

APPLICANT: Vale of Glamorgan and Lovell Homes Civic Offices,, Holton Road,, Barry,, CF63 4RU

AGENT: Mrs Llinos Hallett Unit 5, Cae Gwyrdd, Greenmeadow Business Park, Tongwynlais, CF15 7AB

No.1 Dock and The Mole, Neptune Road, Barry Waterfront, Barry

The proposals for the site are the subject of a hybrid application comprising:

1. Full planning permission for engineering works to raise the existing ground levels of the Mole site to a minimum of 9.00m AOD to mitigate against potential future flood risk.
2. Outline planning permission for the development of a watersports centre, associated college/education facility and café on the eastern part of the site.
3. Outline planning permission for residential development of up to 100 dwellings.
4. Outline planning permission for ancillary works, including access, parking, landscaping, public open space and other associated infrastructure.

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

This is a hybrid application, that as amended is made up of four distinct, but complementary, components as follows:

1. Full planning permission for engineering works to raise the existing ground levels of the Mole site to a minimum of 9.00m AOD to mitigate against potential future flood risk.
2. Outline planning permission for the development of a watersports centre, associated college/education facility and café on the eastern part of the site.
3. Outline planning permission for residential development of up to 100 dwellings.
4. Outline planning permission for ancillary works, including access, parking, landscaping, public open space and other associated infrastructure.

The application as originally submitted in 2023 also proposed a 400 berth marina and incubator building that have been removed from the proposals, whilst the proposals have also increased the maximum number of dwellings from the site from 65 to 100.

The principal issues for consideration with the application are the principle of development in terms of its location, flood risk, highway matters, design and visual impact, impact upon amenity of neighbouring occupiers, ecology, flood risk and drainage, historic environment, noise and air quality, contaminated land and planning obligations and viability.

Comments were received from members of the public raising concerns including impact of the proposal on visual and residential amenity (including in terms of building heights), highway impacts, impacts on local services, ecology and potential increases in pollution.

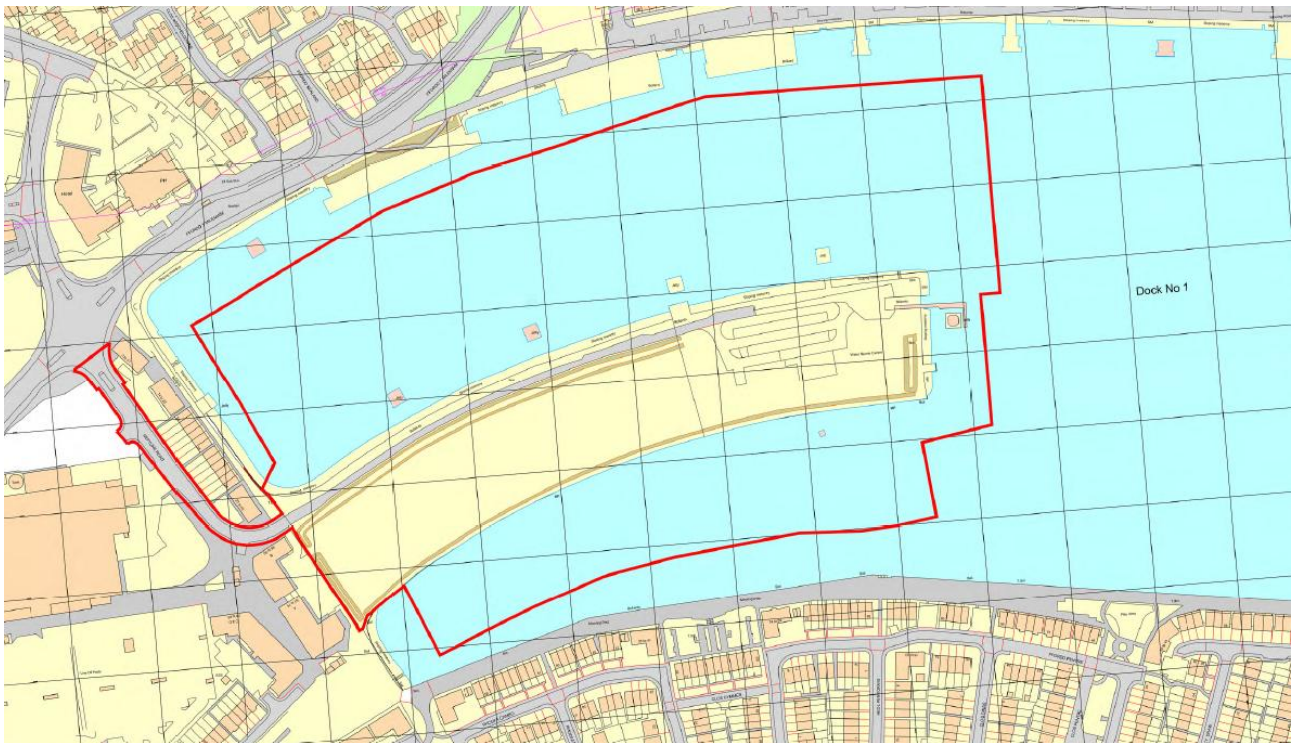
Concerns received were also raised in terms of the extent of increase being 9m, although for clarity this is not the case and the submitted details indicate a maximum increase of circa 0.6-0.8m.

Comments were also received supporting the scheme.

It is considered that whilst there are significant viability constraints, there are significant regeneration benefits to the scheme and as such the application is recommended for approval subject to conditions.

SITE AND CONTEXT

The land comprises of former industrial land with the far eastern end currently occupied by Barry Community Water Activity Centre which includes a number of temporary buildings and a boat storage area. The application site is approximately 3.03 hectares of land projecting out within Barry Docks and adjacent water within the wider dock, as shown on the site location plan shown below:



The site is read within the context of the wider redevelopment of Barry Waterfront with surrounding phases already complete, and forms part of the wider allocation for the waterfront development.

The site currently sits within Flood Zones 2 and 3 for sea flooding and within the civil aviation authority consultation area for development that would exceed 15m in height.

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for engineering works to alter the existing ground level of the Mole to a minimum of 9.00 AOD.

The levels plan submitted below shows the area in purple would be raised to 9.3m AOD, with areas shown in green adjacent to the dock wall to remain the same and the areas of landscaping/open space to be fully detailed within a reserved matters submission:

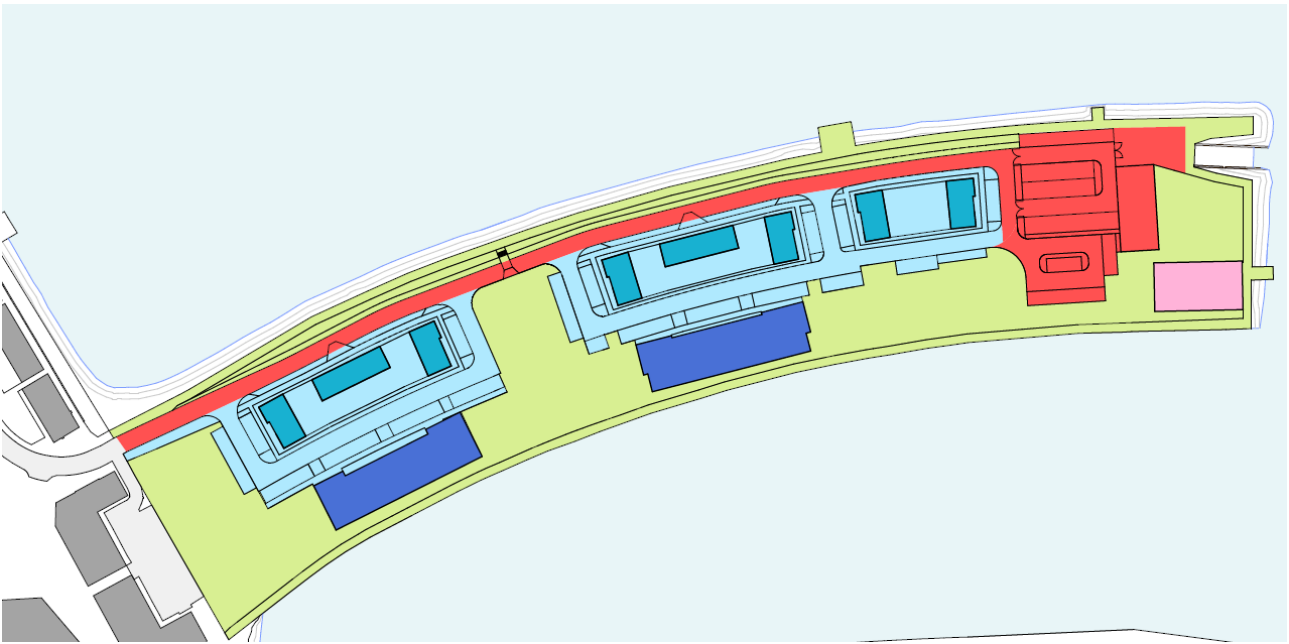
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The application also seeks outline planning permission for the following aspects:

- Outline planning permission for the development of a watersports centre, associated college/education facility and café on the eastern part of the site.
- Outline planning permission for residential development of up to 100 dwellings.
- Outline planning permission for ancillary works, including access, parking, landscaping, public open space and other associated infrastructure.

