

ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 30 SEPTEMBER, 2020

Page	Application	Location	Item No.	Description
45	2019/01260/HYB	Land between Aston Martin Lagonda and taxiway echo (Keithrow) Bro Tathan Business Park, St. Athan	1.	Officer note – amended condition 18 and 19.
86	2019/01371/RES	East Quay, Barry Waterfront	2.	Comments from Joanne Cheek (local resident) raising concerns regarding drainage and contaminated land.
101	2019/01393/RES			
120	2019/01384/RES		3.	Comments from Dennis Clarke (local resident and Barry Town Councillor) raising concerns regarding flood risk, drainage, contamination / pollution and proximity to Biomass Plant.
137	2019/01385/RES			

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 30 September 2020

Application No.: 2019/01260/HYB	Case Officer: Mr. Shafqut Zahoor
<p>Location: Land between Aston Martin Lagonda and taxiway echo (Keithrow), Bro Tathan Business Park, St. Athan</p> <p>Proposal: AMENDED DESCRIPTION - Hybrid application comprising: full planning permission for the demolition of existing structures; the construction of a new service road, footpath, associated drainage and engineering works; erection of a 2,500 sqm GIA rubb hanger (flexible Class B1 and/or Class B2 and/or Class B8 use) including associated slab / apron, parking and servicing area and associated drainage arrangements; erection of boundary fencing and a jet blast acoustic fence and outline planning permission (with all other matters reserved) for the erection of up to 37,500 sqm GIA air-side operational employment facilities (Class B1 and/or Class B2 and/or Class B8) including associated slab/apron and parking areas and all associated building and engineering works.</p>	

From: Case Officer

Summary of Comments:

Conditions 18 and 19 should read as follows, with the word 'outline' included:

The construction works relating to the full elements of this planning permission shall be carried out in accordance with the Construction Environment Management Plan (CEMP) received on 17 September 2020 unless the Local Planning Authority gives prior written consent to any variation. The elements of the development which hereby receive **OUTLINE** planning permission shall be carried out in accordance with a CEMP that shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on the phase it relates to.

The construction works relating to the full elements of this planning permission shall be carried out in accordance with the Amended Bro Tathan Construction Transport Management Plan (CTMP) received on 17 September 2020. The elements of the development which hereby **OUTLINE** receive planning permission shall be carried out in accordance with a CTMP that shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on the phase it relates to.

Officer Response: Members to note

Action required: None

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 30 September 2020

Application No.: 2019/01371/RES	Case Officer: Mr. I. Robinson
Location: East Quay Public Open Space, Barry Waterfront Proposal: Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO)	

From: A member of the public

Summary of Comments: Concerns regarding drainage, contamination and pollution of the environment. The comments in full are below:

These figures for 2019 can be found on Dwr Cymru website. This Combined Sewage outlet discharges raw sewage at times of flooding into the dock. I don't believe we've had 198 incidents of flooding in the area last year which can only conclude that the system is struggling to cope. Further strain on the system will obviously increase these discharges of sewage into a dock, now used for leisure. The Water Activity centre at the Mole is moving meters away from these points, with children and the vulnerable using the dock for sport.

I ask you to question what is to be done about this issue and how it can be rectified to stop the pollution of our waters.

I would also like to raise the issue of the liner that was installed to hold the toxic waste which was buried below the future leisure/play area. This type liner had never been used below sea level previously and it's life guarantee is at an end. I would like you to question what testing has been done regarding this and can the results be made public? I feel our water and air are the two things that we should always prioritise to protect in our environment. I ask you to consider these issues during your planning meeting.

Officer Response:

In respect of drainage, surface water would be discharged to the dock and foul would be dealt with through the public foul system. Dwr Cymru Welsh Water were consulted when the applicant sought to discharge the relevant condition of the outline permission (condition 34 of planning permission 2014/00229/EAO) and raised no objection to these drainage proposals. The drainage is, therefore, dealt with by the outline permission and is not a material consideration for this reserved matters application.

