

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 MAY 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

**Decision Codes:**

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2025/0029/RG	A	37, St. Nicholas Road, Barry. CF62 6QX	Partial removal of wall between kitchen and dining room
2025/0156/BN	A	6, Clive Crescent, Penarth. CF64 1AT	Replacement garage (non habitable)
2025/0157/BN	A	8, Lon Yr Eglwys, St. Brides Major. CF32 0SH	House renovation including internal wall removal x2, addition of ensuite, moving internal doorway, create utility room, small front extension / porch / cloak room with plumbing, new roof on existing extension, replace windows and doors, change kitchen window to patio door & insulate / board loft
2025/0158/BN	A W	10, Uppercliff Drive, Penarth. CF64 1BR	Replacement of a single storey rear extension
2025/0159/BN	A	14, Melrose Walk, Sully. CF64 5WD	Conversion of an integral garage into a living space
2025/0160/BN	A	The Paddock, Pen Y Turnpike Road, Dinas Powys. CF64 4HH	2 storey extension to front, side & rear & internal alterations

2025/0161/BN	A	Ty Gwyn, Sully Road, Penarth. CF64 2TQ	Structural alterations - 2 new beams
2025/0162/BN	A W	8, Lon Pinwydden, Ystradowen. CF71 7SF	Single storey rear extension
2025/0163/BN	A W	14, Le Sor Hill, Peterston Super Ely. CF5 6LW	Single storey extension
2025/0166/BN	A W	34, Norwood Crescent, Barry. CF63 2AR	Single storey side extension for toilet and shower room
2025/0167/BN	A	33, Maes Y Cwm Street, Barry. CF63 4EJ	Single storey extension to the rear to enlarge the kitchen and add downstairs toilet and utility room
2025/0168/BN	A	30, Munro Place, Barry. CF62 8BU	Removal of wall between dining room and downstairs shower room. Installation of a single steel beam
2025/0169/BN	A	9, Seys Close, Cowbridge. CF71 7BW	Two storey extension
2025/0170/BN	A	2, Salop Street, Penarth. CF64 1HF	Two storey extension
2025/0171/BN	A	5, Liscum Way, Barry. CF62 8AB	Roof retile
2025/0172/BN	A	The White House, Flanders Road, Llantwit Major. CF61 1RL	New doorway through an internal wall
2025/0173/BN	A	Golden Grove, Coldbrook Road West, Barry. CF63 1LF	Demolition of existing extension with new side / rear single storey extension
2025/0174/BN	A W	Carmel Chapel, Bonvilston. CF5 6TQ	Proposed conversion of existing garage and loft into ancillary accommodation (granny annexe)
2025/0175/BN	A	30, John Street, Penarth. CF64 1DN	New ridge beam to main roof at junction with existing flat roof. Convert existing separate flat roof to balcony

2025/0176/BN	A	14, Trem Y Bae, Penarth. CF64 1TG	First floor extension in place of balcony above existing kitchen
2025/0177/BN	A W	15, Harlech Drive, Dinas Powys. CF64 4NZ	Single storey side extension
2025/0178/BR	AC	1A, Regent Street, Barry. CF62 8DS	2 commercial units to ground floor
2025/0179/BN	A	43, Plas St. Pol De Leon, Penarth. CF64 1TR	Provision of two rooflights (velux)
2025/0180/BN	A	25, Smithies Avenue, Sully. CF64 5SS	2 storey extension to existing bungalow & single storey side extension
2025/0181/BN	A	69, Fontygary Road, Rhoose. CF62 3DT	Single storey extension & knock through
2025/0182/BN	A W	19, Minehead Avenue, Sully. CF64 5TH	Internal alterations and refurbishment works comprising of conversion of integral garage to family room. New ground floor wc / shower room. knock through kitchen and dining room to create kitchen / diner. Internal refurbishment to ground floor inclusive of new windows
2025/0183/BR	AC	231, Holton Road, Barry. CF63 4HR	Partial side infill extension and change of use to HMO
2025/0184/BR	AC	5, Tal Y Bryn, Penarth. CF64 3HT	Single storey rear extension, single storey extension to front porch and garage conversion
2025/0185/BN	A W	37, Masefield Avenue, Penarth. CF64 2SE	Single storey side and rear extension
2025/0186/BN	A	Lloyds TSB Bank PLC, 9, Boverton Road, Llantwit Major. CF61 1XZ	Removal of supply wall and internal steel beams and pillars (shell only not covering fit out)
2025/0187/BN	A	Fern Hill, Michaelston Le Pit. CF64 4HE	Underpinning of foundation of existing annex only

2025/0188/BN	A	18, Darren Close, Cowbridge. CF71 7DE	To replace remnants of former external wall with steel beams in order to open up interior space and create large kitchen / diner from the existing kitchen and dining room
2025/0189/BR	AC	Dros Y Mor, St. Mary's Well Bay Road, Swanbridge. CF64 5UJ	2 storey extension, replacing and raising the existing roof to introduce habitable rooms within the roof space and forming a new basement garage
2025/0190/BN	A	106, Lavernock Road, Penarth. CF64 3RN	Re roof
2025/0191/BN	A	12A Royal Buildings, Stanwell Road, Penarth. CF64 3ED	Installation of commercial fire alarm system and to fire proof to one hour rated ceilings to first floor flat, ground floor & basement
2025/0192/BN	A	2, Hewell Street, Cogan, Penarth. CF64 2JZ	Removal of internal wall and replacing with a sufficient RSJ to support joists above
2025/0193/BN	A	30, Beidr Iorwg, Barry. CF63 1FG	Conversion of attached garage to a room / bedroom
2025/0195/BR	AC	The Rocks Restaurant & Grill, Beach Road, Swanbridge, Sully. CF64 5UG	First floor glazed extension to serve as a restaurant
2025/0196/BR	AC	3, Holmesdale Place, Penarth. CF64 3BB	2nd floor extension, balcony to first floor, part garage conversion and internal alterations
2025/0197/BN	A	21, Sullivan Close, Penarth. CF64 3QR	Removal of internal wall between kitchen and dining room
2025/0198/BR	AC	4, High Grove, Ystradowen. CF71 7TE	Single storey rear extension



2025/0199/BN	A	25, St. Pauls Avenue, Barry. CF62 8HU	New complete internal concrete floor and a steel lintel in the kitchen diner inspections
2025/0200/BN	A	17, St. Owains Crescent, Ystradowen. CF71 7TB	Two storey rear extension, alterations to existing porch, internal alterations including new staircase, form utility room and shower room & form first floor en suite on bedroom extension
2025/0201/BN	A	59, Shakespeare Road, Barry. CF62 9TP	Re roof
2025/0202/BN	A	1, Arlington Road, Sully. CF64 5TR	Single storey extension with dormer conversion
2025/0203/BN	A	1, Porthkerry Road, Barry. CF63 7AX	New windows to front of house (less than 20 windows)
2025/0204/BN	A	15, Merlin Close, Lavernock Park, Penarth. CF64 5FW	Two storey extension to side of property
2025/0205/BN	A W	29, Conybeare Road, Sully. CF64 5TZ	Single storey side and rear extension
2025/0206/BR	AC	The Courtyard, Victoria Bridge, Railway Terrace, Penarth. CF64 2AN	Refurbishment of existing building
2025/0207/BN	A W	4, Merthyr Dyfan Road, Barry. CF62 9TG	Single storey extension
2025/0208/BN	A	17, Hawthorn Road, Barry. CF62 6Le	Single storey extension
2025/0209/BN	A	20, Gibson Way, Penarth. CF64 1TA	Conversion of integral garage to study / bedroom & utility
2025/0210/BN	A	31, The Verlands, Cowbridge. CF71 7BY	Ground floor extension
2025/0212/BR	AC	19, Vale View Crescent, Llandough, Penarth, CF64 2NZ	Single storey side extension

2025/0213/BR	AC	Enzo Bar, 7, Paget Road, Barry island. CF62 5TY	Change of use from residential to commercial
2025/0214/BN	A	24, Georges Row, Dinas Powys. CF64 4LF	RSJ installation and kitchen alteration works
2025/0215/BN	A	16, Fennel Close, Penarth. CF64 2QF	Part conversion of attached garage to install downstairs toilet, creation of new door from hallway to garage and changing garage door into a door and window
2025/0216/BN	A	61, Jewel Street, Barry. CF63 2NQ	Removal of lead bearing wall & fitting of steels
2025/0217/BN	A	208, Westbourne Road, Penarth. CF64 5BS	Two storey / single storey extension
2025/0218/BN	A	3, Agnes Street, Penarth. CF64 2JW	new roof, solar panels and external render
2025/0219/BN	A W	46, Clos Yr Ysgol, Dinas Powys. CF64 4RJ	Single storey extension
2025/0220/BR	AC	28, Shakespeare Avenue, Penarth. CF64 2RU	2 storey extension to side of house & single storey extension to rear
2025/0223/BN	A	Thimble Cottage, Castle Hill, Llanblethian, Cowbridge. CF71 7JB	Removal of structural section of wall adjoining porch and insertion of RSJ's, improving existing porch structure to ensure compliance
2025/0224/BR	AC	23, Crawshay Court, Llantwit Major. CF61 2GE	Conversion of one 3 bedroom flat into two 1 bedroom flats on ground floor
2025/0225/BN	A	26, Glebeland Place, St. Athan. CF62 4PR	Re roof
2025/0226/BR	AC	6, Paget Place, Penarth. CF64 1DP	Replacement flat roof, knock through between kitchen and dining room, drainage alterations to kitchen, new patio doors and relocate downstairs W.C

2025/0229/BN	A W	19, Byrd Crescent, Penarth. CF64 3QU	Two storey / single storey side extension and internal alterations
2025/0230/BN	A	43, Althorp Drive, Penarth. CF64 5FJ	Extend the existing previously extended roof to replace the current lean to conservatory. Open up the existing rear wall of the house to form a direct connection between the main house and the new extension
2025/0232/BN	A	10, Darren Close, Cowbridge. CF71 7DE	Creation of additional internal doorway from dining room to lounge (installation of concrete lintel). Extend existing window to accommodate 4 metre bi-fold doors, installation of steel beam.
2025/0233/BN	A	91, Port Road East, Barry. CF62 9PX	Single storey rear kitchen extension
2025/0234/BN	A W	47, Heol Eryr Mor, Barry. CF62 5DA	Single storey pitched roof extension to the rear of the property
2025/0235/BR	AC	Rockside, Dinas Powys. CF64 4DF	Single storey extension to rear

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

2025/0165/BN	R	REFUSED - Ty Newydd, Bonvilston. CF5 6TQ	REFUSED - Internal alterations
2025/0194/BN	R	REFUSED - 124, High Street, Barry. CF62 7DT	REFUSED - Change ground floor office to a two bedroom flat
2025/0221/BN	R	REFUSED - 37, Hilary Rise, Barry. CF63 3HZ	REFUSED - Proposed two storey extension to side with store below at lower ground level

2025/0222/BN	R	REFUSED - 6, Caradoc Avenue, Barry. CF63 1DQ	REFUSED - Knock through between kitchen and dining room and installation of RSJ, knock down internal wall in upstairs bathroom and install support, knock through doorway in hallway / kitchen and install lintel & replacement ground floors to include DPM and insulation
2025/0228/BN	R	13, Millbrook Heights, Dinas Powys. CF64 4JJ	Construction of a steel framed balcony with glass and stainless steel balustrade on the rear elevation of property.
2025/0231/BN	R	REFUSED - 20, Westward Rise, Barry. CF62 6PL	REFUSED - Rear two storey extension and internal alterations to create bathroom to first floor and making the GF open plan

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2025/0033/AI	A	Greenfields Farm, Peterston Super Ely. CF5 6NF	Proposed front, side & rear extension to existing dwelling
2025/0034/AI	A	Twyn Y Rhedyn, Ewenny Road, St. Brides Major. CF32 0SD	New detached dwelling
2025/0035/AI	A	Timberscombe, The Rhiw, Griag Penllyn. CF71 7RS	Erection of detached 5 bed dwelling
2025/0036/AI	A	27, Longmeadow Drive, Dinas Powys. CF64 4TA	Single storey rear extension, loft conversion with rear dormer and detached garage annex (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2025/0037/AI	A	Victoria Primary School, Cornerswell Road, Penarth. CF64 2UZ	1 no. single storey modular building to provide kitchen / canteen with linked WC facilities
2025/0038/AI	A	2, Nant Yr Adar, Llantwit Major. CF61 1TW	Renew fire damaged flat roof and associated works to existing single storey garage on existing two storey house and replace rear window and door
2025/0039/AI	A	Former Public Toilet Block, Barry Island, Friars Road, Barry. CF62 5TJ	Repair and conversion of former public toilet block into commercial unit for restaurant / cafe
2025/0040/AI	A	Park Hotel, Park Crescent, Barry. CF62 6HE	Structural alteration to create new opening for access doors at rear elevation
2025/0041/AI	R	REFUSED - 46, Clos Yr Ysgol, Dinas Powys. CF64 4RJ	REFUSED - Single storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0042/AI	A	20, Heol Y Dryw, Rhooose. CF62 3LR	Proposed extension to existing conservatory base with traditional roof
2025/0043/AI	A	121, Stanwell Road, Penarth. CF64 3LL	Single storey side extension, single storey side / rear extension, dormer loft extension to existing loft space and internal; structural alterations upgrade of thermal elements (roof and walls) (works to incorporate material alterations to structure, controlled services, fittings)

2025/0044/AI	A	Premier Inn Cardiff West Hotel, Port Road West, Nant Isaf, Wenvoe. CF5 6DD	Bedroom refurbishment of 9 existing rooms, including air conditioning works (to form premier plus bedrooms) and replacement of 2 corridor doors
2025/0045/AI	R	REFUSED - 13, Millbrook Heights, Dinas Powys. CF64 4JJ	REFUSED - Construction of a new steel framed balcony to the rear elevation (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0046/AI	A	7, Coed Y Ffynnon, Dinas Powys. CF64 4RN	Replace property roof completely after fire damage
2025/0047/AI	A	Park Mount, Park Road, Dinas Powys. CF64 4HJ	Proposed existing garage to be changed into two storey side extension with associated works
2025/0048/AI	A	49, Nant Talwg Way, Barry. CF62 6LZ	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0049/AI	A	Land at 39, Barry Road, Barry. CF63 1BA	New detached dwelling
2025/0050/AI	A	Tudor Garage (Ystradowen) Ltd, Ystradowen, Cowbridge. CF71 7SY	Phase 2 - Demolition and re construction of part of a single storey commercial garage work shop and offices
2025/0051/AI	A	Aston Martin Cowbridge Road, St. Athan. CF62 4WA	Small fit out to commercial training building

2025/0052/AI	A	30, Murch Crescent, Dinas Powys. CF64 4RF	Proposed replacement of conservatory for an extension with associated works
2025/0053/AI	A	24, Bedford Rise, Llantwit Major. CF61 2UN	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0054/AI		Ty Newydd, Bonvilston. CF5 6TQ	Internal alterations and refurbishment for existing dwelling, including removal of internal wall and installation of new support beams
2025/0055/AI		8, Cliffside, Penarth. CF64 5RG	Formation of structural opening to accommodate the installation of a lift

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 May 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

**Decision Codes**

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2020/01293/6/CD	A	Castle Upon Alun House, Lane - Junction Castle Upon Alun Farm To Junction Cross Croescwta Cottages, St Brides Major	Discharge of Condition 4.(Material Samples) for planning ref; 2020/01293/LBC - Proposed change of use of redundant stables to holiday let
2021/00518/1/NMA	R	Highfield, 11, Llantwit Major Road, Cowbridge	Non-Material Amendment - Change of Cedar cladding to metal cladding, Planning permission ref. 2021/00518/FUL- Two storey side extension to dwelling, new double garage and a garden pod at rear of garden



2022/00397/3/CD	A	Land North of Holm View Leisure Centre Barry	Discharge of Conditions 5.(Landscaping) 21.(Imported Soil) 22.(Imported Aggregates) 23.(Use of Site Won Materials) For planning ref; 2022/00397/RG3 - Phase Two of the residential development of 31 no. affordable housing units and associated works
2022/01028/1/NMA	A	British Airways Maintenance Cardiff, Dragonfly Drive,Rhosee	Non Material Amendment - An amendment to drawings listed in Condition 1. For planning ref: 2022/01028/FUL - Retention of the existing three storey Nose in Facility (NIF2) aircraft maintenance structure located on the south-west corner of the main BAMC hangar
2023/00399/1/NMA	A	2, South View, Boverton, Llantwit Major	Non Material Amendment - An amendment to add 2 velux windows to the roof of the extension to improve natural light into the kitchen. For planning ref: 2023/00399/FUL - Proposed kitchen extension

2023/00437/1/CD	A	Town Hall, Church Street, Llantwit Major	Discharge of Condition 4.(section details) 5. (photographic survey) for planning ref 2023/00437/LBC - A new internal platform lift to the upper function space Level including amendments to the existing stage on the first floor. Removal of the existing partition wall between the existing staircase and access way to the current kitchen. Relocation of the kitchen space. A new disabled WC on the ground floor.
2023/00642/FUL	A	Mill Cottage, Church Farm, Clemenstone	Proposed two storey side extension
2023/00949/2/CD	A	Land to the East of Aston Martin Lagonda and West of Cowbridge Road, Bro Tathan, St. Athan	Discharge of Conditions 3.(Programme of Archaeological Work) 4.(Building Recording) 9.(CTMP) for planning ref 2023/00949/FUL - Demolition of buildings including the removal of hazardous materials, foundations and associated utility disconnections, reprofiling of land and erection of bat house mitigation and associated landscaping at Land to the East of Aston Martin Lagonda and West of Cowbridge Road, Bro Tathan, St. Athan.

2023/00953/FUL	A	The Woodlands Lodge, Hayes Road, Sully	Removal or Variation of Conditions 2 - Approved Plans, 5 - Details of hardstanding, 9 - Scheme of Enclosure, 10 - Landscaping scheme and 16 - Woodland Management of Planning application 2014/00859/FUL: Conversion and extension of former mortuary building to residential bungalow
2023/00978/1/NMA	A	Cwrt-y-ala, Michealston Le Pit Road, Michaelston Le Pit	Non Material Amendment - An amendment to Condition 3 (Tree Inspections) and Extension to the date for submission of proposals and implementation in relation to Conditions 5 (Landscaping), 6 (Landscaping Implementation) & 7 (Biodiversity Enhancements). for planning permission 2023/00978/FUL - Retention of existing maintenance access track to woodland area.
2023/01046/1/NMA	A	Llandough Hospital, Car Park, Penlan Road, Llandough, Penarth	Non material Amendment - An Amendment to amend condition 2 (Approved Plans) for planning ref:2023/01046/FUL - Installation of solar car ports

2023/01076/1/NMA	A	Land at Bro Tathan, St Athan	Non Material Amendment - to allow the approved development to be carried out in accordance with the latest version of the Reactive Remediation Strategy (version 4) and for the wording of Condition 2 to be amended accordingly. For planning ref: 2023/01076/FUL - Proposed provision of above and below ground utilities, associated infrastructure and reprofiling of land.
2023/01283/2/NMA	A	13 Cwrt-y-vil Road, Penarth	Non Material Amendment- An amendment to updated Dormer Windows to suit 'as built' - Stone lintel added to rear second floor window - Smooth render to rear elevations in lieu of brick. for planning ref 2023/01283/FUL - Proposed alterations to existing dwelling to include 2 storey rear extension and front / side dormers to existing roof
2024/00247/2/CD	A	22 Victoria Road, Penarth	Discharge of Conditions 6.(Details of rooflights 10.(Rainwater goods and SVP) for planning ref; 2024/00247/LBC - Alterations to grade II listed home including some replacement windows, improvements to envelope, new roof penetration, amendments to layout internally at ground and first floor. at 22, Victoria Road, Penarth

2024/00274/FUL	A	Sully Sports and Social Club, South Road, Sully	Portable storage containers and trading units. Two of the units are sporting equipment. Other units are traders to operate retail outlets.
2024/00438/FUL	A	Tyn Y Coed Farm, Bonvilston	Proposed change of use of redundant agricultural buildings to be self-catered tourism accommodation with external alterations.
2024/00606/FUL	A	Sant Y Nyll House, Heol Sant Y Nyll, St Brides Super Ely	Revised scheme to recently approved extensions and garage at St Y Nyll House.
2024/00641/1CD	A	United World College Of The Atlantic, East Drive, St Donats	Discharge of Condition 1. (Historic Building Recording) for planning ref; 2024/00641/LBC - Remove/Re-new a defective lead flat roof and rotten timbers at St Donats Castle, East Drive, St Donats
2024/00715/2/NMA	A	10 Maes-y-ffynon, Bonvilston	Non Material Amendment - An amendment to Regularization of works under construction. Drawings amended to accord with measurements taken on site by Enforcement Officer. Width of building and new rear extension on drawings adjusted by 70mm. for planning ref 2024/00715/FUL - Proposed two storey extension to rear with Juliet balcony.

