

# THE MOLE, BARRY

## Pre-Application Consultation Report

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PAC Report  
v2  
January 2023

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#### Approval for issue

Andrew Lucas



10 January 2023

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**CONTENTS**

1 INTRODUCTION ..... 1

2 CONSULTATION ..... 3

3 REPONSES TO THE CONSULTATION PROCESS..... 13

4 CONCLUSIONS ..... 23

- Appendix A – Site Notices
- Appendix B – List of Owner/Occupier Letters
- Appendix C – Specialist Consultee Letters

# 1 INTRODUCTION

- 1.1 This Pre-Application Consultation (PAC) report has been prepared in support of a planning application for the creation of a new 400-berth marina alongside a mixed-use development comprising leisure, business space and residential at The Mole, Barry.
- 1.2 This PAC report sets out the various consultation processes undertaken following the introduction, on 1 August 2016, of legislation requiring pre-application consultation on all planning applications for 'major' development (full or outline) as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012.

## Policy Context

- 1.3 The Town and County Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 brings into effect and provides the detail for various provisions set out in the Planning (Wales) Act 2015.
- 1.4 Detailed guidance on the requirements for pre-application consultation under Section 17 of the Planning Wales Act 2015 is contained in Annex 1 of the Welsh Governments letter to Chief Planning Officers dated 1<sup>st</sup> February 2016. In December 2021 Welsh Government also issued 'Pre-Application Community Consultation: Best Practice Guidance for Developers'.
- 1.5 As set out in Annex 1, the applicant must undertake the following publicity/consultation procedures prior to the submission of an application:
- Display a site notice in at least one place on or near the land to which the proposed application relates for a period of no less than 28 days before submitting an application for the proposed development
  - Write to 'any owner or occupier of any land adjoining the land to which the proposed application relates'
  - Make the draft planning application information available publicly online
  - Consult community and specialist consultees before applying for planning permission
  - Consider if Environmental Impact Assessment (EIA) is required for the project
  - Submit a pre-application consultation report (PAC) as part of the planning application

## Format and Content of the PAC Report

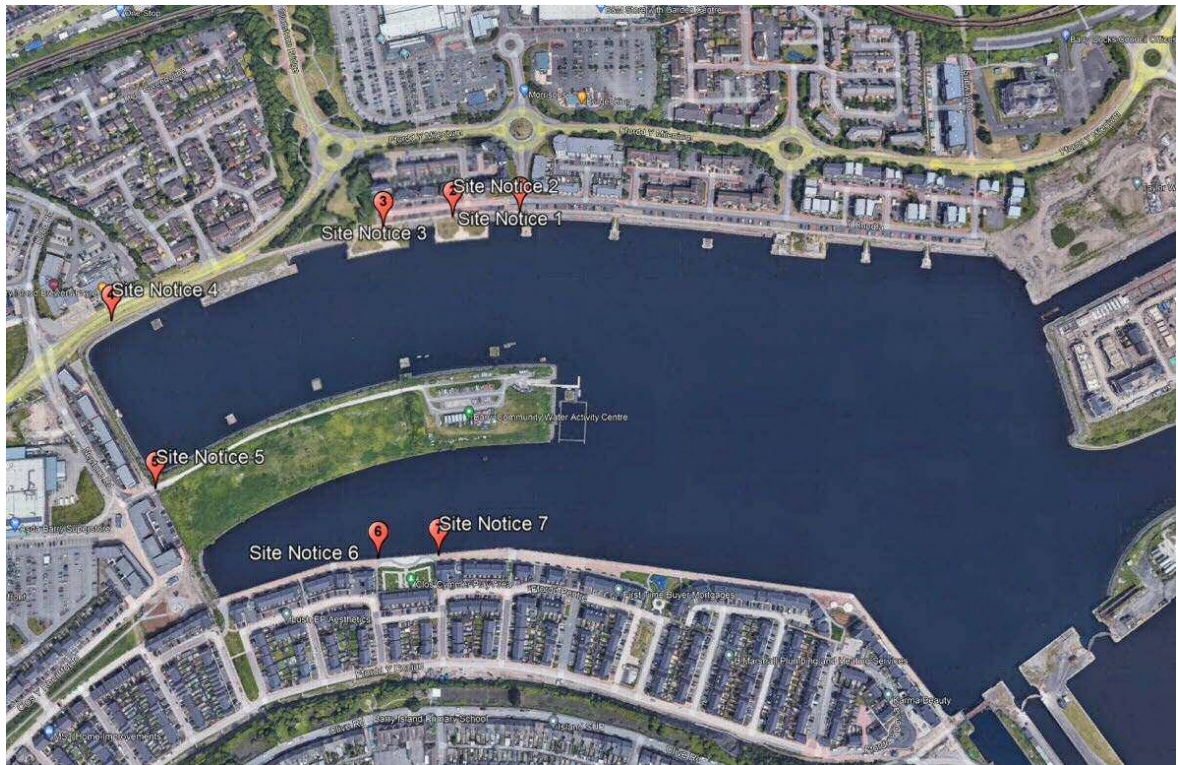
- 1.6 This PAC report follows Welsh Guidance and therefore contains:
- a) A copy of the site notice;
  - b) A declaration that the site notice was displayed in accordance with the statutory requirements i.e. in at least one place on or near the development site for no less than 28 days;
  - c) A copy of the notice given to adjoining land owners/occupiers and community councillors;
  - d) Copies of all notices provided to specialist consultees;

- e) A summary of all issues raised in response to the statutory publicity (i.e. site notice and letters to owners, occupiers) – the developer must confirm whether the issues raised have been addresses and, if so, how they have been addresses; and
- f) Copies of all responses received from specialist consultees with an explanation of how each response has been addressed by the developer.