In respect of contamination, conditions 40-43 of planning permission 2014/00229/EAO place obligations on the developer to fully investigate and remediate against contamination. Initial site investigations and a site remediation plan were approved under the original outline permission (20109/00946/OUT) and the requirement to comply with those approved documents has been carried through to the current outline permission.

The further conditions require compliance with the remediation plans to be documented and submitted to the Local Planning Authority for approval. Land contamination issues are, therefore, dealt with by the outline permission and they are not a material consideration for this reserved matters application.

Action required: Members to note.

Edgerton, Elaine

From: Robinson, Ian
Sent: 29 September 2020 13:19
To: Edgerton, Elaine
Subject: FW: East Quay development

From: Johnson, Ian (Cllr) [REDACTED]
Sent: 25 September 2020 12:28
To: Robinson, Ian [REDACTED]
Subject: FW: East Quay development

Dear Ian

For information, councillors have received this email today from a member of the public. Could I ask that this is formally included within the additional representations file ahead of Wednesday's meeting?

Best wishes

Cllr Ian Johnson
 [REDACTED]

From: joanne cheek [REDACTED]
Sent: 25 September 2020 09:51
To: Bird, Jonathan (Cllr) [REDACTED]; Johnson, Ian (Cllr) [REDACTED]
 Gray, Benjamin T (Cllr) <[REDACTED]>; Burnett, Lis (Cllr) <[REDACTED]>
 Cave, Christine A (Cllr) <[REDACTED]>; Drake, Pamela (Cllr) [REDACTED]
 Driscoll, Vincent P (Cllr) [REDACTED]; Edwards, Stewart T (Cllr) [REDACTED]
 [REDACTED]; Kemp, Gordon C (Cllr) [REDACTED]; King, Peter (Cllr) [REDACTED]
 [REDACTED]; Parker, Andrew (Cllr) [REDACTED]; Rowlands, Leighton O (Cllr) [REDACTED]
 [REDACTED]; Williams, Edward (Cllr) [REDACTED]
 Thomas, Neil C (Cllr) <[REDACTED]>; Wilkinson, Margaret R (Cllr) [REDACTED]
 [REDACTED]; Wright, Marguerita (Cllr) [REDACTED]
Subject: East Quay development

I'm writing to you concerning the planning application for homes as East Quay.

As you will be aware it will be discussed at planning on Wednesday.

Dwr Cymru have approved the plan yet the discharges from the existing sewage system is incredibly high.



Corabrook Road

(2)

38

Minutes

Barry

Cowbridge
Street

0 Hours

0 Minutes

0

Barry Daniel
Street

41 Hours

0 Minutes

11

Barry Docks
Storm

243

Hours 45
Minutes

198

Barry East
Bendricks

8 Hours

30

Minutes

1

Barry Harbour
Road

8 Hours

30

Minutes

11

Barry Hillary

0 Hours

0

These figures for 2019 can be found on Dwr Cymru website. This Combined Sewege outlet discharges raw sewage at times of flooding into the dock. I don't believe we've had 198 incidents of flooding in the area last year which can only conclude that the system is struggling to cope. Further strain on the system willl obviously increase these discharges of sewage into a dock, now used for leisure. The Water Activity centre at the Mole is moving meters away from these points, with children and the vulnerable using the dock for sport.

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Kind regards

Jo Cheek.

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MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 30 September 2020

Application No.: 2019/01371/RES	Case Officer: Mr. I. Robinson
Location: East Quay Public Open Space, Barry Waterfront Proposal: Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO)	

From: A local resident.

Summary of Comments: The comments query flood risk, contamination, drainage and the proximity of the Biomass plant.

Officer Response: The issues relating to drainage and contamination are discussed in another Matter Arising note.

In respect of flood risk, Condition 33 of the outline permission set the levels to which the development must be constructed, as follows:.

