



Ein cyf/Our ref : qA2301158

Emma Fortune
Director
Carney Sweeney

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3 June 2025

Dear Emma Fortune

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.

HYBRID APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 228 DWELLINGS (SUBMITTED IN OUTLINE), ASSOCIATED HIGHWAY AND BRIDGE IMPROVEMENT/REALIGNMENT WORKS (SUBMITTED IN FULL). DEVELOPMENT INVOLVES THE DEMOLITION OF ALL BUILDINGS ON SITE AND OF THE EXISTING B4267 LECKWITH ROAD BRIDGE

**VALE OF GLAMORGAN COUNCIL PLANNING APPLICATION REF: 2020/01218/HYB
PEDW REF: CAS-03320-P2Z8D5**

HIGHWAY AND BRIDGE WORKS NECESSARY TO IMPLEMENT PROPOSED HYBRID SCHEME FOR UP TO 250 DWELLINGS AND ASSOCIATED HIGHWAY AND BRIDGE WORKS AT LECKWITH QUAYS (LOCATED WITHIN VALE OF GLAMORGAN)

**CARDIFF COUNCIL PLANNING APPLICATION REF: 20/02081/MJR
PEDW REF: CAS-03455-L1C4M8**

1. Consideration has been given to the report of the Inspector, regarding your client's planning applications.
2. In accordance with section 77 of the Town and Country Planning Act 1990 ("the 1990 Act"), the above planning applications were called in for decision by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006, the power to determine applications under Section 77 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Cabinet Secretary for Economy, Energy and Planning.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

3. The Inspector recommends planning permission is granted for both applications. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Issues

4. The main issues are set out in IR 146:
 - Whether the site is located in a sustainable location where a modal shift away from the private car could be achieved;
 - Whether the proposal has taken into account the stepwise approach described in Planning Policy Wales (PPW);
 - Whether the proposal would deliver an appropriate level of affordable housing;
 - Whether the proposal would make adequate provision for replacement planting to address the loss of trees, and
 - Whether the development achieves comprehensive placemaking in accordance with the placemaking principles set out in Future Wales (FW) and PPW.

Sustainable Location

5. The Inspector has considered access to existing facilities and services within walking distance of the site and notes the proximity of bus stops and cycle trails. The Inspector notes the scheme would provide enhanced footway/cycleway provision which would encourage walking to services and facilities. A travel plan is also proposed, aimed at facilitating and encouraging sustainable transport.
6. The Inspector concludes the site is located in a highly sustainable location where a modal shift away from the private car could be achieved, in accordance with relevant national and local planning policies. (IR 147 – 153)

Stepwise Approach

7. The Inspector recognises the scheme would result in the loss of ancient semi-natural woodland and notes paragraph 6.4.15 of Planning Policy Wales (PPW) considers ancient woodland to be an irreplaceable natural resource which should be safeguarded from development. (IR 154- 155)
8. Whilst the development would result in the loss of trees from the development site, the Inspector is satisfied the evidence indicates the vast majority are of limited quality or of limited life expectancy and do not make a contribution in landscape, biodiversity or cultural terms. Therefore, the Inspector is satisfied no irreplaceable habitat would be lost. (IR 156 -160)
9. Notwithstanding this conclusion the Inspector has considered, as set out in paragraph 6.4.15 of PPW, whether there are wholly exceptional circumstances to justify the proposed development and loss of trees. (IR 161)
10. The existing Leckwith bridge and viaduct structure is in a poor state of repair and its continued deterioration could potentially lead to its closure, which would have direct social and economic implications. The Inspector has taken account of all the evidence presented and considers the proposals would provide clear public benefits. The Inspector is satisfied, in this instance, wholly exceptional circumstances exist in terms of step 1b) in paragraph 6.4.15 of PPW. (IR 162 – 171)

Other Ecological Matters

11. The site is not located in a designated ecological site. Part of the site lies within the Factory Wood Site of Importance for Nature Conservation (SINC) and it adjoins the River Ely SINC. The Inspector notes the proposed residential development would be confined to industrial/commercial land on the site, largely avoiding the SINC. (IR 172)
12. The Inspector states the buffer corridor along the River Ely combined with habitat corridors through the residential development would maintain and enhance priority habitat associated with the SINC. They consider this would be a significant improvement on the current habitat conditions in the site. (IR 173 – 176)
13. Habitat surveys supporting the application recommended a number of mitigation measures to be included in the development. The details of these mitigation measures would be secured by conditions and reserved matters submissions. (IR 177)
14. The Inspector considers the scheme responds well to the step-wise approach in terms of minimising impacts on habitats with habitat retention, creation and enhancement measures incorporated into the development. (IR 178 – 181)
15. The site lies within 5km of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and Site of Special Scientific Importance (SSSI). The Inspector has provided an Appropriate Assessment (AA) in Annex C of the IR which concludes that subject to securing a Construction Environment Management Plan (CEMP) and conditions, the proposal would not have an adverse impact on the integrity of European sites. (IR 182 – 183)

Overall Conclusions on ecology

16. The Inspector is satisfied the development would accord with relevant development plan policies, PPW and Technical Advice Note 5: nature conservation and planning. (IR 184 – 187)

Affordable Housing

17. The indicative layout provides for 10% affordable housing. The Inspector notes this level is below the 40% required by policy in the Vale of Glamorgan Local Development Plan (LDP) but the policy is clear the provision of affordable housing will be negotiated on a site-by-site basis taking account of the viability of the development. (IR 188)
18. The Inspector, taking account of viability issues and housing delivery, considers the scheme would provide an appropriate level of affordable housing, in compliance with relevant development plan policies and the Council's Planning Obligations Supplementary Planning Guidance (SPG). (IR 189 – 196)

Replacement Tree Planting

19. The Inspector is satisfied the proposal would make adequate provision for replacement planting on and off site in compliance with relevant development plan policies. (IR 197 – 202)

Placemaking Principles

20. Based on their assessment, the Inspector concludes the proposal complies with the placemaking principles set out in FW and PPW. (IR 203 – 211)

Other considerations

Heritage Assets

21. Old Leckwith Bridge is a Grade II* listed building and scheduled ancient monument. The Inspector considers the replacement bridge would have less impact on the setting of Old Leckwith Bridge than the current bridge and viaduct, the proposed residential development would not significantly alter the way the bridge is experienced, understood and appreciated and the removal of vehicular movements from Old Leckwith Bridge would have a major positive impact on the scheduled monument. Therefore, the Inspector considers the proposed development would preserve the special architectural and historic interest of the listed old bridge in compliance with the Historic Environment (Wales) Act 2023 and the thrust of advice in PPW and Technical Advice Note 24: The Historic Environment. (IR 212 – 215)

Flooding

22. Natural Resources Wales's (NRW's) Development Advice Maps show the site is located in Zone C1, a zone served by significant infrastructure, including flood defences. The Inspector has assessed the scheme against the version of Technical Advice Note (TAN) 15: development, flooding and coastal erosion, dated 2004, which was in force at the time of writing their report.
23. The Inspector concludes the scheme would not meet some of the relevant tests in the 2004 version of TAN 15 as it does not form part of a formal local authority strategy. However, the Inspector notes the scheme would make use of a previously developed site and the applicant's Flood Consequences Assessment, accepted by NRW, finds the development would not have an adverse impact on flood risk on the site or elsewhere. The Inspector addresses this matter in their planning balance and conclusions. (IR 216 – 223)
24. Regarding flood risk, I note a new version of TAN 15 was issued in March which replaced the 2004 version. It confirms that the Flood Map for Planning is the starting point for consideration of flood risk in the planning system. The Flood Map for Planning shows the site is located in a TAN 15 Defended Zone, which does not affect the thrust of the Inspector's conclusions on this issue.

Noise

25. The Inspector notes the applicant and Vale of Glamorgan Council are satisfied good design would enable internal accommodation to comply with sound insulation standards and these measures would be controlled by the suggested conditions. (IR 224 – 225)

Conditions and Section 106 Agreement

26. The Inspector considers the recommended conditions satisfy the tests in Circular 16/14: The Use of Planning Conditions in Development Management.

27. The Inspector gives significant weight to the Section 106 Agreement which would secure financial contributions towards tree planting and education. I agree with the weight given to the Section 106 agreement in relation to application 2020/01218/HYB. (IR 226-229)

Planning Balance and Overall Conclusions

28. The provision of new homes with affordable units is given considerable and significant weight in favour of the development by the Inspector. The Inspector also considers the site is suitable for housing development, having regard to the sustainable development and placemaking principles in PPW. (IR 230-231)
29. Whilst the application site is located outside defined settlement limits the Inspector considers that the scheme's contribution to the supply of housing in a sustainable location is a significant material consideration of sufficient weight to justify departing from the development plan. (IR 232)
30. The Inspector is satisfied the proposal accords with the stepwise approach to site selection, as advocated in PPW, and neither the Councils nor NRW have raised objections on ecological grounds. The scheme would mitigate for the loss of trees. (IR 234 – 236)
31. Whilst the Inspector identifies some conflict with the 2004 version of TAN 15, they are satisfied the benefits of the scheme outweigh any conflict. (IR 237)
32. The Inspector notes, whilst the new bridge would have a considerable impact on the setting of Old Leckwith Bridge, the impact would be less than from the current bridge and viaduct. Also, the removal of heavy traffic from the Old Bridge and its proposed use as a pedestrian and cycling only route would be a major benefit (IR 238). The loss of employment use on the site is acknowledged by the Inspector, however existing site constraints restrict access to the industrial site. (IR 239)
33. The Inspector states they have considered all matters raised, including objections, but none justify withholding permission. (IR 240-241)
34. The Inspector recommends granting planning permission for both applications, subject to recommended conditions. (IR 242-244)

Welsh Ministers' Decision

35. I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for:
- Planning application 2020/01218/HYB, subject to the conditions in Annex A of this decision letter.
 - Planning application 20/02081/MJR, subject to the conditions in Annex B of this decision letter.
36. I accept and adopt the findings of the Inspector's AA and am satisfied the Welsh Ministers, as competent authority, have addressed the relevant requirements of the Habitats Regulations.

37. I have taken the Environmental Statements and all other environmental information provided into account in the consideration of this application, as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

Well-being of Future Generations (Wales) Act 2015 (WFG Act)

38. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. This includes taking all reasonable steps to meet their well-being objectives.
39. I have considered the extent to which granting planning permission meets the Welsh Government's well-being objectives. I recognise there will be some temporary negative environmental effects during construction. Although these impacts would be mitigated through the Construction Environmental Management Plans (CEMPs) they would have a limited negative effect on the objective of making our cities, towns and villages even better places in which to live and work.
40. However, overall implementation of the decision would have a positive effect on the objective to "Make our cities, towns and villages even better places in which to live and work" through the creation of a sustainable residential development and improved transport infrastructure. The effect of this decision on the other objectives is neutral.
41. In reaching my decision on the application, I have taken into account the ways of working set out in section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'.

Looking to the long-term

42. This decision would contribute towards providing much needed housing with affordable units in a sustainable location. The decision would also result in improved transport connections in a National Growth Area, as defined in Future Wales.

Involving people/Collaborating with others

43. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Taking an integrated approach

44. The decision has taken account of the development plan and its integration of economic, social and environmental strands across spatial scales. It has also taken account of the objectives of those public sector organisations involved in the consultation process which are pursuing their own well-being objectives under the WFG Act such as NRW.

Prevention

45. By removing heavy vehicular traffic from the old bridge the decision would prevent the continued deterioration of Old Leckwith Bridge, a Grade II* listed building and

scheduled ancient monument. The decision will also prevent the potential loss or closure of a key transport link between Cardiff and the Vale of Glamorgan.

Reasonable steps

46. I have considered whether, having regard to the Welsh Ministers' wellbeing duty, it would be reasonable to take a different decision. I note the alternative decision would be to refuse planning permission for the development. This would negatively impact on the objectives to "Make our cities, towns and villages even better places in which to live and work". The effect of this alternative decision on the other objectives would be neutral. Consequently, I consider the decision to grant planning permission for both applications, subject to conditions, is a reasonable step in meeting the Welsh Ministers' well-being objectives.

Yours sincerely



Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning

Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

Richborough

Annex A – Conditions

**VALE OF GLAMORGAN COUNCIL PLANNING APPLICATION REF: 2020/01218/HYB
PEDW REF: CAS-03320-P2Z8D5**

Phasing

- 1) Prior to the commencement of any part of the development hereby approved (including demolition and site clearance) or the submission of any application for reserved matters or discharge of conditions, a phasing plan inclusive of a timetable for the construction/delivery of the road and bridge link, each phase of residential development and demolition of the existing viaduct and bridge, shall be submitted to and approved in writing by the local planning authority. The plan shall include details of the timing and delivery of the following:
 - Demolition and site clearance
 - Remediation and mitigation
 - Temporary construction access and associated works
 - Construction deliveries including machinery, materials and importation of clean materials
 - Removal of existing B4267 bridge and viaduct and associated remediation
 - Details of implementation and delivery of connection between the works approved under this permission and the associated works within the Cardiff City Council administrative boundary

All works shall thereafter be carried out in full accordance with the approved phasing plan.

Reason: To ensure the development is carried out in a comprehensive and sustainable manner, in accordance with Policies MD2, MD7 and MD8 of the Local Development Plan.

Outline Time Limit

- 2) Prior to the commencement of a particular phase of the approved development, details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for that phase (or part thereof) of the development shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out as approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 4) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

Plans (Outline)

5) The development shall be carried out in accordance with the following plans:

- 1844/S.101 Rev A Site Location Plan
- 1844/S.102H 'Proposed Masterplan';
- 1844/S.120C 'Leckwith Quay Parameter Plan: Land Use';
- 1844/S.121C 'Leckwith Quay Parameter Plan: Building Heights';
- 1844/S.122C 'Leckwith Quay Parameter Plan: Movement Hierarchy';
- 1844/S.301E 'Proposed Site Massing Sections';
- Environmental Statement prepared by RPS dated October 2020
- Environmental Statement Addendum prepared by Carney Sweeney dated December 2022
- Design and Access Statement prepared by Loyn & Co dated May 2020
- Design and Access Statement Addendum prepared by Loyn & Co dated November 2022
- Planning Report prepared by RPS dated October 2020
- Planning Statement Addendum prepared by Carney Sweeney dated November 2022
- Leckwith Quay: Flood Consequences Assessment prepared by WSP and dated December 2022
- Environmental Noise Assessment Report prepared by Mach Acoustics dated 04 March 2022
- Transport Assessment (TA) dated March 2020.
- Ecological Assessment prepared David Clement Ecology dated November 2022
- Archaeological Desk Based Assessment prepared by Glamorgan Gwent Archaeological Trust dated August 2019
- Arboricultural Impact Assessment Rev A prepared Treescene dated 22nd September 2022
- Tree Survey prepared by Treescene dated 18 August 2022

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

Scale Parameters (Outline)

6) The development shall be carried out in accordance with the scale parameters specified within the following plans:

- 1844/S.120C 'Leckwith Quay Parameter Plan: Land Use';
- 1844/S.121C 'Leckwith Quay Parameter Plan: Building Heights'; and
- 1844/S.122C 'Leckwith Quay Parameter Plan: Movement Hierarchy'.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

Dwelling Limit

7) No more than 228 dwellings shall be erected on the site.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

Statutory Time Limit (Full)

- 8) The realigned road and bridge hereby approved (and as shown on the plans referred to in Condition 9 of this planning permission) shall begin not 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.

Plans (Full)

- 9) The realigned road and bridge hereby permitted shall be carried out in accordance with the following approved plans and documents:
- 1844/S.101 Rev A Site Location Plan
 - 70053561-WSP-XX-XX-CR-DE-1300 'B4267 Leckwith Road Highway Improvements Street Lighting & Traffic Signals';
 - 70053561-WSP-XX-XX-CD-DE-100 'B4267 Leckwith Road Highway Improvements Existing Arrangement';
 - 7005361-WSP-XX-XX-CE-DR-103 'B4267 Leckwith Road Highway Improvements Highway Design Vision Splays, Departures & Relaxations from Standards';
 - 70053561-WSP-XX-XX-DR-CE-105 'B4267 Leckwith Road Highway Improvements Cross Section Location Plan Sheet 1 of 4';
 - 70053561-WSP-XX-XX-CR-DE-106 'B4267 Leckwith Road Highway Improvements Highway Cross Section 2 of 4';
 - 70053561-WSP-XX-XX-CR-DE-107 'B4267 Leckwith Road Highway Improvements Highway Cross Section 3 of 4';
 - 70053561-WSP-XX-XX-CR-DE-108 'B4267 Leckwith Road Highway Improvements Highway Cross Section 4 of 4';
 - 70053561-WSP-XX-XX-DR-CE-104 'B4267 Leckwith Road Highway Improvements Highway Long Section';
 - 70053561-WSP-XX-XX-CR-DE-500 'B4267 'Leckwith Road Highway Improvements Proposed Drainage';
 - 70053561-WSP-XX-XX-CR-DE-109 'B4267 Leckwith Road Highway Improvements Swept Path Analysis';
 - 70053561-WSP-XX-XX-CR-DE-200 'B4267 Leckwith Road Highway Improvements Demolition/Carriageway Tie In' received 24 April 2022
 - 700536561-WSP-XX-XX-CE-DR-102 Rev P01 'B4267 Leckwith Road Highway Improvements General Arrangement (Option 2)';
 - 70053561-WSP-XX-XX-CR-DE-400 Rev P01 'B4267 Leckwith Road Highway Improvements Barriers & Guardrails';
 - 70053561-WSP-XX-XX-CR-DE-600 P01 'B4267 Leckwith Road Highway Improvements Levels and Contours';
 - 70053561-001 Rev P01 'Leckwith Access Bridge Existing General Arrangement'
 - 70053561-002 Rev P05 'Leckwith Quay Bridge Proposed General Arrangement' received 16 May 2023
 - Environmental Statement prepared by RPS dated October 2020
 - Environmental Statement Addendum prepared by Carney Sweeney dated December 2022
 - Design and Access Statement prepared by Loyn & Co dated May 2020

- Design and Access Statement Addendum prepared by Loyn & Co dated November 2022
- Planning Report prepared by RPS dated October 2020
- Planning Statement Addendum prepared by Carney Sweeney dated November 2022
- Flood Consequences Assessment ref 7005-3561-C-RP-0003-07-FCA prepared by WSP, December 2022
- Environmental Noise Assessment Report prepared by Mach Acoustics dated 04 March 2022
- Transport Assessment (TA) dated March 2020
- Ecological Assessment dated November 2022
- Archaeological Desk Based Assessment prepared by Glamorgan Gwent Archaeological Trust dated August 2019
- Arboricultural Impact Assessment Revision A dated prepared Treescene, 22 September 2022
- Tree Survey prepared by Treescene dated 18 August 2022

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system

Highways/Bridge Works

- 10) The soffit level of the bridge shall be set at a minimum of 8.73m AOD.

Reason: To manage the risk of flooding in accordance with Policy MD7 of the Local Development Plan and TAN15.

- 11) Prior to the commencement of the demolition of the existing B4267 Leckwith bridge/viaduct and/or the construction and implementation of the new Leckwith bridge & all associated works, a scheme detailing full proposals for diversionary routes, temporary signage and traffic lights and all associated temporary Traffic Regulation Orders (TRO's) shall be submitted to and approved in writing by the local planning authority.

The scheme shall thereafter be implemented as approved throughout the demolition and construction period.

Reason: To maintain highway efficiency and safety in accordance with Policy MD2 of the Local Development Plan.

- 12) No development shall commence on the bridge/road hereby permitted until full engineering details, to include but not limited to telematics; surface finishes; construction details; underground services (including CCTV and fibre infrastructure); signing & lining; landscaping related infrastructure, design calculations of any structures (certified by a Professional Engineer), details of the vehicular / pedestrian access inclusive of vision splays, street lighting, highway drainage systems, onsite parking, any associated highway retaining structures within the vicinity of the site and any carriageway resurfacing on the Leckwith Road interchange & B4267 Leckwith Hill have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details prior to the beneficial use of the bridge/road.

Reason: To ensure minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety in accordance with Policy MD2 of the Local Development Plan.

- 13) No development shall commence on the construction of the replacement Leckwith Bridge or any other associated structural works, including highway supporting embankment earth works with slope gradients of 1:4, until full technical highway details have been submitted to and approved in writing by the local planning authority. The design and construction of all bridge and structural works must comply with the requirements of the Design Manual for Road and Bridgeworks (DMRB), the Manual of Contract Documents for Highway Works (MCHW). The design of the works must also follow the Technical Approval (TA) process contained within the DMRB. The works must thereafter be carried out in accordance with the approved details.

Reason: To ensure the minimum design and construction standards are achieved in the interests of highway and public safety and to ensure compliance with Policy MD2 of the Local Development Plan

- 14) Prior to the use of the realigned B4267 commencing, a scheme for the Traffic Regulation Orders (TRO's) to include the speed limits on the B4267 Leckwith Bridge, carriageway markings, signage and street lighting to ensure a safe means of access and to prevent parking, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented (by means of a Traffic Regulation Order if necessary) in accordance with the approved details.

Reason: In the interests of highway safety and the free flow of traffic and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan.

- 15) No development shall commence on any part or phase of the development (or part thereof, exclusive of the full element of the permission for the replacement B4267) until full engineering details of the internal road layout for the site including turning facilities, street lighting, highway drainage, onsite parking and any associated highway retaining structures within the vicinity of the site have been submitted to and approved by the local planning authority.

Reason: To ensure the minimum design and construction standards are achieved in the interests of highway and public safety and to ensure compliance with Policy MD2 of the Local Development Plan.

- 16) No dwelling shall be occupied until the new link road, bridge and associated junctions have been completed in accordance with the approved details and are suitable for use by vehicular traffic, pedestrians and cyclists.