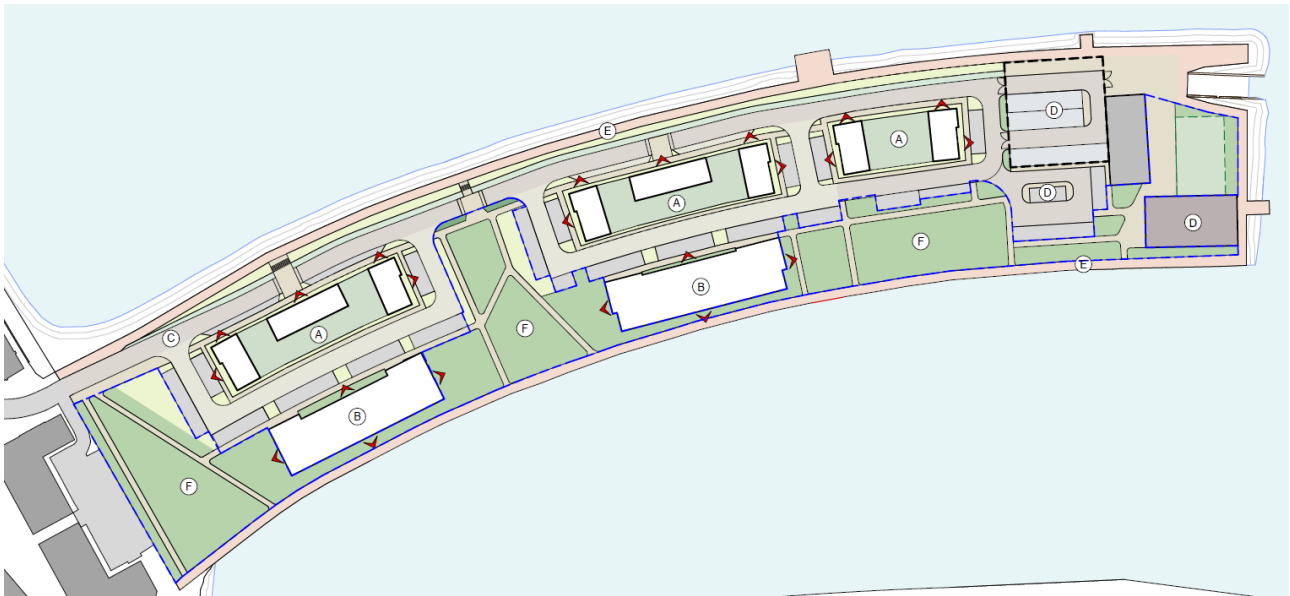
The indicative plan below shows land use parameters, with residential development coloured blue across the west and central parts of the site, watersports activity centre access road, parking and boat storage (red) and watersports activity centre itself (pink) shown to the east. Areas of open space are shown in green.



The proposals would include buildings of varied scale as shown on the height parameter plan as below, with apartment buildings to the south of the site being up to 4 storeys in height (purple), 3 storey dwellinghouses to the north, with the watersport and boat store buildings proposed to be 2 and single storey respectively.



The submitted indicative masterplan shows the proposed general configuration of spaces within the development including what is described as the 'linear park' to the south of the site with an indicative area of circa 8750m². An active travel route is proposed to run to the periphery of the site, with pedestrian/vehicular circulation routes indicated more centrally.



PLANNING HISTORY

There is extensive planning history relating to the Mole and the wider waterfront development

1986/01113/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Complete redevelopment, Decision: Appeal Allowed

1991/00496/OUT, Address: No. 1 Dock, Barry, Proposal: Renewal of consent for comprehensive redevelopment, Decision: Approved

1994/00144/OUT, Address: No. 1 Dock, Barry (190 acres), Proposal: Comprehensive redevelopment, Decision: Approved

1994/00207/FUL, Address: No. 1 Dock, Barry, Proposal: Infrastructure to comprehensive redevelopment, Decision: Approved

2000/00265/FUL, Address: Barry Waterfront, Proposal: Variation of Condition 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three years to seven years, Decision: Approved

2007/01682/SC2, Address: Sites C and D - West Pond & South Quay, Barry Waterfront, Proposal: Mixed use development including residential, leisure, education, community facilities, employment, hotel and retail use, Decision: EIA (Scoping) - No Further Information Required

2009/00946/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Approved

2010/00397/SC1, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Regrading of site and remediation of contamination, Decision: Environmental Impact Assessment (Screening) - Not Required

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

2012/00852/SC1, Address: Barry Waterfront, Proposal: Asda foodstore and non-food retail units, Decision: Environmental Impact Assessment (Screening) - Not Required

2012/00971/EAR, Address: Powell Duffryn Way, Barry Waterfront, Barry, Proposal: Development of Phase 1 of District Centre comprising Asda foodstore and two non food retail units, with associated petrol filling station, car parking, access works and landscaping, Decision: Approved

2014/00793/FUL, Address: East End of The Mole, Barry Docks, Proposal: Change of use from operational dockland to Barry Community Water Activity Centre, The Mole, Barry Docks, Decision: Approved

2014/00794/FUL, Address: East End of The Mole, No. 1 Dock, Barry Docks, Proposal: Engineering works - formation of a boat slipway in the existing dock wall, Decision: Approved

2014/01218/RES, Address: Proposed District Centre, Barry Waterfront, Powell Duffryn Way, Barry, Proposal: Development of vacant land at Barry Waterfront for residential use (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, regrading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision at land at Barry Waterfront adjacent to Dock No. 1, Barry., Decision: Withdrawn

2015/00359/OUT, Address: BCWAC, The Mole, Powell Dyffryn Way, Barry, Proposal: Water sports facility, Decision: Approved

2017/00025/FUL, Address: Barry Community Water Activity Centre, Powell Duffryn Way, Barry, Proposal: Construction of new community leisure building with associated site works. New building to incorporate; changing, storage and office space for water activity centre, Decision: Approved

2017/00476/RES, Address: Dockside Quay, Barry Waterfront., Proposal: Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping, Decision: Approved

2017/00715/FUL, Address: Barry Community Water Activity Centre, Powell Duffryn Way, Barry, Proposal: Construction of new multi-use community building with associated site works. New building to incorporate; (D2) gymnasium and classrooms as well as (A3) restaurant, Decision: Approved

2017/01356/RES, Address: Land at Barry Waterfront, Barry, Proposal: Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping, Decision: Approved

2019/01153/FUL, Address: Dockside Quay, Barry Waterfront, Proposal: Variation of Condition 14 of Planning Permission ref. 2017/00476/RES to allow temporary consent for A2 use of the unit for 12 months as a sales office for the development, Decision: Withdrawn

2019/01407/RES, Address: District Centre, Land at Barry Waterfront, Barry, Proposal: Amend plan schedule to revise housing schedule and minor amendments to the fenestration/elevation detail. Variation of Condition 1 of Planning Permission ref. 2017/01356/RES (Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping), Decision: Approved

2020/00717/FUL, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Proposal: Vary Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 22, and 23 of planning permission 2010/00696/FUL, Decision: Approved

2022/00867/SC1, Address: The Mole, Barry, Proposal: Formal screening opinion requested - The scheme proposed for this site is a mixed-use scheme comprising leisure, business space and residential, Decision: Environmental Impact Assessment (Screening) - Not Required

CONSULTATIONS

Barry Town Council were consulted although no comments had been received at the time of writing this report.

The Council's Highway Development section were consulted and do not raise objections to the proposal. However, they indicate that further information would be required with regard to highway construction details; provision of suitable width carriageways and turning facilities (including to cater for a 15m coach); further details of active travel route provision. In terms of parking, they indicate that there is justification for a reduction in parking provision noting the availability of sustainable transport modes and local amenities but indicate that the exact parking numbers would need to be considered under any reserved matters submission.

Chief Fire Officer states that they have 'no objection to the proposal and refers the local planning authority to current standing advice', and request that adequate water supplies are provided on site for firefighting purposes and access for emergency firefighting supplies.

The Council's Economic Development Section was consulted although no comments had been received at the time of writing this report.

The Council's Drainage Section considered the submissions including the submitted Flood Consequence Assessment (JBA, 2023) and the Flood Risk Compliance Statement (JBA, 2026). Noting this they advise '*The principle of ground raising to 9.0m AOD remains*

unchanged and no alterations have been made that materially affect the surface water flood risk position.

The submitted information confirms that the site is predominantly located within Flood Zone 1 for surface water flooding, indicating a very low probability of flooding. The FCA concludes that the risk from surface water is very low and that any localised areas of higher risk shown on mapping are likely to be artefacts of the modelling due to the site's proximity to the dock, which is accepted.

Based on the information provided, the LLFA is satisfied that the site is not at significant risk from surface water flooding.'

They also advise that SAB approval would be required for drainage of the site.

Shared Regulatory Services (Pollution Control) commented with regard to the amended proposals that they have 'no observations to make'.

Heneb, The Trust for Welsh Archaeology (formerly GGAT) were consulted and note the presence of historic 19th and 20th century structures on the Mole and recommends a condition that requires the recording of structures prior to work commencing, noting the development will have an impact upon them physically, and on their setting. As such they request that a condition requiring building recording be attached to any consent given.

Baruc Ward members were consulted although no comments have been received at the time of writing this report.

Dwr Cymru Welsh Water initially raised a holding response having identified that a trunk/distribution watermain crosses the site and no development shall occur within the protection zone of the asset. However, following further clarification with the applicant, they are confident that the identified asset is abandoned and are satisfied that a suitably worded condition can be added to any permission given requiring a scheme to divert, remove or grout up the non-operational watermain to safeguard potable water supply.

The Council's Ecology Officer were consulted and recommend the inclusion of planning conditions. These relate to the need to translocate grassland from the site and associated future management; amended scheme of biodiversity enhancement with preference for swift nest chambers instead of bat boxes/tubes; a construction environment management plan to be submitted, in addition to sensitive site clearance as advocated within the submitted ecological appraisals. Also recommend that an amended green infrastructure statement should be submitted with a reserved matters application with amended tree species and consideration of use of extant grassland mix on the site.

The Council's Landscape Section (Dock Offices) provides a number of comments with regard to the proposals and in summary states 'the revised layout delivers improved public realm provision and stronger north-south connections'. They do however raise comments with some of quality/usability of spaces, level changes, pedestrian connectivity, location and usability of play areas and that green infrastructure strategy does not mitigate impacts on SINC-quality grassland or demonstrate biodiversity enhancement.

The Council's Housing Strategy (Affordable Housing) section were consulted and indicate that there is an evidenced need for affordable housing and provide the following current waiting list information:

BARAC		%
1 Bed	660	63.46%
2 Bed	228	21.92%
3 Bed	122	11.73%
4 Bed	25	2.40%
5 Bed	4	0.38%
6 Bed	1	0.10%
total	1040	

On the basis of the information submitted, Housing Strategy state that they ‘fully support this development and look forward to working with Vale homes to ensure the affordable housing provided meets the needs identified above.’