## 2 CONSULTATION

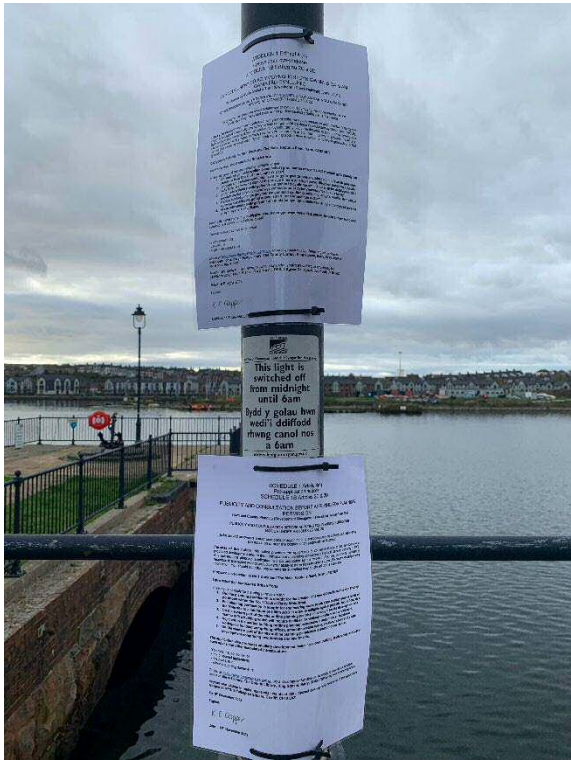
### Site Notice

- 2.1 RPS, on behalf on the applicants, displayed bilingual (English and Welsh) site notices at 7 locations as identified below:

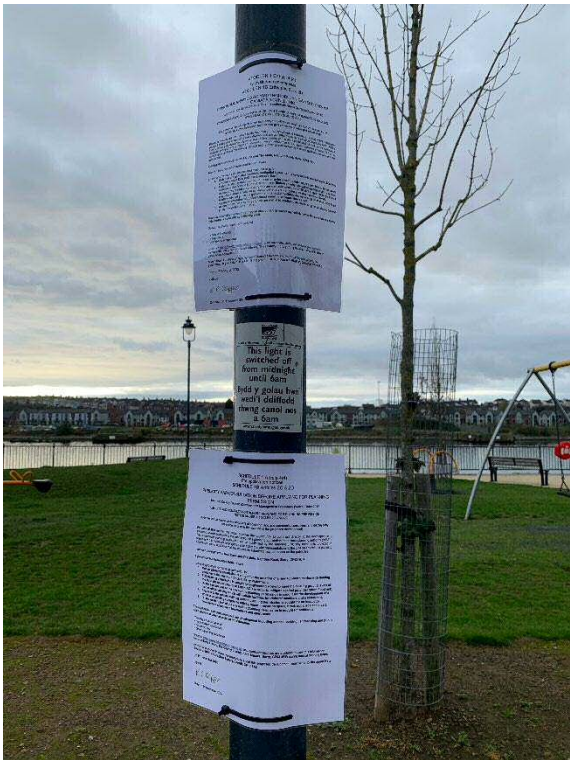


- 2.2 The site notices included the dedicated website address for the proposed development where all draft application documents could be viewed. The site notices also included an email address where comments could be sent, and the nearest local library where the public could access computers to view the proposal online if they did not have internet access.
- 2.3 The site notices were put up on 11 November 2022 and photographs of the site notices in-situ are shown on the next page.
- 2.4 The notices were displayed for the minimum 28 days and a declaration to this effect is contained at Appendix A.