Reason: To ensure the proper and timely delivery of the development in accordance with the policies MD2 and MD7 of the Local Development Plan.

- 17) Prior to the commencement of each phase of the approved development a Construction Traffic Management Plan (CTMP) for that particular phase shall be submitted to and approved in writing by the local planning authority. The CTMP shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The approved CTMP shall be adhered to throughout the construction period of that development phase.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policies SP1, MD2 and MD7 of the Local Development Plan.

- 18) Condition Surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to the construction of each phase of the development. The extent of the highway network to be surveyed must be agreed with the local highways authority prior to the survey being undertaken, and the surveys shall then be submitted to and approved in writing by the local planning authority. The surveys shall include a plan showing the location of all defects identified within the routes for construction traffic, and a written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey. The condition surveys shall include details of how damage, caused as a result of construction traffic to highway infrastructure, shall be remediated at the expense of the developer.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 of the Local Development Plan.

- 19) A further Condition Survey along those parts of the highway network agreed under Condition 18 shall be submitted to and approved in writing by the local planning authority within one calendar month of the completion of the development. The Condition Survey shall identify any remedial works to be carried out which are directly attributable to the development and include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 of the Local Development Plan.

- 20) No dwelling shall be occupied on any respective phase of the development (or part thereof) until a Travel Plan for that phase has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include a package of measures tailored to the needs of the site and its future users which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan(s) shall be completed and provided to the residents of that phase in accordance with the approved details.

Reason: To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1, MD1 and MD2 of the Local Development Plan.

Ecology/Environment

- 21) No development shall commence on any part or phase of the development (or part thereof) until a pre-construction ecological survey for protected species (including but not limited to Bats, Newt and Otter) has been carried out and submitted to and approved in writing by the local planning authority. The submitted survey shall include the results of the surveys together with details of any necessary mitigation measures if protected species are present. Where survey results indicate that protected species would be impacted measures to address these impacts shall be submitted to and approved in

writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with the relevant requirements of Policies MG19 and MD9 of the Local Development Plan.

- 22) No development shall commence on any part or phase of the development (or part thereof) until a Bat Conservation Plan for that phase has been submitted to and approved in writing by the local planning authority. The Bat Conservation Plan shall include:

- Details of impacts (direct and indirect) from the highway and bridge works upon any bat roosts identified within structures, buildings and trees on site.
- Details of measures to avoid potential harm to bats, including details of pre-commencement surveys or checks where required.
- Details of measures to mitigate the impacts upon bats, including details of the design and location of replacement roosts appropriate to the species and nature of the roosts identified.
- Details of timing, phasing and duration of construction activities and conservation measures.

The Bat Conservation Plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with the relevant requirements of Policies MG19 and MD9 of the Local Development Plan.

- 23) No development shall commence on any part or phase of the development (or part thereof) until an Otter Conservation Plan (OCP) shall be submitted to and approved in writing by the local planning authority. The OCP shall include:

- A plan of the vegetated buffer to be retained alongside the river showing the width of the buffer, extent and location of habitat to be retained and created.
- Measures to protect the buffer from human disturbance.
- Details of protective measures to prevent incidental killing, injuring or capture of otters during construction.
- Details of suitable features to be included in the design of the new road bridge to ensure otter will be able to pass under the road safely, particularly at times of high water level.
- An assessment of the impacts of the proposals upon otter. This should consider direct and indirect impacts and address the construction and operational phases. Clarification of the extent, distribution and structure of existing habitat; habitat lost, habitat to be retained, enhanced, and any habitat to be created; and an assessment of their condition and value for otter.
- Details of initial aftercare (if new habitat is to be created) and ongoing management proposals for the long-term maintenance of retained/created vegetation along the riverbank as suitable for otter.

The Otter Conservation Plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with Policies MG19 and MD9 of the Local Development Plan.

- 24) No development shall commence on any part or phase of the development (or part thereof) until a wildlife habitat protection and enhancement plan for that phase has been submitted to and approved in writing by the local planning authority. The wildlife habitat protection and enhancement plan shall include each species/species group identified within the Ecological Assessment dated November 2022 prepared by David Clements Ecology and include details of locations and timings of clearance works and the impacts on each species as well as any mitigation required for each species.

Each phase of the development shall thereafter be carried out in accordance with the approved wildlife habitat protection and enhancement plan and any associated mitigation, compensation and enhancement shall be retained in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with Policies SP1, MG19, MG20 and MG21 of the Local Development Plan.

- 25) Prior to the commencement of development, a landscape, woodland and ecological enhancement, monitoring and management plan for the whole site shall be submitted to and approved in writing by the local planning authority. The management plan should last for no less than 15 years from the approval of the plan to ensure that biodiversity is retained and enhanced on the site. The development shall thereafter be carried out in accordance with the approved management plan.

Reason: To provide suitable biodiversity mitigation and enhancement on the site, in accordance with Policy MD9 of the Local Development Plan.

- 26) No development shall commence on the construction of the replacement Leckwith Bridge, link road or any other associated works until a lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Details of the siting and type of external lighting to be used during the operation phase.
- Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.

The lighting scheme shall be installed and retained in perpetuity in accordance with the approved details.

Reason: To protect the habitats and the commuting corridors of protected species (including bats/otters) along the Western boundary of the site and the River Ely in accordance with the requirements of Policies MG19 and MD9 of the Development Plan.

- 27) Any reserved matters submission for each phase of the development shall be accompanied by a lighting scheme. The scheme should include:
- Details of the siting and type of external lighting to be used during the operation phase.
 - Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.

The lighting scheme shall be installed and retained in perpetuity in accordance with the approved details.

Reason: To protect the habitats and the commuting corridors of protected species (including bats and otters) along the western boundary of the site and the River Ely in accordance with the requirements of Policies MG19 and MD9 of the Development Plan.

- 28) No site clearance of trees, bushes, shrubs or buildings shall take place between 1st March and 15th August unless otherwise approved in writing by the local planning authority. This approval will be given if it can be demonstrated that there are no birds nesting on the site 48 hours prior to works commencing.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981 and in accordance with Local Development Plan Policy MD9.

- 29) No development or site clearance shall commence until a Construction Environment Management Plan (CEMP) for that particular phase of development, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The methods of working and other measures contained in the approved CEMP shall be adhered to and carried out in accordance with the agreed timetable for implementation.

Reason: To safeguard the environment in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 30) No development shall commence on any part or phase of the development (or part thereof) until a site wide Biosecurity Risk Assessment for the treatment of non-native invasive species (including Japanese knotweed or Himalayan balsam) has been submitted to and approved in writing by the local planning authority. The Biosecurity Risk Assessment shall include measures to control, remove or for the long-term management of Japanese knotweed and Himalayan balsam during site-clearance, construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Biosecurity Risk Assessment is implemented, to secure measures to control the spread and effective management of invasive non-native species at the site, in accordance with Policies MD7 and MD9 of the Local Development Plan.

Trees, Landscaping and Public Open Space

- 31) Any reserved matters submission for each phase of development shall be accompanied by a revised Arboricultural Implications Assessment and Method Statement for that particular phase. This should include:

- i. the protection of all retained trees within the development or phase of development;
- ii. the proposed pruning, felling or other tree work to be carried out by a professionally qualified tree surgeon and in accordance with BS 3998:2010;
- iii. the appointment of a Project Arborist responsible for the marking of trees to be felled, monitoring the implementation of all tree protection measures, demolition activity and foundation works and keeping an auditable record of monitoring;
- iv. further details of the full implementation of all recommended barrier fencing and ground protection measures; and,
- v. the removal and installation of all hard surfacing, drainage excavations and specialist foundation to be undertaken in accordance with recommended construction techniques and working methodology to be approved.

The works shall thereafter be carried out in accordance with the approved details.

Reason: To avoid damage to trees on or adjoining the site in compliance with Policies SP1, SP10, MD1, MD2, MD8 of the Local Development Plan.

- 32) No development shall commence on any part or phase of the development (or part thereof) until a Landscaping and Tree Planting Strategy has been submitted to and approved in writing by the local planning authority. The Strategy should accord with the tree planting areas shown on drawings JSL-4323-RPS-XX-EX-DR-L-9001 Rev P03 'Landscape Strategy General Arrangement (Whole Site)', in accordance with the specification contained within JSL-4323-RPS-XX-EX-DR-L-9008 Rev P02 'Indicative Landscape Planting Schedule and Specification'.

The Strategy shall include:

- details of replacement/supplementary tree planting for the site, the site boundaries, woodland edges, car parking areas, amenity spaces and open spaces;
- plans for off-site planting, and
- a level of tree coverage equivalent to a ratio of at least 3 trees for every 1 lost, unless there is a sound ecological or arboricultural reason to provide a lesser ratio.

The Landscaping and Tree Planting Strategy shall be implemented in accordance with the approved details.

Reason: To provide suitable replacement and new tree planting on the site, in accordance with Policies SP1, MG17, MD1 and MD2 of the Local Development Plan.

- 33) All planting, seeding or turfing comprised in the approved details of the Landscaping and Tree Planting Strategy shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development within any particular phase (as agreed by condition 1 of this permission), whichever is the sooner. Any trees or plants which die within a period of 10 years from the completion of the development or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1, MG17, MD1 and MD2 of the Local Development Plan.

- 34) No dwelling shall be occupied on any respective phase of the development (or part thereof) until a scheme for the provision and maintenance of Public Open Space (including any children's play equipment) for that phase of development has been submitted to and approved in writing by the local planning authority. The public open space shall thereafter be provided and retained in perpetuity in accordance with the approved details.

Reason: To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan.

Noise

- 35) Any reserved matters submission for each phase of development shall be designed in accordance with the principles and noise levels identified within the 'Environmental Noise Assessment Report prepared by Mach Acoustics' dated 4 March 2022. It should include details of background noise sources/levels and measures to protect the living conditions of residents in the development. External amenity areas across the site should achieve below 55dB(A) as a minimum with a view of achieving a level of 50dB(A); and internal noise levels shall comply with British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings' (or any other order/Standard revoking and re-enacting that Standard with or without revocation).

The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.

Reason: To safeguard the living conditions of future occupiers of the development, in accordance with Policies SP1 and MD7 of the Local Development Plan.

Contamination

- 36) No development or site clearance shall commence on any part or phase of the development (or part thereof) until a site investigation of the nature and extent of contamination affecting that particular phase has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. This investigation must be carried out in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The methodology shall include measures for unforeseen contamination found during construction. The results of the site investigation shall be made available to the local planning authority before any development begins on that particular phase. The site investigation shall be carried out and implemented in accordance with the approved methodology.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the local planning authority agrees to any variation.

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 in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 37) No development or site clearance shall commence on any part or phase of the development (or part thereof) until a remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the local planning authority agrees to any variation.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 38) The remediation scheme approved by condition 37 shall be undertaken in accordance with its terms prior to the occupation of any part of the development within a particular phase. The local planning authority shall be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to the local planning authority for approval. Any recommendations for additional remediation shall be undertaken in accordance with the approved details and in accordance with an approved timetable.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017).

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 39) In the event that contamination is found at any time when carrying out the 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 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 local planning authority within two weeks of the discovery of any unsuspected contamination.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 40) No development or site clearance shall commence on any part or phase of the development (or part thereof) until a scheme to investigate and monitor the site for

the presence of gases generated at the site or on adjoining land and their treatment or management has been submitted to and approved in writing by the local planning authority. Where required, gas protection measures shall be installed and verified before occupation of that part of development or phase and retained and maintained until such time as the local planning authority agrees in writing that the measures are no longer required.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 41) Any topsoil (natural or manufactured) or subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported 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 Pollution Control's Imported Materials Guidance Notes and 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 local planning authority.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 42) 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 the reuse of site won materials. Only material which meets site specific target values approved by the local planning authority shall be reused. The scheme shall be implemented as approved during the course of the development.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

Drainage

- 43) The development shall be carried out in accordance with the recommendations in the Flood Consequences Assessment reference 7005-3561-C-RP-0003-07-FCA dated December 2022.

Reason: To protect future residents and third parties from any flood risk in accordance with Policies SP1 and MD1 of the Local Development Plan.

- 44) No development or site clearance shall commence on any part or phase of the development (or part thereof) until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater shall be submitted to and approved in writing by the local planning authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: To ensure there is no unacceptable risk to groundwater in accordance with Policy MD7 of the Local Development Plan.

- 45) No development or site clearance shall commence on any part or phase of the development (or part thereof) until a potable water scheme to serve the site has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the development shall be delivered prior to the occupation of any building. The agreed scheme shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply in accordance with Policy MD7 of the Local Development Plan.

- 46) Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at the 1600mm foul sewer at manhole reference number ST16751201. The sewerage connection shall be made prior to the beneficial use of the development hereby approved.

Reason: To prevent hydraulic overloading of the public sewerage in accordance with Policy MD7 of the Local Development Plan.

- 47) No infiltration of surface water drainage into the ground is permitted. If this is not possible a drainage scheme demonstrating there would be no unacceptable risk to controlled waters shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent unacceptable levels of water pollution in accordance with Policy MD7 of the Local Development Plan.

- 48) Any reserved matters submission for each phase of development shall include details of existing ground levels and proposed finished ground and floor levels for the site and buildings. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the visual amenity of the area is safeguarded and to prevent flooding in accordance with Policies MD2 and MD7 of the Local Development Plan.

Historic Environment

- 49) No development or site clearance shall commence on any part or phase of the development (or part thereof) until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the local planning authority. The final report shall be deposited with the local planning authority prior to first occupation of any building on the development hereby approved, in order that it may be forwarded to the Historic Environment Record.

Reason: To ensure features and buildings of historical and archaeological interest are recorded in accordance with Policies SP1, SP10 and MD8 of the Local Development Plan.

- 50) No development or site clearance shall commence on any part or phase of the development (or part thereof) until the applicant, or their agents or successors in title,

has secured agreement for a written scheme of historic environment mitigation which has been first submitted to and approved in writing by the local planning authority. The programme of work shall be carried out and implemented in accordance with the approved written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in accordance with Policies SP1, SP10 and MD8 of the Local Development Plan.

Gigabit Provision

- 51) No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

Richborough

Annex B – Conditions

CARDIFF COUNCIL PLANNING APPLICATION REF: 20/02081/MJR
PEDW REF: CAS-03455-L1C4M8

Statutory Time Limit

- 1) The development permitted 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:
 - 1844/S.101 Rev A Site Location Plan
 - 70053561-WSP-XX-XX-CR-DE-1300 'B4267 Leckwith Road Highway Improvements Street Lighting & Traffic Signals';
 - 70053561-WSP-XX-XX-CD-DE-100 'B4267 Leckwith Road Highway Improvements Existing Arrangement';
 - 7005361-WSP-XX-XX-CE-DR-103 'B4267 Leckwith Road Highway Improvements Highway Design Vision Splays, Departures & Relaxations from Standards';
 - 70053561-WSP-XX-XX-DR-CE-105 'B4267 Leckwith Road Highway Improvements Cross Section Location Plan Sheet 1 of 4';
 - 70053561-WSP-XX-XX-CR-DE-106 'B4267 Leckwith Road Highway Improvements Highway Cross Section 2 of 4';
 - 70053561-WSP-XX-XX-CR-DE-107 'B4267 Leckwith Road Highway Improvements Highway Cross Section 3 of 4';
 - 70053561-WSP-XX-XX-CR-DE-108 'B4267 Leckwith Road Highway Improvements Highway Cross Section 4 of 4';
 - 70053561-WSP-XX-XX-DR-CE-104 'B4267 Leckwith Road Highway Improvements Highway Long Section';
 - 70053561-WSP-XX-XX-CR-DE-500 'B4267 'Leckwith Road Highway Improvements Proposed Drainage';
 - 70053561-WSP-XX-XX-CR-DE-109 'B4267 Leckwith Road Highway Improvements Swept Path Analysis';
 - 70053561-WSP-XX-XX-CR-DE-200 'B4267 Leckwith Road Highway Improvements Demolition/Carriageway Tie In' received 24 April 2022
 - 700536561-WSP-XX-XX-CE-DR-102 Rev P01 'B4267 Leckwith Road Highway Improvements General Arrangement (Option 2)';
 - 70053561-WSP-XX-XX-CR-DE-400 Rev P01 'B4267 Leckwith Road Highway Improvements Barriers & Guardrails';
 - 70053561-WSP-XX-XX-CR-DE-600 P01 'B4267 Leckwith Road Highway Improvements Levels and Contours';
 - 70053561-001 Rev P01 'Leckwith Access Bridge Existing General Arrangement'
 - 70053561-002 Rev P05 'Leckwith Quay Bridge Proposed General Arrangement' received 16 May 2023

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

Ecology/Environment

- 3) No development shall commence on any part of the development until a pre-construction ecological survey for protected species (including but not limited to Bats, Newt and Otter) has been carried out and submitted to and approved in writing by the local planning authority. The submitted survey shall include the results of the surveys together with details of any necessary mitigation measures if protected species are present. Where survey results indicate that protected species would be impacted measures to address these impacts shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with the relevant requirements of Policies KP16, EN5, EN6 and EN7 of the Local Development Plan.

- 4) No development shall commence on any part of the development until a Bat Conservation Plan for that phase has been submitted to and approved in writing by the local planning authority. The Bat Conservation Plan shall include:
- Details of impacts (direct and indirect) from the highway and bridge works upon any bat roosts identified within structures, buildings and trees on site.
 - Details of measures to avoid potential harm to bats, including details of pre-commencement surveys or checks where required.
 - Details of measures to mitigate the impacts upon bats, including details of the design and location of replacement roosts appropriate to the species and nature of the roosts identified.
 - Details of timing, phasing and duration of construction activities and conservation measures.

The Bat Conservation Plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with the relevant requirements of Policy EN7 of the Local Development Plan.

- 5) No development shall commence on any part of the development until an Otter Conservation Plan (OCP) shall be submitted to and approved in writing by the local planning authority. The OCP shall include:
- A plan of the vegetated buffer to be retained alongside the river showing the width of the buffer, extent and location of habitat to be retained and created.
 - Measures to protect the buffer from human disturbance.
 - Details of protective measures to prevent incidental killing, injuring or capture of otters during construction.
 - Details of suitable features to be included in the design of the new road bridge to ensure otter will be able to pass under the road safely, particularly at times of high water level.
 - An assessment of the impacts of the proposals upon otter. This should consider direct and indirect impacts and address the construction and operational phases.

Clarification of the extent, distribution and structure of existing habitat; habitat lost, habitat to be retained, enhanced, and any habitat to be created; and an assessment of their condition and value for otter.

- Details of initial aftercare (if new habitat is to be created) and ongoing management proposals for the long-term maintenance of retained/created vegetation along the riverbank as suitable for otter.

The Otter Conservation Plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with Policy EN7 of the Local Development Plan.

- 6) Prior to the beneficial use of the new road bridge commencing, the following ecological enhancements shall be installed:
- i. A specifically designed bat house near the river to benefit the lesser horseshoe bat;
 - ii. Ledges within the bridge structure for flycatchers and wagtails; and
 - iii. Two kingfisher nesting boxes on the bridge parapets.

A plan indicating the location of the above ecological enhancements, and evidence they have been installed in line with guidance/best practice, shall be submitted to and approved in writing by the local planning authority prior to the use of the new road bridge commencing. The ecological enhancements shall be retained in perpetuity.

Reason: To maintain and enhance biodiversity and promote the resilience of ecosystems in accordance with Local Development Plan Policies KP16, EN5, EN6 and EN7.

- 7) No site clearance of trees, bushes, shrubs or buildings shall place between 1st March and 15th August unless otherwise approved in writing by the local planning authority. This approval will be given if it can be demonstrated that there are no birds nesting on the site 48 hours prior to works commencing.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981 and in accordance with Local Development Plan Policy EN7.

- 8) No development or site clearance shall commence until a lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Details of the siting and type of external lighting to be used during the operation phase.
- Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.

The lighting scheme shall be installed and retained in perpetuity in accordance with the approved details.

Reason: To protect the habitats and the commuting corridors of protected species (including bats and otters) along the western boundary of the site and the River Ely in accordance with the requirements of Policy EN7 of the Local Development Plan.

- 9) No development or site clearance shall commence until a Construction Environment Management Plan (CEMP) for that particular phase of development, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The methods of working and other measures contained in the approved CEMP shall be adhered to and carried out in accordance with the agreed timetable for implementation.

Reason: To safeguard the environment in accordance with T5, T6, EN6, EN7, and EN13 of the Local Development Plan.

- 10) No development shall commence on any part of the development until a site wide Biosecurity Risk Assessment for the treatment of non-native invasive species (including Japanese knotweed or Himalayan balsam) has been submitted to and approved in writing by the local planning authority. The Biosecurity Risk Assessment shall include measures to control, remove or for the long-term management of Japanese knotweed and Himalayan balsam during site-clearance, construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Biosecurity Risk Assessment is implemented, to secure measures to control the spread and effective management of invasive non-native species at the site, in accordance with Policy EN13 of the Local Development Plan.

Landscaping

- 11) No development shall commence on any part of the development until full details of soft landscaping and its future management has been submitted to and approved in writing by the local planning authority. The details shall include:
 - i. A soft landscaping implementation programme;
 - ii. Scaled planting plans prepared by a qualified landscape architect;
 - iii. Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting;
 - iv. Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect;
 - v. Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree;
 - vi. Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (i.e. Soil Resource Survey and Plan), soil protection,

soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement;

- vii. Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the local planning authority to confirm compliance with the approved plans and specifications;
- viii. Details of management prescriptions for 5 years (short-term) and up to 15 years (long-term).

The landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with Local Development Plan Policy KP16.

- 12) All planting, seeding or turfing comprised in the approved details of the Landscaping and Tree Planting Strategy shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which die within a period of 10 years from the completion of the development or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy KP16 of the Local Development Plan.