Transport and Road Safety section were consulted although no comments had been received at the time of writing this report.

Natural Resources Wales (NRW) were consulted and advise that they have concerns with the application but these concerns can be overcome through conditions and the inclusion of the submitted Flood Consequence Assessment as an approved document. NRW consider that the Habitats Regulations Assessment demonstrates that, with appropriate mitigation, there would be no adverse effect on the integrity of the Severn Estuary SAC, SPA and Ramsar site. NRW recommend conditions relating to the submission of a Construction Environmental Management Plan (CEMP) and land contamination, including site investigation, remediation, verification, unforeseen contamination and piling details. In respect of flood risk, NRW confirm that the proposed raising of site levels to a minimum of 9.0m AOD would render the site flood free and that the Flood Consequence Assessment demonstrates that flood risks and consequences can be managed to an acceptable level. NRW also raise no further comments in relation to foul drainage.

Shared Regulatory Services (Contaminated Land, Air & Water Quality) who advise that the submissions have identified contaminants of concern that will require remediation to make the site suitable for use. They advise that satisfactory approaches for remediation are detailed but a further remediation and verification will need to be undertaken. They also note that ground gas assessment is ongoing and provide advice with regard to soils/site won materials. Noting this they request conditions be attached to any permission given, relating to a ground gas assessment and protection measures; remediation and verification plan for contamination; associated remediation/verification being undertaken; unforeseen contamination; imported soils/aggregates and use of site won materials. An informative about contamination is also requested.

South Wales Police were consulted and a detailed response from the Designing Out Crime Officer has been received. This provides an overview of crime statistics for the area and provides a series of comments and recommendations, including in relation to perimeter security, footpaths, lighting, communal areas, parking, gable ends, boundary treatments, doors, and windows, bin storage, and communal mail and parcel delivery.

Executive Director of Public Health was consulted and provide comments with regard to the need to phase the delivery of green spaces to provide for residents; prioritisation should be given to walking and cycling to reduce car reliance/dependency including careful consideration of parking numbers on the site; and recommend the applicant engage with the health board with regard to capacity.

The Council's Education Section were consulted although no comments had been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were originally consulted on 2 March 2023, with site notice was also displayed on 23rd March 2023 and the application was also advertised in the press on 2nd March 2023.

Subsequently, the Following the re-registration of the application, neighbouring properties were notified on 11 May 2026, with site notices erected on 27 May 2026 and a press advert erected on 28 May 2026, 34 representations were received raising the following:

Reasons for support included the following:

- Add value to the surrounding area and make for a wonderful place to live.
- Good for the surrounding area and the whole of Barry.
- Generate tourism and support jobs in the local area.
- Enhancement of the waterfront area.

Objections were made on the following grounds:

- Loss of views.
- Parking, traffic congestion and related pollution impacts including Impact on highway network and impact upon traffic lights at Neptune Road junction.
- The traffic lights at the Neptune Road junction are dangerous with the current traffic levels. Further increases will lead to further accidents.
- Existing anti-social behaviour will get worse.
- Loss of privacy and air, noise and light pollution from boats using the dock.
- Increased noise and disturbance in addition to Asda.
- Lack of services – shops, dentist, doctors and schools. Further facilities required to serve existing and future residents.
- Impact on wildlife on the dock.
- Overdevelopment of Barry- no more residential properties required at the waterfront.
- Loss of light and privacy from residential units.
- Pollution of the dock.
- The number of boats has increased since the original proposal.
- All outstanding works around the area should be completed first.
- The docks authority has not been proactive in keeping their land tidy and maintained.
- Visual Impact – Building up the height of the Mole and having buildings up to 4 storeys high will detract from the complete appearance of the Mole and be overbearing.
- The rail tracks running down the Mole should be preserved together with the few other original features.
- Incubator offices seem unnecessary addition as there are already ample empty offices in the current development opposite Neptune Road and the Goods Shed.
- Visual impact of the retaining walls to the south to contain the vehicle parking courts.
- Already unoccupied properties close to the site, including in district centre.
- Loss of green space and biodiversity

- Consideration should be given to rainwater harvesting
- Disruption during construction activities
- Concern over raising of land by 9 metres
- Concerns over wind tunnel effects
- Concern over foul sewerage disposal
- Query of whether the site is of historical or environmental significance
- Affordable housing numbers would be detrimental to viability of the site
- Queries with regard to S106 money and how it would be spent
- How would open space areas be maintained
- Concern over wider community benefit from the amended scheme
- Question need for a café on the site

It is noted that some of the above points relate to the impact from the marina including pollution impacts and number of boats to be accommodated and also relating to the incubator building. However, noting that these elements have been withdrawn from the proposals, these matters will not be discussed further within this report.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP2 – Strategic Sites
 POLICY SP3 – Residential Requirement
 POLICY SP4 – Affordable Housing Provision
 POLICY SP7 – Transportation
 POLICY SP10 – Built and Natural Environment
 POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
 POLICY MG2 – Housing Allocations
 POLICY MG3 – Strategic Site at Barry Waterfront
 POLICY MG4 – Affordable Housing
 POLICY MG7 – Provision of Community Facilities
 POLICY MG12 – Retail Hierarchy
 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 MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), 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.

Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.
- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

Policy 15 – National Forest

- Supports tree planting as part of new development proposals.

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

- National growth area is the focus for strategic economic and housing growth, essential services and facilities, advanced manufacturing, transport and digital infrastructure.
- Supports development in the wider region which addresses the opportunities and challenges arising from the region's geographic location and its functions as a Capital region.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales,

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

- Transport
- Activities in Places (retail and commercial development)
- Community Facilities
- Recreational Spaces

4.1.1 The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change.

4.2.18 Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...

4.2.19.....The criteria for identifying housing led regeneration sites can include demonstrating the sites have high credentials in terms of sustainable development and placemaking, such as being aligned to transport hubs or addressing contamination or industrial legacy; proven need and demand for housing in that area; and that the proposed intervention is the best means of addressing a site's contamination and constraints.

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 19 – Telecommunications (2002)
- Technical Advice Note 20 – Planning and the Welsh Language (2017)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

- Achieving a sustainable marine economy –
 - Contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels.
 - Provide space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and, where possible, by reducing the displacement of existing activities.
 - Recognise the significant value of coastal tourism and recreation to the Welsh economy and well-being and ensure such activity and potential for future growth are appropriately safeguarded.
- Ensuring a strong, healthy and just society
 - Contribute to supporting the development of vibrant, more equitable, culturally and linguistically distinct, cohesive and resilient coastal communities.
 - Support enjoyment and stewardship of our coasts and seas and their resources by encouraging equitable and safe access to a resilient marine environment, whilst protecting and promoting valuable landscapes, seascapes and historic assets.

- Living within environmental limits
 - Support the achievement and maintenance of Good Environmental Status (GES) and Good Ecological Status (GeS).
 - Protect, conserve, restore and enhance marine biodiversity to halt and reverse its decline including supporting the development and functioning of a well-managed and ecologically coherent network of Marine Protected Areas (MPAs) and resilient populations of representative, rare and vulnerable species.
 - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.
- Promoting Good Governance
 - Support proportionate, consistent and integrated decision making through implementing forward-looking policies as part of a plan-led, precautionary, risk-based and adaptive approach to managing Welsh seas.

Supplementary Planning Guidance:

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

- Affordable Housing (2025)
- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)
- Travel Plan (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 160 (1) of the Historic Environment (Wales) Act 2023, imposes a duty on
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

As amended, outline consent is sought for the development of a brownfield site to a mix of residential development for a maximum of up to 100 residential units, watersports centre, associated college/education facility and café on the eastern part of the site and the creation of public open space dispersed along the Mole. As this application is in outline with all matters reserved, the detail provided only extends to access, an indicative layout and scale parameters. These elements will be considered against the relevant criteria set out in Policies MD2, MD5 and MD7 of the Adopted LDP 2011- 2026.

In order to enable the development of the site for the above, full permission is also sought for the alteration of land levels across the site to ensure a minimum of 9.0 metres AOD to allow for the site to be considered flood free.

The primary issues considered with this application are as follows:

- The principle of the proposed development
- The indicative layout and scale of the proposals and the visual impacts
- Potential impact to neighbour amenities
- Amenity space provision
- Access, Parking & Highways
- Consideration of the proposed drainage strategy and the impact of flood risk
- Ecological impacts of the proposed developments
- Contamination/Noise
- Impact on archaeology

1. Full planning permission for engineering works to raise the existing ground levels of the Mole site to a minimum of 9.00m AOD to mitigate against potential future flood risk.
2. Outline planning permission for the development of a watersports centre, associated college/education facility and café on the eastern part of the site.
3. Outline planning permission for residential development of up to 100 dwellings.

4. Outline planning permission for ancillary works, including access, parking, landscaping, public open space and other associated infrastructure.

Principle of Development

The site is allocated as a Strategic Site under policy SP2 of the Vale of Glamorgan Local Development Plan 2011-2026. This policy outlines the vision for Barry Waterfront as *“The creation of a sustainable new urban quarter with distinctive neighbourhoods, attractive places and community facilities that complement, integrate and link with Barry town and Barry Island, whilst taking full advantage of the maritime setting of the No. 1 Dock”*. The mixed use development at Barry Waterfront will help to realise significant regeneration benefits for the town, help to integrate Barry Island, the Waterfront and the town centre and strengthen Barry’s key settlement role in the Capital Region.