2024/00775/1/CD	A	Leisure Centre, Greenwood Street, Barry	Discharge of Condition 5. (Air Handling Unit Condition) Planning Permission Reference 2024/00775/FUL. Change of use and redevelopment of Council's Call Centre (C1V), attached to the first floor of Barry Leisure Centre, to an extension of the main gym, re-establishing access for customers. Area was formerly the Bowl Hall and linked to the main centre at Leisure Centre, Greenwood Street, Barry
2024/00779/CAC	A	Former South Wales Police, Police Station, Westgate, Cowbridge	Conversion of the former Cowbridge Police Station into over 55's affordable residential apartments, alongside the demolition and re-development of the former Magistrates Courts into over 55's affordable residential apartments including amenity space, parking, and associated works.
2024/00799/FUL	A	Wayside, 18, Dispenser Road, Sully	Proposed a new dormer to match the existing dormer at the rear of the property. Installation of a smaller dormer than the proposed new one

2024/00801/1/CD	A	Premier Inn, Hood Road, Barry	Discharge of Condition 9.(CEMP (NRW). for planning ref 2024/00801/FUL - Proposed extension to existing hotel to provide additional bedrooms, together with alterations to the car park and all associated works at Premier Inn, Hood Road, Barry.
2024/00928/FUL	A	Braemore Lodge, 42 Victoria Road, Penarth	Single storey rear extension with new terrace and solar panels on roof.
2024/00936/FUL	A	163 Lavernock Road, Penarth	Erect a single oak framed garage with a flat roof
2024/00962/FUL	A	5, Marine Walk, Ogmore By Sea	Replace existing conservatory with a sun room/ conservatory
2024/00978/FUL	A	Hickmans, 38 Windsor Road, Penarth	Construction of a raised platform outside the Ground Floor Restaurant with steps leading down to pavement level, to serve as an alternative means of escape route
2024/00983/LAW	A	33 Court Road, Barry	Installation of a rear facing dormer window within a loft conversion
2024/01003/FUL	A	3, Herbert Terrace, Penarth	Change of Use from Class A2 (Offices) to Class D1 (Cosmetics Clinic) including provision of external air conditioning units and vents.

2024/01032/1/NMA	A	5 Clos Yr Ysgol, Dinas Powys	Non Material Amendment - An amendment to 5, Clos Yr Ysgol, Dinas Powys, for planning ref 2024/01032/1/NMA - Proposed loft conversion with dormer to rear
2024/01034/FUL	A	Milverton Lane, Peterston Super Ely	Erection of stables for domestic use
2024/01042/FUL	A	14, Westbourne Road, Penarth	Demolition of Conservatory and part demolition of rear extension with new proposed rear extension
2024/01052/ADV	A	A B Car Sales, Cardiff Road, Barry	Removal of existing sheet advertising billboard and replacement with a single west facing 48 sheet advert to support a digital poster (D-poster).
2024/01075/FUL	A	72 Bron Awelon, Barry	Convert existing garage to a habitable room. First floor extension over existing garage supported by pillars to the rear
2024/01082/LBC	A	Atlantic College, Forecourt Lodge, East Drive, St Donats	Lay a EPDM roof on top of the current felt roof, renew lead flashings
2024/01088/FUL	A	Beaulieu, 13 Romilly Park Road, Barry	Proposed single and double-storey rear extension, along with the installation of photovoltaic (PV) panels on the garage roof and the main dwelling roof.
2024/01112/FUL	R	Heritage Business Park, Units 14 And 15, Wick Road, Llantwit Major	Change of use of the building from B8 to D2 for the use of local sports clubs including Archery, Rugby and Football.



2024/01130/FUL	A	Lake Farm Barns, St Athan Road, Cowbridge	New artists studio outbuilding and associated external works
2024/01140/1/NMA	A	Brynawel, 47 Broadway, Llanblethian, Cowbridge	Non-Material Amendment - An amendment to change from mono pitched rear roof to flat roof with parapet and widening the bifold door to the garden. Planning Permission Reference 2024/01140/FUL Extension to add a side return extension to the ground floor kitchen and first floor shower room, with associated external works. 2 no. roof windows to be added to ground floor kitchen/ dining room, and installation of sun tunnel to first floor landing.
2024/01171/FUL	A	The Croft, Ffordd Yr Eglwys, Peterston Super Ely	Building new garage in garden to replace asbestos garage that has been removed. The proposal is to have a small attic room to accommodate a home office.
2024/01172/FUL	A	Maes Yr Haf, Church Street, Llysworney	Proposed demolition of existing sub-standard dwelling and erection of a new replacement dwelling
2024/01178/FUL	A	5, Tal-y-bryn, Penarth	Single storey rear extension and enlargement of front porch
2024/01179/FUL	A	A Shed, Scott Timber, Atlantic Way, Barry	Proposed 2 additional Drying Kilns, Biomass Boiler with Flue, Boiler Plant Room, Wood Chipper with a Wood Chip Storage Building, part removal of existing Pallet Storage Building with an extension.

2024/01180/FUL	A	The Croft, Llanmaes	To remove the existing wooden front door. replaced with wood effect composite door, chartwell green. Also to remove and replace the current side wood door, replace with a wood effect composite stable door in same colour of chartwell green.
2024/01188/FUL	A	19, Pioden For, Barry	Erect a Sun lounge Conservatory to the front elevation
2024/01199/FUL	A	80, Stanwell Road, Penarth	Replacing of wooden window sash frames and surrounds with more energy efficient UPVC sash windows and frames to front and back of property.
2024/01204/FUL	A	Longmead, Twyncyn, Dinas Powys	Proposed alteration of existing roof above Living area to remove lean to roof and create balcony.
2024/01210/FUL	A	Wheelrights, Colhugh Street, Llantwit Major	Proposed extension to front porch, and new frosted glazed window to west elevation
2025/00002/LBC	A	Dyffryn Gardens, Duffryn Lane, St. Nicholas	Repair and replacement to existing railings and balustrading. Installation of vine wires. As outlined in supporting documents.
2025/00005/FUL	A	8, The Orchard, Aberthin	Single storey extension to front and right hand side elevation including minor internal adaption and incorporation of external insulation.
2025/00012/FUL	A	13 Plymouth Road, Penarth	proposed rear dormer to existing dwelling

2025/00017/FUL	A	23, Cae Garw, Dinas Powys	Double storey side extension, and single storey rear extension with a lean-to roof.
2025/00023/FUL	A	Park Mount, Park Road, Dinas Powys	Proposed two storey side extension, second storey front extension. New porch area and internal alterations.
2025/00024/FUL	A	28, Melrose Walk, Sully	Proposed flat roof extension to the rear and conversion of the garage to a reception room and garden store with bay window to the front
2025/00025/FUL	A	The Old Coach House, Swanbridge Road, Sully	Rear two storey extension and front first floor extension including associated works. Demolition of existing garage
2025/00028/FUL	R	19, Clos Glascoed, Dinas Powys	Proposed Garage conversion and dormer loft conversion
2025/00029/FUL	A	208 Westbourne Road, Penarth	Revision to original application ref 2021/00567/FUL: Single/two storey extension with juliette balcony
2025/00032/FUL	A	The Laurels, Caer Worgan, Llantwit Major	Erect a storm porch to the front elevation
2025/00038/FUL	R	St Brendan, 4, Old Port Road, Wenvoe	Change of use of front garden for the siting of a cabin operating as a commercial florist
2025/00041/FUL	A	49, Nant Talwg Way, Barry	Proposed extension to rear elevation (to replace existing extension) and side extension to existing domestic dwellinghouse

2025/00044/FUL	A	1 Turnpike Close, Dinas Powys	Internal Reconfiguration of property, entrance door to be relocated, changes to fenestration including Juliet balcony, external undercroft space to be incorporated and partial conversion of garage to habitable room
2025/00045/LAW	A	1 Porlock Drive, Sully	Replace existing conservatory with new pitch roof extension.
2025/00052/FUL	A	19 Byrd Crescent, Penarth	Two/single storey rear extension. Hardstanding to front increased in size
2025/00058/FUL	A	18 Salisbury Avenue, Penarth	Demolition of lean to at the rear of the property and construction of single storey extension
2025/00061/FUL	A	10 Victoria Road, Penarth	Conversion of an existing domestic garage to a home office with replacement of existing garage door opening with single soft wood personnel door and window screen
2025/00064/FUL	A	21 Wood Street, Penarth	Rear dormer loft conversion, clad in anthracite grey to match existing materials.
2025/00067/FUL	A	36 Smithies Avenue, Sully, Penarth	First Floor side extension over existing single storey, garage conversion with partial first floor extension over and new full height porch
2025/00080/FUL	A	17 Drylla, Dinas Powys	Ramped access at front of property

2025/00081/FUL	A	35 The Heathers, Barry	Retrospective application for access ramp and associated work
2025/00083/FUL	A	Blue Anchor Inn, East Aberthaw	Application for removal of/or vary a condition of 2024/00457/FUL - A walled beer garden located in the front carpark - Condition 6 - Lighting - To install low level, low voltage down lighting within the walled beer garden and on the steps.
2025/00085/LAW	A	43 Salop Street, Penarth	Rear single storey extension
2025/00094/FUL	A	Mill Stream Cottage, Llandow	Two storey extension to eastern side elevation of dwelling, with single storey extension to rear of two storey extension
2025/00098/FUL	A	119 St David's Crescent, Penarth	Single story ground floor extension
2025/00099/FUL	A	1, Birch Lane, Penarth	Installation of ASHP on side elevation of existing garage to replace existing gas boiler
2025/00100/FUL	A	53 Cedar Way, Penarth	Front porch extension
2025/00104/FUL	A	107, Westbourne Road, Penarth	Two storey rear extension with roof conversion and single storey rear extension linked with existing garage upgrade
2025/00108/FUL	A	R S Porsche, Railway Terrace, Penarth	Proposed change of use of first floor of building from workshop / garage to yoga studio.

2025/00110/FUL	A	40, West Farm Road, Ogmore By Sea	Ground floor rear extension, a hip-to-gable roof conversion, and the addition of three front gable dormers along with a rear flat roof dormer and balcony area.
2025/00116/FUL	A	83, Cosmeston Drive, Penarth	Proposed Single Storey Rear Extension
2025/00117/FUL	A	10, Lower Farm Court, Rhoose	Application to Vary or Remove of condition. 2 (Plans) from 2024/00199/FUL - Take down existing rear conservatory structure and replace with proposed single storey rear extension all with associated works
2025/00118/FUL	A	The Meadows, 7 Tyla Rhosyr, Cowbridge	Introduction of a new gable end to the west side of the building, updated elevational treatment and fenestration, and a ground-floor extension to the rear garden.
2025/00119/FUL	R	104, Lavernock Road, Penarth	Loft conversion with hip to gable extension and flat roof rear dormer, plus all associated works
2025/00128/FUL	A	100, Lakin Drive, Barry	Proposed single storey side and rear extension
2025/00129/1/NMA	A	22 Victoria Road, Penarth	Non Material Amendment - An amendment to the alteration of roof material and wall cladding colour. for planning ref; 2025/00129/FUL - Replacement of existing garage with two new outbuildings within rear garden - storage shed and garden room

2025/00129/FUL	A	22 Victoria Road, Penarth	Replacement of existing garage with two new outbuildings within rear garden - storage shed and garden room
2025/00136/FUL	A	6, Cambridge Street, Barry	Demolish existing garage and lean-to kitchen and construct a new kitchen/sun lounge and raise roof of existing bathroom.
2025/00137/FUL	A	20 Harbour Walk, Barry	Erect a conservatory to the rear elevation
2025/00139/FUL	A	20, Middlegate Court, Cowbridge	Proposed single storey rear extension, internal alterations and side first floor extension
2025/00144/FUL	A	9, Castle Drive, Dinas Powys	Single storey rear extension & detached garden office with workshop
2025/00146/FUL	A	4, Merthyr Dyfan Road, Barry	Proposed Single Storey Rear Extension. Demolition of existing conservatory.
2025/00148/FUL	A	Unit 422, Neptune Road, Dockside, Barry Waterfront, Barry	Change of use to a Class A1 Retail Unit for hairdressing
2025/00149/CAC	A	28, Victoria Road, Penarth	Demolition of existing garage and construction of replacement outbuilding. Revision to rear 1st floor window approved under 2024/00047/FUL
2025/00150/FUL	A	28 Victoria Road, Penarth	Demolition of existing garage and construction of replacement outbuilding. Revision to rear 1st floor window approved under 2024/00047/FUL

2025/00166/FUL	A	29, Court Close, Aberthin	Two storey side extension, with single storey rear extension and first floor balcony, and gable dormer with Juliet balcony to rear roof plane. Timber decking to rear elevation
2025/00170/FUL	A	27, Ceri Avenue, Rhoose	Removal of existing garage, provision of new garage with pitched roof. re build damaged boundary wall where required, provision of bio diversity enhancements.
2025/00176/FUL	A	28, Chandlers Way, Penarth	Replacement of an existing first-storey window for double doors and construction of a new balcony
2025/00188/FUL	A	The Wallage, Heol Y Mynydd, Welsh St Donats	Free-standing garage with storage
2025/00200/FUL	A	Ty Cadno, Pont Sarn Lane, Clawddcoch	Demolition of existing garage and relocation/construction of a new garage and creation of a turning area
2025/00204/FUL	A	29, Ceri Avenue, Rhoose	Removal of existing detached garage, provision of new replacement garage with pitched roof. Removal of conifer hedge.
2025/00210/LAW	A	31 The Verlands, Cowbridge	Single storey rear extension
2025/00222/FUL	A	Alban House, Cefn Mount, Dinas Powys	Proposed single storey Grannie Annex at the rear
2025/00223/FUL	A	17, Coychurch Rise, Barry	Proposed single storey front extension and associated works.



2025/00224/LAW	A	The Cottage, Trerhyngyll	Single-storey rear extension and refurbishment of existing side extension.
2025/00229/LAW	R	55 Plassey Street, Penarth	Attic conversion with dormer window
2025/00234/LAW	R	Cliff Top Cafe, Marcross, Llantwit Major	Continued use of land as a car park and as a site for over night camping by caravans, motor homes and tents
2025/00236/FUL	A	Gwenfo Junior And Infant School, Old Port Road, Wenvoe	Proposed Outdoor Classroom
2025/00263/FUL	A	25 Raglan Close, Dinas Powys	Demolition of existing garage and new single storey rear extension
2025/00265/LAW	A	Darren Farm, Westgate, Cowbridge	Application to determine whether planning consent ref: 2023/00826/FUL can be lawfully implemented following the clearance of relevant pre-commencement conditions and if so whether before 27th June 2025 the demolition of farm buildings, dwelling house and levelling of the site would constitute the lawful implementation of the planning permission.
2025/00294/LAW	A	Whitewells Farm, Station Road, Peterston Super Ely	Proposed rear dormer extensions with insertion of rooflight to front elevation.
2025/00334/PNA	A	Norton Hall Farm, Southerndown, Bridgend	Farm track formed from picking stone by hand and using mechanical stone picker from fields.

2025/00381/LAW	A	10 Raglan Close, Dinas Powys	Proposed single storey side extension to the existing detached bungalow under Permitted Development Rights, including removal of existing flat roof above garage and entrance vestibule and insertion of pitched roof
----------------	---	------------------------------	---

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 15 MAY 2025

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2024/00216/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03958-D2W5B5  
Appellant: Mr Tim Vaughan  
**Location: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, CF71 7HE**  
Proposal: Retrospective planning consent for the change of use of several existing rural buildings for employment uses (B1 & B8) and associated works.  
Start Date: 12 March 2025

---

LPA Reference No: 2024/00859/CAC  
Appeal Method: Written Representations  
Appeal Reference No: CAS-04005-J9J7V1  
Appellant: Mr Chris Loyn  
**Location: Land to the rear of 19 and 21, Victoria Road, Penarth**  
Proposal: Demolition of 2 garages to the rear of 19 and 21, Victoria Road.  
Start Date: 18 March 2025

---

LPA Reference No: 2024/00850/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-04000-B4B7V5  
Appellant: Mr Chris Loyn  
**Location: Land to the rear of 19 and 21, Victoria Road, Penarth**  
Proposal: Demolition of 2 garages to the rear of 19 and 21, Victoria Road. Construction of 1 single storey new dwelling with gardens, courtyard and parking, accessed off Jack's Lane.  
Start Date: 18 March 2025

---

LPA Reference No: 2024/00200/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03961-V2B1Z2  
Appellant: Mr Jacob George (Waverley Care Centre)  
**Location:** **Meadowcroft Dairy, Port Road, Rhoose, CF62 3BT**  
Proposal: Conversion of former dairy house to high dependency young on set mental health rehabilitation unit with internal and external alterations and clear polycarbonate roof over part rear patio and erect three semi permanent timber huts in rear garden  
Start Date: 24 March 2025

---

LPA Reference No: 2024/00856/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-04014-C5T1H4  
Appellant: Mr and Mrs Dymond  
**Location:** **8, Harlech Close, Dinas Powys, CF64 4NY**  
Proposal: Demolish existing front porch structure and replace with single storey front and side wrap around extension, alterations to fenestration and facade, and associated external works  
Start Date: 2 April 2025

---

LPA Reference No: 2024/00322/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-04009-Q0R9R7  
Appellant: Mr Stephen Walters  
**Location:** **Flat 2A, St. Maeburne, 15, Marine Parade, Penarth**  
Proposal: Repairs to redundant garage and fitting out to provide amenity space / home office and guest bedroom for flat 2A  
Start Date: 7 April 2025

---

LPA Reference No: 2024/01168/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-04120-H5H1Z4  
Appellant: Meridian Building Design  
**Location:** **1, Aberdovey Close, Dinas Powys, CF64 4PS**  
Proposal: Single storey front extension  
Start Date: 15 April 2025

---

(b) Enforcement Appeals Received

None.

---

(c) Planning Appeal Decisions

LPA Reference No:	2023/01291/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03737-S0K9Z5
Appellant:	Mr. David Thomas
<b>Location:</b>	<b>Regenerate it, 20-22, Holton Road, Barry</b>
Proposal:	Conversion of part of first and second floors to 4 flats
Decision:	Appeal Allowed
Date:	12 February 2025
Inspector:	L Hughson-Smith
Council Determination:	Delegated

## Summary

### *Main Issues*

The appeal site comprises a large mid-terrace property and permission was sought to convert the first and second floor into 4no. two-bedroom flats, retaining part of the first floor for storage associated with the retail use on the ground floor, with shared external amenity space to the rear. The main issue related to whether the scheme would provide adequate living conditions and outdoor amenity space for prospective occupiers.

### *Flat size and Amenity Space*

The Inspector considered that each of the proposed flats would be reasonably sized, contrary to the Council's consideration of Appendix B of the Welsh Development Quality Requirements 2021 (DQR21) 'Creating Beautiful Homes and Places' guide, which states that in the case of two-bedroom, 3 person flats, each unit should have a minimum Gross Internal (floor) Area (GFA) of 58sq.m. In this instance, the maximum GFA of each of the units is circa 49sq.m, which is below the minimum standard. However, the Inspector gave weight to the fact these are not adopted standards by the Council and in the absence of relevant planning policy, was satisfied that the flats would provide adequate interior living conditions to future occupiers, taking into consideration the position and size of windows, internal layout etc.

In terms of outdoor amenity space, given the appeal site is in a highly sustainable, town centre location where high-density development is appropriate, the Inspector concurred with the Council's reasoning and agreed that the proposed amenity space is of an adequate size, despite falling short of the SPG minimum space requirements.

Despite the size, the Council considered the issue related to accessing the external amenity space by descending the stairs to the ground floor and then passing through the rear of the building, which was deemed to be contrived and would likely result in the space feeling remote and not valued by future occupants of the development, further reducing its usability and value to future occupiers. However, the Inspector considered the external yard to be sufficiently large and usable and was also satisfied that there would be no

unacceptable impact on the privacy of neighbouring properties. As such, the Inspector concluded that the proposal would provide adequate living conditions for prospective occupiers, having particular regard to internal space and outdoor amenity space provision in accordance with the objectives of LDP Policies SP1 and MD2 of the LDP, as well as the aims of PPW. It would also align with the overarching principles of the SPG.

### *Other Matters*

The appeal site is in the middle of a town centre location; therefore, the Inspector considered that there was no reason that converting the upper floors of a commercial unit to residential would be harmful to the area's character. The Inspector is of the view that the proposals would support the vibrancy of the town centre and would contribute to the range and choice of housing aligning with the objectives of LDP Policy SP1.

The Inspector also considered there to be little evidence to suggest the external yard is currently, or in the future will be, relied upon for storage for the retail unit.

### *Conditions*

The Inspector amended the schedule of conditions to take out the suggestion by the Council to remove permitted development rights for new enclosures, as the external amenity space is enclosed by existing walls and fencing. The final list of conditions are as follows:

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:
  - Location Plan (ref: CZX1/1 )
  - Site Plan (ref: CZX1/7)
  - Proposed Floor Plans (ref: CZX1/4/a, CZX1/5, CZX1/6a)

Reason:

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

3. No development shall take place until details of the outdoor amenity area, bin storage and secure cycle storage has been submitted to and

approved in writing by the Local Planning Authority. The proposed outdoor amenity area, bin storage and secure cycle storage shall be provided in accordance with the approved details prior to the occupation of any of the units and retained for the lifetime of the development.

Reason:

To ensure a high quality and sustainable development that provides adequate outdoor space and waste and recycling storage and prioritises cyclists in accordance with policy MD2 of the Vale of Glamorgan Local Development Plan.

4. No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason:

In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9

### *Costs Application*

Costs have been awarded against the Council. The grounds advanced for an award of costs were substantive in nature and included that the Council allegedly:

- Unnecessarily prevented or delayed the proposal which was clearly compliant with planning policy and other material considerations (Annex para. 3.11(a)),
- Not following established case law (Annex 3.11(d)),
- Refusing permission on a ground that could have been dealt with by condition (Annex 3.11 (c))
- Not acting in a consistent manner in relation to similar cases (Annex 3.11(f)).

The Inspector considers there to be a lack of consideration as to why the accommodation is sub-standard. Given the reliance on the Welsh Development Quality Requirements 2021: Creating Beautiful Homes and Places (WDQR), in the absence of any relevant planning policy, the Inspector found that the Council has acted unreasonably, in failing to substantiate the reasons for refusal with planning policy, as it relates to the adequacy of the proposed internal space.