Contamination

- 13) No development or site clearance shall commence until a site investigation of the nature and extent of contamination affecting the site has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. This investigation must be carried out in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The methodology shall include measures for unforeseen contamination found during construction. The results of the site investigation shall be made available to the local planning authority before any development begins on that particular phase. The site investigation shall be carried out and implemented in accordance with the approved methodology.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the local planning authority agrees to any variation.

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 in accordance with Policy EN13 of the Local Development Plan.

- 14) No development or site clearance shall commence on any part of the development until a remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the local planning authority agrees to any variation.

Reason: To ensure the safety of future occupiers of the development in accordance with Policy EN13 of the Local Development Plan.

- 15) The remediation scheme approved by condition 14 shall be undertaken in accordance with its terms prior to the occupation of any part of the development within a particular phase. The local planning authority shall be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to the local planning authority for approval. Any recommendations for additional remediation shall be undertaken in accordance with the approved details and in accordance with an approved timetable.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017).

Reason: To ensure the safety of future occupiers of the development in accordance with Policy EN13 of the Local Development Plan.

- 16) 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 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 local planning authority within two weeks of the discovery of any unsuspected contamination.

Reason: To ensure the safety of future occupiers of the development in accordance with Policy EN13 of the Local Development Plan.

- 17) Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported 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 material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the local planning authority.

Reason: To safeguard future occupiers in accordance with Local Development Plan Policy EN13.

- 18) Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the local planning authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the local planning authority shall be reused.

Reason: To safeguard future occupiers in accordance with Local Development Plan Policy EN13.

Drainage

- 19) The soffit level of the bridge hereby approved shall be set at least at 8.73m AOD.

Reason: To manage and reduce the risk of flooding in accordance with Local Development Plan Policies KP15 and EN14.

- 20) Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at the 1600mm combined sewer at manhole reference number ST16751201. The sewerage connection shall be made prior to the beneficial use of the development hereby approved.

Reason: To prevent hydraulic overloading of the public sewerage in accordance with Local Development Plan Policy EN10.

- 21) No infiltration of surface water drainage into the ground is permitted. If this is not possible a drainage scheme demonstrating there would be no unacceptable risk to controlled waters shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent unacceptable levels of water pollution in accordance with Policy EN11 of the Local Development Plan.

- 22) No development or site clearance shall commence on any part of the development until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater shall be submitted to and approved in writing by the local planning authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: To ensure there is no unacceptable risk to groundwater in accordance with Policies EN6, EN7 and EN11 of the Local Development Plan.

Highways/Public Realm

- 23) No development or site clearance shall commence on any part of the development until full engineering details, to include but not limited to telematics; surface finishes; construction details; underground services (including CCTV and fibre infrastructure); signing & lining; landscaping related infrastructure, design calculations of any structures (certified by a Professional Engineer), details of the vehicular / pedestrian access inclusive of vision splays, street lighting, highway drainage systems, onsite parking, any associated highway retaining structures within the vicinity of the site and any carriageway resurfacing on the Leckwith Road interchange & B4267 Leckwith Hill have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details prior to the use of the bridge/road.

Reason: To ensure minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety in accordance with Policies T1, T5, T6 and T8 of the Local Development Plan.

Historic Environment

- 24) No development or site clearance shall commence on any part of the development until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the local planning authority. The final report shall be deposited with the local planning authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record.

Reason: To ensure features and buildings of historical and archaeological interest are recorded in accordance with Policy KP17 of the Local Development Plan.

- 25) No development or site clearance shall commence on any part of the development until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been first submitted to and approved in writing by the local planning authority. The programme of work shall be carried out and implemented in accordance with the approved written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in accordance with Policy KP17 of the Local Development Plan.

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.



Penderfyniadau
Cynllunio ac
Amgylchedd **Cymru**
Planning &
Environment
Decisions **Wales**

Report

Site visit made on 6 January 2025

by Richard Duggan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 06/03/2025

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 77

APPLICATIONS BY: MR PHIL WORTHING

LOCAL PLANNING AUTHORITIES:

THE VALE OF GLAMORGAN COUNCIL:

HYBRID APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 228 DWELLINGS (SUBMITTED IN OUTLINE), ASSOCIATED HIGHWAY AND BRIDGE IMPROVEMENT/REALIGNMENT WORKS (SUBMITTED IN FULL). DEVELOPMENT INVOLVES THE DEMOLITION OF ALL BUILDINGS ON SITE AND OF THE EXISTING B4267 LECKWITH ROAD BRIDGE

CITY OF CARDIFF COUNCIL:

HIGHWAY AND BRIDGE WORKS NECESSARY TO IMPLEMENT PROPOSED HYBRID SCHEME FOR UP TO 250 DWELLINGS AND ASSOCIATED HIGHWAY AND BRIDGE WORKS AT LECKWITH QUAYS (LOCATED WITHIN VALE OF GLAMORGAN)

AT: LECKWITH QUAY, LECKWITH ROAD, LECKWITH CF11 8AU

CAS-03320-P2Z8D5

Site address: Leckwith Quay, Leckwith Road, Leckwith CF11 8AU

- The application was called in for decision by the Minister for Climate Change and Rural Affairs, one of the Welsh Ministers, in a letter issued under Section 77 of the Town and Country Planning Act 1990, on 6 March 2024.
- The application is made by Mr Phil Worthing to the Vale of Glamorgan Council.
- The application Ref: 2020/01218/HYB is dated 7 October 2020.
- The development proposed is: 'Hybrid application for residential development for up to 228 dwellings (submitted in outline), associated highway and bridge improvement/realignment works (submitted in full). Development involves the demolition of all buildings on site and of the existing B4267 Leckwith Bridge Road bridge'.
- A site visit was made on 6 January 2025.

Summary of Recommendation:

That planning permission be granted subject to conditions.

CAS-03455-L1C4M8

Site address: Leckwith Quay, Leckwith Road, Leckwith CF11 8AU

- The application was called in for decision by the Minister for Climate Change and Rural Affairs, one of the Welsh Ministers, in a letter issued under Section 77 of the Town and Country Planning Act 1990, on 29 April 2024.
- The application is made by Mr Phil Worthing to the City of Cardiff Council.
- The application Ref: 20/02081/MJR is dated 7 October 2020.
- The development proposed is: 'Highway and bridge works necessary to implement proposed hybrid scheme for up to 228 dwellings and associated highway and bridge works at Leckwith Quays (located within Vale of Glamorgan)'.
- A site visit was made on 6 January 2025.

Summary of Recommendation:

That planning permission be granted subject to conditions.

Background and Procedural Matters

1. As set out above there are two applications at the site, one submitted to the Vale of Glamorgan Council Ref: 2020/01218/HYB and the other submitted to the City of Cardiff Council Ref: 20/02081/MJR.
 2. The planning application within the Vale of Glamorgan Council (VGC) is a hybrid application within which full planning permission is sought for works to provide a replacement bridge and associated highway realignment of the B4267. Outline planning permission is also sought for a residential development consisting of up to 228 dwellings on the northern and southern plateaus of the existing industrial site at Leckwith Quays. All matters apart from access are reserved for future approval in relation to the outline application. However, a proposed masterplan for the development has been submitted showing the potential layout of the site, and the scale parameters
-

provided with the application indicate a development of residential blocks of 4-6 storeys in height on the northern plateau and units of 3-4 storeys and 2-3 storeys in height on the southern plateau.

3. During the course of the Council's determination of the hybrid application the number of proposed dwellings was reduced from 250 to 228. This is reflected in the description of development in the report cover and banner headings above.
4. The VGC planning committee first considered the hybrid planning application on 26 October 2023 where it was resolved to defer a decision for a site visit to take place. Following this site visit the application was reported back to the planning committee on 30 November 2023 where it was resolved to follow the officer's recommendation and grant planning permission subject to conditions and the completion of a Section 106 Agreement. The planning application within the City of Cardiff Council (CCC) has not been reported to a planning committee to date.
5. To avoid duplication, I shall consider both applications together in this Report, albeit with separate recommendations.
6. I held a hearing on 26 November 2024 and undertook an unaccompanied site visit on 6 January 2025 to enable me to view the proposed development site from the immediate and wider surroundings.

The Site and Surroundings

7. The site extends to approximately 8.3 ha and is located adjacent to the River Ely on the border between the administrative boundaries of Cardiff (to the east) and the Vale of Glamorgan (to the west). The site is known as Leckwith Yard/Works or Leckwith Quays and is accessed off Leckwith Road via two bridges - the Leckwith Road Bridge and Viaduct which crosses the site, and the 'Old Leckwith Bridge' which is a Grade II* listed structure also designated as a Scheduled Ancient Monument.
8. The site is located outside of any settlement boundaries and defined as open countryside within the Vale of Glamorgan Council Local Development Plan (LDP) Adopted in June 2017. To the south and west of the site are large areas of woodland comprising Leckwith Wood and Factory Wood. The River Ely runs along the north-eastern boundary of the site along with the A4232 Ely-Grangetown Link Road. The site itself is made up of two areas either side of the bridge, both largely cleared and levelled land for industrial and commercial use with associated buildings. There are two existing residential properties on the site.
9. The site is bordered by the Factory Wood Site of Importance for Nature Conservation (SINC) and the Ely Valley & Ridge Slopes Special Landscape Area (SLA). The site is adjacent to the River Ely SINC and is also partly within Flood Zone C1 as identified within the development advice maps accompanying the current Technical Advice Note (TAN) 15.

The Proposed Development

10. The residential development (subject to the outline application) would consist of up to 228 dwellings with a mix of houses and apartments with associated public open space, landscaping and parking areas. The development would be split into two parcels either side of the proposed new bridge crossing referred to as the northern plateau (1.3ha) and the southern plateau (6.4ha).
11. Access to the residential development would be via a new bridge positioned upstream of the Grade II* listed Old Bridge. The access road and new bridge works would include the removal of the existing Leckwith bridge and viaduct and the realignment of the B4267 Leckwith Road Link. The new alignment would include a 3.5m wide cycleway

and footway on one side of the road and a 2m wide footway and include vehicular access points into the residential development.

12. The proposals do not intend to take the existing bridge 'off-line' for a number years as that would sever the strategic highway link from Vale of Glamorgan to Cardiff. Instead, the strategy is to allow the construction of a replacement road and bridge without the need for the closure of the existing bridge. The old listed bridge currently provides vehicular access into the site and to safeguard the future integrity of the bridge it would only be used by pedestrians and cyclists.

Planning Policy

The Development Plan

13. The development plan comprises Future Wales (FW), the Vale of Glamorgan Council Local Development Plan (LDP) Adopted in June 2017 and the Cardiff LDP adopted in January 2016.

Future Wales: The National Plan 2040

14. The policies in the spatial strategy of FW direct strategic areas for growth, identifying both Regional Growth Areas and National Growth Areas (Policy 33). The National Growth Areas include Cardiff, Newport and the Valleys. Strategic placemaking principles are introduced to shape urban growth and regeneration in these areas, which includes ensuring a range of mix of uses and housing types to improve walkability and permeability, as well as increasing population density and promoting a plot-based approach to development which incorporates green infrastructure.
15. Policy 2 states that growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure.
16. Policy 3 states that the Welsh Government will play active and enabling roles to support the delivery of urban growth and regeneration to ensure that growth and regeneration aspirations can be met.
17. Policy 7 outlines that the planning system must facilitate the provision of additional market and affordable housing and recognises that there is a complex picture of housing need and provision.
18. Policy 9 requires action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), and that the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Vale of Glamorgan Council LDP (Adopted June 2017)

19. The Council's planning committee report lists the following LDP policies that are relevant to the proposed development:

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP2 – Strategic Sites

POLICY SP3 – Residential Requirement

POLICY SP4 – Affordable Housing Provision

POLICY SP7 – Transportation

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

POLICY MG16 – Transport Proposals

POLICY MG17 – Special Landscape Areas

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats 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 MD4 – Community Infrastructure and Planning Obligations

POLICY MD6 – Housing Densities

POLICY MD7 – Environmental Protection

POLICY MD8 – Historic Environment

POLICY MD9 – Promoting Biodiversity

POLICY MD16 – Protection of Existing Employment Sites and Premises

Cardiff LDP (adopted in January 2016)

20. The following policies are considered relevant to the development

Key Policies:

POLICY KP5 (Good Quality and Sustainable Design)

POLICY KP6 (New Infrastructure)

POLICY KP7 (Planning Obligations)

POLICY KP8 (Sustainable Transport)

POLICY KP12 (Waste)

POLICY KP14 (Healthy Living)

POLICY KP15 (Climate Change)

POLICY KP16 (Green Infrastructure)

POLICY KP17 (Built Heritage)

POLICY KP18 (Natural Resources)

Detailed Policies:

POLICY EN4 (River Corridors)

POLICY EN5 (Designated Sites)

POLICY EN6 (Ecological Networks and Features of Importance for Biodiversity)

POLICY EN7 (Priority Habitats and Species)

POLICY EN8 (Trees, Woodlands and Hedgerows)
POLICY EN9 (Conservation of the Historic Environment)
POLICY EN10 (Water Sensitive Design)
POLICY EN11 (Protection of Water Resources)
POLICY EN13 (Air, Noise, Light Pollution and Land Contamination)
POLICY EN14 (Flood Risk)
POLICY T1 (Walking and Cycling)
POLICY T5 (Managing Transport Impacts)
POLICY T6 (Impact On Transport Networks and Services)
POLICY T8 (Strategic Recreational Routes)
POLICY C3 (Community Safety/Creating Safe Environments)

National Policy – Planning Policy Wales (PPW) Edition 12

21. One of the aims within PPW is maximising well-being and creating sustainable places through placemaking. Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes, and considers the context, function and relationships between a development site and its wider surroundings.
22. The Key Planning Principles set out within PPW are: Growing our economy in a sustainable manner; Making best use of resources; Facilitating accessible and healthy environments; Creating & sustaining communities; and Maximising environmental protection and limiting environmental impact. In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development proposals must seek to deliver developments that address the national sustainable placemaking outcomes.
23. Major generators of travel demand, such as housing should be located within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport (paragraph 3.50). Similarly, paragraph 4.1.1 sets out how the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport.
24. Paragraph 3.55 advises that previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles, and any constraints can be overcome.
25. In terms of 'Transportation Infrastructure' paragraph 5.3.13 states that the process of designing new road schemes and road improvements should take into account the transport hierarchy, whereby active and sustainable transport is considered before private motor vehicles. This will help to minimise community severance from a scheme and its impacts on the safety, convenience and amenity of routes for journeys on foot, bicycle and public transport.
26. PPW Paragraph 6.4.5 refers to the duty under Section 6 of the Environment (Wales) Act 2016 and advises that planning authorities must seek to maintain and enhance biodiversity. This includes not causing significant loss of habitats or populations of species, providing a net biodiversity benefit and enabling the improvement of the resilience of ecosystems by following the DECCA Framework i.e. taking into account the diversity, extent, condition, connections and adaptability of ecosystems.

27. Paragraph 6.4.15 details the step-wise approach which adopts a hierarchy, which is to avoid, then minimise, mitigate/restore, compensate on site, compensate off-site and finally to refuse permission. Enhancement should feature in all steps.
28. Development should take the opportunity to develop green infrastructure where this would improve ecosystems resilience. Paragraph 6.4.12 explains that where enhancement proportionate to the scale and nature of the development is not proposed significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

The Case for the Applicant

29. The planning application described above is supported by a range of technical reports/assessments and other documents. The following is a summary of the applicant's case in relation to the issues raised within the call-in direction.

Is the site located in a sustainable location where a modal shift away from the private car could be achieved?

30. The Transport Assessment (TA), included at Appendix 4.1 of the Environmental Statement (ES), provides an analysis of the sustainability credentials of the site which highlights local walking and cycling infrastructure and connectivity to the surrounding area, local complementary facilities and the site's accessibility to public transport in the form of bus and rail. There are shared footways/cycleways on both sides of the B4267 Leckwith Road providing a comprehensive network of safe signalised crossing facilities and off-road walking routes to local facilities.
31. The nearby Capitol Shopping Park offers local retail and food shopping opportunities and the nearest supermarket (Asda Leckwith Road Superstore) being around 450 metres walking distance from the site. In addition to the retail park, additional employment opportunities can be found along Hadfield Road at around 250m walking distance which is lined with industrial units, car sales, wholesale and domestic retailers. The local area contains leisure opportunities including sports centres, stadium and gyms which can be accessed via a short walk of some 10 to 15 minutes from the site, which is more attractive than car use at peak travel times and therefore encourages modal shift.
32. The TA lists education facilities within 2 kilometres walking distance from the site including a Welsh medium school (1,300 metres), a primary school (1,700 metres) and a high school (1,700 metres), and Fitzalan High School lies approximately 550 metres from the site. This enables a high proportion of walking / cycling trips from the site for education purposes.
33. The site can access bus services within walking distance. Two services are available at a frequency of 30 minutes from 0645 hours until 2133 hours with locations to the Vale of Glamorgan such (Barry and Penarth) and the city centre. Ninian Park railway station is located around 1.1km walking distance providing regular services to Cardiff Central, which in turn provides regular services to wider destinations such as London, Manchester, Swansea and Bristol.
34. The development is located to reduce the need to travel, particularly by private vehicles, and support a modal shift to walking and cycling and public transport, therefore complying with FW, PPW and the VGC LDP Policies MD1 (Location of New Development) and MD2 (Design of New Development).

Does the proposal deliver an appropriate level of affordable housing?

35. Whilst LDP Policy MG4 (Affordable Housing) requires 40% affordable housing on residential developments, the policy states that the provision of affordable housing will be negotiated on a site-by-site basis taking into account the evidenced viability of the development.
36. In addition to being a brownfield development it involves significant abnormal costs which are not typical to other residential developments. The extraordinary costs associated with the provision of a replacement road bridge and highway works represent a significant material consideration when assessing the viability of the proposed development. A viability assessment (VA) has been prepared in line with guidance contained within Section 8 of the Council's adopted Affordable Housing Supplementary Planning Guidance (SPG) (2022) and paragraph 6.3 of the adopted Planning Obligations SPG (2018). In addition to the costs associated with the construction of the replacement bridge the scheme could also support a 10% affordable housing provision and a contribution of circa £300,000 suggested towards public open space.
37. The VA was independently verified and reviewed on behalf of the VGC. The review confirmed that if a policy compliant 40% provision of affordable housing is demanded, in addition to the replacement of Leckwith Bridge and the associated highways improvements, the proposed scheme would not be financially viable and would not be deliverable.
38. Paragraph 6.7 of the Planning Obligations SPG states that "it may not always be possible for developers to satisfy all the planning obligation requirements". Paragraphs 6.8 and 6.9 go on to indicate how planning obligations may be prioritised, and the Council will consider the specific needs arising from the development. This includes Essential and Necessary Infrastructure, which is defined by paragraph 6.9 and 6.10 of the SPG as being: "required to enable the development of the site e.g. Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic; service and utilities infrastructure; ecological mitigation and flood prevention.
39. It is considered that that the proposals would meet the definition of essential infrastructure and, therefore, it is considered reasonable to prioritise this over other contributions in this instance.

Has the proposed scheme taken into account the 'stepwise approach' to site selection described in Chapter 6 of Planning Policy Wales (PPW). How the development avoids harm to biodiversity and ecosystems functioning and how avoidance and minimisation measures have been considered during the site selection and design process?

Step1: Avoid

40. The site selected primarily consists of brownfield land comprising hard standing, recycling centres and industrial buildings and the new dwellings are kept within the existing brownfield footprint of land. There are some individual trees and areas of woodland that would be removed as a direct consequence of the realigned road and bridge. The Arboricultural Impact Assessment (AIA) assessed the trees as being of limited quality or life expectancy with Ash being the base woodland species. As agreed with VOG Officers, the development proposals exclude any woodland walks to maintain the existing green infrastructure and ecology.

41. There will be a buffer of undisturbed scrub vegetation, with a width of at least 5m from the top of the riverbank and this corridor would be fenced off to restrict access and prevent disturbance to otters and other wildlife by residents and their dogs.

Step 2: Minimise

42. The development would take up a large proportion of the site which has relatively little green infrastructure within it, with the only features being individual trees and areas of woodland. The development has been designed to minimise harm to green infrastructure features and would create new linkages between them through the site.
43. Some existing trees would be lost, but landscaped 'dark corridors' of scrub or woodland vegetation would be preserved or enhanced through the site and along the River Ely, allowing bats to traverse the site without crossing illuminated or disturbed areas. This approach would minimise any impact on commuting routes for bats.

Step 3: Mitigate / Restore

44. The road realignment requires the loss of individual trees, tree groups and areas of woodland. Following ecological advice, the best method for restoring woodland is to let it regenerate itself but as mitigation for the loss, new trees would be planted along the periphery of the woodland and a significant number of new trees within the development.
45. The creation of green links or 'fingers' between the woodland and the river corridor has been a constant focus of the scheme from its inception and provides the stepping-stones of Green Infrastructure described in PPW Chapter 6. These 'fingers' contain tree planting, sustainable drainage in the form of open water ponds, hedge planting and new ecological habitat ponds.

Step 4/5: Compensate On / Off-site

46. A bat house is proposed to provide suitable roosting opportunities for a range of bats, including pipistrelle species and brown long-eared bats, and would be designed to offer roosting opportunities for lesser horseshoe bats which have been recorded along the River Ely. This would constitute an enhancement measure as there are no lesser horseshoe roosts on the site. Other compensatory measures include roosting opportunities within the proposed residential buildings, including ridge tile access points and bat boxes, with further bat boxes sited within the woodland.
47. The proposed ponds would provide suitable breeding habitat for smooth and palmate newts, common frogs and common toads as well as aquatic insects and other wildlife. Two attenuation basins would also be planted with native wetland species creating further valuable new habitats. New trees would be planted along the periphery of the woodland and a significant number of new trees (circa 496 in number) within the development.