Policy MD5 (Development within Settlement Boundaries) considered that new development within settlement boundaries will be permitted where the proposed development:

1. Makes efficient use of land or buildings;
2. Would not prejudice the delivery of an allocated development site;
3. Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality;
4. The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting;
5. Would not result in the unacceptable loss of public open space, community or tourism buildings or facilities;
6. Has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking; and
7. Makes appropriate provision for community infrastructure to meet the needs of future occupiers

The proposals, for both land raising and subsequent development would facilitate the development of the site to provide mixed use development that is considered to accord with the aims and objectives of policy SP2 and MD5 and as such the proposals are considered to be acceptable in principle subject to all other material planning considerations being met. The proposals would be well placed relative to existing services and redevelop an area of previously developed land. The proposals would provide up to 100 residential units at the site through a collaboration between the Council and their housing delivery partner Lovell. It has been confirmed that 30% of the units would be social rented within one of the indicative flatted blocks. Such a level of affordable housing provision would be compliant with the provisions of MG4 of the adopted Local Development Plan.

SP11 (Tourism and Leisure) states proposals which promote the Vale of Glamorgan as a tourism and leisure destination will be favoured. Existing tourism and leisure facilities will be protected and enhanced, and favourable consideration will be given to proposals which:

1. Enhance the range and choice of the Vale of Glamorgan’s tourism and leisure opportunities, particularly through the provision of all year round facilities and a range and choice of visitor accommodation in appropriate locations;
2. Favour rural diversification and the local economy; and

3. Protect existing tourism assets and promote the sustainable use of the countryside and the Glamorgan Heritage Coast.

This is further supported by policy MD13 (Tourism and Leisure) which encourages new and enhanced tourism and leisure facilities within key settlements, which Barry is. It is considered that the proposed development of the watersports centre and associated facilities would also serve to enhance the leisure offer within Barry and as such would comply with policies SP11 and MD13.

In light of the above, the proposals are considered acceptable in principle, subject to other material planning considerations being satisfied.

Flooding

Turning to the issue of flood risk, LDP Policy MD7 Environmental Protection states that all new development proposals will be required to ensure that they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

1. Pollution of land, surface water, ground water and the air;
2. Land contamination;
3. Hazardous substances;
4. Noise, vibration, odour nuisance and light pollution;
5. Flood risk and consequences;
6. Coastal erosion or land stability;
7. The loss of the best and most versatile agricultural land; or
8. Any other identified risk to public health and safety.

The application has been before the Council since 2023. It is noted that since the submission of the application Technical Advice Note (TAN) 15 has been updated with a new version of the TAN published in March 2025. However, on release of the updated document, it was advised that any planning submissions already under consideration by an LPA should be considered in terms of the previous 2004 document only. Nevertheless, for completeness the compliance of the proposals with both TANs will be considered within the following report.

In terms of the 2004 TAN15 Development Advice Maps the site is shown to fall within Flood Zone C2 and partially zone B. As such Technical Advice Note (TAN) 15 is clear in that highly vulnerable development such as proposed should be directed away from the C2 Zones.

The Flood Consequences Assessment provided in support of the application which states the following;

“In October 2020, JBA Consulting submitted to NRW updated tidal flood modelling for a number of sites in the Barry Dock area, including the proposed development site. This established to the satisfaction of NRW new flood risk modelling for the area through the Flood Map Challenge process.

This new modelling showed the current DAM to be inaccurate, with none of the Mole site located within the 0.1% AEP flood extent that defines DAM Zone C2.

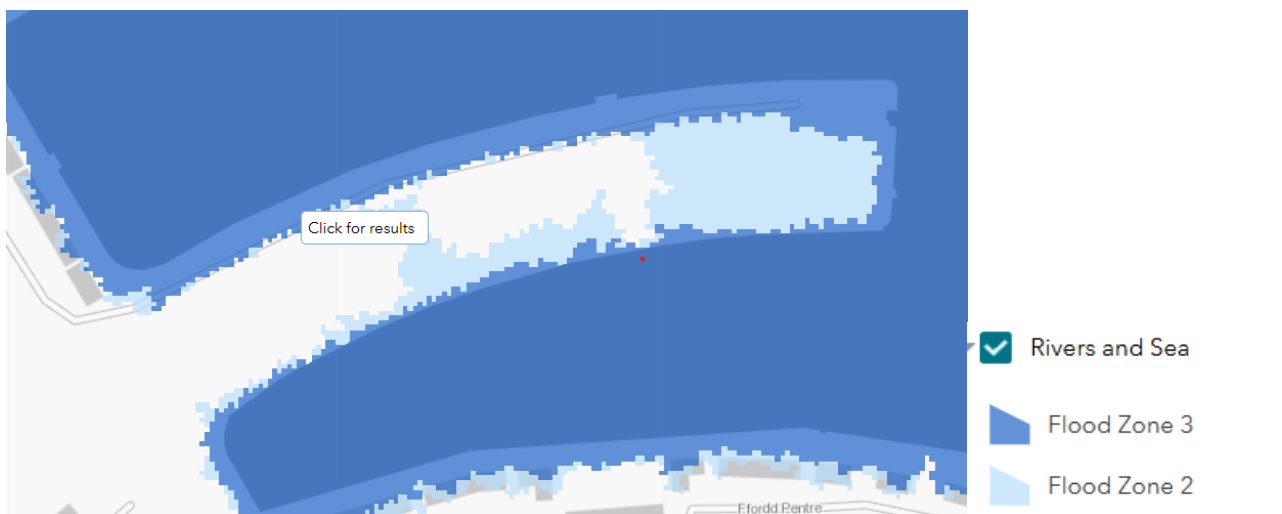
Following NRW approval of the updated modelling, the site can be re-classified to Zone A (areas with little to no flood risk). On receipt of this information NRW would usually update the DAM maps to show the change in zone. However, NRW are in the process of updating the DAM maps and during this process they state that:

“We will continue to accept, and review models submitted in support of a planning application consultation, which will be used to inform our technical flood risk advice. However, this information will not be incorporated into the Development Advice Map and there will be no change made to the flood zones.”...

A Flood Consequence Assessment (FCA) is not normally required for developments outside of Zone C. However, recognising the transitional status of the DAM, with a DAM update agreed but not yet implemented online, this FCA has been prepared to document the detailed site-specific appraisal of flood risk at the proposed development site.”

The submitted FCA demonstrates that the proposed land raising would remove the entirety of the site from zone C2 for the purposes of the old TAN and associated DAM maps.

The updated flood map for planning, to accompany the updated TAN15 shows that the site falls in flood zone 1 for rivers (less than 1:1000), whereas in terms of the flood map for planning – sea, the site predominantly falls within flood zone 1, with circa half of the site within flood zone 2 (less than 1:200) centrally and flood zone 3 (greater than 1:200) as shown on the plan below:



The full element of the proposals include the raising and levelling of the site level and the submitted FCA demonstrates that the proposed land raising would remove the entirety of the site from zone C2 for the purposes of the old TAN and associated DAM maps. NRW in both their original and amended comments, have reviewed the submitted FCA and advised that the proposals would mitigate the risk of flooding within the proposed development site. They advised that the proposed increase in site levels to 9mAOD is 0.44 metres above the predicted 0.5% (1 in 200-year) event (plus climate change) tidal flood level. The site is therefore designed to be flood free and complies with Section A1.14 of TAN15 (2004). It is also 0.10 metres above the predicted 0.1% (1 in 1000-year) event (plus climate change) and is therefore A1.15 compliant. In addition, NRW note that all criteria (relevant to this proposal) under A1.12 of TAN 15 (2004) has been complied with. NRW considers that the FCA therefore shows that the risks and consequences of flooding can be managed to an acceptable level and NRW has no objection subject to the FCA being included as an approved document. It is therefore for the Local Authority to determine that development in this location is justified.

TAN15 (2004) advises that *'plan allocations and applications for all development can only proceed subject to justification in accordance with section 6 and acceptability of consequences'* in terms of the acceptability criteria listed within the table and Section 7 of TAN15. With regard to Flood Zone C2, Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. If the LPA considers the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level. Whilst the proposals are considered to be highly vulnerable development for the purposes of TAN15, taking into account the proposed land raising, the guidance from NRW indicates that it is appropriate to apply the justification tests in this instance.

The justification test details that development, including transport infrastructure, within either flood zone C1 or C2, will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement;
- ii. or, ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In terms of points i and ii the site forms part of policy SP2 for the strategic regeneration of the dock and wider Barry waterfront area, with the majority of the area (not inclusive of the Mole) previously having been granted planning permission for the development of the dock area under application 2009/00946/OUT and subsequent reserved matters consents. Policy SP2 indicates that 'the strategic mixed use development at Barry Waterfront will help to realise significant regeneration benefits for the town, help to integrate Barry Island, the Waterfront and the town centre and strengthen Barry's key settlement role in the Capital Region'. Whilst The Mole was not included within the previous masterplan it is nevertheless evident that it is included within a strategically important site within the adopted development plan and would offer an enhanced leisure offer through the improved watersports centre and additional residential development to sustain and grow the settlement of Barry. As such it is considered that the proposal meets the requirements of both criteria i and ii. With regards to point iii, the site, in addition to the historic use, has been utilised for gas storage and as such is considered to be previously developed land and therefore complies with this criterion.

In terms of point iv, the development proposes the alteration of ground levels to ensure the site is 9.0 metres AOD or higher. The application is supported by a Flood Consequences Assessment and subsequent Flood Risk Compliance Statement, which demonstrate that the site, as raised, would be flood free in both a 1 in 200 year event and 1 in 1000 year flood event and therefore Natural Resources Wales considers that the proposal complies with section A1.14 of TAN 15 which sets out the threshold frequency for development types. The submissions are therefore considered to demonstrate that the risks and consequences of flooding can be acceptably managed. Furthermore, access and egress from the site would also be flood free. As the requirement for the site levels to be 9.0 metres AOD is considered intrinsic to the acceptability of the scheme as a whole, a revised topographic survey would be required following the completion of these works and prior to the implementation of the outline elements of the scheme to ensure that the site will be free from flooding.