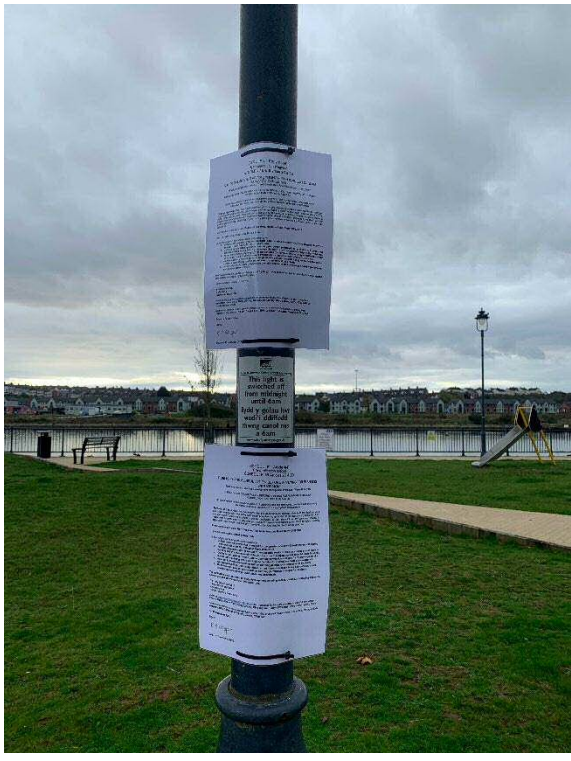




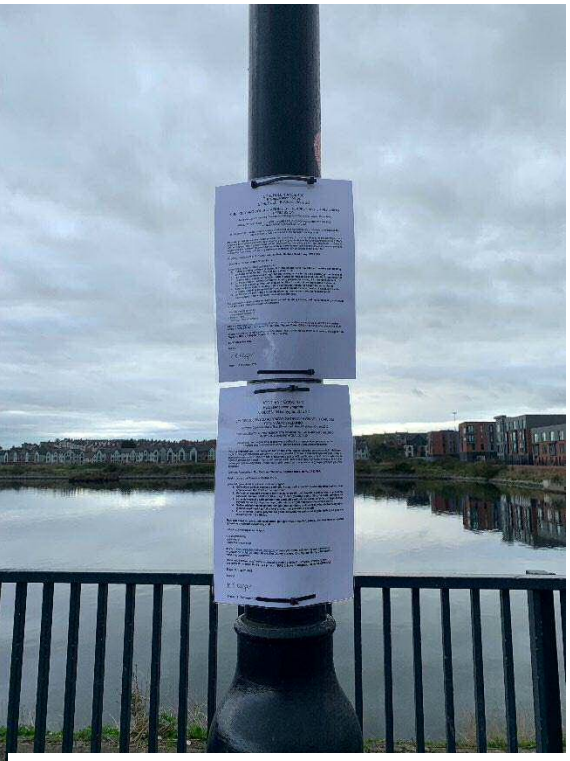
Site Notice 1



Site Notice 2

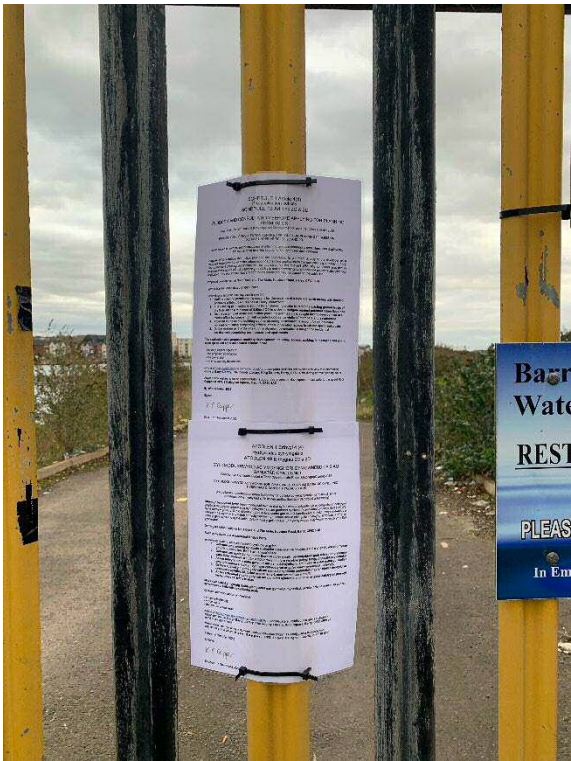


Site Notice 3

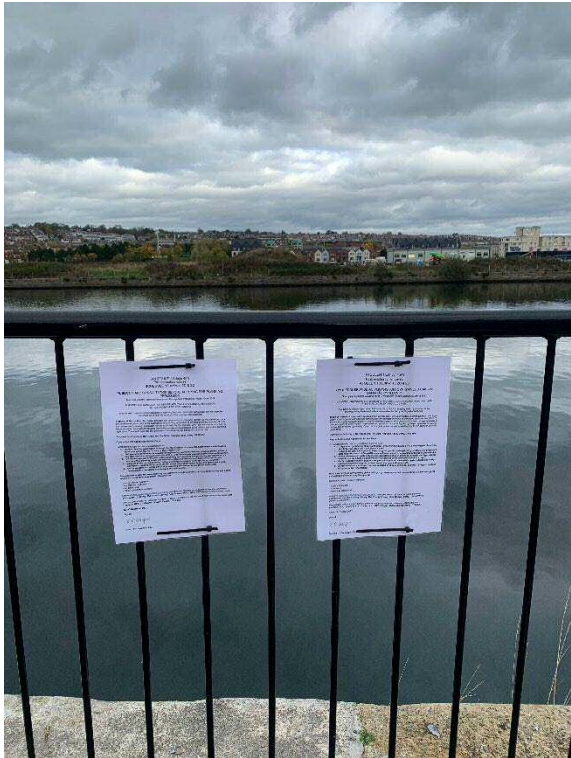


Site Notice 4

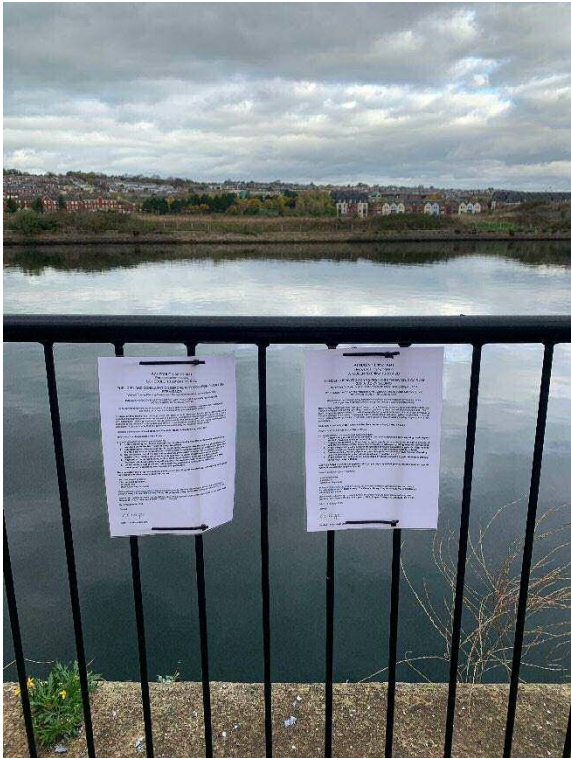




Site Notice 5



Site Notice 6



Site Notice 7



## Adjoining Owner/Occupier and Community Consultees Consultations

- 2.5 A Schedule 1B Notice letter was sent out to occupiers/owners of land adjoining the development site and Community Councillors on 7<sup>th</sup> October 2022. Please see Appendix B for a list of those properties and Community Councillors notified together with a copy of the notices and letters sent out.

## Draft Planning Application Availability

- 2.6 A dedicated website for the proposed development was set up and hosted at <https://www.themolebarry-pac.co.uk/> as shown on the following pages. The website was live on the 11 November 2022.
- 2.7 The website's home page contained a description of the proposed development together with a link to the draft planning application and the various supporting documents that would accompany the application when submitted.
- 2.8 During the period from 11 November to 9 December, the website was visited a total of 2,102 times. Of this amount 82.78% stayed between 1 and 60 seconds, 14.05% stayed between 1 and 10 minutes, 3.07 stayed between 10 and 30 minutes and 0.09% stayed longer than 30 minutes.
- 2.9 Of the 2,102 visits to the website, 61% were accessed from a desktop while 39% were accessed from a mobile device.
- 2.10 Hard copies of the draft application were made available to any consultees on request. There were no requests for hard copies.
- 2.11 The website also had a 'contact us' button which allowed visitors to comment on the development proposals. Any comments submitted via the website would generate an email that would then be allocated to an appropriate person to review and respond as appropriate.

# Land at The Mole, Barry

## Pre-application Consultation



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### Land at The Mole, Barry

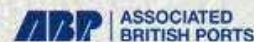
**Associated British Ports (ABP)** is preparing a planning application for the creation of a new 400-berth marina alongside a mixed-use scheme comprising leisure, business space and residential development.

The Mole site extends to approximately 3.1 hectares and comprises reclaimed land which was constructed as part of the No. 1 Dock in the 19th century. The site is located within the 'Barry Waterfront' area, which is an ongoing mixed-use residential-led development of No. 1 Dock, being delivered by Taylor Wimpey, Persimmon Homes and Barratt Homes/David Wilson Homes.

This consultation website has been prepared so we can share our vision and emerging [proposals](#) with you and most importantly ask for your [feedback](#). Your comments will help to shape the final proposals which we will submit as a formal planning application to the Vale of Glamorgan Council.



### Aerial Site Location Plan





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### About Us

### About Associated British Ports (ABP)

**ABP are the UK's leading and best-connected ports group.**

We continuously invest in the infrastructure, equipment and skills we need to handle a vast array of cargo safely, efficiently and sustainably. Our expert teams work collaboratively to build long-term partnerships and deliver the right supply chain solutions for our customers, including value-added services and brand new facilities tailored to suit their business needs.




ABP also offers large areas of development land across a wide range of strategic port locations, capable of attracting investment and delivering transformational benefits for the economy both locally and nationally.

Our services are also complemented by our marine consultancy, ABPmer, and our dredging specialist, UK Dredging ('UKD').

As a vital part of the supply chains of businesses throughout the nation, our 21 ports support 119,000 jobs and contribute £7.5 billion to the economy every year, handling £150 billion of trade.