Does the proposal make adequate provision for replacement planting to address the loss of trees on site?

48. The majority of woodland to be removed would allow the construction of a replacement road and bridge and realigned road through the site without the need for the closure of the existing bridge and viaduct.
49. The AIA states the existing trees are mainly identified as Categories C and U (Low Quality and those that cannot realistically be retained in context of current use for longer than 10 years), although there are 7 no individual trees and 4 groups of trees that are identified as either Category A or B (High Quality). It states that the site is dominated by mature woodland containing mostly Ash Trees infected with Ash Dieback Disease and

elms infected with Dutch Elm Disease (22 individual trees, 16 groups) with infected trees likely to die within the next five years, and that many trees require removal on public safety grounds.

50. The number of trees to be lost are: 167 Individual trees; 1,915msq of tree groups/woodland or the equivalent of 211 trees based on 1,100 trees per hectare; and 110.15 linear metres (6 No. hedges lost). The number of trees to be lost is of a relatively high number, but the vast majority are those of limited quality or life expectancy
51. To compensate and mitigate for the loss the Landscape Strategy outlines where new trees and woodland could be planted within the site and along the periphery of the existing woodland areas. Approximately 496 new trees are proposed within the site, and following ecological advice from the VGC other areas of replacement woodland will largely be left to regenerate themselves. On this basis there will be a net increase of 31% of new trees being planted on site.
52. Through negotiation with the Council's landscape officer a Council receptor site would be appropriate for off-site planting. A commuted sum of £60,000 is being offered through a S106 Agreement to plant trees off site and these would be a mix of heavy standard and whips. This would allow for tree replacement in excess of the 3:1 ratio advocated by PPW.

Whether the development achieves comprehensive placemaking in accordance with the placemaking principles set out in FW and PPW?

53. The proposals meet the national sustainable placemaking outcomes and represent a comprehensive placemaking approach, as advocated by Future Wales and outlined in PPW12 for the following reasons:

Maximising Environmental Protection and Limiting Environmental Impact

54. A comprehensive landscape, ecological and green infrastructure strategy has been devised for the site which seeks to retain existing habitats where possible and create new green fingers of woodland planting to connect the woodland and riverside habitats thus forming wildlife corridors between the two.
55. Providing connections between key features via areas of public open space and SUDs features would ensure areas of environmental value do not come under additional pressure from the development. The provision of robust corridors and buffers would build in resilience to the habitats/features across the site.

Facilitating Accessible and Healthy Environments

56. The site is highly sustainable and accessible having access to a range of facilities and services including employment, shopping, education, health, community, leisure and sports facilities and open and green space. The site can provide a choice of transport modes and help reduce dependence on private vehicles which will help promote modal shift.

Making Best Use of Resources

57. The site seeks to make use of an existing under-utilised brownfield site. The replacement of the existing B4267 Leckwith Road represents a key element of the development, and the new bridge alignment is the most beneficial and efficient option available. The development would replace the low quality, ad hoc light industrial and commercial uses with a sensitive, integrated housing scheme with a strong landscape strategy.

Growing our Economy in a Sustainable Manner

58. Short-term economic benefits would be achieved during the construction phase of the development. The increase of population once the development is occupied, coupled with the site's accessibility would benefit the sustainability of those facilities. The design of the development and the creation of the new pedestrian and cycle links into the surrounding area would foster activity and vibrancy within the local area.

Creating and Sustaining Communities

59. The development seeks to deliver a cohesive community accessible to all members of society and cater for a range of needs (age and health) and affordability. The development density and the mix of uses and tenures would help to support a diverse community and vibrant extension to the existing community whilst also supporting the principles of community safety. The site is well connected to the wider environment for good health and well-being as well as providing opportunities to enjoy the natural environment within the site

The Case for Vale of Glamorgan Council

60. The Council has assessed the merits of the proposed development within its report to the planning committee. The following is a summary of the Council's statement of case in relation to the issues raised within the call-in direction.

Is the site located in a sustainable location where a modal shift away from the private car could be achieved?

61. The proposals would include enhanced active travel provision that would connect with existing pedestrian and cycle infrastructure, with a 3.5m wide footway/cycleway provided with controlled crossing points along the realigned road and for the Ely trail footway/cycleway. The controlled crossing points and segregated footway infrastructure would provide access to bus stops within 300 metres, including those currently served by the 95, 95A and 95B bus routes which provide half hourly services to Cardiff city centre and Barry (amongst other locations). Ninian Park railway station is also within approximately 1km walking distance.
62. A wide range of facilities would be available within a suitable walking distance, including Leckwith retail park, including the Asda supermarket, and a further foodstore (Lidl) within 700 metres. Other facilities including Fitzalan secondary school (700m), primary schools (within approximately 1 mile), varied employment opportunities on Hadfield Road, in addition to open spaces and leisure facilities would also be easily accessed and an easy walking distance of the site. It is considered that the proposals would go some way in achieving a 'walkable neighbourhood' with a wide range of facilities that would be within easy walking distance from the site.
63. Having regard to the guidance contained within PPW (4.1.31 and 4.1.32) it is considered that the proposals would provide access to jobs, shopping and leisure facilities including those on Hadfield Road and Leckwith Retail Park by walking and cycling. The provision of suitable infrastructure is considered to accord with the provisions of Paragraph 4.1.11 of PPW. The proposals would also comply with the requirements of Policy 2 of Future Wales, with 'homes, local facilities and public transport within a walkable distance of each other'. The development would not be overly reliant on future use of the private car.

Does the proposal deliver an appropriate level of affordable housing?

64. The proposals would secure 10% affordable housing which is below the 40% required by Policy MG4 of the adopted LDP. However, this is qualified within Policy MG4 where it 'will be negotiated on a site-by-site basis taking into account the evidenced viability of

the development'. Significant viability constraints were identified including, but not limited to, the provision of a replacement bridge.

65. The Council's adopted Planning Obligations SPG states "it may not always be possible for developers to satisfy all the planning obligation requirements". The SPG provides advice on prioritising planning obligations and the specific needs of the development, which includes 'Essential Infrastructure', which is defined by paragraph 6.9 of the SPG as being: "required to enable the development of the site (LDP Objectives 1, 2, 3, 4 & 8 refer) e.g. Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic".
66. The Council is committed to the delivery of affordable homes, but the renewal of a key element of the strategic highway network that would deliver essential infrastructure for the purposes of the SPG is a significant material consideration. The provision of 10% affordable housing also still represents a significant potential benefit of the development. Noting the viability constraints of the site and the provision of essential infrastructure, it is considered, on balance, that the level of affordable housing is appropriate in this instance.

Has the proposed scheme taken into account the 'stepwise approach' to site selection described in Chapter 6 of Planning Policy Wales (PPW). How the development avoids harm to biodiversity and ecosystems functioning and how avoidance and minimisation measures have been considered during the site selection and design process?

67. The development of the site facilitates a replacement bridge with no alternative feasible alignment for the road, it is not possible to avoid all associated impacts including the demolition of buildings at the site. Given that the residential development enables the highways element of the proposal, it is not possible to fully avoid any associated impacts. Measures including a buffer zone with the river and removal of recreational walking routes from the adjacent SINC woodland, have been secured to avoid direct impacts upon adjacent features.
68. The realignment of the road would result in the loss of woodland trees although it has been sought to minimise these impacts with as little intervention as practically possible, and through understanding the nature of impacts through survey work and associated arboricultural impact assessments.
69. Mitigation measures are proposed, including a bat and otter conservation plan; kingfisher nesting site; additional bird box provision within woodland area; reptile mitigation strategy; provision of a wildlife pond within the site; improved connectivity through 'green fingers' through the development; lighting plans and a long term biodiversity management plan. Mitigation measures would be secured through conditions and any subsequent reserved matters submissions.
70. The Council submitted an additional paper addressing the step-wise approach. It concluded that due to the strategic importance of the new bridge and link road, wholly exceptional circumstances exist to justify the loss of the area of 'Ancient Woodland'.

Does the proposal make adequate provision for replacement planting to address the loss of trees on site?

71. The Council's adopted Trees and Development SPG requires tree replacement at a ratio of 2:1 and this was the basis of negotiations with the applicant prior to changes to PPW. However, having regard to the provisions of PPW it is considered that the proposals amount to clear public benefits, with the majority of the trees being removed to enable the revised alignment of critical highways infrastructure.

72. The accompanying AIA provides details of the number of trees to be lost as part of the development, but also provides an assessment of poor quality trees that are recommended to be felled for arboricultural reasons (including a significant number infected by ash dieback).
73. It is proposed that approximately 496 trees would be planted as part of a landscaping masterplan, but this figure could be increased when detailed designs are submitted for the residential development element as part of reserved matters applications. Areas of woodland would also be mitigated by the natural regeneration of the woodland areas and with woodland edge planting.
74. In addition, a commuted sum payment of £60,000 would be secured to provide off-site compensatory tree planting. This would allow for suitable control on the location and nature of planting to ensure that it provides suitable compensation within the Vale of Glamorgan in terms of carbon capture, biodiversity benefits and ongoing management.
75. The number of trees to be provided through the £60,000 sum could be significantly increased due to cost prices recently provided by the VGC Countryside section which indicate significantly lower costs for different tree sizes, for example: £73 for a standard (oak), £60 for select standard (silver birch) and £1 for a whip (oak) with £220 per day planting costs for external contractors. It is evident from this information that the number of trees could be significantly increased from those alluded to indicatively by the applicant and referred to in the officer report, to nearer or indeed in excess of the 3:1 provision as required by the amended PPW.

Whether the development achieves comprehensive placemaking in accordance with the placemaking principles set out in FW and PPW.

76. *Economy* - Due to the current poor state of repair of the Leckwith viaduct the development would provide a new road link between the Vale and Cardiff, a key part of the strategic highway network. Without the replacement bridge, this road would need to be closed with likely significant detrimental consequences to occupants of both the Vale and Cardiff, including but not limited to increased pressure on other elements of the highway infrastructure and potential economic impacts. The proposals would result in the loss of some relatively low value employment uses, however existing site constraints related to the use of the Grade II* Leckwith bridge a scheduled ancient monument, represent a significant constraint on access to the employment site.
77. *Use of Resources* - The development seeks to utilise an existing brownfield site to provide residential development within a sustainable location with good access to services and public transport. The provision of the replacement highway alignment would provide access to the site and allow regeneration of this site. The masterplan shows a high quality development with associated public realm, including a legible hierarchy of streets, variety of housing types and tenures (including provision of 10% affordable housing).
78. *Creating and sustaining communities* - A development of approximately 228 dwellings on a 5ha site equates to a density of approximately 45.6 dwellings per hectare (dph) which would exceed the densities set out within Policy MD6 of the LDP. Although this does not meet the 50dph target within policy 2 of Future Wales for 'urban areas', the site is constrained by its shape and location and seeks to make efficient use of the site. Furthermore, it is located on the rural fringe of Cardiff and the Vale and as such the level of density proposed is suitable.
79. *Environment* - The development would provide integrated green infrastructure, ecological mitigation and enhancement including cross-site linkages. The impact of noise was assessed and an agreed framework of measures to ensure suitable living

conditions could be achieved for future occupiers in compliance with Technical Advice Note 11 relating to Noise (TAN 11). Similarly, consideration was given to air quality through consultation with the Council's Shared Regulatory Services.

80. The use of the bridge by commercial vehicles has also led to a significant degree of damage to the Leckwith Bridge scheduled ancient monument. The development would involve the removal of traffic and ensuring use of the bridge for pedestrians and cycling only.
81. *Healthy environments* - The site is well located and connected to services, including through active travel and public transport infrastructure. This would allow a choice of travel modes for future residents and reduce the reliance on the private car. A range of accommodation is proposed (including 10% affordable housing), and subject to further consideration at reserved matters stage, it is considered that a suitable safe and inclusive form of development would be achieved.

The Case for the City of Cardiff Council

82. The following is a summary of the Council's case in relation to the issues raised within the call-in direction.

Is the site located in a sustainable location where a modal shift away from the private car could be achieved?

83. This is considered to be a matter for the Vale of Glamorgan and therefore Cardiff Council has no comments to make. However, Cardiff Council Transportation's Service has considered the nature of the proposed road bridge and the implications of the bridge on transportation in Cardiff. The bridge proposals are acceptable providing that certain elements of the design are adhered to, namely; (i) Provision to support active travel routes across the river and along the eastern riverbank (i.e. The Ely Trail); (ii) Safe signing on the approach to the Leckwith roundabout; and (iii) Adequate and safe access linking to the Leckwith roundabout.

Does the proposal deliver an appropriate level of affordable housing?

84. This is considered to be a matter for the Vale of Glamorgan and therefore Cardiff Council has no comments to make.

Has the proposed scheme taken into account the 'stepwise approach' to site selection described in Chapter 6 of Planning Policy Wales (PPW). How the development avoids harm to biodiversity and ecosystems functioning and how avoidance and minimisation measures have been considered during the site selection and design process?

85. Cardiff's County Ecologist previously expressed concerns in respect of the impact of the development proposals on the presence of bats. However, it is noted that the Vale of Glamorgan Council's Ecologist raises no objection to the amended application following extensive negotiation and the submission of further ecological survey work. It is noted (and welcomed) that conditions are recommended by the Vale of Glamorgan Council to safeguard bats through a Bat Conservation Plan and the control of external lighting.

Does the proposal make adequate provision for replacement planting to address the loss of trees on site?

86. The Arboricultural Impact Assessment submitted on 6th December 2022 confirms that there would be no impacts on trees within Cardiff Council's administrative area, therefore Cardiff Council has no comments to make.

Whether the development achieves comprehensive placemaking in accordance with the placemaking principles set out in FW and PPW?

87. This is considered to be a matter for the Vale of Glamorgan and therefore Cardiff Council has no comments to make.

VGC Consultation Replies (Application 2020/01218/HYB)

Natural Resources Wales (NRW)

88. NRW has provided a number of consultation responses during the course of the determination of the hybrid planning application. NRW initially raised significant concerns with regard to flood risk and the requirement for the hydraulic modelling to be submitted for review; the need for additional surveys and information with regard to bats; the need for a compliance assessment against the risks posed to the Water Framework Directive objectives, and the need for a Habitats Regulation Assessment to be undertaken
89. Following the submission of additional information from the applicant NRW has provided the following comments:

Protected Sites

90. NRW confirmed that it agrees with the conclusions of the Habitats Regulation Assessment (HRA) prepared by VGC Ecologist and are satisfied that the concerns with regard to impacts upon the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and SSSI have been suitably addressed, subject to conditions.
91. With regard to the Cwm Cydfin Site of Special Scientific Interest (SSSI) NRW advises that permanent fencing and/or a design that minimises access to the adjacent SINC woodland should be proposed at 'Reserved Matters' stage to avoid damage to the SSSI through increased public access. The fencing should be maintained during the lifetime of the development in order to reduce damage to the SSSI.

Ecology/Protected Species

92. NRW was satisfied with the further survey work and information submitted by the applicant, but also recommend that conditions requiring a Bat Conservation Plan; Otter Conservation Plan and Lighting Scheme be required, in addition to the need for a European Protected Species Licence. NRW also recommend conditions in relation pollution prevention in the form of to the submission of a Construction Environmental Management Plan (CEMP); a Biosecurity Risk Assessment and Land Contamination.

Flooding

93. The planning application proposes highly vulnerable development. The Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 Rivers and Sea.
94. The updated hydraulic flood model is considered suitable by NRW and a revised Flood Consequences Assessment (FCA) dated December 2022 was submitted by the applicant. NRW notes the advice regarding increased flood risk elsewhere is heavily dependent on the proposed culverts being constructed and operating as indicated in the FCA, and notes if any changes to the design are undertaken the consequences of flooding must be reassessed.
95. The FCA states that the culverts prevent any further flood risk to third parties by containing flood waters within the channel, and in terms of flood risk elsewhere a

predicted increase in floods of 20mm in the extreme 0.1% annual probability event (1 in 1000 year) to a wooded area immediately downstream of the site. They note that no structures or buildings are shown to be impacted. Noting the detriment may be perceived to be a small amount and affecting a limited area NRW advise the LPA to consider this in the planning balance noting the provisions of paragraph A1.12 of TAN15.

96. NRW notes that the proposed development is split into two parcels on either side of the proposed new bridge crossing, and it is proposed to raise the development parcels above the flood level to reduce the risk of onsite flooding, while flood relief culverts bypassing the historic bridge are also proposed.
97. With regard to other increases in flooding within the wider area in circumstances of 80% blockage to the central arch of the historic bridge and 30% of upper section of both bypass culverts, in the same eventuality and a 1% Climate Change Adaptation event, they also indicate shallow flooding of circa 50mm may be experienced in 'external and ancillary areas only' which they understand to be landscaped areas, although advise they have no further concerns subject to the LPA being satisfied.
98. NRW considers the risk of tidal flooding in the 0.5% and 0.1% CCA tidal flood events to the proposed development is minimal as the site is afforded protection by Cardiff Bay Barrage.

VGC Ecology Officer

99. Following the submission of further ecological survey work by the applicant, no objection is raised subject to conditions relating to bats and tree clearance; a wildlife protection and mitigation plan for each species; a CEMP including measures to protect biodiversity interest and a biodiversity management plan. They also request further details with regard to mitigation for the loss of trees as a result of the works; lighting strategies; permeable boundaries for wildlife such as hedgehogs and also request that access to the River Ely is restricted.

DCWW

100. The site is crossed by a 975mm surface water sewer and that no part of any building would be permitted within a protection zone of 5 metres either side of the centreline. In terms of foul flows, they advise that no problems are envisaged for domestic discharges with capacity within the local wastewater treatment works from the site and identify a point of connection (ST16751201). Conditions are recommended relating to foul water only discharging to public sewerage network and a scheme of potable water be attached to any consent granted.

VGC Highways

101. The TA has been assessed by the Council's Highway Development team and audited by Asbri Transport. The findings of the TA were accepted and that outstanding matters would be resolved through the detailed design stage of the proposals. With regard to highways structures, including those relating to the provision of the new bridge, no further adverse comment to make. A number of conditions have been put forward.

VGC Public Rights of Way Officer

102. Advise that Public Right of Way No. 1 Leckwith (status-Footpath) crosses the development and advised that this must be available for safe use by the public at all times.

CCC Highways

103. No objections to the development subject to comments being considered during application or subsequent highways agreement with regard to “access to 3rd party land” being unacceptably close to the controlled toucan crossing on the Ely Trail and lighting column to other side; pinch point adjacent to Leckwith Gryatory cycle track and that the concept road layout needs to be subject of a Road Safety Audit.

Michaelston le Pit with Leckwith Community Council

104. Object to the development noting its scale and visual impact; impact on woodland; the erosion of the green area around Cardiff; traffic impacts; impact on SINCs and that heritage matters have not been fully considered within the submissions. Concerns with regard to transport impacts including relating to matches at Cardiff City Stadium; need for an arboricultural impact assessment; landscape and visual impact of the proposals; climate change and flooding and inadequate assessment of archaeology in the submissions.

Dinas Powys Community Council

105. Object to the proposals due to public health concerns relating to noise and air pollution have not been properly assessed; impact on local facilities including lack of public transport linkages; ecological impact; impact upon busy commuter route; highways impacts; water and flooding impacts; impact upon heritage assets and visual impact.

Shared Regulatory Services (Pollution Control)

106. Initially requested a noise report to be submitted to assess traffic and plant noise impacts and also requested a CEMP. Following the submission of additional details they raise no objection subject to conditions being imposed.

Shared Regulatory Services (Contaminated Land, Air & Water Quality)

107. No objections subject to conditions being imposed regarding ground gas protection; contaminated land assessment; contaminated land remediation and verification plan and subsequent implementation of necessary measures; unforeseen contamination; imported soils and aggregates. In terms of air quality, separate comments were received noting that an Air Quality Assessment (AQA) has been undertaken and advise with regard to construction impacts from dust be controlled by a CEMP. With regard to the operation phase detailed mitigation measures to control construction traffic should be agreed to establish the most suitable access and haul routes; cleaning of vehicles and timing of large-scale movements.

VGC Conservation (Planning) Officer

108. Noted that Cadw’s views should be sought with regard to the impact of the proposals upon the ancient monument. The archaeological desk-based assessment makes a number of recommendations including a watching brief and a Level 3 building survey of Leckwith Bridge House and a photographic survey of the Leckwith New Bridge and Viaduct, and drain cover to mitigate their loss. As such conditions should be imposed.

Glamorgan Gwent Archaeological Trust (GGAT)

109. The retention of structures in-situ is recommended and two conditions requested for a scheme of historic building recording and analysis, in addition to a written scheme of investigation to be submitted prior to commencement of development.

Cadw

110. Note that Leckwith Bridge is a substantial structure which dominates the scheduled monument and its demolition would benefit the setting of the old bridge. Cadw notes that the replacement bridge would also dominate the scheduled monument and have an impact on its setting, but the new bridge is a simpler structure and the proposed residential development would provide paths and public access that would allow the scheduled monument to be observed. As such whilst the proposed bridge would have a considerable impact on the setting of the scheduled monument GM014 Leckwith Bridge this would be slightly less than the impact of the current bridge.
111. Cadw also advised that the proposed residential development is situated in an area that has already been significantly altered by modern development. Whilst the change to a residential use would increase the number of buildings in this area and be a visual alteration, this would not significantly alter the way that the bridge is experienced, understood and appreciated and therefore would not have a significant impact on the setting of scheduled monument GM014.