As noted above, since the original submission of the application, a new TAN15 has been published in March 2025. Whilst it is not necessary in policy terms to consider the proposals in light of the amended TAN. The submitted Flood Risk Compliance Statement states that: *'It is proposed that ground levels at the site will be raised to a minimum level of 9.0mAOD. Consequently, the site, once developed, is predicted to remain flood free in all design events for its 100 year lifetime. This meets and exceeds all of the acceptability criteria of Section 11. In conclusion, the development proposals would satisfy all of the requirements of the latest release of TAN15, should they be applied to the application.'* Officers have no reason to disagree with this assessment and are satisfied that the proposals would, albeit are not required to comply with the provisions of the updated TAN15.

The Council's Drainage Section have considered the proposals in terms surface water flooding and have confirmed their satisfaction in this regard. The surface water drainage of the site would need to be subject of separate SAB approval.

The proposal is therefore considered to comply with the requirements of TAN 15 (2004) and policy MD7 (Environmental Protection) of the Vale of Glamorgan LDP and there would be no unacceptable impact in terms of flood risk on the site or increased risk elsewhere arising from the proposals.

Layout and Scale of Development

Policy MD5- Development within Settlement Boundaries and the general design criteria set out in Policy MD2- Design of New Development require proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by Planning Policy Wales (Edition 12) and TAN12- Design (2016).

The Mole projects into Barry Dock and as such would be prominent within the Barry townscape and viewed from all sides. The development, as amended, would include a mix of residential buildings of up to 3 storeys in case of the dwellings and 4 storeys with regard to the flatted blocks to the southern side of the Mole. Lower recreational buildings of single and two storey height are shown to the eastern end of the Mole. A spine road would run along the northern side with areas of public open space, in three principal areas with connecting areas of public realm, proposed to provide a green, traffic free link along the southern edge. However, it is accepted that the proposed masterplan is indicative at this stage and further details of these areas would need to be carefully considered at reserved matters stage to ensure a high quality scheme.

In terms of the residential development, no elevations of the buildings have been provided with an indicative layout and associated parameter plans only provided at this time due to the nature of the outline application for the residential element. Based on the submitted details, the general mass and scale of buildings appear to be generally in keeping with the surrounding developments within the wider waterfront development, which exhibit variety and include buildings of commensurate form and scale. Whilst concerns are noted within representations in regard to these matters, full details would be submitted as part of the reserved matters application to ensure a suitably high quality design. The scale and layout of the dwellinghouses with townhouses set in blocks follows the style of the wider waterfront development, which has frontages onto the dock and public open space. The flatted blocks would also reflect the massing of other development evident within the vicinity of the site and as such in terms of their scale and form, the proposals would be acceptable in principle. The general form of development would also appear to provide opportunity to ensure that active frontage would face areas of identified public realm to allow for adequate natural surveillance of these spaces and create a cohesive relationship with parkland and neighbouring uses. It is expected that these matters would be detailed and addressed as part of any reserved matters submission.

The indicative layout would accommodate a varied form of development (as evidenced within the masterplan), and it is not considered necessary to be overly prescriptive with an overly prescriptive layout at this stage, a detailed design code or similar at this point. Layout and design are matters reserved for subsequent applications, and officers are confident that an appropriate high quality form of development, within the identified scale parameters, can be achieved within the confines of the site, subject to necessary scrutiny with any reserved matters submission(s).

LDP Policy MD6 (Housing Densities) indicates that residential development proposals within the key service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. The proposal is for up to 100 dwellings on a site area of circa 2.4ha (not inclusive of the watersports related development). As such the density on site would be above the minimum 30d.p.h, which is considered appropriate given its context adjacent to the built form within the Barry urban area. Accordingly, although concerns relating to overdevelopment of the site are noted, the proposal is considered acceptable in respect of its density, to making an efficient use of previously developed land in a sustainable location. Furthermore, the detailed design of the proposals would be subject of further consideration at reserved matters stage to ensure that material considerations are considered fully.

The watersports related development with associated facilities, would contribute to the wider leisure offer within Barry, creating an additional leisure destination for visitors and the wider community in accordance with policies SP11 and MD13 cited above. The design and scale of these buildings are considered to be appropriate in this setting and complementary to the wider marine character of the waterfront.

Accordingly, it is considered that the proposed development can be sited in the proposed location without harmfully impacting upon the existing pattern of development or the visual amenities of the area, complying with the requirements of MD2 and MD5 of the Adopted LDP 2011-2026.

Impact of Land Raising on Visual and Residential Amenity

The existing site levels range from a minimum of 7.2m AOD to 11.55m AOD however the typical height is currently around 8.6m AOD, with the 11.55m area comprising a singular mound. The proposed full application seeks to create a largely level plateau to enable future development to be flood free. The level for the proposed development would be raised to create a plateau of 9.3m AOD with the levels of surrounding public realm to be confirmed within any reserved matters submission to tie in with that of the periphery of the site adjacent to the sea walls, that would remain unchanged.

Policy MD2 (Design of New Development) requires proposals to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest. They should also safeguard existing public and residential amenity, particularly with regard to privacy and overlooking.

Where the Mole adjoins the mainland, levels are noted to be 8.8m AOD at the access road. Whilst the proposal represents an increase in level above the adjoining land, the modest change in level is not considered to be at a scale that would be unacceptably discernible or harmful and would certainly not be raising levels of the land by 9m as noted in some representations but generally by 0.6-0.8m (considering suggested slab level of 9.3mAOD. The increase in AOD would be limited to ensure sensitive elements of the development are above the established flood levels. The alterations to the land level are, in themselves, not considered to have an unacceptable impact on visual or residential amenity. Furthermore, it is not considered that the plateau created, would result in subsequent development being raised above neighbouring development to an extent that could not be adequately mitigated through appropriate design at reserved matters stage, in line with the submitted scale parameters, and the slab level being controlled.

It is considered that the proposed land raising would have an acceptable impact in terms of both visual amenity and the amenity of neighbouring residents when assessed in accordance with policy MD2 (Design of New Development). The change in levels is not considered to result in a perceptible increase and would allow for the beneficial redevelopment of the site.

Residential Amenity

Whilst the layout of the development is a reserved matter, the illustrative layout gives an indication of the possible development of the site. Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires that new development safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires that new development safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Given the indicative nature of the layout provided, matters of residential amenity would be thoroughly assessed at reserved matters stage. However, it is considered that there is fair certainty that the development would not have significant detrimental impacts, including in terms overlooking, to the amenity of existing neighbouring occupiers outside of the site bounds across the docks given the separation distance with nearby residential buildings and neighbouring uses. It is acknowledged that concern has been raised within representations received with regard to loss of view, although this is not a material planning consideration and does not represent a reason to refuse permission. Whilst noting the indicative massing and height of the buildings and acknowledging that they would be evidently visible from wider view, subject to further consideration at reserved matters stage, built development of the scale proposed would not likely result in unacceptable impact upon outlook. Furthermore, it is considered at this outline stage that there is no reason why an acceptable layout cannot be achieved in principle, which would provide for adequate spacing between dwellings to ensure that the residential amenities of those existing residents are protected.

The Council's standards in relation to amenity space (20 sq.m per occupier) and privacy standards are also outlined within the Residential and Householder Development SPG. It is of importance that all amenity spaces are directly accessible to occupiers, and in the case of shared spaces, that these are sufficient in size, usable and not dominated or hindered by bin storage areas and other practical requirements. It is acknowledged that the proposed layout is indicative, albeit the proposed dwellings are shown to have private gardens within a perimeter block layout that would appear to be acceptable in principle. The flatted blocks do not, at such a high level design, have defined areas of defensible amenity space and this would be considered further at reserved matters stage. Furthermore, these units and the dwellinghouses would be set within the wider areas of open space with all properties, located in close proximity open space on the indicative layout punctuated through the development. Such a layout would support the recreational function of this space and is considered broadly typical of an urban location such as this. A strong relationship inclusive of an active frontage onto these open space areas from the prospective residential development and greater clarity of the interaction between public and private realm, would be considered in detail through any subsequent reserved matters submissions.

Accordingly, it is considered that a development of the form and scale shown within the submissions would not adversely impact upon the amenities of neighbouring dwellings if designed and laid out suitably, with control over the physical impact of the buildings and levels of privacy being retained for consideration with the reserved matters. In this respect it is considered that the proposal complies with policies MD2 and MD5 of the Adopted LDP 2011-2026.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation and also act as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

1. Outdoor sports provision 1.6 ha per 1,000 population;
2. Children's equipped play space 0.25 ha per 1,000 population;
3. Informal play space 0.55 ha per 1,000 population.

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Residential and Householder SPG. The proposal in its current form is in outline and the masterplan indicates areas of open space interspersed between residential development and connected by areas of public realm and active travel provision.

The indicative plans show that the areas of open space and connecting areas of public realm would be circa 0.8 hectares in size. These spaces have been assessed to be of sufficient size to serve the proposed development and are shown indicatively to include 3 principal spaces with suggested opportunities for informal recreation, equipped play and planting with a landscape trail. Whilst no specific outdoor sports provision has been shown, the development would in principle, offer a range of outdoor recreation opportunities of ample size to satisfy the requirements of policy MD3.

The Council's Landscape Officer has previously commented in support of the proposal and has provided guidance and notes that the revised layout delivers improved public realm provision and stronger north-south connections. It is acknowledged that comments with regard to the quality/usability of these spaces have been raised, including the adequacy of landscaping, levels differences between elements and location of play provision. It is noted however that the proposals as submitted are at a high level and more indicative form and full detail, including relating to ongoing maintenance of these spaces, would be considered through the reserved matters submission and associated condition discharges. Issues relating to SINC grassland raised within their comments are discussed further within the ecology section of this report.

Within any reserved matters submission further consideration will be given to the above matters and also to pedestrian and cycle linkages throughout the site, to promote clear connectivity and prevent conflict with pedestrians and other users. In terms of drainage, there would also be opportunity to further incorporate the raingardens and swales into the overall design for the site and play spaces. Overall, the proposed areas of public realm are considered to be a significant positive of the proposals, subject to the confirmation of further details through the reserved matters submissions.