ABP is dedicated to supporting the communities which rely on our ports. We are dedicated to serving our customers. We are dedicated to fulfilling our mission: **Keeping Britain Trading**.


[www.abports.co.uk](http://www.abports.co.uk)




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## Land at The Mole, Barry

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#### Our Proposal

The Vale of Glamorgan Council and ABP have come together to develop a bid for £20m of funding from the UK Government's Levelling Up Fund to transform the Barry Docks waterfront. Shaped by the town's maritime and industrial history the bid, which has the support of Alun Cairns MP, comprises a project which continue the regeneration of the docks area and the surrounding waterfront.

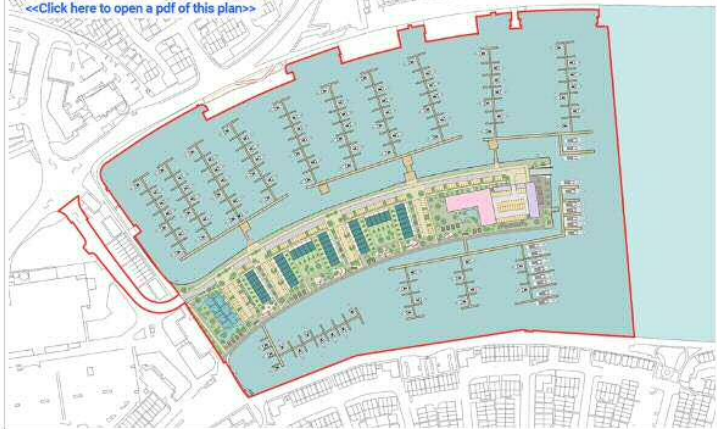
This application reflects the bid submitted for the Levelling Up Fund and the proposals for the site are the subject of a hybrid application, made up of five distinct, but complementary, components as follows:

- Outline planning permission is sought for the creation of a new 400-berth marina with floating pontoons within the No. 1 Dock at Barry Waterfront.
- Full planning permission is sought for engineering works to raise the existing ground levels of 'The Mole' site to a minimum of 9.00m AOD in order to mitigate against potential future flood risk.
- On the eastern part of the site outline planning permission is sought for the development of a 5,600 sqft (520 sqm) marina office building which will include facilities for visitors/ members and a restaurant.
- Adjacent to the marina building, outline planning permission is sought for a 29,000 sqft (2,694 sqm) incubator workspace building comprising offices, smart innovation space, break-out space and a cafe.
- On the western part of the site outline planning permission is sought for residential development comprising 45 x 3 and 4 bed townhouses and 19 x 1 and 2 bed apartments with a maximum height of four storeys.

The application also proposes ancillary development including access, parking, landscaping and public open space and other associated infrastructure.


Please see the Proposed Masterplan below:

#### Proposed Ground Floor Masterplan



[«Click here to open a pdf of this plan»](#)

#### Visualisation of the Proposed Development





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# Land at The Mole, Barry

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### Application Drawings

Site Location Plan: [Site Location Plan](#) (PDF 1.3MB)  
Topographic Survey: [Topographic Survey](#) (PDF 570KB)  
Proposed Levels: [Proposed Levels](#) (PDF 1.1MB)  
Site Layout: [Site Layout](#) (PDF 2.2MB)  
Site Sections: [Site Sections](#) (PDF 762KB)  
Masterplan Ground Floor: [Masterplan Ground Floor](#) (PDF 5.2MB)  
Masterplan First Floor: [Masterplan First Floor](#) (PDF 5.2MB)  
Land Use Parameters Plan: [Land Use Parameters Plan](#) (PDF 5.8MB)  
Access & Movement Parameters Plan: [Access & Movement Parameters Plan](#) (PDF 7.6MB)  
Scale Parameters Plan: [Scale Parameters Plan](#) (PDF 4.9MB)  
Green Infrastructure Parameters Plan: [Green Infrastructure Parameters Plan](#) (PDF 7.1MB)

### Planning

Planning Application Form: [Planning Application Form](#) (PDF 497KB)  
RPS Covering Letter: [RPS Covering Letter](#) (PDF 148KB)  
Planning Statement: [Planning Statement](#) (PDF 2.1MB)

### Design

Design and Access Statement: [Design and Access Statement](#) (PDF 10.2MB)

### Ecology

Botanical and Habitat Survey: [Botanical and Habitat Survey](#) (PDF 501KB)  
Preliminary Ecological Appraisal: [Preliminary Ecological Appraisal](#) (PDF 1.3MB)

### Transport

Transport Assessment: [Transport Assessment](#) (PDF 8.7MB)  
Travel Plan: [Travel Plan](#) (PDF 5.8MB)

### Flood Risk/Drainage

Flood Consequence Assessment: [Flood Consequence Assessment](#) (PDF 2.6MB)  
Outline Drainage Strategy: [Outline Drainage Strategy](#) (PDF 2.1MB)

### Geotechnics

Phase 1 Geo-Environmental Desk Study Report: [Phase 1 Geo-Environmental Desk Study Report](#) (PDF 25.3MB)  
Phase 2 Geo-Environmental Site Assessment: [Phase 2 Geo-Environmental Site Assessment](#) (PDF 9.8MB)

# Land at The Mole, Barry


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## Your Views

### We would like your comments

We are keen to hear your views on the development proposals before we submit our planning application.

This is not the last time you will be able to make comments on these proposals. Once the planning application is submitted to the Vale of Glamorgan Council (VoGC) you will also be able to submit formal comments to VoGC directly. These comments will be considered by VoGC when they determine the planning application. Please send your comments via email to [info@themolesite.co.uk](mailto:info@themolesite.co.uk) or alternatively by completing the online feedback form below.

Please submit your comments by Friday 9th December 2022.

### Land at The Mole, Barry

Pre-application Consultation Questionnaire

[Sign in to Google to save your progress. Learn more](#)

**\*Required**

Email \*

Your email address

Please provide any comments you have on our proposals:

Your answer

☐ Send me a copy of my response.

Submit

Clear form

RPS Consulting UK & Ireland (2 Dalglish Square, Cardiff, CF10 5AZ) are conducting this consultation on behalf of Associated British Ports. When we refer to "we" "us" or "our" we mean the two of us. If you submit comments and include your address we will only use your address to analyse the area from which comments are being submitted. The information you submit and your personal data will not be passed to any third party. The information you submit will only be retained for as long as is necessary for the purposes of the planning process for this development. If you wish to withdraw your consent at any time or you would like to know more about how your information will be processed, please contact us at the address above.