The appellant cited various examples of similar development along Holton Road whereby the Council have approved development despite its amenity space not meeting the minimum space standards set out in the SPG. However, the Inspector noted that the Council's concern is not with the size of the proposed amenity space but its quality and as such, the Council has not acted inconsistently with the cited examples.

The Inspector also concluded that as it is clear the amenity space could be made usable with modest adaptations, the matter of outdoor amenity space should not have formed part of the reason for refusal and by including it, the Inspector found that the Council did act unreasonably.

### *Conclusion*

The Inspector found that the Council's refusal of the application was unreasonable, and that the decision resulted in the appellant having to pursue an unnecessary appeal. As such, a full award of costs comprising the appeal proceedings was allowed.

---

LPA Reference No:	2023/01131/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03706-V7D1L5
Appellant:	Jo-Anne Watts and Stephen Craddock
<b>Location:</b>	<b>Five Acres, St. Hilary, CF71 7DP</b>
Proposal:	Erection of cattery, retention of log cabin for 3 years (rural enterprise dwelling), amendment to access
Decision:	Appeal Dismissed
Date:	14 February 2025
Inspector:	C Sweet
Council Determination:	Delegated

### **Summary**

The main issues relate to whether the location of the proposal would accord with national and local planning policies relating to the countryside; The effect of the proposal on the best and most versatile agricultural land; and whether, in light of the first two main issues, a temporary grant of planning permission would be appropriate.

The appeal site relates to a parcel of land in a rural setting, located to the north of Llantrithyd Road and east of St Hilary, known as Five Acres. The proposal seeks the use of the existing unauthorised log cabin as a rural enterprise dwelling associated with the proposed cattery for a period of three years. The proposal therefore constituted a new temporary dwelling on a new enterprise for the purposes of TAN 6, and the relevant criteria to be applied are those set out at paragraph 4.6.1 of the TAN (a. - f.), which incorporated the four tests to be applied to all rural enterprise dwellings. There was no dispute between the parties that the proposal satisfies criteria a., c. and d. However, criterion b. requires clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available. The Practice Guidance makes clear that this is a test of locational necessity.

The first strand of criterion b. is whether the new enterprise needs to be established at the proposed location, rather than that location being merely preferable. The Inspector highlighted that the proposal would provide care for



cats, which would be contained mostly within the proposed cattery building. Whilst cats may prefer a quiet environment, the Inspector stated that there is little evidence to suggest that the necessary arrangements for their care in this respect could only be provided at a rural location.

When establishing whether other suitable sites exist where a dwelling is likely to be available, the Inspector agreed that the Council's administrative area provides a reasonable starting point for defining the 'locality' for the purposes of the Practice Guidance. However, the property search results provided by the appellant were either restricted to within a mile of the appeal site, or obtained from rural estate agents and are therefore limited to properties located in rural areas. The Inspector accepted that suitable sites within those specific search criteria are limited in number and likely to be unaffordable for the appellants in bringing forward their proposed enterprise. Nonetheless, given that it was not demonstrated by the appellant that the proposed cattery required such a rural location, together with the limited scope of the evidence provided was such that it failed to demonstrate that there were no suitable sites within the wider locality, including more urban areas, which could have accommodated the proposed cattery and where a dwelling would have been likely to be available. TAN 6 is clear that the question of whether a proposed rural enterprise dwelling is essential will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Taking the foregoing factors together, the Inspector found that the proposal failed to satisfy criterion b.

In terms of criterion e (functional need could not be fulfilled by another dwelling) there are no authorised dwellings or other buildings suitable for conversion on the appeal site. The proposal would have involved a need for 24-hour animal care along with the expectations of potential customers in this respect, would give rise to a functional need for a worker to be on site and readily available at most times. Properties at a greater distance would therefore be likely to be unsuitable. Were the proposed enterprise required to be located at the appeal site, then criterion e of the TAN would be met. The Inspector also raised no issues in relation to Criterion f. (that the proposal satisfies other normal planning requirements).

In relation to the loss of the best and most versatile agricultural land (BMV), TAN 6 notes that once agricultural land is developed, its return to agriculture as BMV is seldom practicable. Given the appeal seeks temporary planning permission to retain the currently unauthorised dwelling for up to three years and the further loss arising from the cattery, the loss would be considered cumulative and permanent. The Inspector concluded that the proposal would result in an unjustified and unacceptable loss of BMV, contrary to policies MD1 and MD7 of the LDP.

The proposal failed to satisfy criterion f. of the tests set out in TAN 6, as well as failing to satisfy criterion b. The proposal therefore does not fall within the limited exceptions for new development in the open countryside. The Inspector found that consequently, its location is unjustified and the proposal does not comply with national and local planning policies relating to the countryside set out in LDP policy MD1 and PPW. It also conflicts with guidance set out in TAN 6.

### *Appropriateness of Temporary Consent*

The need for the proposed cattery to be located at the appeal site has not been established and the proposal would result in an unacceptable loss of BMV. Neither of those issues could potentially be overcome by allowing development to take place for a limited period and in relation to the loss of BMV, doing so would likely result in permanent harm. The Inspector therefore concluded that granting a temporary planning permission would not be appropriate.

### *Other Matters*

The log cabin is subject to an extant enforcement notice (EN) which, among other things, requires its use as a dwelling to cease and for the building to be demolished and removed from the land. The Inspector considered the qualified rights of Article 8 and Article 1 of Protocol 1 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, and Article 3 of the United Nations Convention on the Rights of the Child, which requires the best interest of any children to be a primary consideration.

The requirement to comply with the EN would likely result in some degree of interference with the appellants' rights in this regard. However, this appeal seeks temporary planning permission for its use as a new rural enterprise dwelling on a new enterprise. As such, a refusal of planning permission would not alter the existing status of the log cabin or the degree of interference already arising from the enforcement action.

The Inspector acknowledged that the proposed access would result in improved visibility at its junction with Llantrithyd Road and, notwithstanding that some hedgerow would be lost, the proposal would provide additional hedge and tree planting and a number of bird boxes, as set out in the submitted Green Infrastructure Report. However, despite these benefits and the contribution to the rural economy, the proposal would not serve to outweigh the significant harm identified and the appeal was subsequently dismissed.

---

LPA Reference No:	2024/00885/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04001-Y3S8Y7
Appellant:	Mr Mark Reynolds
<b>Location:</b>	<b>50, Heol Y Sianel, Rhoose, CF62 3ND</b>
Proposal:	Dormer loft conversion with associated windows and roof lights to provide additional accommodation
Decision:	Appeal Dismissed
Date:	5 March 2025
Inspector:	G Hall
Council Determination:	Delegated

### **Summary**

The main issue was the effect of the proposal on the character and appearance of the host dwelling and area.

### *Character and appearance*

The appeal site comprised a two-storey detached dwelling located on a modern housing estate. The inspector gave weight to policies SP10, MD2 and MD5 of the LDP, and considered the Council's SPG on Residential and Householder Development. The SPG advises that dormer extensions should be appropriate to the street scene, of a scale that is proportionate to the main roof, and that in streets which have a consistent roof pattern, without dormers, the introduction of dormer extensions that detract from the character and appearance of the street will be resisted.

The proposed dormer extension was considered to occupy a significant portion of the roof plane, introducing a substantial, box-like addition that would be disproportionately large and result in rear elevation with a top-heavy extension on the otherwise simple rear elevation of the host dwelling. Despite the proposed dormer being set back from the eaves, the end elevations, and that materials could be controlled by condition, this would not mitigate the dominance and unbalancing effects of the proposal. The inspector remarked that the proposed dormer's windows would be larger and wider than the existing windows on the rear elevation, introducing a discordant horizontal emphasis that would contrast with the predominantly vertical fenestration pattern of the rear elevation.

The street scene comprised largely unaltered roof planes, and the inspector added that the proposed dormer would appear incongruous and discordant in this context. Other dormers were identified nearby, albeit smaller in size, set in higher-pitched roofs, subordinate to the roof planes and an integral feature of the property's design as opposed to a later addition.

The inspector concluded that the proposed dormer would be harmful to the character and appearance of the appeal dwelling and the surrounding area, and would be contrary to policies SP10, MD2 and MD5 of the LDP and the objectives of the Residential and Householder SPG.

### *Other matters and Conclusion*

The inspector considered the appellant's personal circumstances and referred to The Human Rights Act 1998 and the Public Sector Equality Duty contained in the Equality Act 2010.

Whist regard was given to the appellant's situation, the proposed dormer extension would be a permanent addition to the site, causing long-term harm to the character and appearance of the area. The existing dwelling appeared to offer a reasonable level of accommodation internally, along with a rear private garden, and there was no substantial evidence that the refusal of planning permission would prevent the appellant or their family from continuing to occupy the appeal property.

It was acknowledged that other dormer arrangements could not be accommodated due to the pitch of the roof, and there was no evidence that the proposal was the only means by which additional accommodation could be provided. The benefits offered to the appellant by the proposal were not considered to outweigh the significant harm identified to the character and appearance of the host dwelling and area.

The inspector was satisfied that the proposal would not result in a significantly more efficient use of land over and above the existing use, and the scheme would not be justified under criterion 1 of policy MD5 of the LDP. It was noted that the scheme would not have unacceptably impacted upon the living conditions of neighbouring occupiers.

The lack of neighbour objections to the proposal was noted, but the inspector added that a lack of objection does not confer acceptability of a scheme, nor would it have overcome the visual harm of the proposal.

The appeal was dismissed, taking into account the above reasons and all matters raised.

---

LPA Reference No:	2023/00589/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03181-X4H2C9
Appellant:	Mr G Gough
<b>Location:</b>	<b>Big Mews, Hilton Farm, Colwinston</b>
Proposal:	Retain the use of the redundant building for holiday accommodation and retain a front porch and rear extension
Decision:	Appeal Dismissed
Date:	17 March 2025
Inspector:	A McCooey
Council Determination:	Delegated

## Summary

The main issue in this case is that by reason of the design and character of the alterations and extensions, relative to its former agricultural appearance, the works have unacceptably harmed and fundamentally altered the character of Big Mews Barn, situated in the countryside on Hilton Farm, Colwinston.

Proposals that rely on substantial new-build elements in order to make them work are not permitted by policy MD11 of the LDP and the Inspector considered that the porch and conservatory breached the traditional linear form of the two barns, having a detrimental effect on the character and appearance of the rural building. The scale, design and materials used would not be in keeping with the stone barn in a rural setting and are contrary to the above policy and guidance. The conservatory is not subservient to the building and does not appear lightweight. It is overtly domestic in appearance in sharp contrast to the traditional stone barn to which it is attached. The Inspector also considered the porch extension to be unsympathetic and out of character due to its siting, scale, design, colour and use.

The building is readily visible, and it will take time for the screening provided by landscaping to mature. Even then the building will be visible to visitors to the area around the site and the wider farm and passers-by at the entrance. The Inspector considered that the development does have an adverse impact on the character and appearance of the building and this rural area.

The appellant noted several examples of conservatory and orangery extensions in the area. However, the Inspector highlighted that each case must be assessed on its individual planning merits and that the examples provided were not directly comparable and did not outweigh the harm of the extensions on the character of the stone barn. The appeal was subsequently dismissed.

---

LPA Reference No:	2024/00681/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03849-H0F0W1
Appellant:	Mr & Mrs A Donnelly
<b>Location:</b>	<b>Homri Barn, Well Lane, St Nicholas, CF5 6SG</b>
Proposal:	Retention of garage and greenhouse
Decision:	Appeal Dismissed
Date:	25 March 2025
Inspector:	H Smith
Council Determination:	Delegated

## Summary

The main issues were the effect of the development on the character and appearance of the area and whether the proposed tree planting would adequately mitigate any harm identified.

### *Procedural matter*

The development had been substantially completed and therefore the appeal sought retrospective planning permission.

### *Character and appearance*

The appeal site comprised a residential barn conversion with a large open garden, located in the countryside and Ely Valley and Ridge Slopes Special Landscape Area (SLA). Open agricultural fields interspersed with hedgerows and trees give the site a pleasant rural character. The converted barn was identified as having an attractive rural character significantly contributing to the overall character and appearance of the area, which is visible from a Public Right of Way to the east, the neighbouring dwelling opposite and field to the west. Overall, views of the site are limited due to the topology of the area, and the site's location at the end of a private, lightly trafficked lane.

A previous appeal relating to the garage and greenhouse was dismissed (ref. CAS-03184-K1N0Z0), with the building remaining unaltered since the determination of that appeal. The appellants had sought to address the

concerns of the previous inspector by proposing tree planting to screen the development.

The development comprised a substantial detached garage with greenhouse to the rear. The height of the eaves and ridge of the garage was significantly higher than the adjacent single storey element of the dwelling. The greenhouse was considered a sizeable structure and took a modern appearance. The garage was identified as being of a size and scale which failed to be subservient to the host dwelling, and detracted from the character of the converted barn despite the use of matching materials. Due to the open character of the site, the unsympathetic scale and design are apparent in its immediate context and considered harmful to its rural setting.

The proposed landscaping plan indicated the screening effects of the proposed tree planting, and whilst the inspector identified this may be effective to an extent for some views, there would be intermittent views to the front of the site and clear views from the west.

The proposed landscaping scheme contained a limited number of evergreen oaks, however the remainder of the trees were deciduous. The screening effects of the trees would be less so in the winter months when the trees would not be in leaf. The landscaping would also take some time to establish. The inspector found that the proposed tree planting would fail to provide adequate screening and would not enable the development to integrate with its surroundings. It was also identified that even if adequate screening could be provided by an alternative scheme and secured by condition, the visual harm would remain and would not be a reason to allow an unacceptable development.

The harm identified by the inspector was localised, not significantly harming the landscape character of the SLA. Nevertheless, this did not outweigh the harm to the character and appearance of the immediate context of the appeal site.

It was concluded that the development was harmful to the character and appearance of the area and that the proposed tree planting would not adequately mitigate the identified harm, contrary to policies MD2, MD11, MD12 of the LDP. It was also considered contrary to the guidance within the Council's SPG on Conversion and Renovation of Rural Buildings (2018).

### *Conclusion*

The appeal was dismissed, taking into account the above reasons and all matters raised.

---

LPA Reference No:	2024/00354/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04003-D1V0P2
Appellant:	Mrs Jacqueline Barnes
Location:	<b>Sunningdale, Victoria Park Road, Barry</b>

Proposal:	Proposed Infill to existing front porch to create larger entrance and storage area. Internal reconfiguration Proposed 1.8m Timber Hit and Miss Fence to side elevation to create secure and private patio area.
Decision:	Appeal Dismissed
Date:	25 March 2025
Inspector:	H Smith
Council Determination:	Delegated

## **Summary**

The main issue was considered to be the effect of the development on the character and appearance of the area.

### *Character and appearance*

The appeal site comprised a detached dwelling located in a visually prominent location on the bend in the road near its junction with St Oswald's Road. Victoria Park Road is characterised by dwellings with low front walls, railings and hedging, which, together with the low stone wall and railings of the boundary of Victoria Park opposite, gives a pleasant open character.

The solid timber fence was considered of a substantial height and a stark appearance, visible above the original low boundary wall. This conflicts with the prevailing characteristics of the low and open boundary treatments of its context. Consequently, the fence was considered a visually dominating, unsympathetic and discordant feature in the street scene when viewed for some distance from both directions on Victoria Park Road and from the entrance of St Oswald's Road and Victoria Park. It was concluded that the fence harms the character and appearance of the area in contrary to policies MD2 and MD5 of the LDP.

The inspector acknowledged the Council did not object to the proposed infilling of the existing porch. This element of the scheme was considered compliant with policies SP1, MD2 and MD5 of the LDP, owed to sympathetic use of materials and design, and the small scale of the scheme which would not harm the living conditions of the neighbouring dwelling. A split decision was issued in this instance.

### *Other matters*

The inspector acknowledged the appellant's desire for privacy within the side area of garden and the issues affecting access to the garden, however concluded that the erection of the fence and subsequent impact on the character and appearance of the area was significant. The inspector concluded that the dismissal of the fence element of the scheme would not result in an excessive or disproportionate effect on the interests of the appellant or conflict with statutory duties under the Equality Act 2010.

### *Conclusion*

It was considered that the proposal was acceptable in part, in relation to the infilling of the front porch, and dismissed in part in relation to the erection of the fence due to its effect on the character and appearance of the area.

---

LPA Reference No:	2024/00474/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03987-M3F1M0
Appellant:	Ms R Llewelyn
<b>Location:</b>	<b>Gwynfa, Penllyn, CF71 7RQ</b>
Proposal:	Extension to existing dwelling to provide home office / workshop and amenity space & remodelling of forecourt
Decision:	Appeal Allowed
Date:	4 April 2025
Inspector:	Z Baxter
Council Determination:	Delegated

## Summary

The main issue was considered to be the effect of the development on the character and appearance of the existing dwelling and the surrounding area.

### *Character and appearance*

The appeal site comprised a two-storey detached dwelling, with a rectangular shaped front driveway. The proposed outbuilding would be situated to the southwestern corner of the site, close to the southern boundary. There is no uniformity to the appearance or position of built form in the immediate area around the site.

The property has low boundaries to the north and west, which allows clear views into the open driveway, unlike nearby dwellings which do not have open frontages. The proposed building was considered of a modest height and width, would remain subordinate to the main dwelling despite being sited forward of the principal elevation, and would respect the setting of the appeal site.

The proposed building would be finished in contemporary glazing and dark coloured cladding with a flat roof and roof lanterns. This was considered to contrast with the traditional form of the appeal site, but would tie in with modern additions to other dwellings and not cause harm to the street scene, which is varied in character. The rear elevation and roof lanterns were considered to not appear prominent or incongruous as they would only be visible for a short time when travelling past the site.

The inspector noted that the raised lawn had been removed and replaced with an area of hardstanding. The details submitted by the appellant for the remodelled forecourt were considered acceptable as the open frontage of the site would be retained.

The inspector gave limited weight to an appeal decision for a garden office to the front of a property in Barry (ref. CAS-01380-H9B1N3), as appeals are



determined on their own individual merits.

The proposed development was considered to not appear as an incongruous or inappropriate feature from the highway, maintain the openness of the host dwelling and contribution to the street scene. It was concluded that the proposed scheme would not be harmful to the character and appearance of the existing dwelling or the surrounding area. It would also be in compliance with policies MD2 and MD5 of the LDP, as well as the principles within the Council's SPG.

### *Other matters*

A third party raised concerns over loss of light and outlook from Village Farm, and harm to the heritage value of the Grade II listed property. The inspector noted that whilst the proposed building would be of contemporary design and contain large glazing panels facing towards Village Farm, there would be some 20m separation between the two buildings, with the appeal site's driveway, access lane and front garden of Village Farm falling between both. Additional planting was proposed to the northern boundary of the appeal site, to soften views of the proposed building. It was considered that the development would not unacceptably harm the outlook or light available to cause detriment to the living conditions of the occupiers, and would preserve the setting of the listed building.

Comments received regarding running a business from the proposed building were noted by the inspector, but were not considered of relevance to the merits of the case as no change of use was proposed.

### *Conditions*

The inspector amended the schedule of conditions to increase the time frame for biodiversity enhancement measures to be provided on site, from one month to six months. The standard time limit condition was not considered relevant as development had already been started on site. The final list of conditions is as follows:

1. The development shall be carried out in accordance with the following approved plans:
  - Site Location Plan
  - Home Office and Conservatory Site Plan drawing no. E24/0202A
  - Workshop and Conservatory Elevations drawing no. E24/0203B

Reason: To ensure the development accords with the approved plans submitted with the application.

2. The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet (i) below:
  - (i) within 6 months of the date of this decision a biodiversity enhancement measure shall have been provided on site

comprising the planting of a tree/area of pollinator attracting plants/flowers, or the installation of a bird or bat box on site. The Local Planning Authority shall be notified once the biodiversity enhancement measure has been provided on site, which shall then be retained for as long as the development permitted remains in existence.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Local Development Plan.

### *Conclusion*

It was concluded that the appeal should be allowed, taking into account the reasons given by the inspector and all matters raised.

---

### (d) Enforcement Appeal Decisions

LPA Reference No:	ENF/2023/0053/PRO
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03205-M0V5N2
Appellant:	Mr G Gough
<b>Location:</b>	<b>Big Mews, Hilton Farm, Colwinston</b>
Proposal:	Without planning permission, the construction of a single storey conservatory extension on the northwest side of the converted barn, and a porch extension on the southeast side, together with the occupation of the barn for residential purposes.
Decision:	Appeal Dismissed
Date:	17 March 2025
Inspector:	A McCooey
Council Determination:	Committee

### **Summary**

This appeal is linked to the appeal against the refusal of planning permission to retain the conservatory and porch extensions to Big Mews Barn (ref: CAS-03181-X4H2C9). The enforcement appeal was made on grounds f and g.

*Ground f - the steps required are excessive.*

The appellant's case is that the requirements to remove the porch and conservatory are excessive. They argue that the conservatory and porch are acceptable and can be improved by painting and screening from landscaping. However, the Inspector concluded that these elements are not acceptable, and the suggested mitigation would not outweigh the adverse impacts on the character and appearance of the building and rural surroundings. For these reasons, the porch and conservatory are contrary to the relevant policies and

guidance in the LDP and SPG and the Inspector did not consider the steps to be excessive.