Noise and disturbance

Policy MD7 (Environmental Protection) states that 'development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from' a number of criteria including '4. Noise, vibration, odour nuisance and light pollution... Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes

Technical Advice Note 11: Noise (1997) (TAN11) provides guidance for consideration of noise in the determination of planning applications for residential development depending upon which of the four noise exposure categories (A-D) the application falls.

With regard to the original submissions that included a marina building, the Council's Shared Regulatory Services requested that a noise assessment be submitted to ensure neighbouring residential amenity was safeguarded. However, following the removal of this element of the works it is considered that this is no longer required. A condition is proposed to be attached to any consent requiring a construction environment management plan (CEMP) to safeguard any potential impacts from construction related activities.

Highway Safety and Parking

Policy MD1 (Location of New Development) requires new development to have access to or promote the use of sustainable modes of transport and benefit from existing infrastructure provision. New development will be directed to those locations that are accessible by sustainable transport and reduce dependence on the private car. In directing development to the most sustainable locations the Council recognises the importance of ensuring that development is carefully managed ensuring that development does not have an unacceptable impact on existing infrastructure.

Policy MD2 (Design of New Development) builds on this to say development shall provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users. Furthermore, proposals must have no unacceptable impact on highways safety does not cause or exacerbate existing traffic congestion to an unacceptable degree.

The indicative masterplan proposes to improve the existing spine road along the north side of The Mole, with some residential properties being served directly from it but with others served from secondary routes running more centrally. Parking to serve the watersports centre and secure boat storage and associated turning would be located to the eastern end of the Mole.

The submitted transport assessment indicates that the amended scheme would not result in highway capacity impacts upon the wider network or identified junctions. Whilst in the PM peak hour and weekend assessment the Ffordd Y Mileniwm / Hood Road / Neptune Road junction may reach capacity, it is indicated that this is the result of wider background growth and not due to the proposals. No related concerns have been raised by the Council's Highway Development Section and as such it is considered that the proposals would not result in unacceptable off-site highway impacts.

Car parking is shown illustratively as being provided along the spine road, and each of the secondary routes to serve the proposed dwellings. The submitted Transport Assessment (para 6.8) indicates that two car parking spaces are shown per house; one space per apartment and 24 parking spaces are shown for the watersports centre, in addition to 33 secure spaces for boat parking. The Council's Highway section have been consulted and advise that owing to the sustainable location of the site, there is justification for a reduction in parking provision below the Council's adopted maximum standards. Whilst detailed plans of the watersports centre or dwellings, including the number of bedrooms, have not been provided they do not raise objection to the proposed parking levels. This would also be subject to further detailed consideration at reserved matters stage, to ensure that suitable parking arrangements are provided. Similarly, further detailed layout matters raised by highways officers, including the need to accommodate suitable turning facilities for refuse vehicles and alike and the width of the access road (to be 6.5m wide, as opposed to 5.1m on the submitted masterplan) would also need to be considered at reserved matters stage. As such conditions requested by the highways officer relating to parking levels; turning areas and the width of the access road are not proposed to be attached as these are layout matters that would need to be considered fully at reserved matters stage. The highways officer has also requested further details of the nature of material to be used in raising site levels to ensure that this is suitable to accommodate the construction of the road and this would be secured by way of condition.

In terms of cycling, pedestrians and public transport, an established bus route runs within 250 metres of the site into central Barry with Barry Island and Barry Railway stations approximately 0.6 miles away. The route would not provide any additional bus stops but would provide a link to sustainable routes within a short walking distance. A sustrans cycle route also exists along Ffordd Y Mileniwm, and with the active travel routes indicated within the submissions, it is considered that the development would provide good access to a range of public transport and active travel routes.

Noting all of the above, it is considered that the site is appropriately located and the indicative masterplan generally demonstrates that a suitable form and layout of development could be accommodated. It is considered that subject to further consideration at reserved matters stage, the proposal would have an acceptable impact on highway safety within the development itself and the surrounding network in accordance with policy MD2 of the Development Plan.

Contamination

Policy MD7 of the LDP requires that development proposals will be required to demonstrate that they will not result in unacceptable impact on people... and/or the natural environment from a number of risks including pollution of land, land contamination and hazardous substances.

Impact of potential contamination on the proposals is two-fold in that the importation of material will be required to achieve the increased land level and the creation of a safe environment for end users of the development.

The application as amended is supported by a Geo-Environmental Desk Study, Site Assessments and Remediation Strategy, that determines the risk to site users is considered to be high due to the sensitivity of the end users (residents) and the likelihood of potential contamination from the historic rail sidings, dock and oil storage terminal which covered the entire site. There has been contamination identified on the site associated with its former use, including elevated levels of heavy metals, polycyclic aromatic hydrocarbons (PAH) and asbestos.

Following review of the proposals by the Council's Shared Regulatory Services they note that the assessment has identified contaminants of concern that will require remediation to make the site suitable for use, although they are satisfied associated risks can be addressed by suitable conditions to be attached to any planning permission, including remediation and verification works. The information also includes a ground gas assessment of the site, based on 3 complete monitoring visits. SRS advise that monitoring is still ongoing and they are awaiting on further results and as such suggest a related condition be attached to any permission given to ensure that this work is undertaken.

Any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

As such SRS notes that a contamination and ground gas assessment of the site, including site based investigations and monitoring would be required to ensure that the site is made suitable for use. SRS recommend that a number of conditions and an informative be attached to any consent granted including those relating to ground gas assessment and protection (if necessary); contaminated land remediation and verification plan and measures to be carried out; unforeseen contamination; imported soils and aggregates and use of site won materials. The proposed mitigation measures relate to known techniques and SRS advise that satisfactory approaches have been identified and are suitable conditions could be attached to any permission. The development is considered acceptable in this respect, subject to the identified conditions. NRW also request conditions relating to the provision of a CEMP; in addition to conditions relating to further site investigation and piling that are attached for members consideration.

In terms of air quality, the site is neither within nor adjacent to any Air Quality Management Area (AQMA) and no objections have been received from the Council's Shared Regulatory Services section with regard to the prospective residential use. Noting the above, the development site is considered acceptable in terms of contamination for the intended residential use and would not have any significant impact on air quality from its operational or construction phases.

Ecology and Biodiversity

The Council's adopted Biodiversity and Development SPG provides guidance as to the broad approach and requirements for new development. Adverse impacts on biodiversity should be designed out of the proposals as far as possible. Biodiversity surveys will be required to establish the existing biodiversity value of the site and the possible presence of protected species.

Policy MG19 (Sites and Species of European Importance) states that;

Development proposals likely to have a significant effect on a European site, when considered alone or in combination with other projects or plans will only be permitted where:

1. The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purpose; or
2. The proposal will not adversely affect the integrity of the site;
3. There is no alternative solution;
4. There are reasons of overriding public interest; and
5. Appropriate compensatory measures are secured.

Development proposals likely to have an adverse effect on a European protected species will only be permitted where:

1. There are reasons of overriding public interest;
2. There is no satisfactory alternative; and
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Policy MG20 (Nationally Protected Sites and Species) states;

Development likely to have an adverse effect either directly or indirectly on the conservation value of a site of special scientific interest will only be permitted where it is demonstrated that:

1. There is no suitable alternative to the proposed development; and
2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and
3. Appropriate compensatory measures are secured; or
4. The proposal contributes to the protection, enhancement or positive management of the site

A preliminary ecological appraisal and a botanical and habitat survey were submitted originally in support of the application and identified the following:

- The Severn Estuary SPA, SAC and Ramsar sites are present within 4.7km of The Mole.
- Potential for impacts on marine biodiversity.
- Suitable habitat is present for locally common species of wintering birds.
- Suitable habitat for locally common and widespread species of breeding birds.
- Protected and notable plant species have been reported.
- The poor, semi-improved grassland and areas of scrub provide low suitability for reptiles to be present as an isolated population.

These have been supplemented by a more recent walkover survey (August 2025), the findings of which were generally consistent with the findings of the preliminary ecology appraisal originally submitted. This has made some design recommendations including retention and management of wildflower areas to retain high plant diversity; biodiverse roof; provision of bird nesting opportunities; provision of bat roosting opportunities and also advise an updated botanical survey. The completed botanical survey in turn recommends that management processes could be utilised to increase pyramidal and bee orchid numbers.

The survey work has identified that the grassland on site could potentially qualify as a site of importance for nature conservation (SINC) owing to presence of indicator species within. Whilst the site itself is not covered by any statutory or non-statutory nature conservation designations, the assessment of the grassland undertaken by the ecologist confirms that the application site would meet the selection criteria as a Site of Importance for Nature Conservation (SINC), passing the relevant criteria for both neutral and calcareous grassland. In regard to SINC and priority habitats and species, LDP Policy MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), states that:

“Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

- 1. The need for the development clearly outweighs the nature conservation value of the site;*
- 2. Adverse impacts on nature conservation and geological features can be avoided;*
- 3. Appropriate and proportionate mitigation and compensation measures can be provided; and*
- 4. The development conserves and where possible enhances biodiversity interests.”*

In consideration of the step-wise approach and Policies MD9 and MG21 set out above, the proposed development would evidently impact on the SINC quality grassland on the site. The proposals are allocated for development within the LDP and as noted would assist with a regeneration initiative and redevelop an area of brownfield land in a sustainable location, and therefore it is considered that criterion i would be satisfied. Following consultation with the Council's Ecologist, the grassland inclusive of the orchids could be translocated either to a receptor site within Council ownership or lifted and reused within areas of public realm within the site. This would be subject of suitable conditions to any permission given, and it is considered that this would satisfy criteria 2-4 of Policy MG21 and associated impacts can be satisfactorily mitigated. Furthermore, it is considered that the identified measures would satisfy the stepwise approach in PPW in these regards.