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## Specialist Consultees Consultation

2.12 Developers are also required to undertake pre-application consultation with 'specialist consultees'. As such, eight letters were issued on the 10<sup>th</sup> November 2022 to the following:

- Vale of Glamorgan Head of Estates
- Natural Resources Wales
- Cadw
- South Wales Fire and Rescue Service
- Vale of Glamorgan Planning Department
- Vale of Glamorgan Highways Department
- National Waterways Museum
- Harbour Authority
- Dwr Cymru Welsh Water
- Health and Safety Executive

2.13 Copies of these letters are enclosed at Appendix C.

## Requirement for Environmental Impact Assessment

2.14 A pre-application screening opinion under Regulation 6(2) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, was sought from the VoGC for the application proposals. The Council confirmed in writing on the 22 September 2022 that the characteristics, location and potential impact of the development is not likely to be significant upon the environment and accordingly, there is not considered to be a requirement for an Environmental Impact Assessment to be submitted (LPA Ref: 2022/00867/SCI).

### 3 REPONSES TO THE CONSULTATION PROCESS

#### Adjoining Landowner/Occupier and Community Councillors Consultation Responses

- 3.1 Of the 300 notice letters sent out to owner/occupiers of adjoining land and Community Councillors, 25 responses were received including a response from Barry Town Council. From the 25 responses received 6 (24%) are in favour that 45.2% of those who responded are 'in favour' of the proposal, 10 (40%) are 'against' with the balance 9 (36%) being neutral.
- 3.2 In addition to the above a response was received from the Barry Waterfront Community Residents Association (BWCRA) which advised that they had invited its Residents to comment on the proposals. From the 43 responses they received 45.2% are 'strongly in favour' of the proposal, 23.8% are 'in favour' of the proposal, 16.7% are 'against' or 'strongly' against the proposal with the balance being neutral/undecided.
- 3.3 Table 3.1 on the next page provides a summary of the matters (themed based) raised from adjoining landowners/occupiers.



Table 3.1: Summary of Representations Received from Landowners and Community Councillors

Summary of Representation	Applicant's Response
Concerns that the plans have changed from the initial proposal shared by Alun Cairns. There were no plans at that stage for a marina on the left-hand side of the Mole.	The design team is not aware of which plans were presented by Alun Cairns MP to the respondent. However, the designers of this application were involved with the consultation process around the Levelling Up Masterplan developed by the project team which included ABP and the Vale of Glamorgan Council. The proposals within this application align with the Levelling Up Masterplan that was developed as part of that exercise.
The area has already suffered from delays in construction work. Current construction plans in the surrounding area need to be completed before any work is carried out on a Marina.	The applicant for this application has had no involvement in the other schemes in the surrounding area.
Concern over more cafe and shop space being proposed when the district centre has not been filled. There is no need for further commercial uses.	The proposals contain a limited commercial element which is designed to support the marina and business incubator, as well as to encourage people to traverse the length of the Mole and make best use of the public open space. We believe this element is distinct enough to the existing district centre units to be needed and will not provide excess capacity.
Support for the scheme as proposed. It will improve the area and encourage visitors to bring revenue to Barry. This development would be a bonus for Barry and make full use of a very neglected area of land and water.	The support for the scheme is welcomed.
Support for the Marina but not the housing.	There is market evidence to suggest there is still demand for housing including diverse tenure types in this area and this development has the opportunity to provide these in a sustainable location.
Concern that the houses are going to block people's views and will detract from the appearance of the Dock.	The development would include a mix of residential and commercial buildings ranging from two to four storeys in height. This is largely in keeping with surrounding development and it is unlikely to appear out of scale. The proposals will provide an attractive visual amenity to what is currently a disused waterfront area and will provide substantial investment into the local community. The proposed buildings will not block people views as there will be visibility lines through the development from north to south.

Query on whether there be access to the sea and would this be accessible 24 hours day such as high tides and low tides?

The works that are planned to be undertaken will allow access to and egress from the docks at any point throughout the tidal cycle.

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The Mole should have more of a more recreational focus with cafes and facilities for the public. Concern over effect on the current users of the docks such as the scouts and sea cadets. Support for the water Sports Centre remaining in place with a public area that can be enjoyed.

The marina building will include a restaurant and will provide an opportunity to maximise access to the waterfront setting whilst also supporting event space and public open space. The incubator building will also include space for hospitality businesses. Adjacent to the marina building will be an onsite slip proposed to be used infrequently for smaller craft and personal watersports such as stand-up paddle boarding (SUP) and kayaks of marina members and residents.

While it does not form part of this planning application, the applicant and the local authority are securing provision for the local watersports groups who currently use this site to move to a new permanent location in a safer area of the docks, so this development will not disrupt these activities in the area.

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Environmental monitoring and safeguards to control potential construction pollution into the Docks should be enforced. Concern over control and monitoring of construction noise.

All works on the site will be completed in accordance with a Construction and Environmental Management Plan (CEMP). The CEMP will set out the approach and application of environmental management and mitigation for the construction of the development. The CEMP would ensure that adverse effects on the environment and local communities from the construction phase of the project are minimised.

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An explanation of the consequences of raising the level of the Mole to 9 METERS AOD should be made available explaining the following. The quantity and quality of "brought-in" material in order to achieve the raised height. A fully explained plan to show how that amount of material will be brought on site with the narrow and congested entrance through the newly built residential and cafe area of the Waterfront. How this material will be retained on top of the existing structure.

The current levels on the Mole range between 8.84m and 8.55ms AOD so the increase will be c. 500mm at its maximum point allowing for some additional surcharge fill. The design of the level raising keeps the raised elements away from the edges of the Mole structure and focused on the areas on which buildings will be constructed and to ensure safe access and egress are maintained. There will be no vertical edges to the fill.

The proposed fill consists of 6F5 import volume 1,800m<sup>3</sup> to form 200mm foundation subbase and extended working platform and additional bulk fill volume 1,142m<sup>3</sup>. This will comprise clean inert general fill suitable for placement beneath private garden spaces.

The total number of loads required to complete the exercise will be 210, this equates to around 10 per day (Monday to Friday) for 4 weeks. A detailed logistics plan will be provided before works are allowed to commence on site. This will include requirements that prevent vehicles parking up outside of the site and for wheel washing and regular road cleaning throughout the exercise.

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Traffic and Transport- Roads and traffic in the area are already too busy. Concern over whether there is adequate parking.

Parking capacity and access arrangements have been developed in conjunction with the local authority and a transport assessment (TA) accompanies this application which should address any concerns.