Society for the Protection of Ancient Buildings

112. No further observations to make in addition to those raised by Cadw.

VGC Landscape Section

113. Following extensive negotiation and the receipt of amended documents, some concern raised with regard to the loss of trees and the lack of potential suitable space within the development to provide the necessary number of replacement trees/planting to mitigate their loss. Request an arboricultural method statement and tree protection plan be conditioned and reserved matters consents would need to address comments with regard to 'ecotone' adjacent to woodland. They request further details with regard to the landscaping of drainage areas including swales and attenuation ponds and potential conflict with tree planting and below ground drainage.

Cardiff and Vale University Health Board

114. LPA needs to be satisfied with regard to defined noise mitigation is not achieved to the detriment of health and wellbeing and that this is suitably controlled by condition; site investigation and preliminary risk assessment and suitable remediation strategy be sought to protect human health and suitably conditioned; consideration being given to the range and form of users of green spaces within the development; needs of different cycle users being considered; priority to pedestrians and cyclists in new development; development to be designed to reflect the needs of disabled people and development designed to meet needs of varied ages and for those homeworking.

Health and Safety Executive (HSE)

115. The risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.' Following consultation with a HSE Officer they have confirmed that 'although a site may no longer be operational, the HSE consultation distance will remain in place until HSE is notified by hazardous substances/planning authority that the hazardous substances consent(s) which apply to the site have been formally revoked.

VGC Housing Strategy (Affordable Housing)

116. Advise that there is an evidenced need for affordable housing within the Vale of Glamorgan as follows.

Dinas Powys Ward:

1 Bed	176	55%
2 Bed	88	28%
3 Bed	50	15%
4 Bed	8	2%
Total	322	

Llandough Ward:

1 Bed	112
2 Bed	55
3 Bed	27
4 Bed	5
5 Bed	1
6 Bed	1
Total	201

117. Whilst noting their disappointment with the provision of 10% affordable housing, they advise that the following requirement would be sought: 23 units 14 x 1 bed; 6 x 2 bed; 3 x 3 bed.

National Grid (previously) Western Power Distribution

118. Advised that they have assets within the site with LV, 11KV, 33KV and 132KV lines potentially affected by the proposal and they 'have provided multiple budget estimates for the proposed works to divert assets.

South Wales Police

119. Provided a number of observations and recommendations in line with Secured by Design Guidance, including those relating to footpaths, perimeter security, orientation of dwellings, parking (including avoidance of undercroft parking), planting, lighting, overlooking of communal areas, doors, windows and access control.

VGC Education Section

120. Based on 250 dwellings there is a need for education contributions to provide for 25 nursery places (no capacity available); 63 places for primary age children (English medium and denominational) and 52 places for Secondary and Post 16 education students. A contribution of circa £3,054,408 would be required.

Councillor Ian Johnson

121. Raised queries in relation to pedestrian access between the site and the facilities in Cardiff and how these would work in practice; Queried what discussions have taken place between the Vale and Cardiff Education and Health facilities; the demand for

public sector housing in the area; and queries with regard to the demand for Llandough Ward; and the availability of viability details.

Councillor Stallard

122. Concern with regard to the lack of priority within the development for pedestrians/cyclists; lack of bus lane/priority lights for buses within the new road alignment and wanting to limit vehicular access over the old listed bridge.

Other Representations submitted to the VGC

123. At the time of reporting the planning application to the Planning Committee the following issues were raised by interested parties:

- Scale of development
- Traffic problems
- Pollution impacts including on occupiers of the development
- Lack of suitable affordable housing provision
- Lack of consultation of neighbouring properties
- Lack of underpass provision for Ely Trail
- Over-reliance on shared pedestrian/cycleways
- Lack of financial contribution towards Ely Trail
- Cycle parking and charge points not included in residential element
- Position of signs on general arrangement and potential conflict with footway/cycleway users
- Over-engineered junctions
- Lack of linkage from northern parcel to Ely Trail

CCC Consultation Replies (Application 20/02081/MJR)

Natural Resources Wales (NRW)

124. NRW has provided a number of consultation responses during the course of the determination of the planning application. NRW initially raised significant concerns with regard to flood risk and the requirement for the hydraulic modelling to be submitted for review; the need for additional surveys and information with regard to bats; the need for a compliance assessment against the risks posed to the Water Framework Directive objectives, and the need for a Habitats Regulation Assessment to be undertaken
125. Following the submission of additional information from the applicant NRW has provided the following comments:

Protected Sites

126. NRW agrees with the conclusions of the HRA prepared by VGC Ecologist which is relevant to the proposed bridge and associated works, and are satisfied that the concerns with regard to impacts upon the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and SSSI have been suitably addressed, subject to conditions.

Ecology/Protected Species

127. NRW was satisfied with the further survey work and information submitted by the applicant, but also recommend that conditions requiring a Bat Conservation Plan; Otter

Conservation Plan and Lighting Scheme be required, in addition to the need for a European Protected Species Licence. NRW also recommend conditions in relation pollution prevention in the form of to the submission of a Construction Environmental Management Plan (CEMP); and a Biosecurity Risk Assessment and Land Contamination.

Flooding

128. The planning application proposes less vulnerable development (highway and bridge works). The Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 Rivers and Sea.
129. The updated hydraulic flood model submitted by the applicant is considered suitable by NRW to support and inform the FCA. NRW notes the advice with regard to increased flood risk elsewhere is heavily dependent on the proposed culverts being constructed and operating as indicated in the FCA, and notes if any changes to the design are undertaken the consequences of flooding must be reassessed.
130. The risks and consequences of flooding could be managed to an acceptable level provided the soffit level of the proposed bridge is set at 8.73m AOD. The predicted flood depths at the site are 8.38m AOD during the 1% plus climate change allowance (CCA) event and 8.42m AOD for the 0.1% event. Therefore, based on the soffit level of 8.73m AOD the new bridge is predicted to be flood free in both flood events and a condition is required to secure the soffit level of the bridge at 8.73m AOD.
131. The new road bridge is designed to tie into the existing roundabout to the east at approximately 7.6m AOD. The model results for the 0.1% event (no blockages) shows the new road up to the roundabout to be flood free. The FCA shows that there is no increase in flood risk elsewhere as a result of the proposed new road bridge.

CCC Group Leader: Placemaking

132. As well as being scheduled, the bridge is Grade II* listed and in a poor state of repair having suffered impact damage from vehicular traffic crossing it with little protection in place to prevent further harm and HGVs likely causing vibration damage. The proposals appear to be hugely beneficial for the bridge in that they will remove vehicular traffic from it. The replacement road bridge would appear to offer an enhanced setting given the lower position

CCC Placemaking - Design

133. The historic bridge does not appear to be carefully integrated into the pattern of access for pedestrians and cyclists, or this could be better explained. It is hard to judge the relationship between the listed bridge and the new structure. Concern is raised regarding the pedestrian and cycle crossing points as they are not aligned to Welsh Govt Active Travel guidance, or principles of design which would seek to ensure that crossings are as direct as possible for active travel users.

Glamorgan Gwent Archaeological Trust (GGAT)

134. The retention of structures in-situ is recommended and two conditions requested for a scheme of historic building recording and analysis and for a written scheme of investigation to be submitted prior to commencement of development.

CCC Ecologist

135. NRW has provided a comprehensive series of recommendations and planning conditions in relation to bats, otters, lighting, invasive non-native species and features of the Severn Estuary SAC. These recommendations are agreed.

Shared Regulatory Services (Contaminated Land, Air & Water Quality)

136. No objections subject to conditions being imposed regarding ground gas protection; contaminated land assessment; contaminated land remediation and verification plan and subsequent implementation of necessary measures; unforeseen contamination; imported soils and aggregates. In terms of air quality, separate comments were received noting that an Air Quality Assessment (AQA) has been undertaken and advise with regard to construction impacts from dust be controlled by a CEMP. With regard to the operation phase detailed mitigation measures to control construction traffic should be agreed to establish the most suitable access and haul routes; cleaning of vehicles and timing of large-scale movements.

Shared Regulatory Services (Pollution Control)

137. No further comments to make on the application over and above those provided to the application within VGC (and thereby no specific conditions) regarding the road and bridge works.

Cadw

138. Note that Leckwith Bridge is a substantial structure which dominates the scheduled monument and its demolition will benefit the setting of the old bridge. Cadw notes that the replacement bridge would also dominate the scheduled monument and have an impact on its setting, but the new bridge is a simpler structure and the proposed residential development would provide paths and public access that would allow the scheduled monument to be observed. As such whilst the proposed bridge would have a considerable impact on the setting of the scheduled monument GM014 Leckwith Bridge this would be slightly less than the current impact of the current bridge.
139. Cadw also advised that the proposed residential development is situated in an area that has already been significantly altered by modern development. Whilst the change to a residential use would increase the number of buildings in this area and be a visual alteration, this would not significantly alter the way that the bridge is experienced, understood and appreciated and therefore would not have a significant impact on the setting of scheduled monument GM014.

CCC Highways

140. The bridge proposals are acceptable providing that certain elements of the design were adhered to, namely; provision to support active travel routes across the river and along the river (on the eastern side); Safe signing on the approach to the Leckwith roundabout; Adequate and safe access linking to the Leckwith roundabout.

CCC Parks and Sport – Parks Development

141. No objections raised but require additional landscape details on: the Design of the Ely trail footpath / cycleway (where it passes through the application area); details of embankments from the top of bridge/road side to the base; detailed designs on the 'Entrance into Cardiff', the Leckwith Bridge setting; the finishes and surfacing materials for the new bridge particularly its wing walls / retaining walls; and details for the landscape reinstatement of the area of riverbank currently used by the viaduct bridge and its access road which are proposed to be demolished.

Michaelston le Pit with Leckwith Community Council

142. Object to the development as per the submission made to the application within VGC.

CCC Trees Officer

143. No impacts on trees on the Cardiff side. Details of the protection measures for tree group G42 should be provided as part of an Arboricultural Method Statement and Tree Protection Plan. Details of how existing soft landscape (aside from trees) will be protected during construction should be provided. No objection raised subject to conditions being imposed.

DCWW

144. Provided a plan showing apparatus relevant to the application site.

Representations submitted to Planning and Environment Decisions Wales (PEDW)

145. In addition to the written representations submitted to the VGC, a number of representations were submitted to Planning and Environment Decisions Wales (PEDW) raising the following concerns:

- The risk of flooding to proposed properties.
- High volume of vehicles using other roadways during demolition and re-construction of the new bridge.
- Loss of music studios which have played an enormous role in the Welsh music scene
- Loss of one of the few industrial areas in and around Cardiff and Barry which has affordable storage units along with yard space
- Many “startup” businesses have been able to start operations from the site
- The estate also offers excellent access to the M4 without the need to drive large vehicles through built up areas, reducing costs, congestion and pollution
- The development will increase traffic on the B4267 Leckwith Road especially on football match days resulting in gridlock
- Lack of sun light on the site
- Land is contaminated
- There are no other domestic properties around the area
- Air quality and pollution
- Loss of trees
- Lack of affordable housing
- No community facilities
- The site was turned down as a development site as part of the LDP

Inspector's Appraisal

146. The matters on which the Minister wished to be informed are the main issues in this case. These are:

- Whether the site is located in a sustainable location where a modal shift away from the private car could be achieved;
- Whether the proposal has taken into account the stepwise approach described in PPW;
- Whether the proposal would deliver an appropriate level of affordable housing;
- Whether the proposal would make adequate provision for replacement planting to address the loss of trees, and
- Whether the development achieves comprehensive placemaking in accordance with the placemaking principles set out in FW and PPW.

Sustainable Location

147. In addressing this matter, the applicant has referred me to the Institution of Highways and Transportation (IHT) guidance that suggests 2 kilometres is the maximum distance that people will walk for commuting and education purposes. However, this is not an exact science when considering return trips, inclement weather or if children are involved. That said, pedestrians may walk further if they intended to stay at the destination for a while and thus break up the return journey. Either way, the distance someone is likely to walk is affected by the attractiveness and convenience of the route.
148. The applicant's TA lists education facilities all comfortably within 2 kilometres walking distance from the site, with Fitzalan secondary school located approximately 600m (10 – 15 minute walk) away. The nearest supermarket (Asda) is located a short distance to the east of the site along Leckwith Road within a large retail park containing numerous other retail outlets. I also noted there are employment opportunities on Hadfield Road and on Penarth Road, which contain industrial units, car sales, wholesale and domestic retailers. The local area also contains leisure opportunities, including sports centres, stadium and gyms which can be accessed via a short walk.
149. There are bus stops within a short walk of the site which provide access to regular bus services throughout the day to destinations in the Vale as well as Cardiff city centre. As a result, future occupants would have good access to retail, leisure and working opportunities without having to drive themselves. The site is also relatively close to Ninian Park train station that provides a regular service to the city centre and beyond. It would be convenient to cycle to the station or access this facility by a short bus ride, and some may choose to walk there.
150. Leckwith Road and the Ely Trail also provide opportunities for cycling to local shops, employment and other facilities. The traffic volumes along Leckwith Road would likely discourage its use by some, especially children on their own, but others would consider this a useful benefit. During my site visit I observed cyclists using these routes. This is a snapshot in time but the evidence before me does not demonstrate my observations were untypical. The development would result in enhanced footway/cycleway provision within a 3.5m wide shared facility, and a controlled toucan crossing across the revised road design also represents a significant improvement for users of the trail from the existing uncontrolled arrangement. In my opinion, this would make walking to access the services and facilities found close-by even more appealing to future residents.
151. The application also includes an Outline Travel Plan (OTP) which is aimed at facilitating and encouraging sustainable transport and the reduction of single occupancy vehicle

use by residents of the proposed development. As part of the development a Travel Information Pack (TIP) would be prepared prior to first occupation of the development and would include information on public transport and the accessibility to surrounding areas and facilities. TIPs would be provided to new residents prior to moving in as it is widely recognised that the best time for people to change their travel habits is key life change events such as moving house or job. By giving all new residents a TIP before their relocation, there is an opportunity to encourage sustainable travel choice prior to travel patterns becoming ingrained. The requirement to prepare and submit a final Travel Plan prior to the occupation of the development can be conditioned.

152. I accept that some residents may still drive, especially in undertaking a weekly grocery shop, but they would not have to. The ability to conveniently and safely access services by walking, cycling, bus and rail would provide genuine choice of transport modes. Trends are moving in favour of more sustainable means of travelling for work and leisure, especially within the younger population travelling to and from work in the city centre. The ability to regularly and conveniently walk to work, a supermarket or to school would provide opportunities to reduce private motorised travel and accrue health benefits in line with FW and PPW.
153. Having considered all of the information before me, I consider that new residents of the proposed development would be likely to rely less heavily on the use of a private car for their day-to-day needs and would take advantage of public transport, walking and cycling. Therefore, I must conclude that the site is located in a highly sustainable location where a modal shift away from the private car could be achieved, thus complying with PPW and Policy 2 of Future Wales, and Policy MD2 of the Vale of Glamorgan LDP and Policies KP5, KP8 and T1 of the Cardiff LDP.

Stepwise Approach

154. The majority of the site comprises cleared and levelled land containing various industrial and commercial uses and buildings, and the proposed residential development would be confined to this land. The majority of the habitats within the development site is made up of either bare cleared ground or hardstanding.
155. However, the proposed access road into the residential development would include the realignment of the B4267 Leckwith Road Link, and this would require the removal of a small area of woodland recorded as 'Ancient Semi-Natural Woodlands' (approximately 1.6% of the total area of the ancient woodland). PPW by virtue of footnote 129 to paragraph 6.4.15 considers ancient woodland to be an irreplaceable natural resource with significant landscape, biodiversity and cultural value. Step 1b) explains that statutory designated sites and those that are 'irreplaceable' form the heart of resilient ecological networks and their role and the ecosystem services they provide must be protected, maintained and enhanced, and safeguarded from development. Only in wholly exceptional circumstances would development be justifiable.
156. The applicant's tree survey provides a detailed assessment of the trees across the development site, including the ancient woodland, and categorises them in terms of their age, condition and species and their quality ranging from Category A 'High Quality' to C 'Low Quality' in addition to Category U 'those that cannot realistically be retained in context of current use for longer than 10 years.' The existing trees are mainly identified as Category C and U, although there are 7 no individual trees and 4 groups of trees that are identified as either Category A or B.
157. The survey is accompanied by an Arboricultural Impact Assessment (AIA) which provides a detailed assessment of the trees and it concluded that many of the trees to be lost are of limited quality or life expectancy with Ash being the base woodland species. The AIA noted that a high number of trees to be lost (22 individual trees and

16 groups) should be felled in any event due to Ash trees infected with 'Ash Dieback Disease' and Elms infected with 'Dutch Elm Disease' as the infected trees are likely to die within the next five years and many trees would be required to be removed on public safety grounds. In addition, the AIA recommends that all category U trees require removal irrespective of any development proposals. Whilst the number of trees to be lost is relatively high, it is clear from the evidence that the vast majority are those of limited quality (Category U) or are of limited life expectancy due to disease.

158. Having visited the site and walked through the woodland, I consider that the relatively small area of woodland to be lost currently makes a limited contribution to the landscape due to disease and the under-management of the woodland, and their loss would not have an adverse impact on the character and appearance of the area. I also consider that the small area of woodland to be lost cannot be said to be of any meaningful cultural or arboricultural value given the survey findings and conclusions of the applicant's arboricultural adviser. These conclusions are not disputed by the VGC or CCC and no other evidence has been brought forward which undermines the findings of the AIA.
159. The proposed development includes a 'Landscape Strategy' to mitigate the area of woodland to be lost through natural regeneration and woodland edge planting. The areas of removed woodland would be allowed to regenerate and restore itself naturally in line with advice from the VGC Landscape Officer and Countryside team. These areas would also be enhanced with new tree planting along their peripheries. In addition, the 'Indicative Landscape Planning Schedule and Specification' is proposed to provide replacement and supplementary tree planting within the site to ensure a diverse structure of habitat, species and ages of trees, appropriate to the scale, context and ecological potential of the site. Although this would be the subject of future reserved matters approval, the landscaping strategy provides details of street planting and green landscaping fingers that would provide significant tree cover within the confines of the site. I will impose a condition to secure this landscaping strategy which would also secure the biodiversity enhancements required by Policy 9 of Future Wales.
160. Having regard to the evidence before me and from what I saw, I conclude that the majority of the trees within the woodland identified for removal are of limited quality and do not make a significant contribution in landscape, biodiversity or cultural terms. Therefore, in my view no irreplaceable habitat would be lost. In addition, the proposals would ensure long term woodland improvement/management with significant mitigation planting which would constitute a public benefit, and this carries significant weight in favour of the proposals.
161. Notwithstanding my conclusion that no irreplaceable habitat would be lost, in the interests of completeness I shall consider whether there are wholly exceptional circumstances to justify the proposed development and the loss of trees.
162. As highlighted above, the existing Leckwith bridge and viaduct structure is in a poor state of repair as confirmed by the VGC Operational Manager for Highways and Engineering and the survey work undertaken on behalf of the VGC. This has resulted in a weight limit of 7.5 tonnes being imposed on the bridge (albeit with a current exemption for public service vehicles and public transport). This has resulted in heavy load vehicles needing to find an alternative route through smaller settlements such as Llandough, Dinas Powys and Penarth which is having a detrimental impact on those communities through increased noise and disturbance, congestion and air pollution.
163. The continued deterioration of the structure would likely result in further increased weight restrictions being imposed and potentially lead to the closure of the link altogether. The loss of this link road would have direct economic and social implications,

including the severance of communities, increased commuting times, potential economic impacts, the loss of a public transport link and increased pressure on other elements of the public highway network that are recognised as having capacity issues.

164. At the hearing I questioned the applicant and the VGC on the issue of the replacement bridge and the viability of the development, and specifically, what would happen to the existing bridge without the residential development. Would the Council have to make the improvements itself financed by public money? Would the Council have to close or stop up the road if there was no money available or if the scheme was not permitted or taken forward by a developer?
165. The VGC stated that it had an agreement with CCC that the VGC is responsible for maintaining the bridge. VGC also confirmed that if the residential development was not pursued or did not proceed for any reason, it would have to seek capital monies from the Council's budget to improve the existing viaduct/bridge or to construct a replacement bridge. In the absence of a replacement bridge and link road, the road would need to be closed with likely significant detrimental impacts to the residents of both the Vale and Cardiff. Therefore, the closure of the bridge is not seen as an option due to its strategic highway importance.
166. In response, the applicant acknowledged that providing the bridge as part of the residential development could be seen as a pretext for overriding other planning issues and development plan policy requirements. However, the applicant pointed out the proposals do not intend to take the existing bridge 'off-line' for a number of years as that would sever the strategic highway link from Vale of Glamorgan to Cardiff. Instead, the strategy would be to allow the construction of a replacement road and bridge on a different alignment. This would allow the existing bridge to remain open while the new bridge and road is being constructed.
167. The applicant also pointed out that the VGC does not own any land in the vicinity of the existing bridge to enable any other realignment. Therefore, the VGC would have to purchase the land from the applicant or pursue a compulsory purchase order (CPO) to gain ownership of the land. This clearly has timescale and cost implications to the Council and the local community. The route of the realigned road has also been significantly dictated by on-site constraints, including the location and alignment of the abutments of the existing underpass underneath the A4232 and the presence of the listed Old Leckwith Bridge.
168. A representative from Cardiff Bus also confirmed at the hearing that an agreement is currently in place to allow buses to travel across the bridge as an exemption to the weight limit, but that exemption may need to be removed if the bridge deteriorates further which would be a great loss for the community and those that rely on public transport.
169. It is clear that the existing bridge is a very important strategic highway route in the area. For this reason, the replacement road and bridge would need to be constructed offline with the existing route remaining open during the lifetime of the construction works. It is also clear that the Council could not provide a replacement bridge without the need to purchase third party land at significant cost and delay. Any delays would mean that the existing bridge and viaduct would continue to deteriorate and be subject to further weight limits leading to the possibility of buses not being able to travel across. This would have a devastating impact on residents and school children who depend on public transport.
170. It was also made clear to me that due to the current condition of the structure remedial works to reinforce the existing concrete structure would be prohibitively expensive and may not even result in the weight limit being removed. Therefore, the proposed access

to the residential development would enable the replacement of a strategic highway link, regarded as essential infrastructure by the VGC and CCC. All of these matters carry significant weight in favour of the proposal.