Notwithstanding the submitted details, the following development levels shall apply across the site, unless otherwise agreed in writing by the Local Planning Authority:

- The finished floor levels of buildings and new roads must be set to a minimum level of 8.868 metres AOD.
- Ground levels immediately to the east of the railway viaduct at the western area of West Pond shall be raised to 9.34m AOD.
- Ground levels across East Quay, West Pond and South Quay shall be raised to between 0.5m to 1.0m.
- During construction works temporary flood bunds shall be provided to the dock and the western edge.

Any variation shall be agreed in writing with the Local Planning Authority.

The reserved matters applications at East Quay could not seek to supersede the requirements of the outline conditions, because that issue had already been dealt with by the outline permission. The LPA could therefore not cause the developer to prepare updated calculations.

In respect of the biomass plant, the outline permission for the Waterfront development was granted in March 2012, whereas the original plant was approved in July 2010. I.e. the likelihood of that site being developed for something of that type was understood when the larger waterfront outline permission was granted.

The case officer has responded to the resident to clarify the above points and a further response has been received from the resident, seeking further clarification on those matters relating to the outline permission.

Action required: Members to note

The Court
4 Mount Pleasant
BARRY
Vale of Glamorgan
CF63 2HE

28th September all all all 2020

Mr Ian Robinson
The Vale of Glamorgan Council,
Dock Office, Barry Docks,
Barry, Vale of Glamorgan.
CF63 4RT

Dear Mr Robinson

With apologies for mixing issues as I intended to write to you with regard to the East Quay development.

I was however reminded that I do not have a response from you to my letter of 5 July. If that means that the response has gone astray would you be so kind as to resend it. You will recall that this was in relation to the incinerator. Whatever is happening with the incinerator may very well be relevant to those matters that need to be considered in relation to the East Quay development.

In relation to East Quay development I have been asked to forward to the following queries: –

1. Flood levels. The possibility of flooding occurring from the sea was calculated over 10 years ago. Since then there has been a great deal more research into and understanding of climate change and the way in which this has impacted and is likely to impact upon sea levels and related flooded. Could you please confirm whether the Vale has caused to be prepared updated calculations as to the necessary height to which the land needs to rise in order to avoid flooding. If there has been no updated calculations can you explain why this is the case. If updated calculations are being made could you kindly confirm this. If there are already the calculations of the necessary height on which the development can be allowed to progress could you kindly refer me to the documentation.
2. Graving dock. I am told by people who took an interest in this subject at the relevant time that the dock was used for the dumping of material that would be considered as toxic. I am further advised that a lining was added to the dock in order to secure this toxicity. However, residents understand that a guarantee as to the efficacy of the lining was limited to 25 years. That period appears to have expired. Has the “dump site” been assessed for levels of toxicity and for security such that the council can be satisfied that there are no health risks arising. If no survey has yet been carried out please confirm whether the Vale intends to cause enquiries to be put in hand before any progress can be made on this development. If there is

already available to the Vale material relating to this “dump site” could you kindly refer me to it.

3. You will be aware of concern locally that the CSO that empties into the dock at the eastern end regularly/often overflows. What enquiries have been made as to the likely impact that this development might have with continued overflows into the eastern end of the dock through this CSO? What safeguards are likely to be put in place in order to ensure that this development does not cause additional overflows into the dock and/or more serious overflows that may *encourage* pollutants into the dock.
4. The incinerator. This development was not known about when the East Quay was first considered. The incinerator is thought by many people as a significant change. Could you please confirm that the impact on the present development in respect of noise, light pollution, traffic, pollution, and all other potential impacts have been looked at afresh. If this has occurred could you please refer me to the documentation in order that I may pass on relevant details to residents.

I look forward to hearing from you.