The TA explains that the development proposals align with transport related planning policies at a local and national level. The site is located in a sustainable location with a range of employment, retail, education and health facilities located in a convenient walking / cycling distance from the site. The site is accessible by a range of modes of transport providing access to a range of local destinations as well as connectivity to Cardiff. The TA goes on to explain that, at the heart of the Barry Waterfront development, the site will seek to reduce the need to travel in the first instance with more sustainable modes of transport promoted for journeys beyond the site. This will be aided through design and continued promotion of the transport hierarchy placing pedestrian and cycle movements at the forefront of all development.

The level of parking for the residential is proposed at a rate of one space per dwelling for the residential plus 16 visitor parking spaces. Whilst this is below the maximum vehicle standards the parking standards set out are just that i.e., maximum parking standards and further context provided with the standards state that 'an appropriate level of car parking is integrated in a way which does not dominate the development'.

For the marina, restaurant and office element, a total of 114 parking spaces are proposed. This level of parking is lower than the maximum vehicle standards however the overall accessibility of the site by active travel modes and by public transport support the approach of lower parking levels being taken. The level of parking is also reflective of the desire to avoid the development being overly dominated by parking. As per the Yacht Harbour Association Ltd Code of Practice for the Design and Construction of Marinas and Yacht Harbours, it is noted that requirements for car parking vary based on a variety of factors including boat mix, market and location. The highly accessible location of the site takes this into consideration.

The marina parking includes a proportion of spaces that will be shared with the office accommodation. It is considered that this arrangement with shared parking complements the different uses across the site well. The demand for marina parking will typically be lower during weekdays when demand for office parking is highest. Conversely during periods of higher marina demand such as at weekends, the office demand will be more limited. This will provide a dynamic and efficient use of parking spaces across the site.

The development would eradicate once and for all time the unique structure and infrastructure of this historic world record breaking dock

It is not proposed to alter the retaining walls of the Mole and the original 'historic' tank base structures are already around 500mm below the current surface level of the Mole. If anything, the proposal will help to preserve the structure for future generations rather than let it fall into disrepair and eventually collapse into the dock.

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Concern over the need to increase the height of the Mole and the impact this could have on flooding on surrounding areas.

The flood consequences assessment undertaken in support of the application confirms that raising the site to a minimum level of 9.00mAOD will ensure that the site remains flood free in the most extreme 0.1% AEP event for the next 100 years. It further confirms that given the tidal nature of the flood risk it is not possible to increase flood risk by simple displacement of tidal flood water, given the effectively infinite volume of the sea. It is therefore concluded that the proposed development will not increase flood risk to others.

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## Specialist Consultee Responses

3.4 Of the 10 letters sent out to the specialist consultees, 5 responded. Table 3.2 below provides a summary of all the matters raised from specialist consultees. These were:

- South Wales Fire and Rescue Service;
- CADW;
- Canal & Rivers Trust;
- NRW; and
- Dŵr Cymru Welsh Water.

Table 3.2 Summary of Representations Received from Statutory Consultees

Name & Date of Communication	Representation	Response
Canal & Rivers Trust 18 November 2022	The Canal & River Trust is potentially a specialist consultee in the mandatory pre-application process. However, this scheme does not meet the criteria for consultation with us as set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.	Noted
Cadw 22 November 2022	<p>Our records show there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.</p> <p>Designated historic assets are located inside 500m of the proposed development, but intervening topography, buildings and vegetation block all views between them. Consequently, the proposed development will have no impact on the settings of these designated historic assets. Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust.</p>	Noted
South Wales Fire & Rescue 22 November 2022	<p>Changes to our climate and weather patterns will have a significant impact on the well-being of both current and future generations. The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, more frequent severe weather systems and more intense rainfall. Planning authorities should adopt a precautionary approach of positive avoidance of building developments in areas of flooding from the sea or from rivers. Surface water flooding will affect the choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating any development proposals.</p> <p>Wildfires are a significant potential threat particularly in populated areas adjoining green spaces such as mountains or forestry. Therefore, it is critical that new developments are designed with this in mind. Where a new development is proposed in an area which is at risk of a wildfire, consideration should be given on how to mitigate the spread of wildfires. For example, sustainable land management could assist with prevention measures.</p> <p>A comprehensive fire strategy should be provided which indicates the package of fire safety measures that are proposed and ensure that the risk of a fire occurring is minimised. This should also ensure that any persons using any buildings on the site, can easily escape from those buildings in the event of fire. The developer should consider the need for the provision of:-</p> <ol style="list-style-type: none"> <li>adequate water supplies on the site for firefighting purposes; and</li> <li>access for emergency firefighting appliances.</li> </ol>	Noted

Dŵr Cymru  
Welsh Water  
1 December 2022

Having reviewed the details submitted I would advise there is concerns to the proposed development and offer the following standing advice which should be taken into account within any future planning application for the development.

**Sewerage** - The foul flows only from the proposed development can be accommodated within the public sewerage system. You are also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. Please be mindful that under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Noted

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

**Water Supply** - The water supply system has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. A hydraulic modelling assessment is required to establish the scope of any reinforcement works to be completed at the same time as the provision of new water mains to serve the new development. A full hydraulic modelling assessment will be undertaken.

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NRW  
19 December  
2022

We have concerns with the application as proposed because inadequate information has been provided. To overcome these concerns, you should provide further information in your planning application regarding flood risk and drainage.

**Flood Risk** - The planning application proposes highly vulnerable development in the form of a mixed-use scheme, including new marina with visitor centre, office development and residential development. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15: Development and Flood Risk (2004). Although it is acknowledged that site has been subject to a Flood Map Challenge in October 2020. The Flood Map for Planning (FMfP) also identifies the application site to be at risk of flooding, falling partially within Flood Zone 3 and partially Flood Zone 2 for Sea. Section 6 of TAN15 requires the LPA to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by JBA, dated April 2021, reference DND-JBAUXX-ML-RP-Z-0001-S3-P01-The\_Mole\_FCA. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

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The application subject of this consultation relates to a hybrid planning application, where the applicant is seeking outline consent for a new 400-berth marina, marina office building, office building with café and residential development. Full planning consent is also sought for engineering works to the site to raise ground levels and mitigate flood risk. We welcome the FCA by JBA, however we note that the assessment relates only to the full planning consent aspect of the planning application (i.e., engineering works). To provide a complete response to this hybrid application, we will require an FCA covering all aspects of the site, including the proposed outline consents. If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

An FCA covering all aspects of the development will be submitted to the LPA.

**Surface Water Drainage** - We have reviewed the Outline Drainage Strategy by JBA (Ref: DND-JBAU-XX-ML-RP-D-0001-S3-P01-The\_Mole\_Outline\_Drainage\_Strategy, dated April 2021), which assumes that surface water currently drains into the surrounding dock. It also notes that due to the compact nature of the soils, the site is effectively impermeable, and infiltration is unlikely. However, we note that swale SAB features are included in the Green Infrastructure Parameters plan (Ref: 20065 05 203, dated 07/11/2022). Clarification on the intended surface water system is therefore required and we advise that further details are submitted as part of your full planning application.