171. Therefore, having regard to the evidence before me, I consider that the proposals would provide clear public benefits and I am satisfied that, in this instance, wholly exceptional circumstances exist and the development would be 'justified' under the terms of step 1b).

Other Ecological Matters

172. The site is not within a national or international designated ecological site. The Cwm Cydfin, Leckwith SSSI lies within approximately 1km of the site downstream along the River Ely. Part of the site lies within the Factory Wood SINC designated for its extensive broadleaved woodland, replanted ancient woodland and secondary broadleaf woodland, and it adjoins the River Ely SINC designated for its importance for migratory fish, otters and bankside vegetation. The main part of the site comprises cleared and levelled land containing various industrial and commercial uses and buildings. Therefore, the majority of the habitats within the development site comprise either bare ground, hardstandings or cleared ground. The proposed residential development would be confined to the industrial/commercial land largely avoiding the SINCs.
173. NRW advises that permanent fencing and/or a design that minimises access to the adjacent SINC woodland would be required to stop access through the woodland area and to avoid damage to the SSSI. As such, measures would be put in place to remove recreational walking routes from the site into the adjacent SINC woodland. The proposed mitigation measures would also include buffers of 8m to be maintained along the river Ely SINC with the wooded banks of the river retained to act as a buffer to ensure the continued use and protection of the habitat as a corridor for wildlife, including bats, otter, kingfisher and barn owl.
174. Although some trees and woodland within the Factory Wood SINC would be lost, the compensatory planting being proposed, as I have highlighted above, would mitigate this loss. The proposed landscape strategy would also create 'green fingers' of planting that would connect the woodland SINC habitat to the riverside habitat of the River Ely SINC with the aim of providing wildlife corridors between the two. The Ely River is considered to be a key component of the mitigation approach with a continuous wide corridor of habitat creation and enhancement along the river corridor. Providing connections between these key features via areas of public open space, and SUDs features such as ponds, would also provide areas of landscaping and habitat creation across the site. The current indicative layout of the development allows for open water attenuation ponds with sustainable drainage systems providing opportunity for native wetland planting and the creation of valuable new habitat.
175. The buffer corridor along the river combined with the habitat corridors being proposed through the residential development would maintain and enhance priority habitat associated with the SINCs. This would be a significant improvement on the current suboptimal habitat conditions currently found within this industrial/commercial site.
176. The application is supported by a wide range of survey work. The buildings within the site support roosting bats with a low number of pipistrelle bats and brown long eared bats roosting within the buildings. However, no evidence of roosting bats was found within the trees, including those to be lost. Surveys of the on-site pond found smooth and palmate newts but no evidence of great crested newts. Dormouse surveys of the woodlands immediately adjacent to the site or within adjacent suitable habitats found no evidence of dormouse. Evidence of the use of the river by otters was found, although no evidence of an otter resting place or a natal holt was found within the site boundary.

177. The surveys recommended a number of mitigation measures to be included within the development, including a bat conservation plan; otter conservation plan; kingfisher nesting site; additional bird box provision within the woodland area; a reptile mitigation strategy; the provision of a wildlife pond within the site; improved connectivity through proposed green fingers through the development site; lighting plans and a long term biodiversity management plan. The details of these mitigation measures would be secured through conditions and would be agreed through subsequent reserved matters submissions for the residential element of the development.
178. With regard to the bat conservation plan, the effect on commuting bats would be minimised by the maintenance of dark corridors between the woodland and the river habitats which would allow bats to traverse the site without crossing illuminated areas. It is also proposed to construct a 'bat house' as part of the development to provide suitable roosting opportunities for pipistrelle species and brown long-eared bats. These would be designed to also offer roosting opportunities for lesser horseshoe bats which have been recorded along the River Ely. The plan would also include the provision of roosting opportunities within at least 10 of the new residential blocks on the site, to include ridge tile access points and bat boxes, and bat boxes would be sited on large trees within the adjacent woodland.
179. With regard to the otter conservation plan, the applicant has already been in discussions with NRW regarding the provision of a suitable otter ledge on the replacement bridge. The applicant has confirmed that an otter ledge could be achieved on the Vale of Glamorgan side of the bridge and a dry passage could be accommodated through the abutment on the Cardiff side. Although these details have not been agreed with NRW, it demonstrates that this matter is highly likely to be resolved via an appropriately worded condition relating to the submission of an otter conservation plan. This would maintain and enhance priority habitat associated with the otter.
180. The ponds to be provided within the development would be designed with shallow shelving margins to provide suitable breeding habitat for smooth and palmate newts, common frogs and common toads as well as aquatic insects and other wildlife. Two attenuation basins would also be planted with native wetland species creating further valuable new habitats.
181. Therefore, in relation to the other steps, I consider that the scheme responds well to the step-wise approach. It has generally sought to minimise effects by retaining habitats and existing features and developing management plans for future care and maintenance. Habitat retention, creation and enhancement measures have been designed (albeit indicatively) throughout the development to increase the quality of habitats by incorporating green fingers and corridors to facilitate movement by wildlife.
182. The site lies within 5 km of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and SSSI. NRW is satisfied that concerns about potential pollution and any potential adverse effects on European Protected Species and other species could be overcome by means of appropriate conditions within the CEMP which have been agreed between the relevant parties. General environmental protection measures are proposed during the demolition and construction phases to minimise risks from pollution and to prevent ecological impacts beyond the site. These would include control of sediment run-off, dust and other emissions; secure storage of chemicals and fuels, protecting trees in accordance with the relevant British Standard; limiting noise and vibration; and ensuring sensitive lighting design. Relevant measures would be detailed in the CEMP.

183. At Annex C of this report is an Appropriate Assessment (AA) which considers the impact of the proposed development on the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and SSSI. The AA concludes that subject to the CEMP and conditions to be imposed, the proposed development would not have an adverse effect on the integrity of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and SSSI.

Overall Conclusions

184. The development has been designed, and would be managed, to protect and encourage biodiversity and ecological connectivity. The mitigation, compensation and enhancement measures being proposed as part of the scheme would result in an overall net gain and enhancement for biodiversity in comparison to the existing suboptimal habitats found on this industrial/commercial site. The mitigation measures clearly show how the scheme would promote ecosystem resilience and secure net benefits for biodiversity where possible, and I am of the view that the applicant has adequately demonstrated that the scheme has followed PPW guidance and that the proposed development avoids damage to biodiversity. The delivery of all aspects of the step wise approach, including mitigation and enhancement, would be administered through established mechanisms of planning conditions.
185. The proposed development would cause no unacceptable impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), or protected habitats and species, thereby satisfying criterion 4 of Future Wales policy 18. The measures beneficial to biodiversity that have been incorporated within the scheme and those that would be secured through the recommended conditions are significant, as is the extent to which conditions would avoid or mitigate any potential harmful impacts.
186. I conclude that the proposed scheme has clearly demonstrated that it has taken into account the 'stepwise approach' described in Chapter 6 of PPW. The development has adequately assessed and described how it would avoid harm to biodiversity and ecosystems functioning and how avoidance and minimisation measures have been considered during the design process.
187. Consequently, the development would be in accordance with FW Policies 9 and 18 and relevant parts of PPW and TAN 5 'Nature Conservation and Planning'. It would also comply with LDP Policies MD 9, MG 20 and MG 21 of the Vale of Glamorgan LDP and Policies EN4, EN5, EN6 and EN7 of the Cardiff LDP.

Affordable Housing

188. The indicative layout for the residential development would allow for 10% affordable housing (up to 23 units), which is below the 40% required by Policy MG4 of the Vale of Glamorgan LDP. However, the policy is clear that the provision of affordable housing will be negotiated on a site-by-site basis taking into account the evidenced viability of the development.
189. The Council's Planning Obligations SPG also acknowledges that it may not always be possible for developers to satisfy all planning obligation requirements, planning obligations may be prioritised and the Council will consider the specific needs arising from the development. This includes Essential Infrastructure, which is defined by paragraph 6.9 of the SPG as being: "required to enable the development of the site (LDP Objectives 1, 2, 3, 4 & 8 refer) e.g. Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic". It is clear that Policy MG4 effectively defers to the Planning Obligations SPG. Although the policy needs to be read

alongside the SPG, it is the SPG rather than the policy which sets out the finer detail of the Council's approach to developer contributions.

190. There is no dispute that the provision of affordable housing is an important planning objective at a national and local level. However, PPW is also clear that development plan policies should also take account of the economic viability of sites and ensure that the provision of community benefits would not be unrealistic or unreasonably impact on a site's delivery, and where negotiation takes place, the planning authority and developer should operate in an open and transparent manner with all information provided on an "open book" basis (paragraphs 4.2.21, 4.2.22, 4.2.32 and 4.2.34).
191. In this case, the applicant's VA is unequivocal that the development cannot afford to provide the level of affordable housing advocated by Policy MG4 due to the costs associated with the road infrastructure works. The applicant's viability evidence has been reviewed by consultants on behalf of the Council who have agreed with its conclusions. Therefore, the Council accepts the conclusions and takes no issue with the VA. On that basis alone, the VA must carry significant weight.
192. Read as a whole, the development plan and PPW are clear that planning obligations should not adversely affect the viability of a scheme and prevent otherwise acceptable development from coming forward. The affordable housing provision would be lower than the LDP policy requirement, but this has been justified and the affordable dwellings that would be delivered would contribute to meeting an identified housing need.
193. The VGC has recently approved an updated Local Housing Market Assessment (LHMA) which indicates that within the Dinas Powys Ward there is a net need for 35 affordable units each year for the next 15 years, and the Council has confirmed that the proposed development would make an important contribution to affordable housing need in the area. This need should also be assessed against the recently approved LDP Annual Monitoring Report 2023-2024 which provides information on housing delivery against the LDP housing targets. The report shows that as of 1 April 2024, 6,516 dwellings had been completed against a target of 8,198 units at this point in the plan period, which is 21.2% below the cumulative target.
194. Given that the delivery of housing is a central aim of the LDP and PPW, the provision of much needed open market and affordable housing, against the background of under delivery, is a matter to which I attribute significant weight. In addition, the Council would, at the reserved matters approval stage, be able to secure an appropriate housing mix that would accord with the latest local housing market assessment at that time. These considerable benefits of the scheme would outweigh the harm in not achieving greater affordable housing provision.
195. In my view, it is unarguable that the interests of those seeking to own a home would be better served by the delivery of up to 228 houses, to include 10% affordable housing, as opposed to no houses on a site which both Councils readily agree is acceptable in all other respects. In my view, not allowing the development to come forward due to a reduced level of affordable housing rather than providing homes would not be justified in the context of a national housing crisis and the under delivery of housing through the Vale of Glamorgan LDP.
196. Therefore, I consider that the proposed development would deliver an appropriate level of affordable housing, thus complying with Policy MG4 of the Vale of Glamorgan, the Council's Planning Obligations SPG and Policy 7 of Future Wales and PPW.

Replacement Tree Planting

197. Policy MD2 of the LDP requires developments to incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape

features and biodiversity interests. Where trees are lost as part of a development, the Council's Trees, Woodlands, Hedgerows and Development SPG seeks a ratio of 2:1 for replacements for non-protected trees, wherever possible, and that each scheme or proposal will be considered on a case-by-case basis and there may be instances where no replanting will be required.

198. The LDP policy and SPG were adopted prior to the publication of PPW Edition 12 which advises that replacement planting shall be at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost; and where a woodland area is lost the compensation planting must be at a scale, design and species mix reflective of that area lost, and must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers (paragraph 6.4.42). However, PPW acknowledges that replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost.
199. The VGC Landscape Officer and Countryside team has advised the applicant that the best method for restoring woodland is to let it regenerate itself. As such, the applicant's strategy seeks to provide appropriate planting of native trees alongside natural woodland regeneration. It is proposed that trees would be planted along the periphery of the woodland and approximately 496 trees planted within the development site, but this number could be higher when the design and layout of the residential development is progressed at reserved matters stage.
200. In addition, the applicant proposes to pay a commuted sum of £60,000 to the Council for the provision of suitable off-site tree planting. The Council confirmed at the hearing that the number of trees to be purchased as a result of the commuted sum could be significantly more than the number previously referred to within the officer's committee report. The cost prices provided by the Council's Countryside section, which were provided to me following the hearing, indicate that the number of trees available to the Council could be significantly more than the numbers previously put forward by the applicant. As a result, both the applicant and VGC confirmed at the hearing that the number of trees available for planting would be at, or even above, the 3:1 ratio required by PPW.
201. The on-site tree planting strategy shown on the landscape plan coupled with the financial contributions for off-site tree planting would adequately mitigate for the loss of trees and would be commensurate with the 3:1 ratio required by PPW. It is also noteworthy to repeat the fact that the applicant's arboricultural evidence suggests that whilst the number of trees and tree groups that would be lost appears to be high, a large proportion are of poor quality or are diseased and are already in need of felling due to ash dieback and elms infected with Dutch Elm Disease. The AIA also recommends that all category U trees require removal irrespective of any development proposals.
202. Therefore, having regard to the evidence before me, I conclude that the proposed development would make adequate provision for replacement planting on and off site to address the loss of trees in compliance with PPW, Policy MD2 of the Vale of Glamorgan LDP and the Council's SPG.

Placemaking Principles

203. Although the residential element of the overall development has been submitted in outline, with the layout and design of the housing being indicatively shown on the submitted plans, the applicant has demonstrated that the placemaking principles set out in PPW have been followed. The VGC has also confirmed that on the basis of the submissions to date and consideration of future reserved matters submissions, it is confident that a high-quality scheme that achieves placemaking outcomes can be achieved.

204. I have assessed the scheme based on the following placemaking principles and outcomes set out within PPW.

Maximising Environmental Protection and Limiting Environmental Impact

205. It is acknowledged that trees and woodland would be lost as part of the new bridge and road realignment, but the compensatory planting being proposed, as highlighted above, would mitigate the loss. The proposed landscape strategy within the residential development would also create 'green fingers' of planting that would connect the woodland habitat to the riverside habitat providing wildlife corridors between the two. Providing connections between key features via areas of public open space, and SUDs features such as ponds would also provide areas of landscaping and habitat creation across the site.

Facilitating Accessible and Healthy Environments

206. As I have already concluded above the site is located in a sustainable location where a modal shift away from the private car could be achieved. Future residents of the development would be likely to rely less heavily on the use of a private car for their day-to-day needs and would take advantage of walking and cycling to access the range of retail and other facilities found close-by. I am also satisfied that a safe and inclusive form of development would be achieved.

Making Best Use of Resources

207. The development would make use of a previously developed site which currently detracts from the character and appearance of the area. This accords with the spatial strategy and strategic placemaking principles set out within PPW which states that priority should be given to the use of suitable and sustainable previously developed land and/or underutilised sites for all types of development (paragraph 3.43). PPW goes on to state that previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.

Growing our Economy in a Sustainable Manner

208. There would inevitably be short term benefits to the economy through the creation of construction jobs, and then in the long term the residents living on the development would contribute to the economy by making use of local public transport to access local facilities, services and employment opportunities. It has also been demonstrated that the provision of a replacement bridge would provide significant benefits to the Vale of Glamorgan economy.

Creating and sustaining communities

209. Whilst the detailed design and layout of the residential development is reserved for future approval, the indicative masterplan maximises the number of dwellings on the site whilst also ensuring a well landscaped environment for future residents to enjoy. The creation of new areas of open space and the enhancement of the riverside corridor and woodland setting would also foster activity and vibrancy within the development.
210. The masterplan demonstrates that a suitable form of development could be achieved with further details to be secured through reserved matters submission(s) to ensure a high quality development and associated public realm, including a variety of housing types and tenures. The future mix and tenure of the proposed dwellings would ensure that the development would meet the identified needs of the community and those in need of housing in the area, in close proximity to local services and facilities.

Conclusion

211. Having regard to the above, I conclude that the proposed development complies with the placemaking principles set out in FW and PPW.

Other Considerations

Heritage Assets

212. The current industrial site is accessed via the Old Leckwith Bridge which is a Grade II* listed building and scheduled ancient monument dating back to the medieval period. I saw that the Leckwith Bridge and Viaduct is a substantial structure which currently towers over and dominates the setting of the scheduled monument. I agree with the assessment made by Cadw that although the replacement bridge would also dominate the old bridge and would have a negative impact on its setting, it would have a simpler design and structure thus reducing the impact. Whilst the new bridge would have a considerable impact on the setting of the scheduled Old Leckwith Bridge, this would be less than the impact of the current bridge and viaduct.
213. The proposed high density residential development would also introduce increased built form in close proximity to the old bridge. However, Cadw advises that the setting of the bridge relates to its position across the river and the local topography rather than any views of it, and the residential development would be situated in an area that has already been significantly altered by modern development. As such, the residential development would not significantly alter the way the bridge is experienced, understood and appreciated.
214. The use of the old bridge by commercial vehicles has also led to damage to its structure and I saw that sections of the stone have been demolished and others have been rebuilt. Given that the current use of the site is for commercial/light industrial, most of the movements over the bridge are by vans or HGVs and are therefore inappropriate given the historical status of the bridge. The development proposals would remove all vehicular movements from Leckwith Old Bridge allowing for cycling and pedestrian movements only. The removal of this heavy vehicular traffic, along with the remediation measures being proposed, would have a major positive impact on the scheduled ancient monument.
215. Therefore, I consider that the proposed development would preserve the special architectural and historic interest of the listed old bridge and, in doing so, would comply with the Historic Environment (Wales) Act 2023 designed to protect such heritage assets. For the same reasons, it would also comply with the general thrust of the advice set out in PPW and Technical Advice Note 24: *The Historic Environment* (TAN24).

Flooding

216. Residential developments are classified as Highly Vulnerable Developments in Technical Advice Note 15 (TAN15). The current NRW flood maps show that the majority of the site is located within Development Advice Map (DAM) Zone C1 defined by NRW as served by significant infrastructure, including flood defences. TAN15 requires that development should only be permitted within zones C1 if it is determined that it is justified in that location and development will only be justified if it can be demonstrated that the location satisfies the tests set out in TAN15 paragraph 6.2. The justification tests in TAN 15 are in 4 parts. One must satisfy (i) or (ii) before moving on to consider (iii) and (iv).
217. With regard to test (i), whilst I acknowledge and accept that the new Leckwith Bridge and link would be of strategic importance to the area, no evidence has been put forward to demonstrate that the development is necessary to assist, or be part of, a local

authority regeneration initiative (*TAN15 states that regeneration initiatives will be comprehensive, multi-approach and form part of an integrated suite of initiatives which have been subject to public consultation*) and it would not be part of a local authority strategy detailed within the LDP required to sustain an existing settlement.

218. I have taken into account the fact that the loss of this highway link between the Vale and Cardiff would be significantly impacted and would significantly hinder the ability of residents of the Vale to access employment opportunities and other services within Cardiff. However, no evidence has been put forward to demonstrate that the development is necessary to contribute to the key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region (test ii).
219. Therefore, the proposed residential development would not meet tests (i) and (ii) and would be contrary to the policy objectives of TAN15.
220. Notwithstanding this, it is clear that TAN15 does envisage that development can occur within Zone C1, albeit where the development involves regeneration and/or contributes to key employment objectives of a local authority, and where the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development.
221. In this case, the proposed development site would be making use of a previously developed site that meets the definition set out within PPW (test iii). It would also provide a residential development within a highly sustainable location and would have the added benefit of providing a replacement Leckwith bridge and link between the Vale and Cardiff which would deliver significant economic and social benefits to the area.
222. In terms of test (iv) the application is supported by a Flood Consequences Assessment (FCA) based on a hydraulic modelling assessment undertaken by the applicant and agreed with NRW. The FCA concludes that the proposed development is considered to have a low risk of flooding from all sources, and it is proposed to raise the development parcels above the flood level to reduce the risk of onsite flooding, while flood relief culverts bypassing the historic bridge are also proposed. The applicant's FCA finds that the development would not have an adverse impact on flood risk on site or elsewhere, which NRW has accepted. NRW also considers the risk of tidal flooding in the 0.5% and 0.1% tidal flood events to the proposed development is minimal as the site is afforded protection by Cardiff Bay Barrage.
223. Whilst the proposed residential development would conflict with TAN15 (tests (i) and (ii)) given the regeneration and other benefits of the development I attach moderate weight to this conflict in my determination of the scheme. I return to this issue and the weight to be attributed to this conflict in the planning balance and conclusions below.

Noise

224. The VGC Shared Regulatory Services (SRS) raised a concern with regard to noise exposure for future residents from both the A4232 and the B4267. The impact of noise was assessed in detail by the applicant, and it concluded that an agreed framework of measures to ensure suitable living conditions could be achieved for future occupiers. Screening and the reconfiguration of the buildings can be used to create areas of outdoor amenity areas that have ambient noise levels below 55dB, thereby falling within WHO and TAN 11 recommendations. Internal noise level within dwellings could be controlled through the design of the façade, suitable opening window types and orientation, or through additional façade elements such as architectural fins/screening, window baffles, secondary facades or recessed balconies to further improve acoustic attenuation.

225. The applicant and the Council are satisfied that the adoption of good design would enable suitable internal accommodation that would comply with internal noise levels (as per British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings'). These measures would be controlled by the suggested conditions.