*Ground g - insufficient time allowed to comply with the requirements.*

The appellant suggested that a period of one month to permanently cease the residential use of Big Mews Barn is insufficient, leaving little time for the occupiers to find alternative accommodation. However, the Inspector found the building to be currently unoccupied. Furthermore, no evidence of any current long-term tenants was provided with the appeal submissions and therefore the Inspector considered that the periods for compliance are adequate. The appeal on ground (g) therefore failed.

---

LPA Reference No:	ENF/2023/00282/CLL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03509-W9S0C4
Appellant:	Mr Lawrence Gainey
<b>Location:</b>	<b>Land at Penrhiw Bungalow, The Downs, St. Nicholas, CF5 6SB</b>
Proposal:	Without planning permission, the carrying out of operational development comprising the construction of a two-storey flat roof front extension and first floor flat roof front extension to the property.
Decision:	Appeal Dismissed
Date:	8 April 2025
Inspector:	D Beggan
Council Determination:	Committee

## Summary

The appeal relates to the unauthorised extension of Penrhiw Bungalow, St Nicholas and the main issue is the fact the scheme as built is not in accordance with the approved plans from application reference: 2022/00522/FUL. The enforcement notice requires the appellant to either carry out appropriate alterations to the existing development so that it either fully accords with the approved 2022 scheme, or to permanently demolish and remove both the two-storey flat roof front extension and the first-floor flat roof front extension and reconstruct the dwelling so that it is as it appeared prior to the commencement of the unauthorised development. The final requirement of the enforcement notice requires the appellant to permanently remove from the land all of the demolition and construction waste materials resulting from the taking of either of the required steps outlined above.

*Ground a - that planning permission should be granted for what is alleged in the notice.*

## Visual Impact

The bungalow that originally existed on the site had a relatively simple muted appearance when viewed from the road. Within the general locality there are a

mix of property types, with the bulk being two-storey. To the immediate east of the appeal site is a bungalow known as Downsend. The site is located in open countryside as identified by the LDP. The Inspector considered that in contrast to the relatively muted appearance of the property prior to any changes, the extensions as built introduce an incongruous and visually dominant and discordant feature into the fairly simple front elevation/roofscape of the existing property, which is clearly evident from the adjacent road. The fact that the extensions results in a visually dominating boxed structure that is at odds with the relatively simple design of the historic property and with other properties in the general area. The extension is of a massing and scale that is not subordinate to the original dwelling and draws the eye of the observer to the visual detriment of the wider area.

Whilst the approval of the 2022/00522/FUL application set a precedent for extending the property, there are marked differences in the design and scale between the approved scheme and that of the as-built extensions subject to this enforcement appeal. Painting the extensions white rather than black would also not overcome the unacceptable massing and bulk of the extensions, which would continue to have a detrimental impact on the character and appearance of the host property and surroundings.

### *Living Conditions*

The increase in the height of the extension adjacent to the adjoining neighbour, Downsend, along its full length by about 1 metre and the increased depth of some 0.8 metre over that previously permitted along the boundary beyond which Downsend lies in close proximity, results in a significant overbearing impact from the driveway serving Downsend, and from the outlook within the kitchen whose windows look towards the development. The impact results in a substantial increase in a sense of enclosure to Downsend and is likely to negatively impact on daylight, to the significant detriment of the living conditions of occupants of that property. These harmful impacts are also not mitigated by the existence of the two-metre boundary wall that separates the appeal site from Downsend, nor by altering the existing external colour of the extension to a lighter colour.

### *Other Matters*

The Inspector fully considered the circumstances of the occupants, including the health and well-being implications of planning permission not being granted, particularly the occupants' right for respect to a home and private and family life, under Articles 1 & 8 of the Human Rights Act 1988 (HRA), as well as the occupants' protected characteristics under the Public Sector Equality Duty (PSED). The Inspector gave weight to the fact that whilst compliance with the enforcement notice will result in a degree of upheaval in terms of the occupants current personal circumstances/arrangements, but that is not likely to be any more so than the works as already carried out or if the appellant were to submit a fresh application with a view to amending the scheme, as they had suggested. The Inspector did not consider that the refusal of the development subject to this ground (a) appeal would be anything other than a proportionate response and in pursuit of a legitimate planning aim. It would therefore not represent an unjustified interference with the occupants' rights. The Inspector also noted that

the financial implications on the appellant would not justify permitting the scheme.

The examples provided by the appellant of other nearby larger dwellings also had no material bearing on the outcome of this appeal. The general locality has varied types of dwellings and the fact that those are two-storey does not justify/overcome the harm caused by the extensions as built. The appellant's examples of what they consider similar development are also not in the locality and the Inspector reiterated that the scheme must be considered on its individual planning merits. The appeal on ground a therefore failed.

*Ground f - the steps required are excessive.*

The appellant failed to present any obvious alternatives or lesser steps to the requirements set out in the Enforcement Notice, apart from mentioning that the Council did not allow him to submit a retrospective application to regularise the works as carried out. However, the appellant had been advised that a retrospective application could be submitted but was unlikely to be supported due to the harm to amenity and as a result the appellant choose not to apply for permission. The Inspector considered that the unauthorised development causes harm to amenity and compliance with requirements of the notice would remedy the harm. Consequently, the requirements of the Enforcement Notice were not considered excessive and the ground (f) appeal failed.

*Ground g - insufficient time allowed to comply with the requirements.*

The appellant argues more time is needed to allow for the consideration of a further planning application, as well as time to appoint contractors to carry out the required works. The appellant sought an amendment from 12 months to 18 months, to allow time for further engagement with the Council to negotiate an acceptable scheme, and then 12 months to actually carry out the works.

The Inspector highlighted that as the Council had already made it clear that a planning application to retain the extensions as built is unlikely to be supported, there would be no merit in engaging in any further discussion. Given the appellant had stated they required 12 months to appoint a contractor and carry out the works, as per the requirement of the notice, the Inspector did not amend the compliance period and the ground g appeal therefore failed.

---

(e) April 2024 – March 2025 Appeal Statistics

**Determined Appeals**

**Appeals  
withdrawn**

		Dismissed	Allowed	Total	/Invalid
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	27	4	31	1
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		27 (87%)	4 (13%)	31	1
<b>Committee Determination</b>		-	-	-	
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	1	1	1
<b>Enforcement Appeals</b>	<b>W</b>	3	-	3	
	<b>H</b>	-	-	-	-
	<b>PI</b>		-	-	-
<b>Enforcement Total</b>		3	-	3	
<b>All Appeals</b>	<b>W</b>	30	5	35	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		30 (86%)	5 (14%)	35	2

#### Background Papers

Relevant appeal decision notices and application files (as detailed above).

#### Contact Officer:

Marc Stephens - Tel: 01446 706185

#### Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 May 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

**Decision Codes**

A - Approved  
E Split Decision

R - Refused

2024/00971/TPO	A	Ogney Brook House, Colhugh Street, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order No. 3 1977: T1 - Crown reduction of 2-3 meters of one mature beech tree
2024/01035/TPO	A	8 Glaslyn Close, Barry	Work to Trees covered by TPO No.03 of 1984: A1 woodland - Five Hazel trees, a Hawthorn, a sycamore and two Yew trees to be crowned and thinned. Extensive pruning to one Yew tree, Hazels to be reduced by 1-2m, Sycamore to be reduced by 2-4m.
2024/01235/TPO	A	4, Raisdale Gardens, Penarth	Work to Tree(s) covered by Tree Preservation Order No.3 1982 T5 lime - Remove

2024/01236/TPO	A	5, Raisdale Gardens, Penarth	Work to Tree(s) covered by Tree Preservation Order No.3 1982 : T1 Horse Chestnut remove - T2 Lime - remove - T3 lime remove - T4 Lime remove
2025/00078/TPO	A	Chestnut Cottage, 24, Walston Road, Wenvoe	Work to Tree(s) covered by Tree Preservation Order No.4, 1951: Minimum of 2 metres crown lift to Horse Chestnut tree in back garden
2025/00133/TPO	A	Conifers, Sigingstone	Work to trees covered by TPO No.31 of 1973: Maintenance pollarding of 7 young Beech trees
2025/00142/TCA	A	Albany Court, Beach Road, Penarth	Works to 1x Horse Chestnut: Crown raise to 4m and remove two heavy lateral limbs over the car park entrance
2025/00161/TCA	A	Madison, Llysworney	Work to Tree(s) in a Conservation Area: Line of trees along the boundary with neighbouring property to the back of the property. Line of conifers with 1 Birch tree among Conifers.
2025/00164/TPO	A	2 Robin Hill, Dinas Powys	Work to Tree covered by TPO No.07 of 1986: T1 Oak Tree - full crown reduction of 1.5m to growth points and deadwood removal



2025/00171/TCA	A	East Court, Cardiff Road, Cowbridge	Work to Tree(s) in a Conservation Area: Qubecus Robur at rear of property, os ref of tree;51.45811 - 3.439737 20% upper crown reduction. 10% middle and lower crown all prunice work to be carried out to the British standard
2025/00173/TCA	A	8, Victoria Square, Penarth	Work to Tree(s) in a Conservation Area: Pollard Willow tree and prune Apple & Pear Tree in rear garden of property
2025/00185/TCA	A	Toad Hall, Llandow	Work to Tree(s) in a Conservation Area: 10 x small silver birch trees have been requested for a minor crown lift each and a small reduction 20%
2025/00186/TPO	A	1 Duffryn Crescent, Peterston Super Ely	Work to Trees covered by TPO No.02 of 1959: Lime - Re-pollard around old points. Birch - Crown reduction, reduce height by 1.5m and shape accordingly.
2025/00196/TPO	A	Southerndown House, South Terrace, Southerndown	Work to tree covered by TPO No.3, 2001: Holm Oak - Crown uplifting (about 10% of the crown) and removal of two large lower branches which have fallen on the boundary wall
2025/00227/TCA	A	28, Victoria Road, Penarth	Work to Tree (s) in a Conservation Area: To remove various trees from the back garden

2025/00232/TPO	A	St James' Church, Wick	Work to Tree(s) covered by Tree Preservation Order 1976, No. 2 : 5 T1 - Sectioning down and removal of one twin stem Lime Tree. T2 - Crown lifting of one mature Sycamore tree
2025/00259/TCA	A	45, Plymouth Road, Penarth	Work to Tree(s) in a Conservation Area: Bay - rear left boundary - Coppice large remaining standing stems back to within 200mm of ground level. Leaving suckers as they are along boundary. Remove cut timber and branches from fallen stem.
2025/00322/TCA	A	Rowans, Llanbethery	Work to Tree(s) in a Conservation Area: Removal of a willow tree in rear garden, close to boundary with neighbouring property
2025/00352/TCA	R	1 Porth-y-Castell, Barry	Removal of Cedar tree in rear garden and possible re- planting with a more suitable variety

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **15 May 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

8. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

**APPLICANT:** Greenfield Energy Developments Limited Old Wallace Farm, Dyffryn, Vale Of Glamorgan, CF5 6SU

**AGENT:** Anna Woodward 69 Carter Lane, London, EC4V 5EQ

### **Old Wallace Farm, Dyffryn**

Construction and operation of a Battery Energy Storage System (BESS) facility including the erection of battery container units, inverters, 132kV substation, 33kV customer switchgear, storage container and welfare container, water tank, new internal access roads, resurfaced compound, installation of perimeter fencing and access gate; associated ground works; and landscaping.

### **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**

Planning permission is sought for the construction and operation of a Battery Energy Storage System (BESS) facility, including the erection of battery container units and a substation etc. The proposed facility would be positioned on a parcel of land at Old Wallace Farm, Dyffryn, which is located within the countryside and also the Dyffryn Basin and Ridge Slopes Special Landscape Area (SLA).

Consultation responses have been received from a number of external and internal consultees and their comments summarised later in the report.

An objection has been received from 9 neighbours, including a local group CAEVOD (Campaign Against East Vale Overdevelopment). The comments have been summarised later in the report but relate to concerns such as landscape impact, impact upon highway safety and fire. In addition, comments have been received by Friends of the Earth Barry and Vale relating to concerns on fire and thermal runaway.

An assessment of the proposals is included below and the application is recommended for approval, subject to a number of conditions and informatives.

### **SITE AND CONTEXT**

The application relates to a parcel of land and associated access etc. at Old Wallace Farm, Dyffryn. The site is located within the Dyffryn Basin and Ridge Slopes Special Landscape Area (SLA) and is located outside a defined settlement boundary and as such, for the purpose of the Local Development Plan is considered as countryside.

The site is located within a mineral safeguarding area for Sand and Gravel (Category 2) and also Limestone (Category 2).

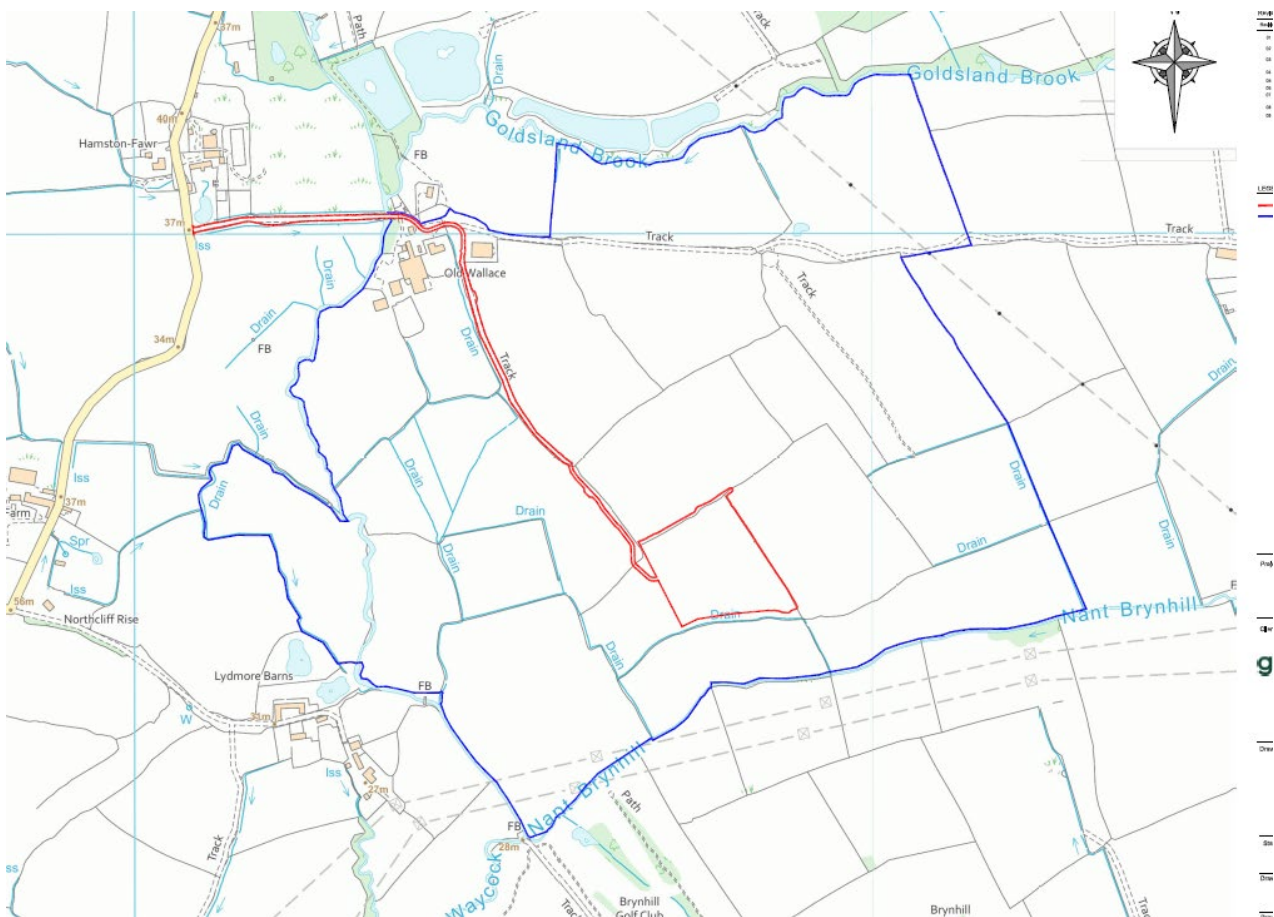
The field parcel itself is not located within a C2 flood zone, however, the site location plan

indicates a section outside the field parcel is also within the red line (the access road) and this is located within a C2 flood zone and also an area for surface water flooding.

The site is located in close proximity to a Site of Importance for Nature Conservation (SINC) – Land at Nant Brynhill, Purple Moor Grass and Rush Pasture. The site has a mixed agricultural land classification of both 3a (good to moderate quality) and 4 (poor quality) agricultural land. The site is located within an aviation safeguarding zone.

The application site, including cabling, is located within 500m of the ancient scheduled monument of Highlight Church. Lydmore Farmhouse to the west is a grade II listed building and it is also noted that there are areas of archaeological interest in proximity to the application site.

An extract of the site location plan is as follows:



## DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the “construction and operation of a Battery Energy Storage System (BESS) facility including the erection of battery container units, inverters, 132kV substation, 33kV customer switchgear, storage container and welfare container, water tank, new internal access roads, resurfaced compound, installation of perimeter fencing and access gate; associated ground works; and landscaping.”

The application site comprises of agricultural land and 1.3ha is proposed for dedication to the BESS facility on the main site, albeit the covering documents state that the entire site is 2.6ha. The BESS facility would have an up to 49.9 Megawatts (MW) electrical capacity. The supporting documentation states that there is scope for connection to a high voltage 132Kv overhead line to the south-west of the site and the proposed development would take energy from the electricity grid when demand is higher or supply is lower, thus operating in either 'energy charge', 'energy storage' or 'energy discharge' modes while providing support balancing services to the National Grid (pa. 1.2, Design and Access Statement).

It is estimated that the proposed capacity of this BESS facility could power approximately 75,000 homes for two hours on a full charge (pa/ 3.4, Design and Access Statement).

The proposal seeks consent for a temporary period of up to 45 years and at this point, the cessation of energy operations and infrastructure would be removed and the site restored to its present (agricultural) use and condition, except from the landscaping which is proposed for retention.

An extract of the proposed site plan is included below:

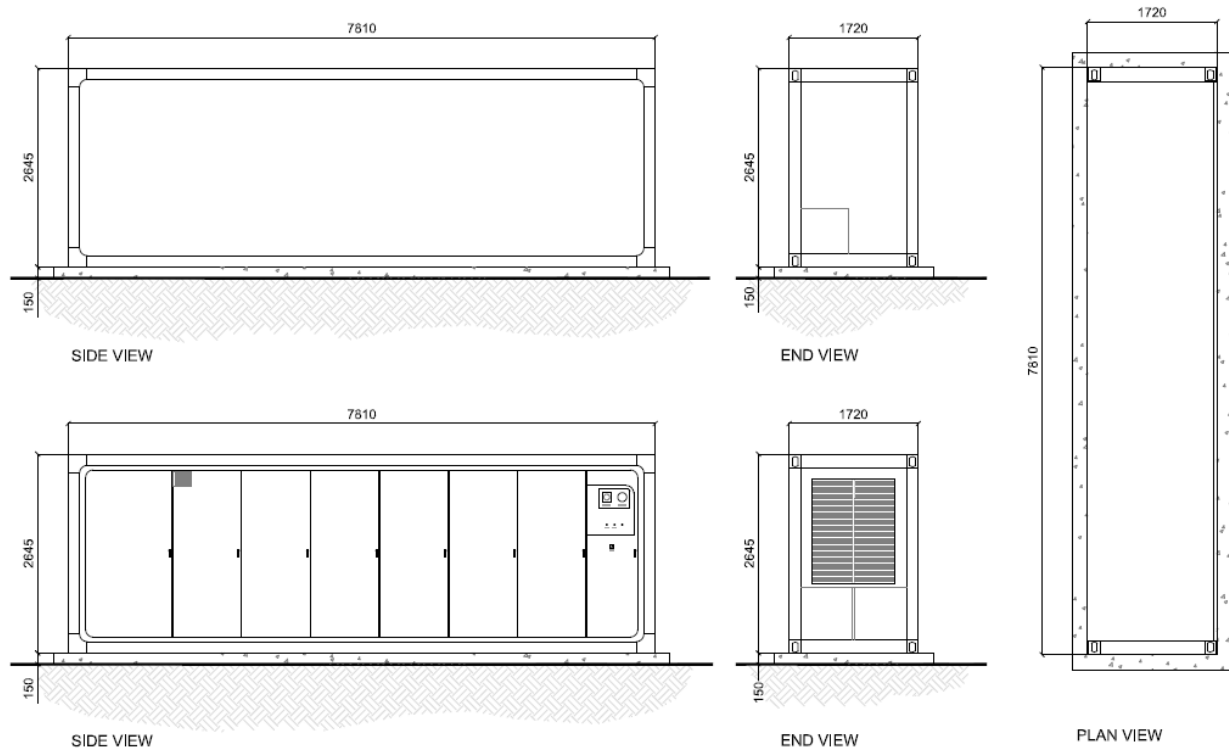




The Design and Access Statement summarises the elements of the proposed BESS facility as follows (pa. 3.3):

- The erection of a series of 56 no. battery containers (7.81m (L); 1.72m (W); and 2.85m (H)), each comprising lithium-ion battery cells complete with an energy storage management system and mechanical ventilation, and transformers which are to be connected to each energy storage unit within the proposed BESS compound, also including:
  - electrical cabling and electrical connection corridor
  - 7no. Twin Skids
  - 14no. Inverters
  - 14no. Interface cabinets
  - 1no. 33kV customer switchgear contained in a building
  - 1no. Storage container
  - 1no. Welfare container
  - 1no. 132kV substation compound with associated equipment
  - 1no. Transformer
  - Site security (including 2m high palisade perimeter fencing around the compound, security gates and CCTV cameras)
  - 1no. DNO control room
  - 1no. 240,000 litre water tank and pump