Noted

**Foul Drainage** - We note that the main extent of the site is not crossed by any mains sewer, with the nearest being located along the access road of the site (Neptune Road). Further information should be submitted to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to connect to the mains.

Noted

No information has been submitted regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the LPA that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note the proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We therefore advise that if you haven't already done so, you should thoroughly investigate the possibility of connecting to the foul sewer. You should be aware that should a connection to the mains sewer not be feasible, you will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage. As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement. Applicants wishing to operate a private sewerage system will need either to apply

Noted



to us for an environmental permit or register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

**Designated Sites** - We note that the site is within proximity to the Severn Estuary Special Area of Conservation (SAC), Special Protected Area (SPA) and Ramsar site.

Pollution Prevention - To minimise the risk of pollution entering the marine environment during and post construction, and prevent the potential spread of invasive non-native species (INNS) through the anticipated increase in vessel movements, we would request the LPA attach following conditions to any planning permission granted: Noted

Condition: Construction Environmental Management Plan (CEMP) - No development or phase of development, including site clearance, shall commence until a site wide or phase Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Condition: Environmental Management Plan - Prior to the operation of the marina an Environmental Management Plan (EMP), detailing strategies for the management and maintenance of the controlled water features at the site shall be submitted to and approved in writing by the LPA. The EMP shall be carried out in accordance with the approved details.

Condition: Biosecurity Risk Assessment - No development or phase of development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the LPA. The risk assessment shall include measures to control, remove or for the long-term management of any invasive non-native species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

**Habitat Regulations Assessment** - Due to the location of the development, we have concerns that a significant effect from the proposed development on the Severn Estuary Special Area of Conservation (SAC) and Ramsar site cannot be ruled out. We advise that further information is submitted to assess any impacts on the protected site and their features and to enable the LPA to undertake a Habitats Regulations Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). Noted

Due to the potential operational impact of the new marina, which may increase or change the distribution of vessel movement in the Severn Estuary and Inner Bristol Channel, we would advise that information is submitted to inform any subsequent HRA. Depending on the nature of the vessels which will use the proposed marina, their movements may cause disturbance or potential injury/mortality to the diadromous fish features of the Severn Estuary SAC and Ramsar site, as well as other upstream SACs.

## 4 CONCLUSIONS

- 4.1 This PAC Report provides a copy of the relevant notices as well as a summary of responses from consultees including neighbours, community councillors and specialist consultees.
- 4.2 24 representations were received as part of the PAC process, all from members of the public. The Town Council also submitted a representation objecting to the application.
- 4.3 Some statutory consultees have raised concerns about the proposed developed and these will be addressed.
- 4.4 In conclusion, this report documents the way in which the applicant has addressed the PAC requirements and sets out the response to concerns raised during the pre-application consultation process.

## Appendix A – Site Notices

SCHEDULE 1 Article 4(4)  
Pre-application notices  
SCHEDULE 1B Articles 2C & 2D

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING  
PERMISSION

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

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION  
NOTICE UNDER ARTICLES 2C AND 2D

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

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

Proposed development at **No.1 Dock and The Mole, Neptune Road, Barry, CF62 5BR**

I give notice that **Associated British Ports**

is intending to apply for planning permission for:

1. **Outline planning permission is sought for the creation of a new 400-berth marina with floating pontoons within the No. 1 Dock at Barry Waterfront.**
2. **Full planning permission is sought for engineering works to raise the existing ground levels of the Mole site to a minimum of 9.00m AOD in order to mitigate against potential future flood risk.**
3. **On the eastern part of the site outline planning permission is sought for the development of a marina office building which will include facilities for visitors/ members and a restaurant.**
4. **Adjacent to the marina building outline planning permission is sought for an incubator workspace building comprising offices, smart innovation space, break-out space and a café.**
5. **On the western part of the site outline planning permission is sought for residential development comprising townhouses and apartments.**

**The application also proposes ancillary development including access, parking, landscaping and public open space and other associated infrastructure.**

You may inspect copies of:

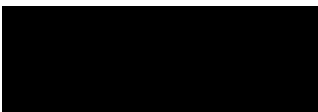
- the proposed application;
- the plans; and
- other supporting documents

Online at <https://www.themolebarry-pac.co.uk/> and computer facilities are available to view this information online at **Barry Library, The County Library, King Square, Barry, CF63 4RW** during normal opening hours.

Anyone who wishes to make representations about this proposed development must write to the agent **Kate Gapper at RPS, 2 Callaghan Square, Cardiff, CF10 5AZ**

By: **9<sup>th</sup> December 2022**

Signed:



Date: 11<sup>th</sup> November 2022

ATODLEN 1 Erthygl 4.(4)  
Hysbysiadau cyn-ymgeisio  
ATODLEN 1B Erthyglau 2C a 2D

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

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

**CYHOEDDUSRWYDD AC YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO  
HYSBYSIAD O DAN ERTHYGLAU 2C A 2D**

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

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

Datblygiad Arfaethedig yn **No.1 Dock and The Mole, Neptune Road, Barry, CF62 5BR**

Rwyf yn hysbysu bod **Associated British Ports**

yn bwriadu gwneud cais am ganiatâd cynllunio ar gyfer:

1. **Gofynnir am ganiatâd cynllunio amlinellol i greu marina newydd â 400 o angori gyda phontynau arnofiol o fewn Doc Rhif 1 ar Lannau'r Barri.**
2. **Gofynnir am ganiatâd cynllunio llawn ar gyfer gwaith peirianyddol i godi lefelau tir presennol safle Mole i isafswm o 9.00m AOD er mwyn lliniaru yn erbyn perygl llifogydd posibl yn y dyfodol.**
3. **Ar ran ddwyreiniol y safle gofynnir am ganiatâd cynllunio amlinellol ar gyfer datblygu adeilad swyddfa marina a fydd yn cynnwys cyfleusterau ar gyfer ymwelwyr/aelodau a bwyty.**
4. **Gerllaw adeilad y marina gofynnir am ganiatâd cynllunio amlinellol ar gyfer adeilad deorydd yn cynnwys swyddfeydd, gofod arloesi smart, man ymneilltuo a chaffi.**
5. **Ar ran orllewinol y safle gofynnir am ganiatâd cynllunio amlinellol ar gyfer datblygiad preswyl yn cynnwys tai tref a fflatiau.**

**Mae'r cais hefyd yn cynnig datblygiad atodol gan gynnwys mynediad, parcio, tirlunio a mannau agored cyhoeddus a seilwaith cysylltiedig arall.**

Gellwch archwilio copïau o'r canlynol:

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

ar-lein yn <https://www.themolebarry-pac.co.uk/> ac maecyfleusterau cyfrifiadur ar gael i archwilio'r wybodaeth hon ar lein yn **Barry Library, The County Library, King Square, Barry, CF63 4RW** yn ystod oriau agorarferol.