Conditions and Section 106 Agreement

226. A list of agreed planning conditions between the applicant and the VGC and CCC was submitted as a Statement of Common Ground. In the event Welsh Ministers decide to approve the application, I consider the conditions set out at Annex A (Application Ref: 2020/01218/HYB) and Annex B (Application Ref: 20/02081/MJR) of this Report to be reasonable and necessary and would satisfy the tests in Circular 16/14: The Use of Planning Conditions in Development Management. I have adjusted the wording of some of the conditions in the interest of clarity and precision. They seek to ensure that the development avoids, or where that is not possible, mitigates as far as is reasonable, the potentially harmful effects of the scheme, alongside securing enhancements as sought by national policy.
227. As set out in the above planning appraisal a CEMP is necessary, and I am satisfied that there is sufficient detail within the evidence to demonstrate that unacceptable harm to the environment could be avoided should detailed versions of those documents be implemented as approved by the relevant LPA. However, given the size and complexity of the proposed development, and to provide the respective Councils and applicant the flexibility to work together to address any unforeseen issues, I shall not recommend prescriptive planning conditions in respect of such requirements. Rather, the precise detail could be submitted to and approved in writing by the LPA. I have adopted a similar approach to the need to prepare and submit a site investigation for contamination on the site as the precise detail could also be submitted to and approved in writing by the LPA.
228. Neither of the Council's have suggested a condition relating to the provision of gigabit capable broadband infrastructure as stated in policy 13 of Future Wales: The National Plan 2040. I have imposed such a condition on the hybrid application, in line with national policy requirements.
229. Turning to the Section 106 Agreement, following extensive negotiations with the VGC the applicant has agreed to contribute £60,000 towards replacement tree planting and £240,000 towards educational needs arising from the residential development. The Agreement's provisions for tree planting and education are necessary and enforceable, and I afford them significant weight.

Planning Balance and Overall Conclusions

230. The proposed development would provide up to 228 new homes with a suitable element of affordable housing. There is a considerable and pressing need to increase the supply of housing in the Country, and in these circumstances, I consider that the scheme's important contribution to addressing the present need for housing, including lower cost affordable housing, is a consideration that attracts considerable and significant weight in favour of the development.
231. The proposals would constitute sustainable development being located in close proximity to the edge of Cardiff with its wide range of services and facilities. New residents would rely less heavily on the use of a private car for their day-to-day needs and would take advantage of public transport, walking and cycling to access the range of retail and other facilities found close-by. A modal shift away from the private car could be achieved by the development and would provide a highly suitable site for housing

having regard to the sustainable development and placemaking principles advocated by PPW.

232. The site is located outside settlement limits and conflict arises with the development plan as a result. However, the current LDP settlement limits were established a number of years ago to accord with the Spatial Strategy at that time. Nevertheless, the envisaged contribution of the proposed development to the supply of housing in a highly sustainable location is a significant material consideration which is of sufficient weight to justify departing from the development plan.
233. The proposed access to the residential site would require the construction of a new bridge over the River Ely positioned upstream of the existing unsafe bridge and viaduct and would involve a new link road. The significant economic and employment benefits that would arise from this aspect of the development is also a consideration that attracts considerable and significant weight in favour of the development. The loss of a small area of ancient woodland when balanced against the potential loss and closure of a strategic highway connection and its associated knock-on social and economic impacts constitute the wholly exceptional circumstances which must exist under the terms of Step 1b) of the Step Wise Approach.
234. The scheme has clearly demonstrated that it has taken into account the 'stepwise approach' and has adequately assessed and described how the development would avoid harm to biodiversity and ecosystems functioning and how avoidance and minimisation measures have been considered during the design process. Neither of the two Councils or NRW raised objections on ecological grounds, and I have not seen any technical evidence to lead me to take a different view to that of the applicant and the ecological experts of the two Councils and NRW.
235. The affordable housing provision would be lower than the LDP policy requirement, but this has been justified and the dwellings that would be delivered would contribute to meeting an identified housing need in the area. Given that the delivery of housing is a central aim of the LDP and PPW, this is a matter to which I attribute significant weight.
236. The on-site tree planting strategy and the financial contributions for planting trees off-site would adequately mitigate for the loss of trees and the number of trees available for planting would be commensurate with the 3:1 ratio required by PPW. The development would be on previously developed land with low landscape value in a location which I consider has the capacity to accept the development.
237. Whilst I have concluded that the proposed development would conflict with TAN15, the TAN does envisage development to occur within Zone C1. In the particular circumstances of this case, I find the regeneration of this site, the significant contribution to the supply of housing in the area in a highly sustainable location, and the provision of much needed highway infrastructure to be material considerations that outweigh the conflict with the development plan and TAN15.
238. I have concluded that whilst the new bridge would have a considerable impact on the setting of the scheduled Old Leckwith Bridge, this impact would be less than the current bridge and viaduct. The removal of the heavy vehicular traffic from the old bridge (Grade II* listed and designated as a Scheduled Ancient Monument) and its proposed use as a pedestrian and cycling only route would be a major benefit of the development to which I attribute moderate weight in favour of the development.
239. The applicant also refers to the economic benefits from construction jobs and the additional spending of residents within the wider area, which would bring economic benefits. It is acknowledged that the proposals would result in the loss of some employment uses. However as detailed within the officer report, existing site constraints

relating to the use of the old Leckwith bridge represents a constraint on access to the industrial site.

240. Most of the concerns raised by interested parties have been addressed under the main considerations or the recommended conditions, and the more detailed concerns raised can be addressed when reserved matters applications are considered.

241. I have considered all other matters raised in objection to the scheme, but none justify withholding permission.

Recommendations

Application Reference: 2020/01218/HYB

242. That planning permission be granted for the development, subject to the conditions attached at Annex A.

Application Reference: 20/02081/MJR

243. That planning permission be granted for the development, subject to the conditions attached at Annex B.

244. In reaching my recommendations, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of embedding our response to the climate and nature emergency in everything we do.

Richard Duggan

Inspector

ANNEX A –

Schedule of Recommended Conditions for Application Ref: 2020/01218/HYB

Phasing

- 1) Prior to the commencement of any part of the development hereby approved (including demolition and site clearance) or the submission of any application for reserved matters or discharge of conditions, a phasing plan inclusive of a timetable for the construction/delivery of the road and bridge link, each phase of residential development and demolition of the existing viaduct and bridge, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timing and delivery of the following:
 - Demolition and site clearance
 - Remediation and mitigation
 - Temporary construction access and associated works
 - Construction deliveries including machinery, materials and importation of clean materials
 - Removal of existing B4267 bridge and viaduct and associated remediation
 - Details of implementation and delivery of connection between the works approved under this permission and the associated works within the Cardiff City Council administrative boundary

All works shall thereafter be carried out in full accordance with the approved phasing plan.

Reason: To ensure the development is carried out in a comprehensive and sustainable manner, in accordance with Policies MD2, MD7 and MD8 of the Local Development Plan.

Outline Time Limit

- 2) Prior to the commencement of a particular phase of the approved development, details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for that phase (or part thereof) of the development shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out as approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3) Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 4) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

Plans (Outline)

- 5) The development shall be carried out in accordance with the following plans:

1844/S.101 Rev A Site Location Plan

1844/S.102H 'Proposed Masterplan';

1844/S.120C 'Leckwith Quay Parameter Plan: Land Use';

1844/S.121C 'Leckwith Quay Parameter Plan: Building Heights';

1844/S.122C 'Leckwith Quay Parameter Plan: Movement Hierarchy';

1844/S.301E 'Proposed Site Massing Sections';

Environmental Statement prepared by RPS dated October 2020

Environmental Statement Addendum prepared by Carney Sweeney dated December 2022

Design and Access Statement prepared by Loyn & Co dated May 2020

Design and Access Statement Addendum prepared by Loyn & Co dated November 2022

Planning Report prepared by RPS dated October 2020

Planning Statement Addendum prepared by Carney Sweeney dated November 2022

Leckwith Quay: Flood Consequences Assessment prepared by WSP and dated December 2022

Environmental Noise Assessment Report prepared by Mach Acoustics dated 04 March 2022

Transport Assessment (TA) dated March 2020.

Ecological Assessment prepared David Clement Ecology dated November 2022

Archaeological Desk Based Assessment prepared by Glamorgan Gwent Archaeological Trust dated August 2019

Arboricultural Impact Assessment Rev A prepared Treescene dated 22nd September 2022

Tree Survey prepared by Treescene dated 18 August 2022

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system

Scale Parameters (Outline)

- 6) The development shall be carried out in accordance with the scale parameters specified within the following plans:

1844/S.120C 'Leckwith Quay Parameter Plan: Land Use';

1844/S.121C 'Leckwith Quay Parameter Plan: Building Heights'; and

1844/S.122C 'Leckwith Quay Parameter Plan: Movement Hierarchy'.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

Dwelling Limit

- 7) No more than 228 dwellings shall be erected on the site.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system

Statutory Time Limit (Full)

- 8) The realigned road and bridge hereby approved (and as shown on the plans referred to in Condition 9 of this planning permission) shall begin not 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.

Plans (Full)

- 9) The realigned road and bridge hereby permitted shall be carried out in accordance with the following approved plans and documents:

1844/S.101 Rev A Site Location Plan

70053561-WSP-XX-XX-CR-DE-1300 'B4267 Leckwith Road Highway Improvements Street Lighting & Traffic Signals';

70053561-WSP-XX-XX-CD-DE-100 'B4267 Leckwith Road Highway Improvements Existing Arrangement';

7005361-WSP-XX-XX-CE-DR-103 'B4267 Leckwith Road Highway Improvements Highway Design Vision Splays, Departures & Relaxations from Standards';

70053561-WSP-XX-XX-DR-CE-105 'B4267 Leckwith Road Highway Improvements Cross Section Location Plan Sheet 1 of 4';

70053561-WSP-XX-XX-CR-DE-106 'B4267 Leckwith Road Highway Improvements Highway Cross Section 2 of 4';

70053561-WSP-XX-XX-CR-DE-107 'B4267 Leckwith Road Highway Improvements Highway Cross Section 3 of 4';

70053561-WSP-XX-XX-CR-DE-108 'B4267 Leckwith Road Highway Improvements Highway Cross Section 4 of 4';

70053561-WSP-XX-XX-DR-CE-104 'B4267 Leckwith Road Highway Improvements Highway Long Section';

70053561-WSP-XX-XX-CR-DE-500 'B4267 'Leckwith Road Highway Improvements Proposed Drainage';

70053561-WSP-XX-XX-CR-DE-109 'B4267 Leckwith Road Highway Improvements Swept Path Analysis';

70053561-WSP-XX-XX-CR-DE-200 'B4267 Leckwith Road Highway Improvements Demolition/Carriageway Tie In' received 24 April 2022

700536561-WSP-XX-XX-CE-DR-102 Rev P01 'B4267 Leckwith Road Highway Improvements General Arrangement (Option 2)';

70053561-WSP-XX-XX-CR-DE-400 Rev P01 'B4267 Leckwith Road Highway Improvements Barriers & Guardrails';

70053561-WSP-XX-XX-CR-DE-600 P01 'B4267 Leckwith Road Highway Improvements Levels and Contours';

70053561-001 Rev P01 'Leckwith Access Bridge Existing General Arrangement'

70053561-002 Rev P05 'Leckwith Quay Bridge Proposed General Arrangement'
received 16 May 2023

Environmental Statement prepared by RPS dated October 2020

Environmental Statement Addendum prepared by Carney Sweeney dated December 2022

Design and Access Statement prepared by Loyn & Co dated May 2020

Design and Access Statement Addendum prepared by Loyn & Co dated November 2022

Planning Report prepared by RPS dated October 2020

Planning Statement Addendum prepared by Carney Sweeney dated November 2022

Flood Consequences Assessment ref 7005-3561-C-RP-0003-07-FCA prepared by WSP, December 2022

Environmental Noise Assessment Report prepared by Mach Acoustics dated 04 March 2022

Transport Assessment (TA) dated March 2020

Ecological Assessment dated November 2022

Archaeological Desk Based Assessment prepared by Glamorgan Gwent
Archaeological Trust dated August 2019

Arboricultural Impact Assessment Revision A dated prepared Treescene,
22 September 2022

Tree Survey prepared by Treescene dated 18 August 2022

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system

Highways/Bridge Works

- 10) The soffit level of the bridge shall be set at a minimum of 8.73m AOD.

Reason: To manage the risk of flooding in accordance with Policy MD7 of the Local Development Plan, TAN15).

- 11) Prior to the commencement of the demolition of the existing B4267 Leckwith bridge/viaduct and/or the construction and implementation of the new Leckwith bridge & all associated works, a scheme detailing full proposals for diversionary routes, temporary signage and traffic lights and all associated temporary Traffic Regulation Orders (TRO's) shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be implemented as approved throughout the demolition and construction period.

Reason: To maintain highway efficiency and safety in accordance with Policy MD2 of the Local Development Plan.

- 12) No development shall commence on the bridge/road hereby permitted until full engineering details, to include but not limited to telematics; surface finishes; construction details; underground services (including CCTV and fibre infrastructure); signing & lining; landscaping related infrastructure, design calculations of any structures (certified by a Professional Engineer), details of the vehicular / pedestrian access inclusive of vision splays, street lighting, highway drainage systems, onsite

parking, any associated highway retaining structures within the vicinity of the site and any carriageway resurfacing on the Leckwith Road interchange & B4267 Leckwith Hill have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to the beneficial use of the bridge/road.

Reason: To ensure minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety in accordance with Policy MD2 of the Local Development Plan.

- 13) No development shall commence on the construction of the replacement Leckwith Bridge or any other associated structural works, including highway supporting embankment earth works with slope gradients of 1:4, until full technical highway details have been submitted to and approved in writing by the Local Planning Authority. The design and construction of all bridge and structural works must comply with the requirements of the Design Manual for Road and Bridgeworks, (DMRB), the Manual of Contract Documents for Highway Works, (MCHW). The design of the works must also follow the Technical Approval (TA) process contained with the DMRB. The works must thereafter be carried out in accordance with the approved details.

Reason: To ensure the minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety and to ensure compliance with Policy MD2 of the Local Development Plan

- 14) Prior to the use of the realigned B4267 commencing, a scheme for the Traffic Regulation Orders (TRO's) to include the speed limits on the B4267 Leckwith Bridge, carriageway markings, signage and street lighting to ensure a safe means of access and to prevent parking, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (by means of a Traffic Regulation Order if necessary) in accordance with the approved details.

Reason: In the interests of highway safety and the free flow of traffic and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan.

- 15) No development shall commence on any part or phase of the development (or part thereof, exclusive of the full element of the permission for the replacement B4267) until full Engineering details of the internal road layout for the site including turning facilities, street lighting, highway drainage, onsite parking and any associated highway retaining structures within the vicinity of the site have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety and to ensure compliance with Policy MD2 of the Local Development Plan.

- 16) No dwelling shall be occupied until the new link road, bridge and associated junctions have been completed in accordance with the approved details and suitable for use by vehicular traffic, pedestrians and cyclists.

Reason: To ensure the proper and timely delivery of the development in accordance with the policies MD2 and MD7 of the Local Development Plan.

- 17) Prior to the commencement of each phase of the approved development a Construction Traffic Management Plan (CTMP) for that particular phase shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and

controlling such traffic routes and timings. The approved CTMP shall be adhered to throughout the construction period of that development phase.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policies SP1, MD2 and MD7 of the Local Development Plan.

- 18) Condition Surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to the construction of each phase of the development. The extent of the highway network to be surveyed must be agreed with the Local Highways Authority prior to the survey being undertaken, and the surveys shall then be submitted to and approved in writing by the Local Planning Authority.

The surveys shall include a plan showing the location of all defects identified within the routes for construction traffic, and a written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey. The condition surveys shall include details of how damage, caused as a result of construction traffic to highway infrastructure, shall be remediated at the expense of the developer.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 of the Local Development Plan.

- 19) A further Condition Survey along those parts of the highway network agreed under Condition 18 shall be submitted to and approved in writing by the Local Planning Authority within one calendar month of the completion of the development. The Condition Survey shall identify any remedial works to be carried out which are directly attributable to the development and include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 of the Local Development Plan.

- 20) No dwelling shall be occupied on any respective phase of the development (or part thereof) until a Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a package of measures tailored to the needs of the site and its future users which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan(s) shall be completed and provided to the residents of that phase in accordance with the approved details.

Reason: To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1, MD1 and MD2 of the Local Development Plan.

Ecology/Environment

- 21) No development shall commence on any part or phase of the development (or part thereof) until a pre-construction ecological survey for protected species (including but not limited to Bats, Newt and Otter) has been carried out and submitted to and approved in writing by the Local Planning Authority. The submitted survey shall include the results of the surveys together with details of any necessary mitigation measures if protected species are present. Where survey results indicate that

protected species would be impacted measures to address these impacts shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with the relevant requirements of Policies MG19 and MD9 of the Local Development Plan.

22) No development shall commence on any part or phase of the development (or part thereof) until a Bat Conservation Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Bat Conservation Plan shall include:

- Details of impacts (direct and indirect) from the highway and bridge works upon any bat roosts identified within structures, buildings and trees on site.
- Details of measures to avoid potential harm to bats, including details of pre-commencement surveys or checks where required.
- Details of measures to mitigate the impacts upon bats, including details of the design and location of replacement roosts appropriate to the species and nature of the roosts identified.
- Details of timing, phasing and duration of construction activities and conservation measures.

The Bat Conservation Plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with the relevant requirements of Policies MG19 and MD9 of the Local Development Plan.

23) No development shall commence on any part or phase of the development (or part thereof) until an Otter Conservation Plan (OCP) shall be submitted to and approved in writing by the Local Planning Authority. The OCP shall include:

- A plan of the vegetated buffer to be retained alongside the river showing the width of the buffer, extent and location of habitat to be retained and created.
- Measures to protect the buffer from human disturbance.
- Details of protective measures to prevent incidental killing, injuring or capture of otters during construction.
- Details of suitable features to be included in the design of the new road bridge to ensure otter will be able to pass under the road safely, particularly at times of high water level.
- An assessment of the impacts of the proposals upon otter. This should consider direct and indirect impacts and address the construction and operational phases. Clarification of the extent, distribution and structure of existing habitat; habitat lost, habitat to be retained, enhanced, and any habitat to be created; and an assessment of their condition and value for otter.

- Details of initial aftercare (if new habitat is to be created) and ongoing management proposals for the long-term maintenance of retained/created vegetation along the riverbank as suitable for otter.

The Otter Conservation Plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with Policies MG19 and MD9 of the Local Development Plan.

- 24) No development shall commence on any part or phase of the development (or part thereof) until a wildlife habitat protection and enhancement plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The wildlife habitat protection and enhancement plan shall include each species/species group identified within the Ecological Assessment dated November 2022 prepared by David Clements Ecology and include details of locations and timings of clearance works and the impacts on each species as well as any mitigation required for each species.

Each phase of the development shall thereafter be carried out in accordance with the approved wildlife habitat protection and enhancement plan and any associated mitigation, compensation and enhancement shall be retained in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with Policies SP1, MG19, MG20 and MG21 of the Local Development Plan.

- 25) Prior to the commencement of development, a landscape, woodland and ecological enhancement, monitoring and management plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The management plan should last for no less than 15 years from the approval of the plan to ensure that biodiversity is retained and enhanced on the site. The development shall thereafter be carried out in accordance with the approved management plan.

Reason: To provide suitable biodiversity mitigation and enhancement on the site, in accordance with Policy MD9 of the Local Development Plan.

- 26) No development shall commence on the construction of the replacement Leckwith Bridge, link road or any other associated works until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of the siting and type of external lighting to be used during the operation phase.
- Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.

The lighting scheme shall be installed and retained in perpetuity in accordance with the approved details.

Reason: To protect the habitats and the commuting corridors of protected species (including bats/otters) along the Western boundary of the site and the River Ely in accordance with the requirements of Policies MG19 and MD9 of the Development Plan.

- 27) Any reserved matters submission for each phase of the development shall be accompanied by a lighting scheme. The scheme should include:
- Details of the siting and type of external lighting to be used during the operation phase.
 - Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.

The lighting scheme shall be installed and retained in perpetuity in accordance with the approved details.

Reason: To protect the habitats and the commuting corridors of protected species (including bats and otters) along the western boundary of the site and the River Ely in accordance with the requirements of Policies MG19 and MD9 of the Development Plan

- 28) No site clearance of trees, bushes, shrubs or buildings shall take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting on the site 48 hours prior to works commencing.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981 and in accordance with Local Development Plan Policy MD9.

- 29) No development or site clearance shall commence until a Construction Environment Management Plan (CEMP) for that particular phase of development, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The methods of working and other measures contained in the approved CEMP shall be adhered to and carried out in accordance with the agreed timetable for implementation.

Reason: To safeguard the environment in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 30) No development shall commence on any part or phase of the development (or part thereof) until a site wide Biosecurity Risk Assessment for the treatment of non-native invasive species (including Japanese knotweed or Himalayan balsam) shall be submitted to and approved in writing by the Local Planning Authority. The Biosecurity Risk Assessment shall include measures to control, remove or for the long-term management of Japanese knotweed and Himalayan balsam during site-clearance, construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Biosecurity Risk Assessment is implemented, to secure measures to control the spread and effective management of invasive non-native species at the site, in accordance with Policies MD7 and MD9 of the Local Development Plan.

Trees, Landscaping and Public Open Space

- 31) Any reserved matters submission for each phase of development shall be accompanied by a revised Arboricultural Implications Assessment and Method Statement for that particular phase. This should include:
- i. the protection of all retained trees within the development or phase of development;
 - ii. the proposed pruning, felling or other tree work to be carried out by a professionally qualified tree surgeon and in accordance with BS 3998:2010;
 - iii. the appointment of a Project Arborist responsible for the marking of trees to be felled, monitoring the implementation of all tree protection measures, demolition activity and foundation works and keeping an auditable record of monitoring;
 - iv. further details of the full implementation of all recommended barrier fencing and ground protection measures; and,
 - v. the removal and installation of all hard surfacing, drainage excavations and specialist foundation to be undertaken in accordance with recommended construction techniques and working methodology to be approved.