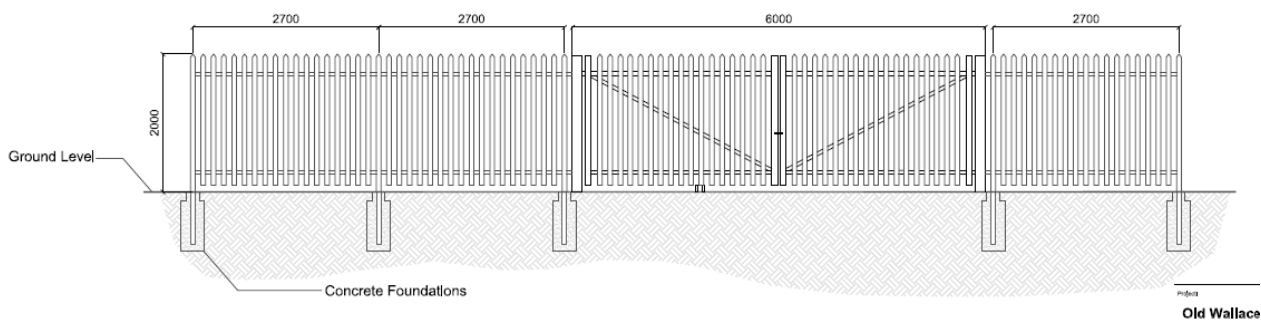
An extract of the proposed battery unit is included below:



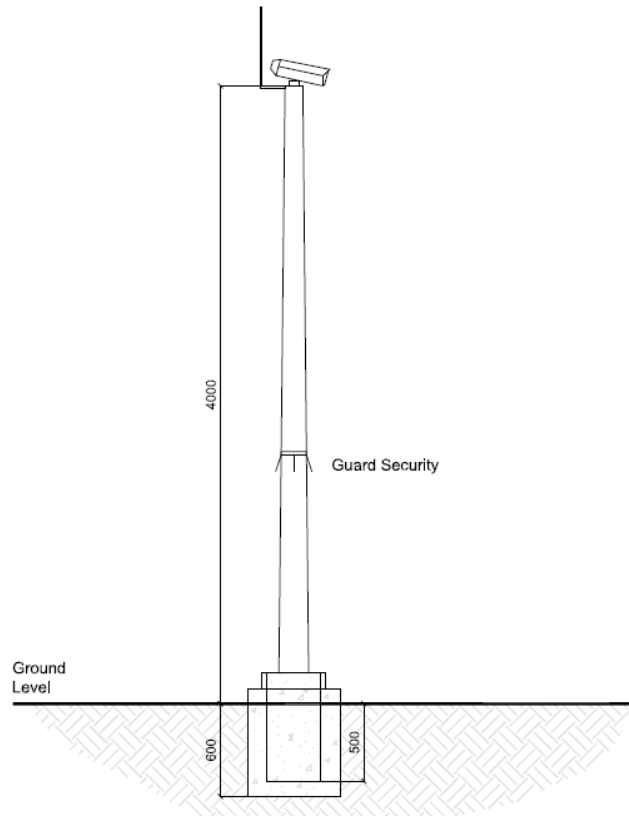
- Other associated development works include:
  - Site preparation
  - Provision of site access
  - Provision of site drainage
  - Landscaping and biodiversity management areas on land adjoining the proposed ESS compound

The proposed development does not include any permanent external lighting as security is proposed by infrared thermal imaging CCTV cameras which would be remotely monitored. The development would be operational 24/7 although it would be largely unmanned and would be functioning intermittently depending on factors such as grid demand (pa. 3.65, Planning Design and Access Statement).

An extract of the proposed fencing and CCTV posts is included below:





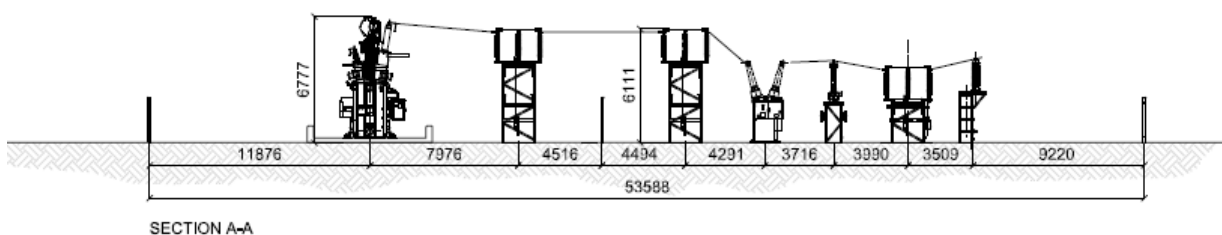


The application site has a slight gradient from north to south and as such, the Planning Design and Access Statement states that it is necessary for the BESS equipment to be stabilised on a flat concrete slab that will need to be cut into the earth.

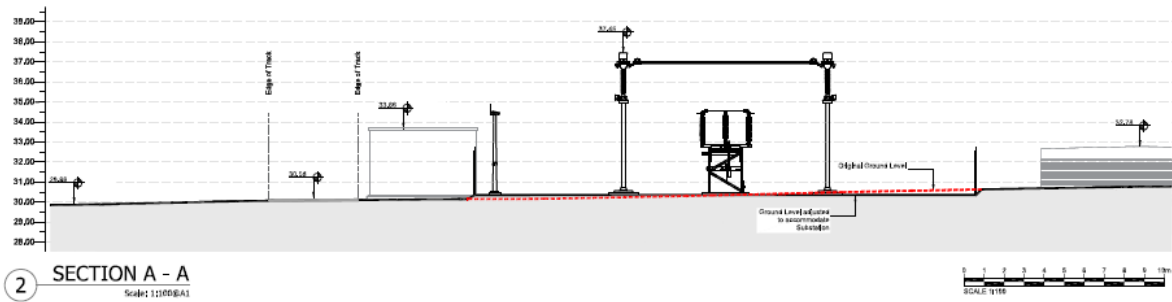
The BESS facility would be connected to a pylon supporting an existing overhead transmission line using underground cabling through agricultural fields under the control of the District Network Operator 'DNO'. These works are proposed to be undertaken under the DNOs statutory powers and as such, is not included within the red line boundary.

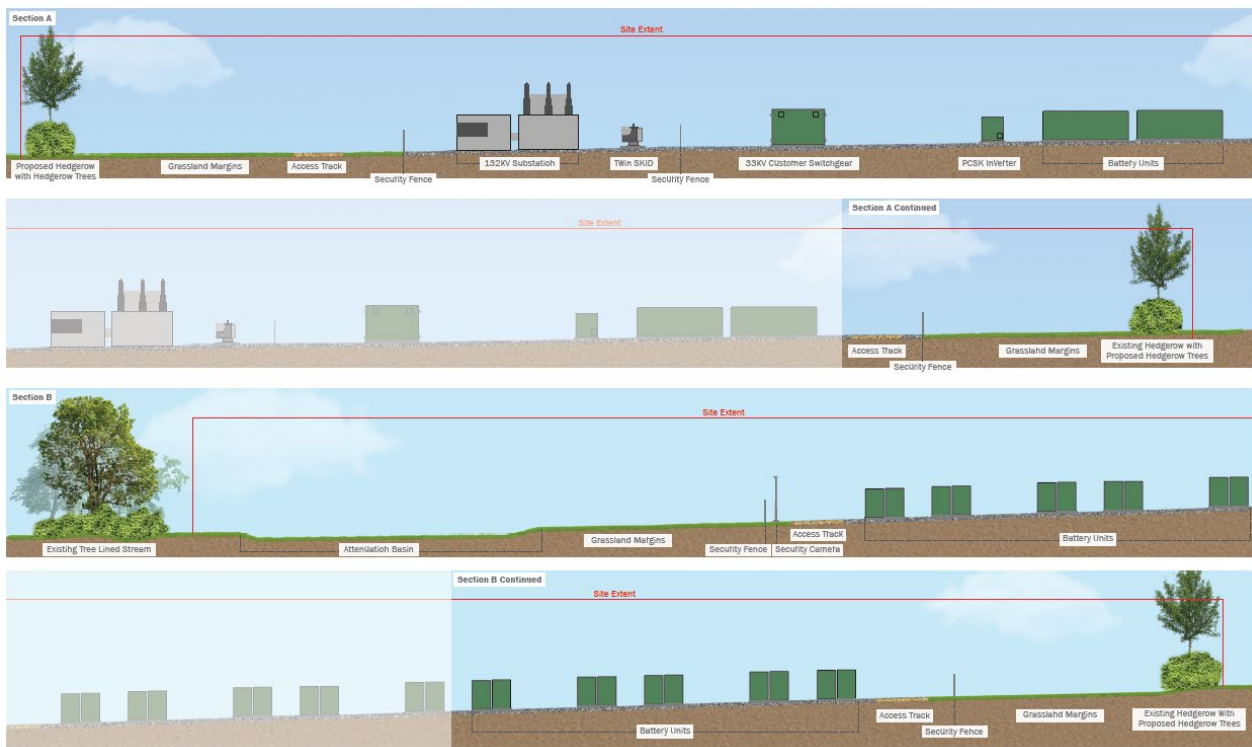
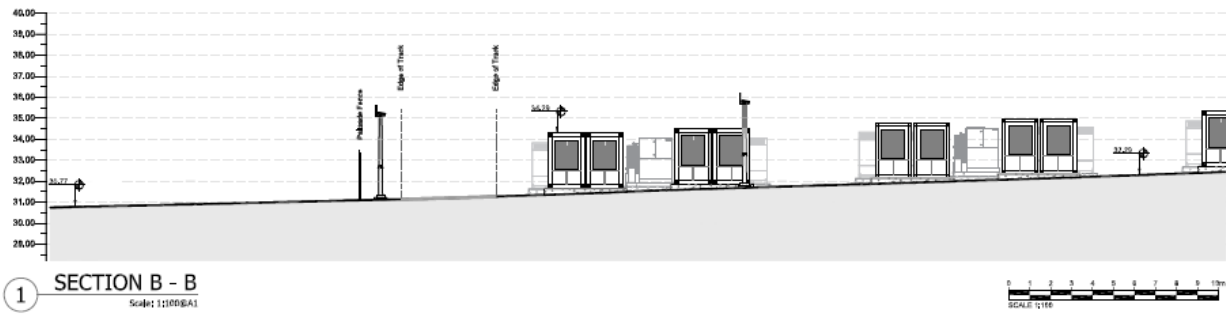
It is estimated that the development would take up to approximately 6-12 months to construct, based on an average of 22 working days per month.

The tallest structure within the proposed site would be the transformers for the substation, which are approximately 6.7m tall. An extract of the substation section drawing is included below:



The proposed scheme includes a number of structures, as referenced above and contextual elevations and illustrative sections have been submitted in support of the application and are included below:





## PLANNING HISTORY

2007/01156/FUL, Address: Great Hamston Farm, Dyffryn, Proposal: Conversion of domestic stone outbuilding to holiday let, Decision: Approved

2010/00204/FUL, Address: Great Hamston Farm, Dyffryn, Proposal: Conservatory to rear, Decision: Approved

2021/01648/1/NMA, Address: Great Hamston Farm, Dyffryn, Proposal: Non Material Amendment - Amendments to glazing and fascias. Planning approval - 2021/01648/FUL - Replacement garden room with associated works , Decision: Approved

2021/01648/FUL, Address: Great Hamston Farm, Dyffryn, Proposal: Replacement garden room with associated works, Decision: Approved

2024/01145/SC1, Address: Old Wallace Farm, Dyffryn, Cardiff, Proposal: Proposed battery energy storage system and associated infrastructure, Decision: EIA not required

## CONSULTATIONS

**Wenvoe Community Council** commented 16 January and 11 February 2025 to state that they object for the following reasons:

*The installation of this battery energy storage farm would result in an overdevelopment in an area of special and historic interest as indicated in the Local Development Plan. It is an area of rural enjoyment for walkers, riders, cyclists and visitors to the area with historic monuments, gardens and houses (Tinkinswood Burial Chamber, St Lythans Burial Chamber and Dyffryn House and gardens, Millennium Trail and many adjoining public rural areas and footpaths. Compounding this objection is also the cumulative visual impact and loss of the agricultural and rural landscape by this and the proposed and current solar farms in development (currently three, two approved and one in planning permission stages) in the surrounding area.*

The **Civil Aviation Authority** were consulted and correspondence was received 12 March 2025, in summary, to state that it is not a statutory consultee unless the development meets a certain threshold and recommended consulting the relevant airport.

The Authority's **Highway Development** department commented 12 February 2025 to state that the CTMP and Transport Note do not provide swept paths for the route up to the access into Old Wallace Farm access and as such, they could not comment on the suitability of the access. They stated that the 8.75m rigid vehicles are better than articulated lorries however, they required the information requested at pre-application stage. They also requested areas for potential passing places with photographs and a plan.

Following the submission and consultation on amended details, the Highway Authority commented 11 April 2025, in summary, to state the following:

- Transport information highlights the end of construction period will be between 6-12 months
- Access is proposed via Five Mile Lane from the West and then travelling along St Lythans Road to then turn into the site
- Trips to the site during operational stage would be minimal
- Access lane is narrow in sections, however is likely lightly trafficked
- Vehicle sizes to site shall not be greater than 8.25m long 2.5m wide rigid vehicle
- Ability of vehicles to access site along the lane is not a concern of the highway authority and the likelihood is that agricultural vehicles using the lanes would be of similar size
- There is a concern with regard to intensification of the lane for larger type vehicles during construction

- CTMP includes a plan for passing places and swept paths which is considered sufficient
- Acknowledged that due to lightly trafficked nature of the lane the instances where vehicles will need to pass will be very infrequent
- Passing Place A is narrow and likely not suitable however the proximity to the wider two lane road is sufficient for this to reduce conflict
- Passing Place F on the outward journey is also not suitable as it shows the car pulling over on the wrong side to allow a larger vehicle to pass. However, F is approximately 100m from passing place G with good forward visibility.
- Some passing places would likely not be suitable for two larger vehicles to pass each other and therefore the developer will be required to provide a delivery management plan as part of condition
- CTMP confirms deliveries will be kept out of school peak times which should be emphasised in a delivery management plan
- No safety issues are observed at the junction at present
- Junction is on a straight section of road with good visibility in both directions
- Other routes not supported – current route is the least disruptive route
- Condition of lane will need to be monitored and any damage rectified by developer
- Some passing places could be increased in size and construction matting could be placed to protect the verges and then properly reinstated upon completion of site

The Highway Authority, in light of the above, have requested conditions relating to a delivery management plan, a condition survey (prior to commencing work and following completion) and also a condition for matting to protect highway verges.

The Council's **Public Rights of Way Officer** commented 17 March 2025 to, in summary, state that the proposed installation would not affect a PROW however the access track will cut across PROW no. 2 and 3 Wenvoe as they cross through the farmyard at Old Wallace Farm. The footpaths must be kept open and all construction traffic should be aware of the possibility of members of the public crossing their access track. In addition, no materials shall be stored on the footpath and any damage shall be made good at the developer's expense. Should temporary closure be required, an Order should be sought under the Road Traffic Regulation Act 1984.

The **Chief Fire Officer** commented to state that the Fire Authority has no objection to the proposed development and refers the LPA to any current standing advice by the Fire Authority about the consultation.

The **Councils Drainage Section** were consulted and commented 25 April 2025 to state, in summary, that the access and egress route is located in a flood risk zone and as such, NRW, Fire and Rescue and emergency planning should be consulted to assess suitability of proposed access in the context of an emergency response. Approval is required under the Sustainable Drainage Systems (SuDS) Approval Body (SAB) prior to commencement of works. They raise no objection in principle to the drainage strategy, however, they draw attention to several considerations that may influence the final design and layout, such as:

- No detail has been provided on measures to prevent run-off from the catchment above the site entering the proposed on-site drainage system.
- The applicant will be required to demonstrate that exceedance or overland flows from the surrounding catchment cannot enter any element of the proposed drainage system or have been appropriately accounted for in the design process.

- Additional flows entering the system could potentially invalidate the sizing of the attenuation basin and in the event of a significant (1 in 30yr return period) rainfall event occurring in combination with a fire result in contaminated water escaping the lined system.
- The measures required to achieve this are not anticipated to be significant but may require a low upstand, bund or similar feature to divert overland flows around the site and on to the land / watercourse below.
- The development will be required to demonstrate compliance with the SAB interception of runoff requirements. The use of a fully lined system may preclude the use of a simplified approach to demonstrate compliance (G2.15 and table G2.1) and instead necessitate the use of continuous rainfall series to demonstrate the effectiveness of any design for meeting interception requirements (G2.16).
- The inclusion of an automatic penstock will necessitate the need for regular inspection and testing for the life of the development to ensure the system performs as intended in the event of a fire.

**Shared Regulatory Services (Pollution)** commented 25 February 2025, in summary to state that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect the implementation of any consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800-1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised that approval is required for piling operations.

In addition, the noise levels are within the BS8233 standard for sound insulation within residential properties, however as stated in the noise report the consultant is basing this information on similar systems and not on the systems installed. Therefore, a condition is recommended that any equipment does not exceed the noise levels as measured in the noise report of 30db as indicated on page 9, table 3.21.

**Cardiff Airport (Safeguarding)** were consulted and to date, no comments have been received.

The **Council's Heritage (Planning) Officer** commented 13 February 2025, in summary, to state that the site is located so as to have the potential to impact on the setting of the listed building Lidmore Farm (Grade II, Cadw Reference 26995) which is also designated as a County Treasure. They stated that the heritage assessment notes the potential impact and assess that no harm is noted and they have no reason to object to this conclusion. They further stated that the storage units do sit in the wider rural setting and it is noted that some distant or glimpsed views may be possible, a condition on colour finish is therefore suggested.

It should be noted that heritage legalisation in Wales has been updated and so the references in the assessment are outdate. However, the Heritage Officer stated that this does not affect the recommendation as set out above because the legislation has been consolidated rather than changed.

**Heneb, The Trust for Welsh Archaeology (GGAT)** commented 4<sup>th</sup> February and 9<sup>th</sup> April 2025 to state, in summary, that the proposal is located in an area of high archaeological potential with highly significant remains in the wider landscape. However, they further state that no features or structures of archaeological significance were encountered and therefore, it is unlikely that significant archaeological remains will be encountered during the course of the proposal. Heneb concluded that they had no objections.

**Dwr Cymru / Welsh Water** commented 14 January 2025 to state that the development proposes to discharge surface water flows to a watercourse and does not entail any foul water drainage. In summary, they stated that the proposal requires approval of Sustainable Drainage Systems (SuDS) features and that in this instance, they offered no objection to the proposals for disposal of surface water flows into a surface water body, in principle, subject to consultation and agreement with the regulatory body or riparian owner of the system. DC/WW have requested the addition of a standard informative to any consent granted.

The **Councils Ecology Officer** commented 26 February and 17 March 2025 in summary to state that the Ecological Impact Assessment and Green Infrastructure Statement were comprehensive and helpful; pleased to see references to local provenance trees and seed sources; would like to see the planting lists; would be useful to know how grasslands will be managed; and there is no harm in creating hibernacula as they are used by a wide range of species.

In conclusion, the Ecologist states that they have no concerns with the development proceeding, however, they would like to know about the grassland management and hedgerow/tree species lists when these are available.

The **Council's Landscape Section** were consulted and to date, no comments have been received.

**Natural Resources Wales** commented 10 February 2025 to state that they had concerns with the application, however, they were satisfied that these concerns could be overcome by attaching a condition for a CEMP. The following is summarised from their comments:

- A CEMP condition is advised due to the scale of development and proximity of the site to multiple watercourses
- Lithium ion electrolytes from battery systems have the potential to cause pollution in the event of a fire at the site as a result of battery failure
- To prevent unacceptable levels of pollution to watercourses, prior to determination, LPA should ensure that adequate measures are in place for the containment or removal of contaminated firewater
- Watercourses on/near the site that provide hydrological links to SSSI
- Any discharge of firewater to the wider environment would be unacceptable given the high risk of pollution
- Recommend you seek advice from the relevant Fire and rescue Service
- LPA should ensure the proposal is able to demonstrate the ability to contain firewater and / or that off-site transport can be demonstrated to be feasible
- Measures to minimise the risk of pollution from contaminated firewater should be clearly set out by the applicant in a detailed drainage scheme.
- Site includes a small area of Zone C2
- Having regard to the FCA and given the limited extent of flood risk the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.
- May need to apply for a Flood Risk Activity Permit

NRW commented on 1 April 2025 to state that they had concerns, however, they were satisfied that the concerns could be overcome by attaching a condition for a CEMP. In summary, the following is noted from their response:

- Not the expert to advise on measures to minimise risk of fire or to suppress a fire
- Recommend you seek advice from Fire and Rescue and a Battery Energy Electrical Process Safety Expert

The Council's **Contaminated Land, Air & Water Quality** department have commented to state that the development involves earthworks in relation to drainage, provision of a level construction platform and landscaping. They have requested the inclusion of conditions and informatives in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the LDP.

**South Wales Police** commented 3 April 2025, in summary, to state the following:

- Site should be protected by security fencing and gates
- Site should be protected by CCTV
- Signs should advertise the use of CCTV
- Sight must be lit with effective lighting
- Plants should only grow to a maximum height of 1m for surveillance

The **Open Spaces Society** were consulted and to date, no comments have been received.