The Council's Ecologist makes further comments and advises that an improved scheme of biodiversity enhancement should be provided to include swift nest chambers instead of bat boxes; a site clearance strategy being submitted prior to works commencing on site, relating to grassland and noting the low identified potential for reptiles to be present on the site. Conditions are recommended to be attached to any consent given requiring that any reserved matters submission be supported by a revised scheme of biodiversity enhancements and in also that a suitable site clearance strategy be submitted and approved prior to works on site. Other comments including the need for a CEMP and a revised green infrastructure statement to be submitted with any future reserved matters application are also proposed to be covered by condition. As such it is considered that the comments of the Council Ecologist can be satisfied by attaching the suggested relevant conditions.

Noting all the above, it is considered that the proposed would comply with the relevant policy framework, PPW12 and LDP Policies MD9, MG20 and MG21, subject to conditions to ensure the robust implementation of the ecological mitigation strategy and appropriate long-term management of both the on-site and off-site habitats.

Habitats Regulation Assessment

The Mole is approximately 7 kilometres from the Severn Estuary / Môr Hafren SAC and 4.7 kilometres from the Severn Estuary Special Protection Area and RAMSAR site. Because of this, Natural Resources Wales have asked for a Habitats Regulations Assessment to be undertaken.

The appropriate assessment concluded that the development has the potential to have an effect on the integrity of the site and therefore recommends conditions/restrictions on the way the proposal would be carried out. This includes a condition restricting timing of poising operations during sensitive times of year relating to fish migration (April-July) and this is proposed to be controlled by way of condition.

NRW have considered the mitigation measures detailed and agree with your conclusion that an adverse effect upon the integrity of the SAC, SPA and Ramsar site can be ruled out. As such it is considered that the proposals are acceptable in this regard.

Green infrastructure/Biodiversity Enhancement

Policy MD9 (Promoting Biodiversity) requires new development proposals to conserve and enhance biodiversity interests. Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures and mitigation are not sufficient in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures.

Furthermore, Planning Policy Wales Edition 12 (PPW12) Chapter 6 places increased emphasis on the protection and enhancement of the natural environment. It states that all developments must achieve a biodiversity benefit and also that green infrastructure statements should accompany all planning applications to evidence how the 'step-wise' approach has been applied. This is a hierarchy which requires impacts on habitats and species to be (in order of priority) avoided, minimised, mitigated/restored, compensated on site, compensated off site, before finally planning permission is refused. A net benefit to biodiversity is required at each stage.

The site is currently a mix of neutral grassland; scrub, hardstanding and ruderal vegetation however the parkland would provide opportunity for diversity in terms of habitats and there is opportunity within the site to provide biodiversity enhancement as required by policy. Whilst indicative at this stage, the proposal includes significant areas of public open space which has the potential to enhance the biodiversity of The Mole. Mitigation and compensation features identified within the Green Infrastructure Statement that can be included could include amongst other things, a suitable scheme of soft landscaping (inclusive of suitable native tree planting and wildflower areas); bird & bat boxes on new buildings, SuDS features, and refugia. It is noted that comments received from the Council's ecologist and landscaping officer, seek amendments to the form of green infrastructure proposed including in relation to the grassland discussed previously, suitability of other planting species proposed and the location of open space features.

It is considered that these matters can be suitably addressed through consideration at reserved matters stage and suitable conditions, to ensure the proposals would mitigate and enhance, but also significantly contribute towards sustainability and natural resource planning; ensuring that new developments in the Vale are "future-proof" allowing for migration and colonisation in response to climate change.

Archaeology

Policy SP10 'Built and Natural Environment' of the LDP states that '*development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan, including 1. The architectural and/or historic qualities of individual buildings...*'. Policy MD8 'Historic Environment' requires that '*development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan specifically...2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses;... and 4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.*'

An archaeological desk based assessment has been provided and sets out how the site has been assessed by period and potential. For any buried archaeological resource, the potential is assessed as low/ local; the impact on the setting of the listed structures outside the immediate dock area, including Dock Office and Pump House, is assessed as limited and unlikely to harm their significance; the impact on the upstanding remains of the port structures is assessed as requiring mitigation to record them.

The Dock structures include five stone-built coal chute bases distributed around the northern and eastern perimeter of the Mole dock. Four are evenly spaced along the northern edge of the Mole, with the remaining one at the eastern end. These stone bases are approximately 6 by 7 metres and project approximately 2 metres above the surface of the water. Along the Mole itself, only a railway track along the northern edge is a visible remnant of the coal loading structures.

Glamorgan Gwent Archaeological Trust (now Heneb) in consideration of the original submission agreed with the results of the assessment that some vestiges of the original port structure remain along the edges of the Mole in the form of the coal chute bases, and some limited recording of these may provide a suitable level of archaeological mitigation. Heneb have considered the amended scheme and their recommendation remains that a condition requiring a survey of historic building recording and analysis prior to work commencing be attached to any permission. They advised that this should be in the form of a Level 2 survey as set out in Understanding Historic Buildings: A Guide to Good Recording Practice (Historic England 2016), with a measured scale in the photographs and a directional plan for the photographs to ensure that work is carried out in a suitable manner. They have not made recommendation for the railway tracks to be retained in situ and as such this is not considered to represent a reason to withhold permission.

It is therefore considered that adequate archaeological mitigation can be accommodated and secured by way of condition attached to any permission granted.

Drainage

Policy MD7 of the LDP requires that development proposals will be required to demonstrate that they will not result in unacceptable impact on people and/or the natural environment from a number of risks including flood risk and consequences. The issue of flood risk has been discussed above and considered acceptable.

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption is required.

The Council's Drainage section has advised that surface water runoff generated by the proposed development will be directed to SuDS features in the form of swales, bioretention and filter drains. It is proposed discharge from the surface water system will be made to the dock at unrestricted rates.

It is considered that initial raising of ground levels would not require SAB approval. However, any future residential development of the site would be subject to Schedule 3 of the Flood and Water Management Act 2010 and as such it is advised that a detailed drainage design will be required to be submitted through the SAB process, separate to the planning consenting regime.

DCWW have identified presence of a historic watermain on the site that appears to be abandoned. As such DCWW are satisfied that a suitably worded condition can be added to any permission given requiring a scheme to divert, remove or grout up the non-operational watermain to safeguard potable water supply. No concerns have been raised by NRW or DCWW with regard to foul sewerage arrangements from the site.

As such it is considered there are no drainage constraints that would prevent the grant of planning permission.

S106 Planning Obligations

LDP policies MG4 and MD4, in addition to the Council's Affordable Housing and Planning Obligations Supplementary Planning Guidance (SPGs), provide the local policy basis for seeking affordable housing and planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated.

The contributions sought for this application would amount to the following:

- Affordable Housing - In this instance 30 affordable units would be required based on 30% of 100, of which should be a tenure split between social rent and assisted home ownership of 70/30 in favour of social rented, i.e., 21 for rent and 9 for sale.
- Education - £13,811 per unit amounting to a total of £1,381,110 (based on 100 units and not deducting 1 bed units that would not likely accommodate children of school age. Based upon a potential unit type mix seen by officers, it appears likely that the proposals would include a significant number 1 beds and that this potential amount would be significantly lower.)
- Public Open Space – discussed previously.
- Sustainable Transport - £2,300 per dwelling is required along with £2,300/100sqm for non-residential. This development would attract £230,000 for the residential portion and £32,200 for the non-residential.
- Community Facilities - On sites of over 25 dwellings, 0.75sqm of community floor space will be required per dwelling equivalent to £1,260 per dwelling. The contribution for this development based on 100 dwellings would be £94,500.
- Public Art - The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal.
- Training and Development - On commercial development of 100sqm floor space/1 hectare site area, one trainee (£1255) per 500sqm of floor space will be required. Based on the submission at this time this would it equate to £3,765 or training opportunities for 3 employees on site.

A viability appraisal has been submitted in support of the amended scheme. The assessment that even without the planning contributions outlined above, the proposal would generate a deficit in funding of circa £3.9million. This is largely due to the significant abnormal costs including dock wall repairs, site clearance and remediation works and provision of primary service infrastructure.

The Planning Obligations SPG sets out that the Council considers that reduced planning obligations will only be justified on the grounds of development viability where there is sufficient planning merit weighing in favour of the development, such as:

- The delivery of a strategically important development site in the context of the Local Development Plan.
- There are unusual or extraordinary site constraints affecting viability that must be overcome for the site to be developed and the development would be in the wider public interest (e.g. protection of a listed building, contaminated land, urban renewal project etc.)
- The development itself is being used as a means of delivering / subsidising a mixed use, commercial or community project (in the public interest) which would not be deliverable without financial support

In terms of the criteria above, the proposal would redevelop an ex-industrial brownfield site to deliver both residential and commercial development, supporting both housing and economic growth within Barry. The brownfield nature of the site, identified land contamination and required land raising also offers significant viability constraints. It is acknowledged that the proposed residential development would generate additional demand, particularly in terms of education provision and community facilities, however on balance the proposal would provide an area of high quality public open space to serve not only the site itself but also its surroundings and allow for the regeneration of a prominent Barry site, contributing to the overall character and appearance of the waterfront setting.

Furthermore, the proposals would be delivered in partnership between Lovell and the Vale of Glamorgan Council and would provide for a policy compliant 30% of affordable dwellings on the site. The Council's Operational Manager for Housing Development has confirmed that all units would be social rented contained within one of the apartment blocks shown on the indicative layout. This and the aforementioned provision of high quality public realm are considered to be significant benefits of the scheme, particularly in lieu of the evidenced viability position.

The proposal is reliant on external grant funding, which has recently been secured, and without this it is unlikely the development would proceed. Given the significant regeneration and economic benefits to both Barry and the wider Vale of Glamorgan, it is considered that the proposal is unviable to an extent that the requirement for the above S106 contributions can be waived.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP2 (Strategic Sites), SP3 (Residential Requirement), SP4 (Affordable Housing Provision), SP5 (Employment Requirements), SP6 (Retail), SP7 (Transportation), SP10 (Built and Natural Environment), SP11 (Tourism and Leisure), MG1 (Housing Supply in the Vale of Glamorgan), MG2 (Housing Allocations), MG3 (Strategic Site at Barry Waterfront), MG4 (Affordable Housing), MG7 (Provision of Community Facilities), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MG29 (Tourism and Leisure Facilities), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision for Open Space), MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity) and MD13 (Tourism and Leisure) the proposal would be acceptable.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

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

RECOMMENDATION

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 engineering works, watersports centre, open space and each phase of residential development 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
- Land raising
- Temporary construction access and associated works
- Construction deliveries including machinery, materials and importation of clean materials

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

Reason:

To ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

2. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins 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 Sections 91 and 92 of the Town and Country Planning Act 1990.