The works shall thereafter be carried out in accordance with the approved details.

Reason: To avoid damage to trees on or adjoining the site in compliance with Policies SP1, SP10, MD1, MD2, MD8 of the Local Development Plan.

- 32) No development shall commence on any part or phase of the development (or part thereof) until a Landscaping and Tree Planting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should accord with the tree planting areas shown on drawings JSL-4323-RPS-XX-EX-DR-L-9001 Rev P03 'Landscape Strategy General Arrangement (Whole Site), in accordance with the specification contained within JSL-4323-RPS-XX-EX-DR-L-9008 Rev P02 'Indicative Landscape Planting Schedule and Specification'.

The Strategy shall include:

- details of replacement/supplementary tree planting for the site, the site boundaries, woodland edges, car parking areas, amenity spaces and open spaces;
- plans for off-site planting, and
- a level of tree coverage equivalent to a ratio of at least 3 trees for every 1 lost, unless there is a sound ecological or arboricultural reason to provide a lesser ratio.

The Landscaping and Tree Planting Strategy shall be implemented in accordance with the approved details.

Reason: To provide suitable replacement and new tree planting on the site, in accordance with Policies SP1, MG17, MD1 and MD2 of the Local Development Plan.

- 33) All planting, seeding or turfing comprised in the approved details of the Landscaping and Tree Planting Strategy shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development within any particular phase (as agreed by condition 1 of this permission), whichever is the sooner. Any trees or plants which die within a period of 10 years from the completion of the development or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1, MG17, MD1 and MD2 of the Local Development Plan.

- 34) No dwelling shall be occupied on any respective phase of the development (or part thereof) until a scheme for the provision and maintenance of Public Open Space (including any children's play equipment) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The public open space shall thereafter be provided and retained in perpetuity in accordance with the approved details.

Reason: To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan.

Noise

- 35) Any reserved matters submission for each phase of development shall be designed in accordance with the principles and noise levels identified within the 'Environmental Noise Assessment Report prepared by Mach Acoustics' dated 4 March 2022. It should include details of background noise sources/levels and measures to protect the living conditions of residents in the development. External amenity areas across the site should achieve below 55dB(A) as a minimum with a view of achieving a level of 50dB(A); and internal noise levels shall comply with British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings' (or any other order/Standard revoking and re-enacting that Standard with or without revocation).

The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.

Reason: To safeguard the living conditions of future occupiers of the development, in accordance with Policies SP1 and MD7 of the Local Development Plan.

Contamination

- 36) No development or site clearance shall commence on any part or phase of the development (or part thereof) until a site investigation of the nature and extent of contamination affecting that particular phase has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. This investigation must be carried out in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The methodology shall include measures for unforeseen contamination found during construction. The results of the site investigation shall be made available to the Local Planning Authority before any development begins on that particular phase. The site investigation shall be carried out and implemented in accordance with the approved methodology.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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 in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 37) No development or site clearance shall commence on any part or phase of the development (or part thereof) until a remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 38) The remediation scheme approved by condition 37 shall be undertaken in accordance with its terms prior to the occupation of any part of the development within a particular phase. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for approval. Any recommendations for additional remediation shall be undertaken in accordance with the approved details and in accordance with an approved timetable.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017).

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 39) In the event that contamination is found at any time when carrying out the 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 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 two weeks of the discovery of any unsuspected contamination.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 40) No development or site clearance shall commence on any part or phase of the development (or part thereof) until a scheme to investigate and monitor the site for the presence of gases generated at the site or on adjoining land and their treatment or management has been submitted to and approved in writing by the local planning authority. Where required, gas protection measures shall be installed and verified

before occupation of that part of development or phase and retained and maintained until such time as the local planning authority agrees in writing that the measures are no longer required.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 41) Any topsoil [natural or manufactured] or subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported 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 Pollution Control's Imported Materials Guidance Notes and 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 Local Planning Authority.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

- 42) 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 the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. The scheme shall be implemented as approved during the course of the development.

Reason: To ensure the safety of future occupiers of the development in accordance with Policies SP1 and MD7 of the Local Development Plan.

Drainage

- 43) The development shall be carried out in accordance with the recommendations in the Flood Consequences Assessment reference 7005-3561-C-RP-0003-07-FCA dated December 2022.

Reason: To protect future residents and third parties from any flood risk in accordance with Policies SP1 and MD1 of the Local Development Plan.

- 44) No development or site clearance shall commence on any part or phase of the development (or part thereof) until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater shall be submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: To ensure there is no unacceptable risk to groundwater in accordance with Policy MD7 of the Local Development Plan.

- 45) No development or site clearance shall commence on any part or phase of the development (or part thereof) until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the development shall be

delivered prior to the occupation of any building. The agreed scheme shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply in accordance with Policy MD7 of the Local Development Plan.

- 46) Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at the 1600mm foul sewer at manhole reference number ST16751201. The sewerage connection shall be made prior to the beneficial use of the development hereby approved.

Reason: To prevent hydraulic overloading of the public sewerage in accordance with Policy MD7 of the Local Development Plan.

- 47) No infiltration of surface water drainage into the ground is permitted. If this is not possible a drainage scheme demonstrating there would be no unacceptable risk to controlled waters shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent unacceptable levels of water pollution in accordance with Policy MD7 of the Local Development Plan.

- 48) Any reserved matters submission for each phase of development shall include details of existing ground levels and proposed finished ground and floor levels for the site and buildings. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the visual amenity of the area is safeguarded and to prevent flooding in accordance with Policies MD2 and MD7 of the Local Development Plan.

Historic Environment

- 49) No development or site clearance shall commence on any part or phase of the development (or part thereof) until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The final report shall be deposited with the Local Planning Authority prior to first occupation of any building on the development hereby approved, in order that it may be forwarded to the Historic Environment Record.

Reason: To ensure features and buildings of historical and archaeological interest are recorded in accordance with Policies SP1, SP10 and MD8 of the Local Development Plan.

- 50) No development or site clearance shall commence on any part or phase of the development (or part thereof) until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been first submitted to and approved in writing by the local planning authority. The programme of work shall be carried out and implemented in accordance with the approved written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in accordance with Policies SP1, SP10 and MD8 of the Local Development Plan.

Gigabit Provision

- 51) No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby

permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

Richborough

ANNEX B –

Schedule of Recommended Conditions for application Ref: 20/02081/MJR

Statutory Time Limit

- 1) The development permitted 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.

Plans

- 2) The development shall be carried out in accordance with the following approved plans:

1844/S.101 Rev A Site Location Plan

70053561-WSP-XX-XX-CR-DE-1300 'B4267 Leckwith Road Highway Improvements Street Lighting & Traffic Signals';

70053561-WSP-XX-XX-CD-DE-100 'B4267 Leckwith Road Highway Improvements Existing Arrangement';

7005361-WSP-XX-XX-CE-DR-103 'B4267 Leckwith Road Highway Improvements Highway Design Vision Splays, Departures & Relaxations from Standards';

70053561-WSP-XX-XX-DR-CE-105 'B4267 Leckwith Road Highway Improvements Cross Section Location Plan Sheet 1 of 4';

70053561-WSP-XX-XX-CR-DE-106 'B4267 Leckwith Road Highway Improvements Highway Cross Section 2 of 4';

70053561-WSP-XX-XX-CR-DE-107 'B4267 Leckwith Road Highway Improvements Highway Cross Section 3 of 4';

70053561-WSP-XX-XX-CR-DE-108 'B4267 Leckwith Road Highway Improvements Highway Cross Section 4 of 4';

70053561-WSP-XX-XX-DR-CE-104 'B4267 Leckwith Road Highway Improvements Highway Long Section;

70053561-WSP-XX-XX-CR-DE-500 'B4267 'Leckwith Road Highway Improvements Proposed Drainage';

70053561-WSP-XX-XX-CR-DE-109 'B4267 Leckwith Road Highway Improvements Swept Path Analysis';

70053561-WSP-XX-XX-CR-DE-200 'B4267 Leckwith Road Highway Improvements Demolition/Carriageway Tie In' received 24 April 2022

700536561-WSP-XX-XX-CE-DR-102 Rev P01 'B4267 Leckwith Road Highway Improvements General Arrangement (Option 2)';

70053561-WSP-XX-XX-CR-DE-400 Rev P01 'B4267 Leckwith Road Highway Improvements Barriers & Guardrails';

70053561-WSP-XX-XX-CR-DE-600 P01 'B4267 Leckwith Road Highway Improvements Levels and Contours';

70053561-001 Rev P01 'Leckwith Access Bridge Existing General Arrangement'

70053561-002 Rev P05 'Leckwith Quay Bridge Proposed General Arrangement'
received 16 May 2023

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system

Ecology/Environment

- 3) No development shall commence on any part of the development until a pre-construction ecological survey for protected species (including but not limited to Bats, Newt and Otter) has been carried out and submitted to and approved in writing by the Local Planning Authority. The submitted survey shall include the results of the surveys together with details of any necessary mitigation measures if protected species are present. Where survey results indicate that protected species would be impacted measures to address these impacts shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with the relevant requirements of Policies KP16, EN5, EN6 and EN7 of the Local Development Plan.

- 4) No development shall commence on any part of the development until a Bat Conservation Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Bat Conservation Plan shall include:
- Details of impacts (direct and indirect) from the highway and bridge works upon any bat roosts identified within structures, buildings and trees on site.
 - Details of measures to avoid potential harm to bats, including details of pre-commencement surveys or checks where required.
 - Details of measures to mitigate the impacts upon bats, including details of the design and location of replacement roosts appropriate to the species and nature of the roosts identified.
 - Details of timing, phasing and duration of construction activities and conservation measures.

The Bat Conservation Plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with the relevant requirements of Policy EN7 of the Local Development Plan.

- 5) No development shall commence on any part of the development until an Otter Conservation Plan (OCP) shall be submitted to and approved in writing by the Local Planning Authority. The OCP shall include:
- A plan of the vegetated buffer to be retained alongside the river showing the width of the buffer, extent and location of habitat to be retained and created.
 - Measures to protect the buffer from human disturbance.

- Details of protective measures to prevent incidental killing, injuring or capture of otters during construction.
- Details of suitable features to be included in the design of the new road bridge to ensure otter will be able to pass under the road safely, particularly at times of high water level.
- An assessment of the impacts of the proposals upon otter. This should consider direct and indirect impacts and address the construction and operational phases. Clarification of the extent, distribution and structure of existing habitat; habitat lost, habitat to be retained, enhanced, and any habitat to be created; and an assessment of their condition and value for otter.
- Details of initial aftercare (if new habitat is to be created) and ongoing management proposals for the long-term maintenance of retained/created vegetation along the riverbank as suitable for otter.

The Otter Conservation Plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 is ongoing through the construction phases and where necessary remedial measures are implemented for their protection and in compliance with Policy EN7 of the Local Development Plan.

- 6) Prior to the beneficial use of the new road bridge commencing, the following ecological enhancements shall be installed:
- i. A specifically designed bat house near the river to benefit the lesser horseshoe bat;
 - ii. Ledges within the bridge structure for flycatchers and wagtails; and
 - iii. Two kingfisher nesting boxes on the bridge parapets.

A plan indicating the location of the above ecological enhancements, and evidence they have been installed in line with guidance/best practice, shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the new road bridge commencing. The ecological enhancements shall be retained in perpetuity.

Reason: To maintain and enhance biodiversity and promote the resilience of ecosystems in accordance with Local Development Plan Policies KP16, EN5, EN6 and EN7.

- 7) No site clearance of trees, bushes, shrubs or buildings shall place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting on the site 48 hours prior to works commencing.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981 and in accordance with Local Development Plan Policy EN7.

- 8) No development or site clearance shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of the siting and type of external lighting to be used during the operation phase.
- Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.

The lighting scheme shall be installed and retained in perpetuity in accordance with the approved details.

Reason: To protect the habitats and the commuting corridors of protected species (including bats and otters) along the western boundary of the site and the River Ely in accordance with the requirements of Policy EN7 of the Local Development Plan

- 9) No development or site clearance shall commence until a Construction Environment Management Plan (CEMP) for that particular phase of development, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The methods of working and other measures contained in the approved CEMP shall be adhered to and carried out in accordance with the agreed timetable for implementation.

Reason: To safeguard the environment in accordance with T5, T6, EN6, EN7, and EN13 of the Local Development Plan.

- 10) No development shall commence on any part of the development until a site wide Biosecurity Risk Assessment for the treatment of non-native invasive species (including Japanese knotweed or Himalayan balsam) shall be submitted to and approved in writing by the Local Planning Authority. The Biosecurity Risk Assessment shall include measures to control, remove or for the long-term management of Japanese knotweed and Himalayan balsam during site-clearance, construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Biosecurity Risk Assessment is implemented, to secure measures to control the spread and effective management of invasive non-native species at the site, in accordance with Policy EN13 of the Local Development Plan.

Landscaping

- 11) No development shall commence on any part of the development until full details of soft landscaping and its future management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- i. A soft landscaping implementation programme.
 - ii. Scaled planting plans prepared by a qualified landscape architect;
 - iii. Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting;
 - iv. Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect;
 - v. Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree;
 - vi. Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (i.e. Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are

- proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement;
- vii. Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications;
 - viii. Details of management prescriptions for 5 years (short-term) and up to 15 years (long-term).

The landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with Local Development Plan Policy KP16.

- 12) All planting, seeding or turfing comprised in the approved details of the Landscaping and Tree Planting Strategy shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which die within a period of 10 years from the completion of the development or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy KP16 of the Local Development Plan.

Contamination

- 13) No development or site clearance shall commence until a site investigation of the nature and extent of contamination affecting the site has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. This investigation must be carried out in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The methodology shall include measures for unforeseen contamination found during construction. The results of the site investigation shall be made available to the Local Planning Authority before any development begins on that particular phase. The site investigation shall be carried out and implemented in accordance with the approved methodology.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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 in accordance with Policy EN13 of the Local Development Plan.

- 14) No development or site clearance shall commence on any part of the development until a remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health,

controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation

Reason: To ensure the safety of future occupiers of the development in accordance with Policy EN13 of the Local Development Plan.

- 15) The remediation scheme approved by condition 14 shall be undertaken in accordance with its terms prior to the occupation of any part of the development within a particular phase. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for approval. Any recommendations for additional remediation shall be undertaken in accordance with the approved details and in accordance with an approved timetable.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017).

Reason: To ensure the safety of future occupiers of the development in accordance with Policy EN13 of the Local Development Plan.

- 16) 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 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 two weeks of the discovery of any unsuspected contamination.

Reason: To ensure the safety of future occupiers of the development in accordance with Policy EN13 of the Local Development Plan.

- 17) Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported 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 material is free

from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To safeguard future occupiers in accordance with Local Development Plan Policy EN13.

- 18) Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the local planning authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To safeguard future occupiers in accordance with Local Development Plan Policy EN13.

Drainage

- 19) The soffit level of the bridge hereby approved shall be set at least at 8.73m AOD.

Reason: To manage and reduce the risk of flooding in accordance with Local Development Plan Policies KP15 and EN14.

- 20) Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at the 1600mm combined sewer at manhole reference number ST16751201. The sewerage connection shall be made prior to the beneficial use of the development hereby approved.

Reason: To prevent hydraulic overloading of the public sewerage in accordance with Local Development Plan Policy EN10.

- 21) No infiltration of surface water drainage into the ground is permitted. If this is not possible a drainage scheme demonstrating there would be no unacceptable risk to controlled waters shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent unacceptable levels of water pollution in accordance with Policy EN11 of the Local Development Plan.

- 22) No development or site clearance shall commence on any part of the development until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater shall be submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: To ensure there is no unacceptable risk to groundwater in accordance with Policies EN6, EN7 and EN11 of the Local Development Plan.

Highways/Public Realm

- 23) No development or site clearance shall commence on any part of the development until full engineering details, to include but not limited to telematics; surface finishes; construction details; underground services (including CCTV and fibre infrastructure); signing & lining; landscaping related infrastructure, design calculations of any structures (certified by a Professional Engineer), details of the vehicular / pedestrian access inclusive of vision splays, street lighting, highway drainage systems, onsite parking, any associated highway retaining structures within the vicinity of the site and any carriageway resurfacing on the Leckwith Road interchange & B4267 Leckwith Hill have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to the use of the bridge/road.

Reason: To ensure minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety in accordance with Policies T1, T5, T6 and T8 of the Local Development Plan.

Historic Environment

- 24) No development or site clearance shall commence on any part of the development until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The final report shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record.

Reason: To ensure features and buildings of historical and archaeological interest are recorded in accordance with Policy KP17 of the Local Development Plan.

- 25) No development or site clearance shall commence on any part of the development until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been first submitted to and approved in writing by the local planning authority. The programme of work shall be carried out and implemented in accordance with the approved written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in accordance with Policy KP17 of the Local Development Plan.

Richborough

ANNEX C: Appropriate Assessment

Introduction

1. The need for Habitats Regulations Assessment (HRA) is set out within Article 6 of the EC Habitats Directive 1992, which is transposed into British Law by the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require decision makers, in this case the Welsh Ministers, to undertake an Appropriate Assessment (AA) where significant effects on a European site are likely and only to give consent if there are no adverse effects on the integrity of a European site unless other legal tests have been met.

The site and proposed development

2. The site and proposed development are described in more detail in paragraphs 4 to 9 of the main body of the report.
3. The site is located adjacent to the River Ely on the border between the administrative boundaries of Cardiff and the Vale of Glamorgan and is currently used for commercial and industrial uses comprising a number of buildings and hard standing areas. The River Ely runs along the north-eastern boundary of the site along with the A4232 Ely-Grangetown Link Road. The site is bordered by the Factory Wood Site of Importance for Nature Conservation (SINC) and the Ely Valley & Ridge Slopes Special Landscape Area (SLA). The site lies within 5 km of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and Site of Special Scientific Interest (SSSI).
4. It is envisaged that the residential development (subject to the outline application) would consist of up to 228 dwellings with access involving a new bridge over the River Ely positioned upstream of the Grade II listed Old Bridge. The development would include the removal of the existing Leckwith bridge and viaduct and the realignment of the B4267 Leckwith Road Link.

Likely Significant Effect

5. The proposed development lies within 5 km of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and Site of Special Scientific Interest (SSSI). There are hydrological links from the proposed development site to these areas mainly through the River Ely. As such there is the potential for siltation and airborne/waterborne pollution to reach these areas during the demolition and construction phase.
6. The SAC is designated for its habitats including sandbanks, estuaries, mudflats and sandbanks, reefs and Atlantic salt meadows. It is also designated for the Annex II species twaite shad, sea lamprey and river lamprey. The River Ely is connected to the SAC and the river corridor is considered to be an important ecological feature within the landscape. The primary pathway of effect would be through impacts towards the estuary, such as direct habitat loss and damage and changes in water quality and water levels which would impact local species. In such circumstances the precautionary principle should be applied, and an adverse effect presumed. As such I will take these considerations forward to Appropriate Assessment.

Appropriate Assessment

7. The River Ely is connected to the SAC creating a potential pathway for pollutants. Dust generated during demolition and construction may enter the SAC through wind blow and water runoff. This could have potentially adverse impacts on water quality, leading to a reduction in habitat quality. Pollution may also occur through waterborne sediment or

chemical pollutants. Pollution could also affect estuarine habitat downstream impacting on the extent and distribution of habitats and species. There could also be disturbance during the construction phase due to fluctuations in water flow and vibration from piling.

8. The indicative design of the residential development shows that buildings would be located away from the river as much as possible by a buffer of approximately 8 metres and access to the riverbanks would be restricted. The mitigation measures would include buffers of 8m to be maintained along the river Ely with the wooded banks of the river retained to act as a buffer with the residential development, and to ensure the continued use and protection of the habitat as a corridor for wildlife.
9. The proposed Landscape Strategy also indicates the residential development would provide landscaping around the site and identified 'green fingers' providing scope for biodiversity connections running through the site. The residential development would also include sustainable drainage areas including swales and attenuation ponds which have the ability to assist in preventing pollutants and waterborne sediment to enter the River Ely and flow downstream. These landscape design elements would be secured at the detailed design/reserved matters applications stage for the residential development.
10. Appropriate pollution control measures through a CEMP would be implemented during the demolition of the Leckwith Bridge and Viaduct and the existing industrial/commercial buildings and the construction of the replacement bridge and residential development to prevent possible pollution events. The storage of materials, mixing areas, refuelling areas, haul routes and site compounds etc would not be located adjacent to the River Ely. The CEMP would include details of protection of watercourses, surface water management and dust minimisation during the demolition and construction phases, and water quality monitoring and contingency plans.
11. Considering all of the identified likely significant effects together with the proposed mitigation measures, including the control over the design and layout of the proposed development at reserved matters stage, and the planning conditions that have been recommended, I find that the scheme would cause no adverse effect on any internationally protected sites.
12. NRW is satisfied that, subject to the proposed avoidance and mitigation measures being secured and implemented, and the implementation of conditions, there is unlikely to be any adverse effects on the integrity of the protected sites.
13. I have considered all the available evidence, including the concerns raised by those who oppose the scheme, and I have adopted the precautionary principle in carrying out my assessment. I conclude that it is beyond reasonable scientific doubt that the scheme, either alone or in combination with other projects, would not have an adverse effect on the integrity of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and Site of Special Scientific Interest (SSSI). This conclusion is based on the circumstances of this case and subject to securing the mitigation measures through the imposition of and compliance with the recommended planning conditions.

Recommendation

14. For the reasons given above, and having regard to all other matters raised, I recommend that this report be accepted as an Appropriate Assessment which complies with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Richard Duggan

Inspector