**Wenvoe Ward Members** were consulted and comments were received from Cllr Russell Godfrey. Cllr Godfrey objected to the application for the following reasons:

- 1. Only the road entrance to Old Wallace has been assessed, but not surrounding roads.*
- 2. This section of St Lythans Road is part of the Great Glamorgan Way, regularly used by Walkers, Horse Riders and Cyclists.*
- 3. The proposed Bess is very close to neighbouring properties and in the event of fire has poor access for emergency vehicles and limited water supply*
- 4. We already have Park Worlton Development in very close proximity and I therefore believe this application if agreed, would over development in this area.*

**Cadw, Ancient Monuments** commented to state that having carefully considered the information provided, they have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

They commented further on 19 March 2025 to state that the new information did not affect the advice previously given.

**Western Power Distribution** were consulted and commented 12 March 2025 to state that if a new connection or a service alteration is required, the applicant will need to make a separate application to National Grid Electricity Distribution.



A letter was received by **Local Government and Planning Directorate** on 1 May 2025 stating that they had received a request to make a screening direction as to whether or not the development described is 'EIA development' and whether an environmental statement is required. To summarise, they state that the scheme is not major development or more than local importance, is not proposed in a particularly environmentally sensitive or vulnerable location and is not likely to give rise to unusually complex and potentially hazardous environmental effects. Accordingly, they conclude the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location, and I hereby direct the development is not "EIA development" within the meaning of the 2017 Regulations.

## REPRESENTATIONS

The neighbouring properties were consulted on 9 January and 12 March 2025 and several site notices were also displayed on 22 January 2025. The application was also advertised in the press on 23 January 2025.

A total of 9 objections have been received, from Northcliff Rise, Lydmores Barns, CAEVOD (Campaign Against East Vale Overdevelopment), Northcliff Farm, Lydmores Mill Dyffryn, 150 Colcot Road and 3 responses were anonymous.

A summary of the comments received are as follows:

### Principle and visual

- Following approval of solar farms, concerned by the continued loss of the historically important agricultural character and rural settlement separation in locality
- Concerns regarding residential and industrial infill between Lydmores Hamlet and the northern edge of Barry
- Encroachment should be protected by designation as an SLA
- Disagree with opinion that the presence of pylons has already damaged the rural identity and integrity of the Valley
- SLA needs to be protected from further development before landscape is lost forever
- Concerns regarding cumulative visual impact with solar farm
- Solar farms are eroding the rural identity and integrity of SLA and this proposal will erode it further
- Vale of Glamorgan is being bombarded by renewable energy and BESS applications due to grid network
- Detrimental visual impact to footpaths and enjoyment of walkers
- Further industrial development in a countryside area of outstanding beauty
- There are other more suitable pockets of isolated land

### Highway

- St Lythans Rd is only access for properties and is used by cyclists etc.
- Road has not been assessed by the developer
- No detail provided on how access will be maintained
- Construction traffic route runs along residential boundaries and will impact in terms of increased traffic noise, exhaust fumes and lack of privacy from large vehicles

- Road is unsuitable and unsafe for construction vehicles – narrow lanes, 90 degree bends etc.
- Proposed two way construction traffic route (even with a traffic management system) would impede resident access and result in queues of standing traffic
- Large vehicles will take up entire width of the road and impossible to pass for long sections resulting in reversing around blind corners
- Larger vehicles damage the lane and vegetation
- Increased traffic from tractors since sale of farm
- Concerns regarding traffic management
- No swept path analysis has been provided for any section of the road
- Traffic management system is required
- Construction traffic route was discounted in DNS scheme
- Number of vehicle movements unknown
- Safety impacts on road users
- Traffic light system required
- Planned arrival times may not be adhered to
- Inadequate passing places
- Strength of road has not been assessed

#### Neighbouring amenities

- Concerns regarding construction noise and impact on residents' right to enjoyment of property
- Concerns regarding noise from creating new access road
- Concerns regarding noise when installed
- Concerns regarding fume from fires, toxic fumes) and impact on health

#### Other matters

- Devaluation of property and land
- No need for biodiversity benefits
- Damage to soil structure, reducing land grade further
- Concerns regarding fire impact if firefighters are unable to access
- Brynhill Golf Club should be compensated due to lost business due to construction noise
- Noise impact from construction and traffic noise will impact rural sensory experience of those walking, cycling etc.
- Plans do not show how walkers would access the footpaths across the track
- Concerns regarding contamination to nant brynhill from water used to fight fires – bunds and concrete walls with access to the site through water tight gates, internal bunding etc. required
- More appropriate locations available
- Concerns regarding damage to fibre broadband connection

A comment was received on behalf of the Valeways Charity (Countryside Access and Walking) and in summary, the following is stated:

- Number of footpaths in the area
- Impact on visual amenity of the area and this would affect the enjoyment of walkers
- No detail on maintenance of footpaths

- Concern regarding ongoing development in the area
- Access to the site is along narrow country lanes and this could impact safety of walkers

A comment was received from Friends of the Earth Barry and Vale and in summary, the following is stated:

- Environmental Impact Assessment is required.
- No agreement on how to control BESS thermal runaway fires. Water or non-water measures are not sufficient for mega battery fires.
- Battery fire in California (Moss Landings) resulted in 1200 people being evacuated and was left to burn out.
- Site is within proximity to residential properties.

## **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 SP9 – Minerals

POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG17 – Special Landscape Areas

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

POLICY MG22 – Development in Minerals Safeguarding Areas

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

POLICY MD19 - Low Carbon and Renewable Energy Generation

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.

### **Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy**

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

### **Chapter 5 – The Regions**

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

### **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 4 – Supporting Rural Communities**

- Supports sustainable and vibrant rural communities.

### **Policy 5 – Supporting the Rural Economy**

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

### **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 17 – Renewable Energy**

- Support for developing renewable and low carbon energy from all technologies and at all scales.
- Significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.
- All proposals for large scale wind and solar developments should demonstrate that they will not have an unacceptable adverse impact on the environment and describe the net benefits it will bring.

**Policy 18 – Renewable and Low Carbon Energy Developments of National Significance**

- Sets out the criteria for assessing such proposals and refers to the need to consider the cumulative impact of existing and consented renewable energy schemes.

**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 3 - Strategic and Spatial Choices**

- Good Design Making Better Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure

**Chapter 5 - Productive and Enterprising Places**

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

## 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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- 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.

### Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Economic Development, Employment Land and Premises (2023)
- Minerals Safeguarding (2018)

- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Renewable Energy (2019)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2025)

#### **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

#### **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

The main issues to consider in the assessment of this application are the principle of development, including its impact on flooding, its impact on the wider visual amenities of the countryside and Special Landscape Area (SLA), impact on residential amenities, highway safety, ecology and green infrastructure.

#### Principle of development

The proposed development comprises a 49.9MW BESS and associated infrastructure.

The supporting documentation states that there is scope for connection to a high voltage 132Kv overhead line to the south-west of the site and the proposed development would take energy from the electricity grid when demand is higher or supply is lower, thus operating in either 'energy charge', 'energy storage' or 'energy discharge' modes while providing support balancing services to the National Grid (pa. 1.2, Design and Access Statement). It is estimated that the proposed capacity of this BESS facility could power approximately 75,000 homes for two hours on a full charge (pa. 3.4, Design and Access Statement).

As aforementioned, the Authority has an adopted SPG on renewable energy, however,

this is primarily focused on wind energy, solar energy and biomass. However, this document is still considered of relevance and provides advice on designing proposals etc. and paragraph 3.3 states that the guidance “*seeks to ensure the benefits of renewable energy development are balanced against economic, social and amenity impacts on communities as well as the environmental impacts which include biodiversity and preserving the visual landscape*”. Issues such as amenity impacts etc. will be explored further below but on a local level, both the LDP and SPG recognise that renewable energy proposals are of importance.

On a national level, Planning Policy Wales also refers to renewable energy. Paragraph 5.7.2 states that “*overall power demand is expected to increase as a result of growing electrification of transport and heat. In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales.*”

On the topic of energy storage, paragraph 5.7.12 states that:

*‘Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.’*

Planning Policy Wales also states that energy storage should be optimised by the planning system (paragraph 5.7.7) and paragraph 5.7.8 also states that:

*‘An effective electricity grid network is required to fulfil the Welsh Government’s renewable and low carbon ambitions. An integrated approach should be adopted towards planning for energy developments and additional electricity grid network infrastructure. In certain circumstances, additional electricity grid network infrastructure will be needed to support the Pre-Assessed Areas in Future Wales, but also new energy generating developments more generally’*

Whilst not strictly a renewable energy scheme in itself, the proposed battery storage could potentially serve as supporting infrastructure. Having regard to the main planning policy context in respect of renewable energy development, it is considered the proposal would be considered primarily in regard to the criteria of Policy 18 of Future Wales (outlined above). These criteria are underpinned by Policy 17 which recognises the importance of low carbon electricity generation in meeting ambitious national targets for the generation of renewable energy.

These targets are:

- *For 70% of electricity consumption to be generated from renewable energy by 2030.*
- *For one gigawatt of renewable energy capacity to be locally owned by 2030.*
- *For new renewable energy projects to have at least an element of local ownership from 2020.*



Policy 17 also states that *“The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales... ..and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.”*

It also states that *“Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.”*

Future Wales, when discussing developments of national significance states that there is *“a need to consider large-scale energy storage as part of the energy system to provide grid balancing”* (p. 99). In addition, page 139 states that *“Welsh Government wishes to see energy generation, storage and management play a role in supporting the Mid Wales economy in particular, including local employment opportunities”*.

It is therefore evident that renewable energy proposals are favoured in principle, due to the recognised benefits in de-carbonising energy generation and wider benefits to tackling climate change. Sites in National Parks and Areas of Outstanding Natural Beauty are considered unsuitable for large-scale wind and solar. However, outside of these areas a *‘positive policy framework’* exists (p.97).

*“Large-scale renewable and low carbon energy schemes can generate direct social and economic benefit to local communities. Developers should explore how infrastructure improvements associated with a development (including transport infrastructure and communications systems) may be utilised by the host communities to bring additional, non-planning related benefits. Although not a planning consideration, local ownership of projects, in whole or part, can ensure these benefits are accrued over the long-term.”* (page 97, Future Wales).

Taking the above into consideration, it is evident that there is support in principle to the development of renewable energy sources and storage facilities, which appear to be an important by-product of such development. Whilst a BESS does not generate energy, it allows renewable energy to be used in a more efficient way by creating flexibility. Both wind and solar power are naturally intermittent and battery storage facilities allow for energy to be stored when supply is higher than demand and then feed it back into the grid when there is more demand and / or less supply. It is therefore considered that battery storage facilities can and will play an important role in the future grid network and resilience.

Whilst it is recognised that battery storage facilities are generally supported in principle, it is necessary to assess the principle of the current proposal and the reasons for the currently proposed location.

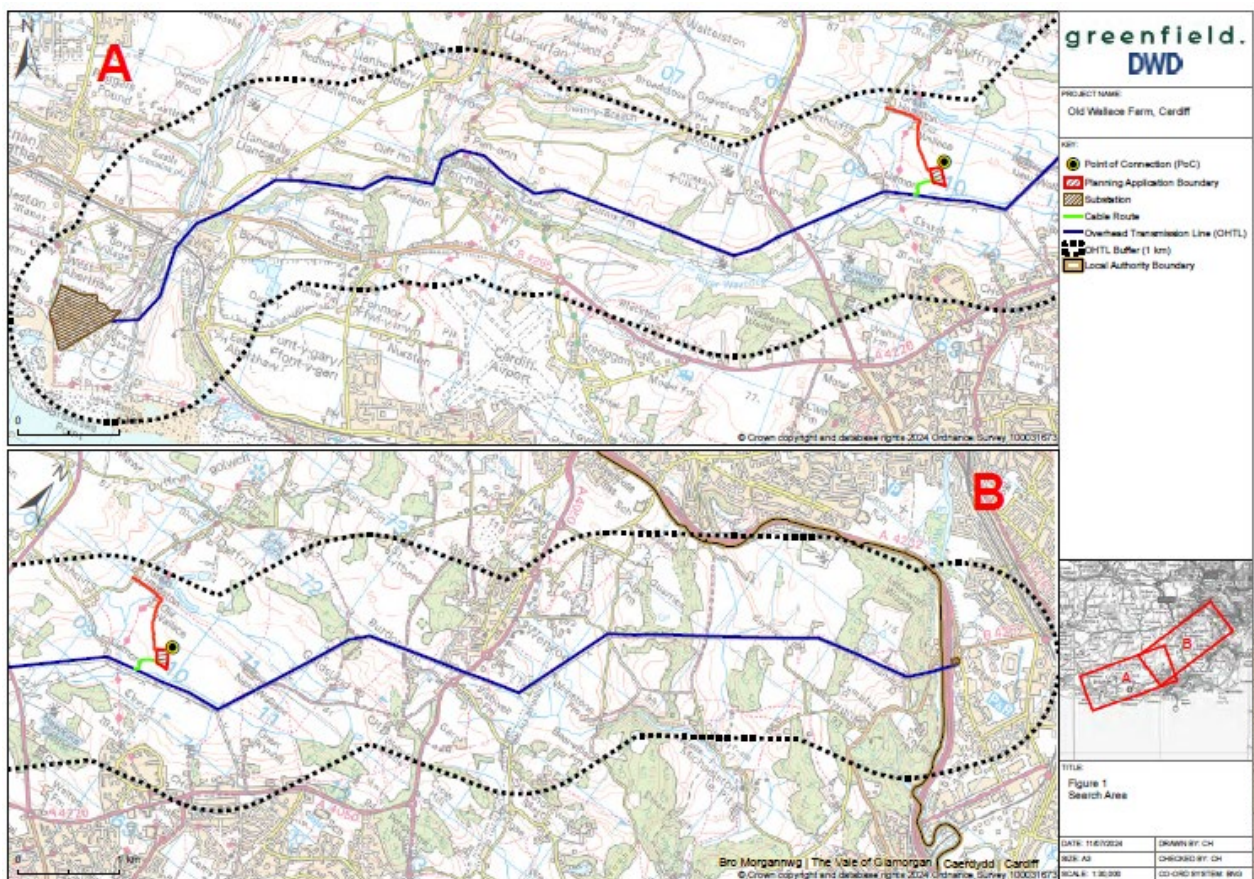
### Site Selection

The application has been supported by an Alternative Site Assessment which states that the steps taken in identifying alternative sites is to identify viable grid connections, *“which includes consideration of whether the applicant has a grid connection offer from the District Network Operator (DNO), the urgency of the grid connection date, and identifying sites within a reasonable distance from that grid connection point, typically being 1km”* from the point of connection (POC) (pa. 1,9, Alternative Site Assessment).

In this instance, the applicant has a grid connection offer from the National Grid Electricity Distribution (NGED) to connect into the 132kv Overhead Transmission Line (OHTL) which runs to the south of the site. The assessment states that it is important to note that there is capacity and demand within this network to accommodate the proposal as there are “*limited opportunities*” for grid connections nationally (pa. 1.9, Alternative Site Assessment).

The assessment has applied a 1km search radius either side of the OHTL and states that whilst there is no specific guidance in relation to the geographic area that should be applied, sites located further away from the pylon could potentially be less viable (pa. 4.7, Alternative Site Assessment). The assessment has reviewed previously developed land and also lower grade agricultural land. Following the review of lower grade agricultural land, viability of sites was assessed, such as shape of the area, avoiding sites split by a road etc. and any identified sites were added to a long-list. The long list was then shortened by removing any sites below 2.2ha and a short-list was then created, which was then assessed in terms of availability of the land, obstacles etc. (pa. 4.21, ASA).

The 1km search area is shown in the following extract:

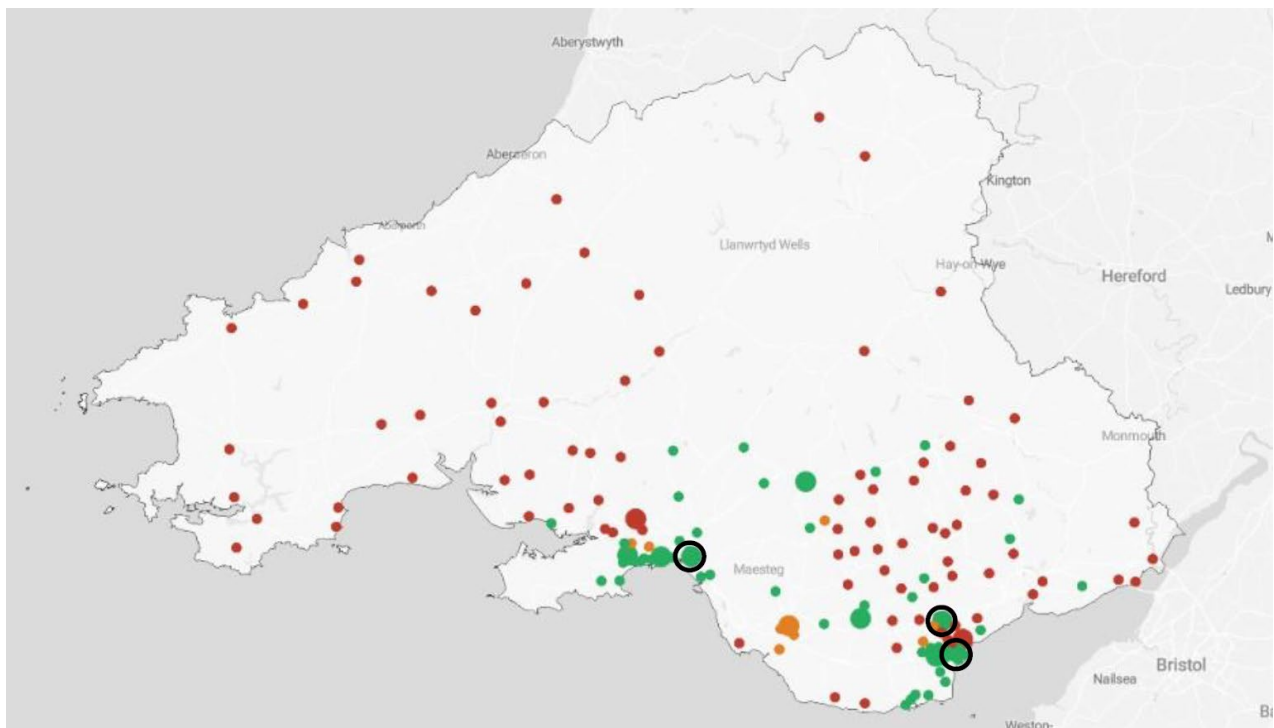


Search area, Source: Figure 1, Appendix 1, Alternative Site Assessment

The ASA states that following the review of previously developed land, no sites were added to the long-list. As such, it is concluded from this statement that no previously developed land (i.e. brownfield land) was considered suitable.

Following a review of lower grade agricultural land, 165 sites were added to the long-list, of which, following further assessment, 76 were added to the short-list. The assessment summarised that many of the sites within the short-list are of a similar suitability for a BESS facility and that several of the sites are also within the same land ownership as the Site. However, it states that those *“not within the same ownership are not considered to be suitable alternatives to the Site, as they are not known to be available to the Applicant”* (pa. 5.86, ASA). The report further states that the main reason for the site selection was due to its proximity to the point of connection and that other alternatives within the current landowners portfolio are earmarked for potential farm diversification projects.

A Statement of Need also accompanies the application which states at paragraph 5.12 that battery *“storage schemes need to connect to national and local networks, but available and suitable grid connection locations are limited”*. The statement continues to note that National Grid’s TEC register shows one 20MW BESS connected at Aberthaw but lists 2 potential (but as yet consented) 500MW capacity proposing to connect at Aberthaw in 2028/29. Two further but as yet consented Solar and BESS schemes of up to 450MW capacity proposed to connect at Aberthaw in 2037. Paragraph 7.5 further states that it is unlikely that any new connections requested in South Wales will be possible before 2036.



*Availability of connection capacity to the South Wales Distribution network,  
Source: Figure 4. Statement of Need*

Taking the above into consideration, it is noted that nationally, there are limited opportunities available for grid connections. The application site provides an opportunity for connection and has been selected following a site selection process, which assessed both previously developed land and greenfield sites. Whilst it is recognised that preference for such developments would be in developed / industrial areas, it is evident that siting is entirely reliant on grid connection points and in this instance, no suitable locations were identified. The connection point therefore, if it is to be utilised, would be reliant upon a battery storage site located on agricultural land and within the countryside, such as is the case in this instance. Given the submitted detail on land selection and the clear national policy support for storage facilities, in principle, and notwithstanding any other relevant planning considerations, it is considered that the proposed site would be acceptable in principle.

It should be noted that the proposed development states a temporary period for operation of up to 45 years, following which, the energy storage would cease and infrastructure removed. A condition is recommended to limit the development to the stated timeframe **(condition 3 refers)** and also for a condition seeking further details of decommissioning **(condition 4 refers)** which are widely used on approved DNS schemes.

### Agricultural land

Criterion 9 of LDP Policy MD1 states that development proposals should have no unacceptable impact on the best and most versatile agricultural land.

