts, in accordance with Policies MD2 and MD9 of the LDP.

Residential amenity

The works themselves would not have a physical form or presence that would harmfully affect the outlook or amenity of any residential property. Bund 4 would have the closest relationship to a dwelling (Penllyne Bungalow), but it would be of a size and siting that preserves residential amenity. The only alterations that could have an impact from a noise and vibration perspective are the raised road tables that will be used to direct surface water run-off at certain locations. To avoid potential negative impacts, these features will be designed to ensure appropriate ramp gradients and heights minimise noise caused by vehicles travelling across the road tables. The greatest likelihood of noise or disturbance would occur during the construction phase and, while this has the scope to affect residential amenity, the impacts would be temporary and can be minimised through adherence to a robust Construction Environmental Management Plan (CEMP) (see condition 6). Furthermore, the long term benefits to the village of reduced flood risk are considered to outweigh any temporary construction issues.

Highways issues

The proposed works have been designed in consultation with the Council's Highway Development section and the proposed carriageway works would not have an adverse impact on highway safety. The remainder of the works (outside the village envelope) would not have a material impact on the highway. The greatest scope for highway related impacts would come during the construction phase and this would also be managed through the CEMP.

Minerals

Policy MG22 states that:

New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development;
2. Or extraction would have an unacceptable impact on environmental or amenity considerations; or
3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. The resource in question is of poor quality / quantity.

In this case, the nature of the works are such that development would not prejudice future working of the mineral, but in any case much of the working in that area could not occur due to proximity to residential properties.

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, SP9, SP10, MG19, MG20, MG22, MD1, MD2, MD5, MD7, MD8 and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040, PPW 11, TANs 5, 12, 15 and 24, The Council's SPG Biodiversity and Development, Design in the Landscape, Trees, Woodlands, Hedgerows and Development, the Llanmaes Conservation Area Appraisal and Management Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, the proposed development is considered acceptable in principle and in respect of visual impact, highway safety, residential amenity, flood risk, ecology and environmental impacts.

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

Deemed planning consent be GRANTED 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:

Llanmaes Flood Alleviation Scheme (FAS). Preliminary Ecological Appraisal' by AECOM dated March 2021.

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60160078-ACM-SHT-30-9000-CT-9003
60160078-ACM-SHT-30-9000-CT-9004
60160078-ACM-SHT-30-9000-CT-9005
60160078-ACM-SHT-30-1200-CT-1202
60160078-ACM-SHT-30-1200-CT-1206

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 the commencement of development, an amended Flood Consequences Assessment (FCA) shall be submitted to and approved in

writing by the Local Planning Authority, which responds to the Natural Resources Wales Flood Model Review. The amended FCA shall take account of and adopt the amendments listed in the NRW review, or provide justification for any amendment(s) not being adopted.

Reason:

In order to minimise flood risk and to ensure compliance with Policy MD7 of the LDP.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policy MD7 of the LDP.

5. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies MD1 and MD7 of the LDP.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank, fuel and chemical storage areas and bunds; details of water consumption, wastewater and energy use
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiv) a system for the management of complaints from local residents which will incorporate a reporting system.
- xv) 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;
- xvi) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures;
- xvii) Soil Management: details of topsoil strip, storage and amelioration for re-use;
- xviii) 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;
- xix) 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;
- xx) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- xxi) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The construction of the development shall be undertaken in accordance

with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

7. The development shall be carried out in accordance with the 'Llanmaes Flood Alleviation Scheme (FAS). Preliminary Ecological Appraisal' by AECOM dated March 2021, and all recommendations and measures shall be implemented.

Reason:

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

8. Prior to the commencement of development, further details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority, including details of the timescales for their implementation. The measures shall thereafter be carried out in accordance with the approved timescales and retained at all times thereafter.

Reason:

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

NOTE:

1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
2. **The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
 - (i) determining the extent and effects of such constraints;**
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no**

circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

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.