**Version 2**

**DEVELOPMENT BY THE VALE OF GLAMORGAN COUNCIL**

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

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

Town and Country Planning General Regulations 1992

(Regulation 3)

**D E E M E D P L A N N I N G C O N S E N T**

|  |  |
| --- | --- |
| Agent:  Mr Athan Tzovaras  1 Callaghan Square  Cardiff  CF10 5BT | Applicant:  Visible Services and Transport  Clive Moon  The Alps  Wenvoe  CF5 6AA |

**This scheme is a Flood Alleviation Scheme for Llanmaes Village at Llanmaes, Llantwit Major**

The Council in pursuance of its powers under the above mentioned Act and Regulations hereby **GRANTS DEEMED PLANNING CONSENT** for the carrying out of the proposed development as described above and in accordance with the plans registered by the Council on 24 August 2021 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-30-0000-CT-0001

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60160078-ACM-SHT-30-9000-CT-9005

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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.

**2021/01082/1/CD**

**Details approved 7/4/22- Vale of Glamorgan Council**

**Aecom FCA Project Number: 60509148 February 2022 and the Aecom FCA Addendum Technical Note 18 February 2022**

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 olicies 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.

Reason for Granting Planning Permission

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

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.

**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.**

Dated: 27 January 2022

M. J. Goldsworthy

Head of Regeneration and Planning