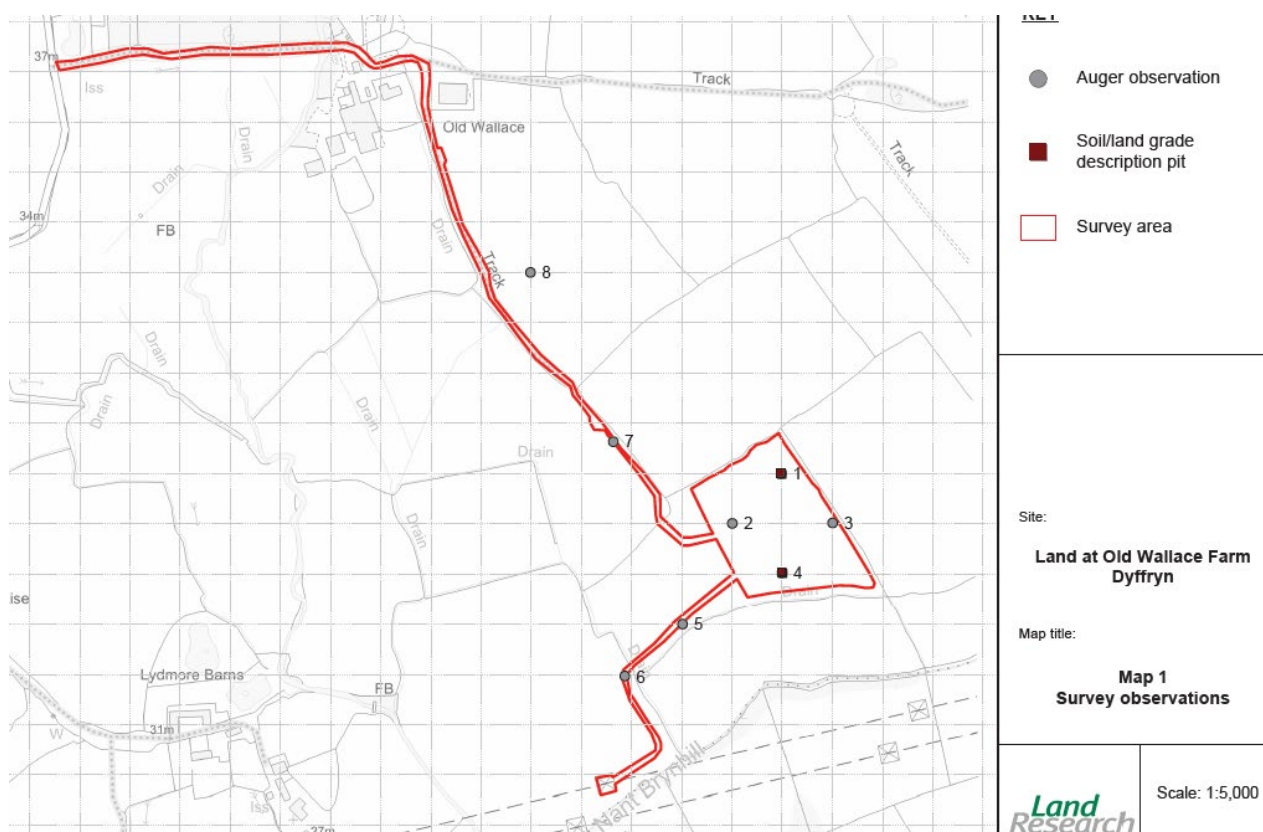
LDP Policy MD7 (Environmental Protection) also states, *“development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either: ...7. The loss of the best and most versatile agricultural land...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”*.

Policy MD19 (Low Carbon and Renewable Energy Generation) states that proposals for the generation of low carbon and renewable energy will be permitted where it can be demonstrated that there is no unacceptable impact on the interests of, amongst other things, the best and most versatile agricultural land.

The site is identified as Grade 3a and 4 agricultural land under the Predictive ALC (2) map produced by Welsh Government.

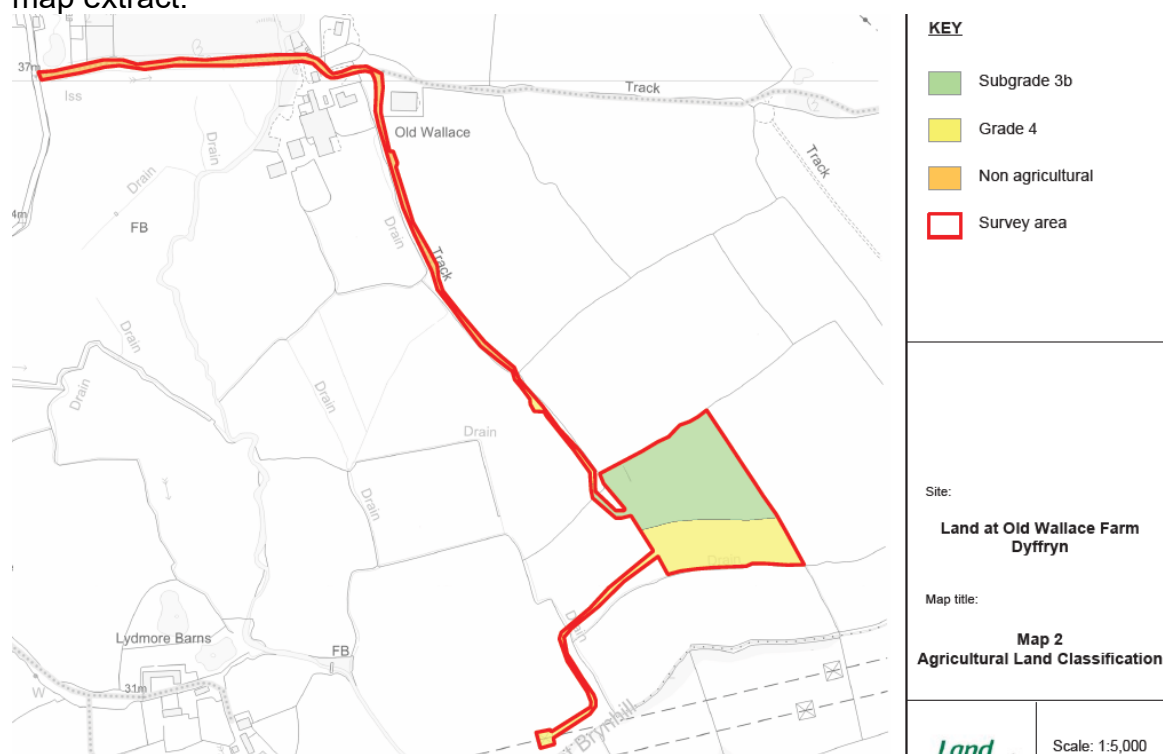
Given the predictive grading of the application site, an Agricultural Land Classification Survey accompanies the application. The survey provides the findings of a soils and agricultural quality survey (carried out in May 2024) and is based on observations at alternate intersects of a 50m grid, providing a density of at least two observations per hectare. The survey states that soils were examined by hand augerings and pits to a maximum depth of 1m. The location of the pits are shown in the following extract:





Survey observations, Source: Appendix Map 1, ALC Survey

The survey concludes that the agricultural quality of the land is determined by wetness / workability limitations and in this instance, land of grade 3 and 4 have been identified. The grade 3 land is limited to subgrade 3b and represents approximately 48% of the land surveyed, with the remaining 35% representing grade 4 and 17% representing non-agricultural (access track and lane). The grades as identified are shown in the following map extract:



Agricultural Land Classification, Source: Appendix Map 2, ALC survey

Taking the above into consideration, whilst the predictive grades indicate some land of grade 3a, these are as stated: predictive only. As such, the supporting ALC survey clearly outlines that following an assessment of the land, the application site includes land of grade 3b (moderate quality), 4 (poor quality) and non-agricultural. Both national and local policy protect the best and most versatile agricultural land (grades 1, 2 and 3a), of which none of these grades are included.

The proposal is therefore considered acceptable in terms of its impact on agricultural land, given that the proposal is not located within the higher, protected classified land. The proposal is therefore considered to comply with policies MD1 (criterion 9), MD7 (criterion 7) and MD19 of the LDP.

### Flood Risk and Drainage

LDP Policy MD7 (Environmental Protection) requires development proposals to *‘demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from... 5. flood risk and its consequences’*. The policy goes further to state that ‘in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15.

It should be noted that on 1 April 2025, Welsh Government published a revised TAN15. However, the written statement from the MS on the publication of TAN15 states the following:

*“Planning applications which were submitted and registered before the publication of the new TAN will continue to be assessed against the previous version, however any development proposal, including those at pre-application stage not yet registered with the LPA will need to use the newly published version of the TAN.”*

As such, given that the current application was received and registered prior to the publication of the revised TAN, the proposal will be assessed against the previous version.

The site of the proposed battery storage is not located within a Development Advice Map (DAM) zone at risk of tidal or fluvial flooding. However, a section of the application site, namely the access, is located within a C2 flood zone. In addition, the Flood Map for Planning identifies part of the application site to be at risk of flooding and falls into Flood Zones 2 and 3 (Rivers).

A Flood Consequences Assessment Revision (dated 16 October 2024) has been submitted in support of the application. NRW in their comments have drawn on the following statement in their comments:

*'there is to be infrequent access to the Site (i.e. via the access road), the overall risk of fluvial flooding at the site is considered to be low. Safe refuge will be provided to the proposed compound and access / egress to the Site during a flood event would not ordinarily be required as the Site would be monitored remotely. Unplanned access would only be required in an emergency situation and the likelihood of such an event occurring at the same time as a flood event is considered to be low. It is recommended that the Site's operator and management company sign up to receive any alerts associated with the River Thaw Flood Alert Area (103WAFthaw). A Flood Management Plan should be put in place prior to occupation, to ensure that appropriate procedures are performed to ensure safety is maintained.'*

Having regard to the above and given the limited extent of flood risk shown to be affecting the application site, NRW consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.

TAN15 seeks to direct new development away from zone C and sets a number of tests that should be met in these areas. In this instance, given that the area located within a C2 zone already exists (i.e. it is an access that serves the farm) and given that the actual area of development is situated outside this zone, the proposal is considered acceptable in terms of its flood risk.

The Drainage Authority were consulted and have commented to state that separate approval is required from the SuDS Approval Body. Whilst they have raised no objection in principle to the drainage strategy, they have raised some notes for consideration for the applicant with regards to the overall design of the drainage strategy. These matters will be dealt with via the SAB process, however, it is noted that there is some reference to a low upstand or bund etc. to ensure additional flows do not enter the system. Whilst SAB matters are not to be considered as part of this application, it is considered necessary to ensure that any details of such additions are included within the condition for levels **(Condition 6 refers)**.

It is noted that the Drainage Authority have recommended that the Authority consult with NRW, the Fire and Rescue Service and also the emergency planning department in order to assess the suitability of the proposed access (given its position in a flood zone) in the context of an emergency response. NRW and the Fire and Rescue Service have not raised an objection to the proposals and following verbal discussions with the emergency planning department, it is noted that the site would not meet the requirements of requiring emergency evacuation procedures etc. In addition, the FCA refers to flood management procedures etc. and as such, an objection is not raised in this instance.

#### Landscape impact, Visual impact and Cumulative impact

As aforementioned, the site is located outside a defined settlement boundary and as such, policy MD1 (Location of New Development) is considered of relevance which states that new development should not unacceptably impact upon the countryside (criterion 1).

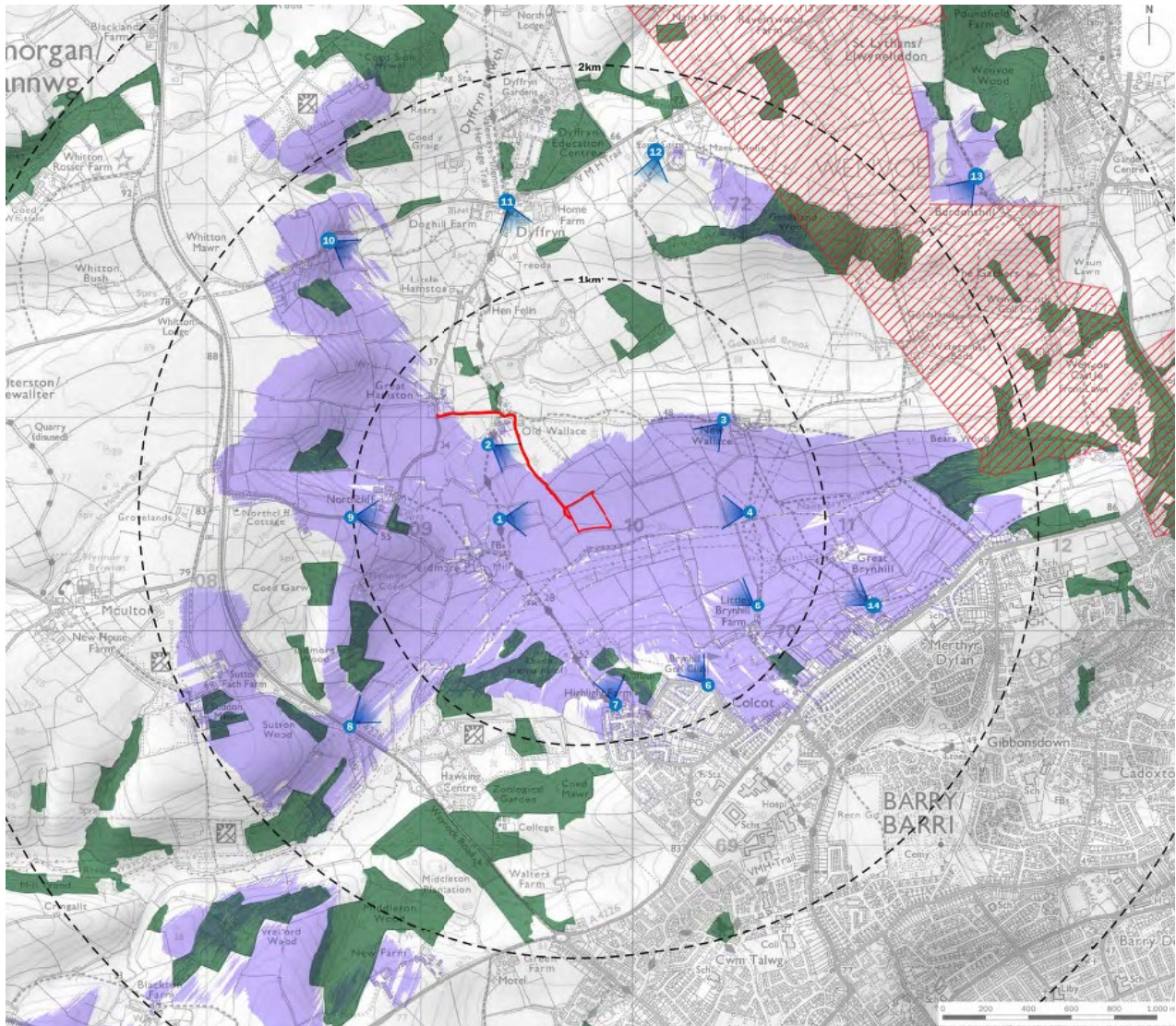
Policy MD2 (Design of New Development) sets out the key principles that developers should consider in respect of design, amenity and access which together contribute to attractive, safe and accessible environments.

The site is located in the Dyffryn Basin and Ridge Slopes Special Landscape Area



(SLA) and as such, policy MG17 is also of relevance, which states that development within these areas will be permitted where it is demonstrated that they would cause no unacceptable harm to the important landscape character of the area.

The application has been supported by a Landscape and Visual Appraisal, which includes photo viewpoints from the following locations, as indicated on a map showing the 'Zone of Theoretical Visibility':



*Zone of Theoretical Visibility (ZTV) and photoviewpoint Locations, source: EDP Landscape and Visual Appraisal*

The appraisal concludes that the receptors most likely to experience elevated (defined as moderate or above) long-term (Year 15) effects are the character of the site and users of the PROW footpath labelled as W2 2/2 (Valeways Millennium Heritage Trail). An extract of the photomontages are included below, which provide an indication of the visibility of the proposed site from the footpath. Firstly, the following image shows the existing viewpoint:





*Viewpoint 1, View east from footpath W2 2/2, Existing view, source: LVA*

Secondly, the same view at year one:



*Viewpoint 1, View east from footpath W2 2/2, Year 1 view, source: LVA*

Finally, the same view at year 15:



*Viewpoint 1, View east from footpath W2 2/2, Year 15 view, source: LVA*

A summary of the predicted effects is shown in the following extract:

**Table EDP 7.1:** Level of Effects

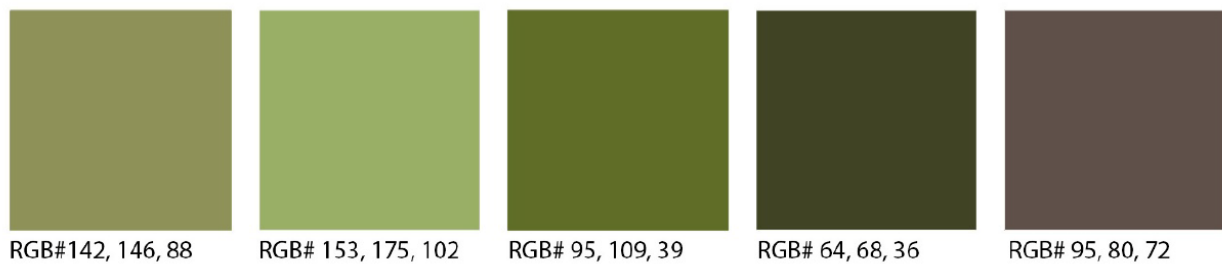
Receptor	Sensitivity	Magnitude of Change	Level of Effect (Year 1)	Level of Effect (Year 15)
<b>Landscape Character</b>				
Fabric of the Site	High	Very high (Year 1) High (Year 15)	Substantial	Major
LANDMAP Assessment (Site's Immediate and Wider Context)	High	Low (Year 1) Very low (Year 15)	Moderate	Moderate/- Minor
Dyffryn Basin and Ridge Slopes SLA	High	Very low (Year 1) Very low (Year 15)	Moderate/- Minor	Moderate/- Minor
<b>PRoW</b>				
Footpath W2 2/2 (Valeways Millenium Heritage Trail)	Very High	Low (Year 1) Very low (Year 15)	Major/- Moderate	Moderate
Footpath W2 3/1	High	Very low (Year 1) Imperceptible (Year 15)	Moderate/- Minor	Minor
Footpath W2 1a/1	High	Very low (Year 1) Imperceptible (Year 15)	Moderate/- Minor	Negligible

Receptor	Sensitivity	Magnitude of Change	Level of Effect (Year 1)	Level of Effect (Year 15)
Footpath Group W2 5/2, W2 5/1, B1 1/1 and S1 37/1	High	Imperceptible (Year 1) No change (Year 15)	Negligible	No effect
<b>Residential Dwelling/Groups</b>				
Lidmore Farm	High	Low (Year 1) Very low (Year 15)	Moderate	Moderate/- Minor
Residential parcel located north of the A4226/Port Road West	High	Imperceptible (Year 1 and Year 15)	Negligible	Negligible
Residents located north of the A4050/Port Road East	High	Medium (Year 1) Very low (Year 15)	Major/- Moderate	Moderate/- Minor
Northcliffe Farm	High	Very low (Year 1) No change (Year 15)	Negligible	No effect
Little Brynhill Farm	High	Very low (Year 1) No change (Year 15)	Moderate/- Minor	No effect
Old Wallace Farm	Low	Medium (Year 1) Very low (Year 15)	Moderate/- Minor	Minor/- Negligible

In concluding, the LVA states the following:

*7.6 Overall, it is considered that the Illustrative Landscape Strategy (Plan EDP 6) for the site has been sensitively designed. It is considered that the proposed landscaping would provide sufficient screening, filtering and softening of the proposed development to ensure its landscape and visual integration into the landscape context. Accordingly, this LVA concludes that the site has the capacity for the proposed development as set out and that there is no reason, from a landscape and visual perspective, why the site should not be developed.*

During the assessment of the application, the Officer raised concern on the visual impact of the proposal, particularly given that many battery storage sites are finished in white / grey, which exacerbates the visual impact of the proposal. As such, an Environmental Colour Appraisal was submitted, which evaluates the existing tonal and hue palette of the site as viewed from the surrounding landscape with the aim of identifying a range of colours that would minimise the visual impact of the proposed development. However, it is considered that the colours of the individual elements of the site form an important consideration on the acceptability of the scheme and as such, the agent was advised that the Authority would not condition for details of colour to be received at a later date. An amended site layout plan was therefore submitted, which incorporates the following colour palette:



**Image EDP 3.1:** Proposed colour palette.

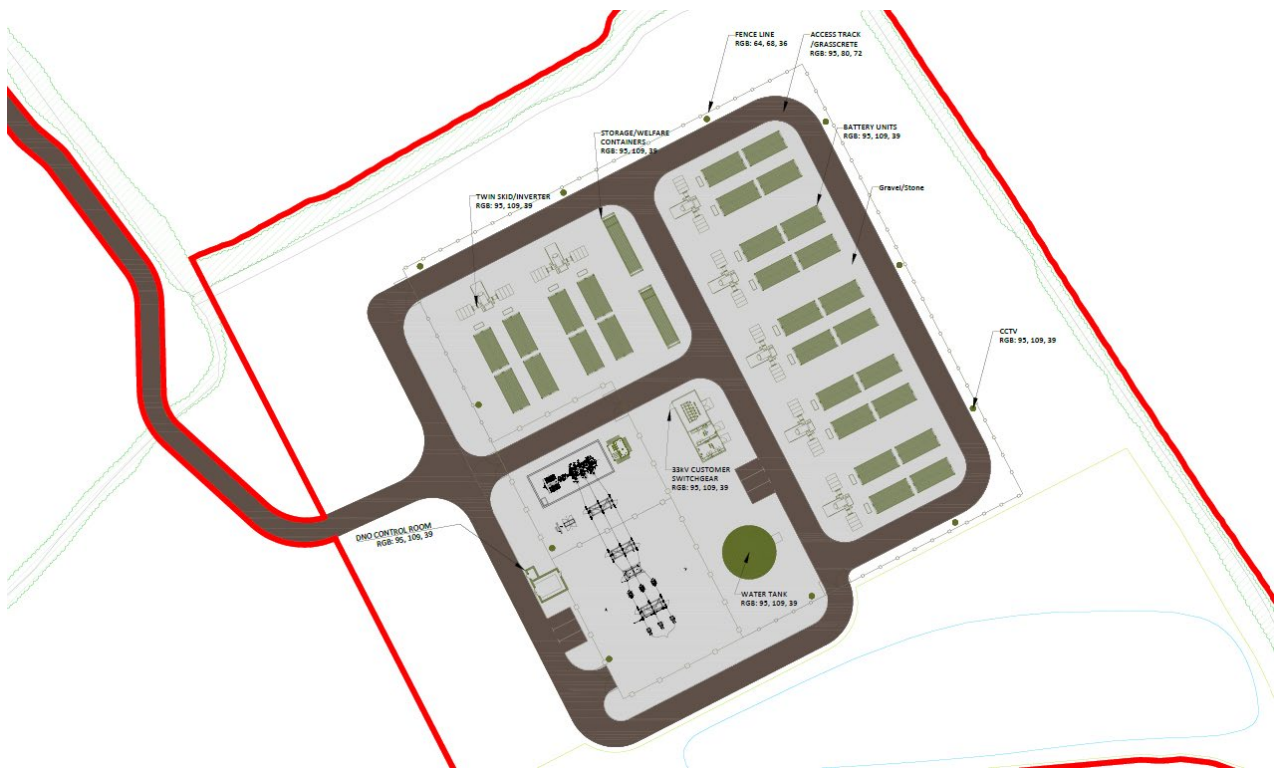
*Proposed palette, source: Environmental Colour Appraisal, EDP, page 11*