Mae'n rhaid i unrhyw un sy'n dymuno gwneud sylwadau ynglŷn â'r datblygiad arfaethedig hwn ysgrifennu at y yr asiant **K a t e G a p p e r , RPS, 2 Sgwar Callaghan, Caerdydd, CF10 5AZ**

Erbyn: 9 Rhagfyr 2022

Llofnod:



Dyddiad: 11 Tachwedd 2022



**SCHEDULE 1C Article 2D**  
**CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION**  
**Town and Country Planning (Development Management Procedure) (Wales) Order**  
**2012**

**CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION**  
**NOTICE UNDER ARTICLE 2D**

(to be served on specialist consultees, as defined by article 2(1) of the Town and Country Planning  
(Development Management Procedure) (Wales) Order 2012

**Purpose of this notice:** this notice comprises a formal request for a pre-application consultation response under article 2D of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Proposed development at **No.1 Dock and The Mole, Neptune Road, Barry, CF62 5BR**

I give notice that **Associated British Ports**

is intending to apply for planning permission for:

1. **Outline planning permission is sought for the creation of a new 400-berth marina with floating pontoons within the No. 1 Dock at Barry Waterfront.**
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5. **On the western part of the site outline planning permission is sought for residential development comprising townhouses and apartments.**

**The application also proposes ancillary development including access, parking, landscaping and public open space and other associated infrastructure.**

A copy of the proposed application; plans; and other supporting documents can be viewed online at <https://www.themolebarry-pac.co.uk/>

In accordance with the requirements of article 2E of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a consultation response must be sent to the agent:

Kate Gapper  
RPS  
2 Callaghan Square  
Cardiff  
CF10 5AZ  
[info@themolebarry-pac.co.uk](mailto:info@themolebarry-pac.co.uk)

**By: 9<sup>th</sup> December 2022**

Signed:



Date: 11<sup>th</sup> November 2022

**ATODLEN 1C** Erthygl 2D  
**YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO**  
**Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012**

**YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO HYSBYSIAD O DAN**  
**ERTHYGL 2D**

(i'w gyflwyno i ymgynghoreion arbenigol, fel y'u diffinnir gan erthygl 2(1) o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012.

**Diben yr hysbysiad hwn:** mae'r hysbysiad hwn yn ddeisyfiad ffurfiol am ymateb i ymgynghoriad cynymgeisio o dan erthygl 2D o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012.

Datblygiad arfaethedig yn **No.1 Dock and The Mole, Neptune Road, Barry, CF62 5BR**

Rwyf yn hysbysu bod **Associated British Ports**

yn bwriadu gwneud cais am ganiatâd cynllunio ar gyfer:

1. Gofynnir am ganiatâd cynllunio amlinellol i greu marina newydd â 400 o angori gyda phontynau arnofiol o fewn Doc Rhif 1 ar Lannau'r Barri.
2. Gofynnir am ganiatâd cynllunio llawn ar gyfer gwaith peirianyddol i godi lefelau tir presennol safle Mole i isafswm o 9.00m AOD er mwyn lliniaru yn erbyn perygl llifogydd posibl yn y dyfodol.
3. Ar ran ddwyreiniol y safle gofynnir am ganiatâd cynllunio amlinellol ar gyfer datblygu adeilad swyddfa marina a fydd yn cynnwys cyfleusterau ar gyfer ymwelwyr/aelodau a bwyty.
4. Gerllaw adeilad y marina gofynnir am ganiatâd cynllunio amlinellol ar gyfer adeilad deorydd yn cynnwys swyddfeydd, gofod arloesi smart, man ymneilltuo a chaffi.
5. Ar ran orllewinol y safle gofynnir am ganiatâd cynllunio amlinellol ar gyfer datblygiad preswyl yn cynnwys tai tref a fflatiau.

**Mae'r cais hefyd yn cynnig datblygiad atodol gan gynnwys mynediad, parcio, tirlunio a mannau agored cyhoeddus a seilwaith cysylltiedig arall.**

Mae copi o'r cais arfaethedig; planiau; a dogfennau ategol eraill wedi eu hatodi/ar gael i'w harchwilio ar lein yn <https://www.themolebarry-pac.co.uk/>.

Yn unol â gofynion erthygl 2E o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012, rhaid anfon ymateb i'r ymgynghoriad at:

Kate Gapper  
RPS  
2 Sgwar Callaghan  
Caerdydd  
CF10 5AZ  
[info@themolebarry-pac.co.uk](mailto:info@themolebarry-pac.co.uk)

Erbyn: 9 Rhagfyr 2022

Llofnod:



Dyddiad: 11 Tachwedd 2022



## **Appendix B – List of Owner/Occupier Letters**

Our ref: JPW1507



Date: 10<sup>th</sup> November 2022

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

Owner/Occupier

Dear Sir/Madam / Annwyl syr neu madam,

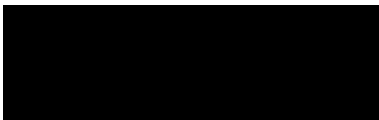
**Notice of Publicity and Consultation Before Applying for Planning Permission  
Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

**Hysbysiad o Cyhoeddusrwydd ac Ymgynghori Cyn Gwneud Cais am Ganiatâd Cynllunio  
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012**

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


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

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



**Kate Gapper**  
[info@themolebarry-pac.co.uk](mailto:info@themolebarry-pac.co.uk)

Enc: As above / Fel uchod



## **Appendix C - Specialist Consultee Letters**



Our ref: JPW1507

Date: 10<sup>th</sup> November 2022

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

Name and Address

Dear Sir/Madam / Annwyl syr neu madam,

**Notice of Publicity and Consultation Before Applying for Planning Permission  
Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

**Hysbysiad o Cyhoeddusrwydd ac Ymgynghori Cyn Gwneud Cais am Ganiatâd Cynllunio  
Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012**

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

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

 Yours faithfully / *Yr eiddoch yn gywir*  
for RPS Consulting Services Limited / *Gwasanaethau Ymgynghori RPS*

*Cyfyngedig*

**Kate Gapper**  
[info@themolebarry-pac.co.uk](mailto:info@themolebarry-pac.co.uk)

Enc: As above / *Fel uchod*