5. The development shall be carried out in accordance with the scale parameters height specified in the document entitled 'Scale Parameters' ref MB-ASL-00-ZZ-DR-A-0104 SL Rev P5

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

6. No more than 100 residential units shall be erected on the application site.

Reason:

For the avoidance of doubt

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

Full and Outline Consent

20065 05 090 Site Location Plan

Preliminary Ecological Appraisal dated April 2021

Botanical And Habitat Survey June 2022 prepared by temple

Outline Drainage Strategy February 2022

Phase 1 Geo E-Environmental Desk Study Report Dated 12/02/2020

Phase II Geo E-Environmental Desk Study Report Dated October 2021

Supplementary Site Investigation Report 4501/RH/26/SI dated May 2026

Remediation Strategy Report 14501RH/26/RS dated June 2026

Flood Consequences Assessment February 2023 prepared by JBA consulting

Heritage Desk Based Assessment prepared by RPS

Transport Note ref 407.064975.00001 dated 31 March 2026 prepared by SLR Consulting

Topographic Survey 06/02/2020

Site sections TMB-ASL-00-ZZ-DR-A-102 Rev P5

Planning Resubmission Letter dated 21 April 2026 from Lovell

Flood Risk Compliance Statement dated March 2026 by JBA consulting

Green Infrastructure Statement dated March 2026 prepared by Tir Collective

Update Preliminary Ecological Appraisal dated 27 March 2026 by temple

Shadow Habitats Regulation Assessment dated 27 November 2025 by temple

Botanical and Habitat Update Survey, Memo Letter V1.0 by temple

Design and Access Statement by Austin Smith Lord dated February 2026

Site Sections TMB-ASL-00-ZZ-DR-A-0102

Drainage Strategy dated March 2026 prepared by Lovell

2753 500 'Engineering Layout Planning Levels'

Outline ONLY

Drainage Strategy dated March 2026 prepared by Lovell

Access and Movement Parameters ref TMB-ASL-00-ZZ-DR-A-0105 Rev P4

Proposed Masterplan ref TMB-ASL-00-ZZ-DR-A-0100 Rev P5

Land Use Parameters ref TMB-ASL-00-ZZ-DR-A-103 Rev P3

Scale Parameters TMB-ASL-00-ZZ-DR-A-104 Rev P5

Landscape Parameter Plans 1, 2 and 3 by Tir Collective

Reason:

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

8. Prior to commencement of any part of the residential development hereby approved, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;
- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

9. Any reserved matters applications for each phase as identified by the details approved pursuant to condition 1 of this consent, shall include topographical details and finished floor levels of all buildings and external spaces. The finished floor levels shall raise the land to at least 9.0mAOD as detailed within the submissions.

Reason:

To ensure that amenity of neighbouring occupiers are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

10. No development shall take place until details of a scheme to divert, remove or grout up the non-operational watermain crossing the site have been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, outlining the measures taken to divert, remove or grout up the non-operational water main. No other development pursuant to this permission shall be carried out until the scheme has been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development.

Reason:

To ensure the non-operational water main is adequately and safely abandoned to prevent the transference of gases and to prevent collapse and to ensure compliance with the provisions of Policies MD2 'Design of New Development' and MD7 'Environmental Protection' of the adopted Vale of Glamorgan Local Development Plan 2011-2026.

11. Any reserved matters submission, shall be submitted with a revised Biodiversity Enhancement Strategy that amongst other things, shall provide further details amended biodiversity enhancement measures. The development shall thereafter be carried out in accordance with the approved details and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:
- a) Details of any bird/bat box provision (including the provision of at least 3 no. swift nest chambers in suitable locations)
 - b) Details of any landscaping features
 - c) Details of any additional ecological enhancements

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

12. Prior to the commencement of any works on site (including site clearance), a site clearance strategy, addressing the potential presence of breeding/wintering birds, reptiles and hedgehog, shall be submitted to, and approved in writing by the Local Planning Authority. All works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan and Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2024) and Tan 5 Nature Conservation and Planning (2009).

13. Prior to the commencement of any works (including site clearance) a strategy for the conservation of the species-rich grassland shall be submitted to, and approved in writing by the Local Planning Authority. The Strategy shall include, but not be exclusively limited to: methodology, timing, transport, storage, receptor site, post translocation aftercare; management and monitoring for a period of no less than 10 years. All works shall thereafter be carried out in accordance with the approved details.

Reason:

To secure mitigation, compensation and/or enhancement measures for biodiversity on site, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2024) and Tan 5 Nature Conservation and Planning (2009) and policy MD9 (Promoting Biodiversity) of the adopted Vale of Glamorgan Local Development Plan 2011-2026.

14. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways and internal roads within the site, turning facilities and vision splays, sections, street lighting, surface water drainage and surface materials, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any development associated with any reserved matters phase identified within the details approved by condition 1 of this consent. The development shall be implemented and maintained thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policies MD2 and MD5 of the Local Development Plan.

15. Notwithstanding the submitted information and the geo environmental site assessment, no work shall commence on site until further details have been submitted to and approved in writing by the Local Planning Authority for the raising of the levels on site and ground improvement. The details shall include the type of material used and the method of compaction and ground remediation to ensure the site is suitable for construction and suitable for road construction and then details of highway construction taking into account additional engineering measures. The works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of highway safety to ensure estate roads are designed and constructed to a suitable and safe standard and to ensure compliance with the provisions of Policies MD2 'Design of New Development' and MD7 'Environmental Protection' of the adopted Vale of Glamorgan Local Development Plan 2011-2026.

16. Notwithstanding the submitted plans, prior to the first beneficial occupation of any of the buildings or dwellings within each respective phase as identified by condition 1 of this consent, full details of the lighting to be provided on the highways, footpaths and open space areas for that particular phase of the development, shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation/use of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policies SP1, MD2 and MD9 of the Local Development Plan.

17. No development shall take place on any reserved matters phase identified within the details approved by condition 1 of this consent until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures including those within identified play spaces (e.g. furniture, play equipment, refuse or other storage units, signs, etc.),
- vii) water features, and
- viii) Ongoing maintenance of areas of open space and landscaped areas

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan,

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

19. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the respective phase of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

20. Each respective phase of development (as approved pursuant to condition 1 of this consent) shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

21. The development hereby approved shall have a minimum of 10% of all car parking spaces provided therein to have active (fully wired and connected) electric vehicle charging points, with those serving the non-residential element to be of 'fast charge' type, provided prior to beneficial occupation of the development, and shall remain available for their designated use in perpetuity.

Reason:

To ensure satisfactory provision electric vehicle charging point parking to serve the development to ensure compliance with Policy 12 (Regional Connectivity) of Future Wales - The National Plan 2040.

22. Prior to the beneficial occupation of each respective phase of development as agreed by condition 1 of this consent, a Travel Plan shall be prepared to 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 shall thereafter be completed 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 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

23. No development or phase of development, including site clearance, shall commence until a site wide or phase specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that respective phase. The CEMP should include:

i) Construction methods: details of materials, how waste generated will be managed. a scheme for recycling/disposing of waste resulting from demolition and construction works.

ii) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

iii) Soil Management: details of topsoil strip, storage and amelioration for re-use.

iv) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

v) Ground Stability: Details on how the proposed development plateau will be stabilised to prevent ground slippage into the surrounding dock, for example during heavy rainfall.

vi) Control of Nuisances: details of restrictions to be applied during construction including timing, duration, and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures, odour management and mitigation;

vii) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater, and energy use.

viii) Traffic Management: details of parking of vehicles of site operatives and visitors, loading and unloading of plan and materials, site deliveries, plant on site, wheel wash facilities.

ix) Pollution Prevention: measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction, demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

x) Surface Water Management Plan detailing how surface water would be minimised and managed during the construction phase.

xi) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

xii) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and

xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

xiv) Ground Stability: Details on how the proposed development plateau will be stabilised to prevent ground slippage into the surrounding dock, for example during heavy rainfall.

xv) Biodiversity management: details of invasive species management during soil importation, including measures to control, remove or for the long-term management of any invasive non-native species both during construction and operation.

The CEMP shall be implemented as approved during the site preparation and construction for the particular phase of the development.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) of the Local Development Plan.

24. No development or phase of development, including site clearance, shall commence until a site wide or phase specific Construction Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority. The Management Plan 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 development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

25. No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason:

To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long term monitoring are implemented to prevent unacceptable risks from contamination in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the adopted Local Development Plan.

26. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required then no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

- 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

27. 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 submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

28. Prior to the commencement of the development a detailed 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 that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

29. The remediation scheme approved by condition 23 must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

30. Any topsoil natural or manufactured, or subsoil, nor 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 Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

31. 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 ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

32. No demolition or development (including the removal of any internal and external feature(s)) shall take place until written scheme of investigation, detailing the appropriate programme of historic building recording, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in strict accordance with the approved details.

Reason:

As the building is of significance the specified records are necessary in order that records are kept of any features of architectural and archaeological interest and to ensure compliance with Policies SP1 (Delivering the Strategy) , SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

33. The Historic Building Record report, as specified and required by condition 33, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timings set out in the approved WSI.

Reason:

As the site is of significance the specified records are necessary in order that records are kept of any features of architectural and archaeological interest and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

34. No piling or other foundational works shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been 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 during construction and methods/design are agreed prior to the commencement of development or phase of development and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) , MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

35. No piling work shall be carried out between the months of April and July, to avoid sensitive fish migratory periods.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

NOTE:

1. CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

**(i) determining the extent and effects of such constraints;
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**

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

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

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

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

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.