Yours sincerely

Dennis Clarke

Dennis Clarke
Barry Town Councillor
Court Ward

The Court
4 Mount Pleasant
BARRY
Vale of Glamorgan
CF63 2HE

29th September 2020

Mr Ian Robinson
The Vale of Glamorgan Council,
Dock Office, Barry Docks,
Barry, Vale of Glamorgan.
CF63 4RT

Dear Mr Robinson

Thank you for your prompt reply to my letter yesterday.

I confirm that I would like my letter, your response and this subsequent letter to be reported as a representation to planning committee.

If I may refer to the same numbering as per our earlier exchange:-

1. The AOD levels fixed for condition 33 will have been arrived at in order to secure safety from flooding based upon the knowledge of the parties back in the day. Even then the report authors were mindful of the potential for data to mislead due to a changing landscape. The need to reassess will be no surprise to anybody. As indicated the understanding of climate change on sea levels and therefore coastal flooding has improved considerably over the intervening period. It will be difficult for residents to understand why improved understanding of the dangers from coastal flooding should be ignored by the Vale and the developers. In the event that it becomes clear that the levels are inadequate who will be covering the not inconsiderable cost of correction? A rhetorical question but perhaps pertinent. Although I am confident that those residents who contact me do not profess to be experts, they do not understand why the Vale and Natural Resources Wales may be against checking the AOD levels.
2. I am not sure what your response means but perhaps it is meant to explain that only present pollution is considered relevant and not the possible developing issue with the Graving dock. Alternatively, does your answer mean to pass on information that the Vale is well aware of the content of the Graving dock and the current/future prospects for wider contamination? My recollection is that this concern was discussed with the consortium and was probably considered to be significant such that the Planning Department of the Vale suggested to the consortium that the future liability to remedy the anticipated pollution from this area be passed on to the purchasers of homes on the docks. Is there a report anywhere that fully explains what has been dumped in the Graving dock, the long-term prospects of leakage, the

potential impact on the environment and residents. Not having been involved in any house purchases on the wider development on the docks I would not know whether the Vale advises purchasers making usual searches of what is known about a liability for the Graving Dock. If no information is given is that a failure on the part of the Vale that might mean the Vale picks up the cost of sorting an issue with the area? The questions are asked as people just do not know and yet the Future Generations and Wellbeing Act suggests this is an important consideration.

3. Similar to the discussion at point number 1, it is surprising that, with the experience of the last 10 years or so coupled with the increased understanding of climate change, the Vale is prevented from considering this matter. If it is correct that the CSO under discussion is indeed a concern and a possible increasing concern over the intervening period it would not sit well with the Future Generations requirements to allow a situation that gets worse. Is the Vale fully advised as to the way in which this development is going to add to the problems with this CSO which appear to be insurmountable by Welsh Water. The quality of water in the dock is an important feature. If the water in the dock became badly contaminated presumably it could not be allowed to be flushed into the Severn Estuary/Bristol Channel? How would pollution be cleared – residents have asked rhetorically.
4. The possibility of a development at the site now occupied by the incinerator was known at the time. However, the present incinerator is much larger and it actually exists. There is therefore a wealth of material to help the Planning Department of the Vale to fully appreciate the impact upon this development. It would be surprising to residents if the Vale failed to retain any ability to reconsider details in case such a development were to take place and issues became apparent. Is it possible to know what assumptions were made about a possible incinerator development and the way in which it might affect the East Quay in order to compare with the reality that now exists? Looking at the various AOD levels set out in your response to paragraph 1, does the incinerator comply with all of these levels and if not is there an increased risk of an incident at the incinerator that might impact on the East Quay? At the least the increased size of the incinerator adds significantly to the heavy traffic that will use the area resulting in increased fumes from exhaust, dust, noise and danger.

With apologies for taking up your time on these matters but residents are concerned about issues in this area and would like to be assured that it is as safe as possible and that the Vale has done all possible to ensure safety including for future generations.

I look forward to hearing from you if more may be explained.

Yours sincerely

Dennis Clarke

Dennis Clarke
Barry Town Councillor
Court Ward