The Environmental Colour Appraisal states the following:

*3.4 The proximity between the development and the viewer plays a role in how colour is perceived. Colours will likely appear bright and light in long distance views, and more intense and darker in short-range views. The proposed palette has therefore taken into account baseline views from within the study area, from at a distance of approximately 300m to 1300m of the site, to indicate the local context of landscape and vegetation as well as built form.*

The above colours have been selected as they relate to the existing landscape and would “aid in the proposed development visually receding into the landscape” (pa. 3.5, Environmental Colour Appraisal). In addition, the use of one singular colour should be avoided and where possible, varying colours should be applied to the units and equipment to integrate the proposed built form in views across the landscape. The finishes should also be matt or semi-matt as highly glossed finishes would reflect light and distort colours to be lighter than their intended and inherent colour. The following proposed site plan has been submitted indicating the colours proposed:





#### COLOUR SCHEME KEY:

BESS, Plant and Buildings



RGB# 95, 109, 39  
RAL 7008

Fencing and Gates



RGB# 64, 68, 36  
RAL 6014

Access Roads and Ground Surfacing



RGB# 95, 80, 72  
RAL 1035

The proposed plant and buildings would be finished in RAL7008, the fencing and gates in RAL6014 and the access roads and ground surfacing in RAL1035. The proposed colours are in line with those found within the immediate and wider landscape and as such, would not result in a colour which is out of context in this landscape. However, during discussions with the agent, it was queried as to whether the proposed gravel within the site could instead be replaced with a stone, such as Limestone and they have advised that this is unlikely to be an issue, depending on availability. The access track within the main site and leading to the site are in grasscrete, which will limit its impact within the wider landscape. Whilst the colours specified are considered acceptable, a condition will therefore be added to seek further detail of all materials and colours, for example to ensure matt/semi matt finishes (**Condition 5 refers**).

The Environmental Colour Appraisal continues to state the following:

*7.6 Overall, it is considered that the Illustrative Landscape Strategy (Plan EDP 6) for the site has been sensitively designed. It is considered that the proposed landscaping would*

*provide sufficient screening, filtering and softening of the proposed development to ensure its landscape and visual integration into the landscape context. Accordingly, this LVA concludes that the site has the capacity for the proposed development as set out and that there is no reason, from a landscape and visual perspective, why the site should not be developed.*

The LVA also includes a cumulative assessment, assessing the proposal, in addition to Parc Worlton Solar Farm (CS1), Parc Dyffryn Solar Farm (CS2), Oaklands Solar Farm (CS3) and Pen Onn Solar Farm (CS4). In assessing the cumulative impact, the supporting document outlines the impact on the LANDMAP (the site's immediate and wider context) and also the impact upon the SLA. When reviewing against the aforementioned schemes, the cumulative effects are noted as largely negligible adverse, with the exception of the Parc Worlton Solar Farm (CS1). On the assessment on LANDMAP, the cumulative effects at year 1 is listed as moderate / minor adverse, which would change to moderate / minor adverse at year 15. With regards to the impact on the SLA, the cumulative effects at year 1 is listed as negligible adverse, which would remain as negligible adverse at year 15. The assessment states that at year 15, the tree and hedgerow planting would have matured, providing enhancement to landscape character, however, it states that this enhancement would *"be very localised and the change to the wider landscape character would be very minimal"* (Appendix 5 Cumulative Assessment, table EDP 4.2).

The assessment also assessed the cumulative impacts on visual amenity and the following table, summarises the findings:

**Table EDP 4.3:** Summary of Visual Effects (as Identified within the LVA)

Receptor	PVP	Sensitivity	Operation Year 1	Operation Year 15
<b>Public Rights of Way (PRoW) Users</b>				
PRoW Footpath W2 2/2 (Valeways Millenium Heritage Trail)	PVP EDP 1	Very high	Major/moderate adverse	Moderate adverse
PRoW Footpath W2 3/1	PVP EDP 3	High	Moderate/minor adverse	Minor adverse
PRoW Footpath W2 1a/1	-	High	Moderate/minor adverse	negligible adverse
PRoW Footpath Group W2 5/2, W2 5/1, B1 1/1 and S1 37/1	PVP EDP 4	High	Negligible adverse	No effect
<b>Residential Dwellings/Groups</b>				
Lidmore Farm	-	High	Moderate adverse.	Moderate/minor adverse.
Residential parcel located north of the A4226/Port Road West	PVP EDP 6	High	Negligible adverse.	Negligible adverse.
Residents located north of the A4050/Port Road East	-	High	Major/moderate adverse.	Moderate/minor adverse.
Northcliff Farm	-	High	Negligible adverse.	No effect adverse.
Little Brynhill Farm	-	High	Moderate/minor adverse.	No effect.
Old Wallace Farm	PVP EDP 2	Low	Moderate/minor adverse.	Minor/negligible adverse.

*Appendix 5 Cumulative Assessment, Table EDP 4.3*

The assessment summarises that overall, the likely cumulative effects resulting from “any certain (approved) cumulative scenario (CS2 and CS3) or the less certain (not yet decided CS1) would be no greater than moderate adverse at Year 1 and moderate / minor adverse at Year 15. The most elevated cumulative effect is likely to be experienced users of the Valeways Millennium Heritage Trail. There would be no cumulative effects resulting from CS4” (pa. 5.9). It should be noted that the above paragraph refers to Parc Worlton as not yet decided, however, this has now been approved by Ministers.

It is evident therefore from the submitted details that the proposed development would be visible from both close range and long range views, particularly given the position of the site within a valley. With regards to the long range views from Port Road East and West, the cumulative assessment concludes that the effects at year 1 would be major / moderate adverse and negligible adverse respectively and at year 15 would be moderate / minor adverse and negligible adverse respectively. It should be recognised that in consideration of the aforementioned solar farms, it was recognised that long range views could be offered from the north of Barry. Of relevance, is the Inspector’s Report for the Parc Dyffryn Solar Farm, which stated the following:

*77. The site visit included these sites and views from longer distance. Due to the undulating topography and intervening woodland, at no location was it possible to see all 3 sites in one view. As a result of its elevation, occupiers of properties on Port Road East and Pleasant View may see parts of the development subject to this application and some parts of Parc Worlton. From Dyffryn, Dog Lane rises as it approaches the A4226 and, looking east from the vicinity of Little Hamston Farm, one would see some of the arrays subject to this application and some proposed at Parc Worlton.*

*78. Both locations enjoy expansive views to the north and east respectively. Views of the proposed panels would be broken by woodland and strong field boundaries and would occupy a small part of the overall vista. The overriding sense would remain that of looking over a rural landscape dominated by woodland and pasture enclosed by mature hedgerows, dotted with farms and small settlements.*

Whilst the solar farm forming the basis of this Inspector's decision is based away from the application site (referred to as CS2 in the cumulative assessment by EDP), the Inspector recognised that the development may be seen in conjunction with the Parc Worlton solar farm from Port Road East and Pleasant View. In this instance, the proposed site, which is located to the south of the approved Parc Worlton scheme, would also be visible from these positions. However, it is recognised that whilst positioned in the countryside, the scale of the proposed scheme is significantly smaller than the solar farms and notwithstanding this, in line with the Inspector's decision, it is considered that views would be broken by woodland and strong field boundaries and would occupy a small part of the overall vista.

In considering the above, whilst it is recognised that the proposed development would be visible, both from immediate views (such as those from nearby residential properties and those using the public rights of way) and also long range views (such as from the north of Barry), it is considered that on balance, such views would not be harmful. The proposed scheme incorporates a planting scheme, which would soften views and whilst vegetation cannot be relied upon to remain in perpetuity, the proposed colour scheme further alleviates the visual impact of the proposal on the landscape. However, it is considered that the proposal is acceptable only on the use of the proposed colours and as such, a condition shall be imposed to ensure that the development is carried out in accordance with the proposed plan and using materials / colours referred to in the colour palette **(Condition 5 refers)**.





### *Illustrative Landscape Strategy*

An illustrative landscape plan accompanies the application, which indicates proposed tree planting along site boundaries to filter views to the proposed development. Trees are stated to be established by allowing suitable existing hedgerow specimens to develop into trees and where there are no suitable specimens available, new trees should be planted. Proposed species are to be native and where available, of local provenance. Existing hedgerows are to be allowed to grow to 3m and a new hedgerow will be planted along the south west boundary to enclose the site from the wider field. Proposed species-rich and wildflower grassland is to be created to the south of the site with species of local provenance, where available. Establishment and management process of the species-rich and wildflower grassland to be informed by soil testing.

The application has been supported by a series of CGI views at year 0, year 5 and year 15. Whilst these images are somewhat indicative as they are not based on a detailed scheme of landscaping, they do demonstrate the likely form of landscaping that will be established around the site and how it will mature over a 15 year period.



*CGI of site at Year 15*

The principles of the landscaping strategy are considered acceptable, subject to full details of landscaping being secured by means of a condition, to include details on species to be planted etc. and details of how existing vegetation will be protected during construction (**Condition 11 refers**).

Provided the aforementioned conditions are imposed, on balance, the visual impact of the proposed development is considered acceptable and would comply with policies MD1 (criterion 1) and MG17 of the adopted LDP.

### Residential Amenity

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seeks 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.

Whilst it is recognised that the proposed development would be visible from many neighbouring properties, the application site is considered to be located a sufficient distance from neighbouring properties to ensure no harmful overbearing impact or loss of light etc.



Criterion 4 of policy MD7 (Environmental Protection) states that development proposals will be required to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from noise, vibration, odour nuisance and light pollution. The application is supported by a noise assessment, which has assessed the potential operational noise impact at the nearest NSRs (Nearest Noise Sensitive Receptors). Given the current stage of the proposals, details of the plant associated with the proposed development cannot be provided in detail and as such, the assessment has been *“undertaken using assumed noise emissions of comparable plant and equipment to that of the proposed development”* (pa. 4.3, Noise Assessment). In concluding, the report states that assuming the proposed development includes plant with noise emissions no more than 4dB higher than those assumed, then *“the impact of sound from the proposed development is likely to be low, and acceptable from a planning perspective”* (pa. 4.5, Noise Assessment).

The noise assessment has been reviewed by the Authority’s Shared Regulatory Services for Pollution (i.e. Environmental Health), who have commented to state that the noise levels are within the BS8233 standard for sound insulation within residential properties. However, given that the noise report is based on similar systems and not the actual ones proposed, a condition is recommended stating that any equipment at the site does not exceed the noise levels as measured in the noise report of 30dB (as indicated on page 9 table 3.21 of the Noise Assessment). Provided the aforementioned condition is added, SRS are satisfied that the proposal would not detrimentally impact upon neighbouring occupiers by way of operational noise (**Condition 14 refers**).

It is recognised that the proposed development during its construction phase could cause disruption to neighbouring occupiers by way of noise and dust etc. SRS have requested a condition ensuring no noise audible outside the site shall be created by construction activities outside the hours of 0800-1800 hours Mondays to Fridays and 0800-1300 hours on Saturdays or at any time on Sunday or public holidays. It is recognised that the CTMP states that construction activities on site would take place between the hours of 07:30 to 18:00 on weekdays and between 08:00 to 13:00 on Saturdays, which indicates a 30 minute difference between the hours requested by SRS, albeit SRS condition specifically refers to no audible noise outside the site. The CTMP also states that there would be no vehicle movements outside the hours of 08:00 to 18:00. The aforementioned condition is considered necessary to protect neighbouring occupiers from unacceptable levels of noise during construction (**Condition 15 refers**).

With regards to impacts such as dust, provided further details are secured by means of a CEMP condition, it is considered that such impacts (provided the details are secured at a later date and adhered to) would not be un-neighbourly (**Condition 13 refers**).

Whilst disruption from construction is likely, this is the same of any approved development. However, CEMP conditions can assist with limiting such impacts.

Neighbour comments refer to concerns with regards to a loss of privacy from construction vehicles and whilst this is noted, given the nature of the proposed access route along the adopted highway, the views offered from construction vehicles are considered no different to other highway users. It is therefore considered that there would be no unacceptable loss of privacy to neighbouring properties.

Taking the above into consideration, provided the aforementioned conditions are imposed, the proposal is considered acceptable in terms of its impact on residential amenities and would comply with policies MD2 (criterion 8) and MD7 (criterion 4) of the adopted LDP.

### Historic Environment

Policy SP10 (Built and Natural Environment) 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 important archaeological features. This is also echoed by policy MD8 (Historic Environment).

The application site, including access, is located in proximity to ancient scheduled Monuments and Registered Parks and Gardens. A Heritage Assessment accompanies the application which states that consideration has been given to the potential impact of the proposed development on designated historic assets within the surrounding landscape through the alteration of their settings. The assessment concludes that the proposed development *“would not change any key element of the setting of any historic assets that may impact on their significance”* and the proposals *“would not lead to harm to the significance of any potentially sensitive historic assets”* (p. 4).

CADW, as a statutory consultee, has been consulted and having reviewed the supporting documentation have stated that they have no objection to the proposal. The Heritage Assessment considered a 1km study area to be appropriate at stage 1 of a setting assessment and as such, all designated historic assets except for scheduled monuments GM301 Highlight Medieval House Site and GM344 Highlight Church were scoped out of further assessment. The report concludes there is no functional or historical relationship between these two monuments and the development site, and either no inter-visibility (GM301) or very limited inter-visibility (GM344). CADW state that they concur with the conclusion of the Heritage Assessment in that the proposed development would not change key elements of their settings or impact their significance. CADW concluded that the proposed development would not have an unacceptably damaging effect upon the settings of scheduled monuments GM301 and GM344 or any other of the referenced designated historic assets.

The proposed battery storage is located so as to have the least potential to impact on the setting of the listed building Lidmore Farm (Grade II, Cadw Reference 26995) which is also designated as a County Treasure. The Heritage Assessment states that the listed building is partially visible from the application site, however, there are no views of the site from the farmhouse due to the intervening trees. Whilst the site does form part of the wider rural landscape, the assessment states that it does not form any key part of the asset's setting and additionally, *“the proposed development will not change this overall rural character with the other fields surrounding the asset remaining in agricultural use”* (p. 40, Heritage Assessment). The assessment concludes that the proposed development would have no adverse impact on the significance of the listed building. The heritage assessment notes the potential impact and states that no harm is noted and it should be noted that the Council's Heritage Officer sees no reason to object to this conclusion. However, the Heritage Officer stated that the storage units do sit in the wider rural setting and it is noted that some distant or glimpsed views may be possible and as such, a condition on colour finish is therefore suggested (**Condition 5 refers**).

It should be noted that heritage legislation in Wales has been updated and so the references in the supporting assessment are outdated. However, the Heritage Officer has confirmed that this does not impact the recommendation given that the legislation has been consolidated rather than changed.



The Heritage Assessment reviews the range of available sources to identify known and potential historic assets located within the site and environs. In concluding its observations on archaeology, it concludes that given the little previous archaeological investigations that have taken place within the study area, there remains some uncertainty regarding the archaeological potential of the site. Whilst no prehistoric or Roman activity has been recorded, there is activity recorded within the wider surrounding area, including Neolithic and Bronze Age funerary monuments, Iron Age field systems and Roman industrial activity. The assessment therefore concludes that there is therefore potential for evidence of activity of prehistoric or Roman origin to be found within the site. In addition, whilst Medieval activity is evident elsewhere within the study area, there is no evidence suggesting that such activity extended to the application site (p. 41, Heritage Assessment). A geophysical survey of the site did not identify any anomalies of definite archaeological interest, however, some anomalies of “*uncertain origin*” are noted and as such, the assessment states that archaeological origins cannot be discounted.

In addition to the Heritage Assessment, an Archaeological Evaluation summarises the findings of fieldwork, which comprised of the excavation of 9 trenches, as shown in the following extract:



*Trench location plan, Source: Archaeological Evaluation, 0.14*

The report concludes that *“no features or deposits of archaeological interest were recovered during the course of the evaluation”* (p. 7, Archaeological Evaluation).

HENEB, the Council’s archaeological advisors, have stated that the proposal is located in an area of very high archaeological potential with highly significant remains in the wider landscape. HENEB note that no features or structures of archaeological significance were encountered, neither was any artefactual material recovered. They have therefore concluded that it is unlikely that significant archaeological remains will be encountered during the course of the proposal and as such, they have no objections to the proposals.

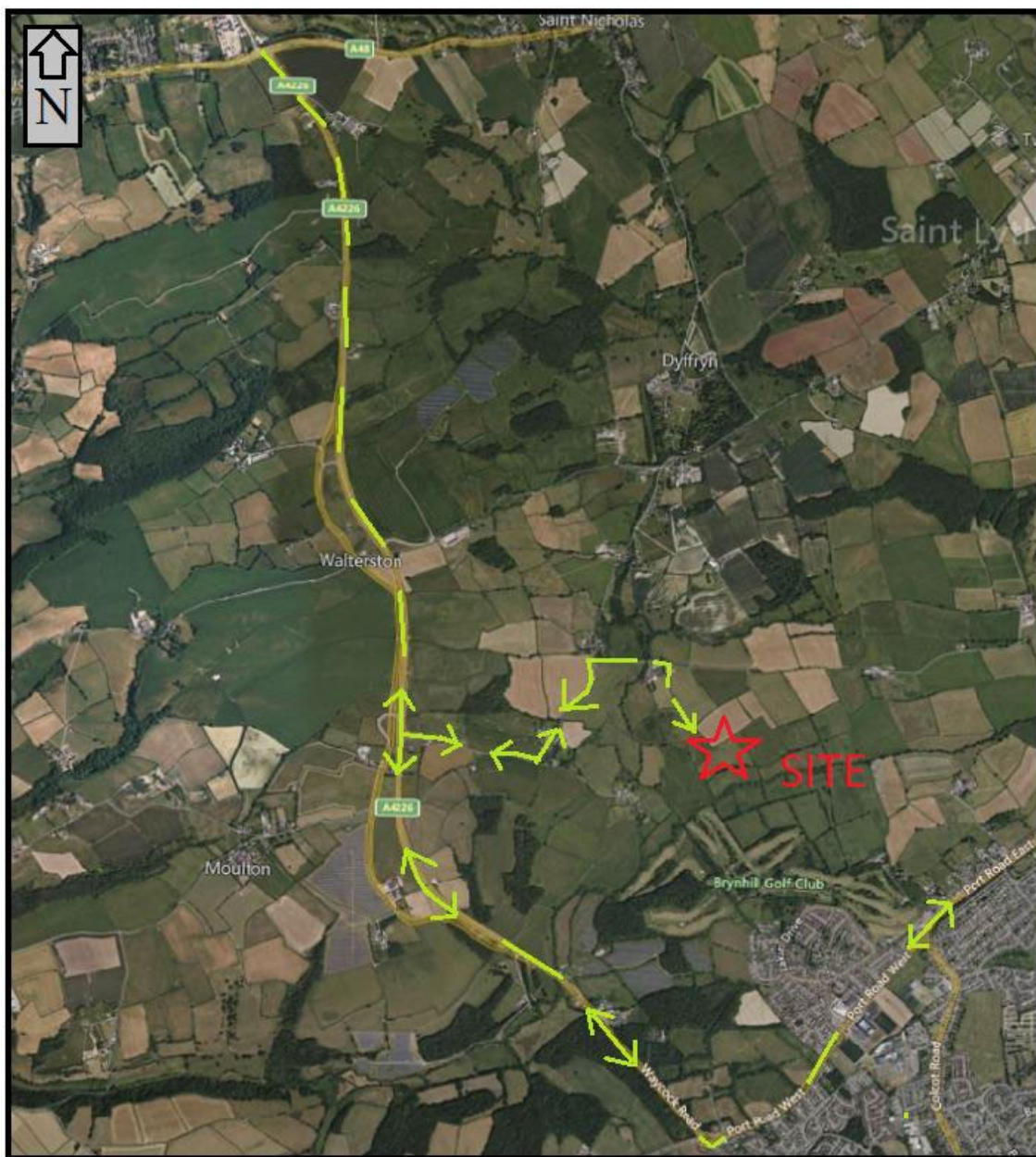
Taking the above into consideration, the proposal is considered acceptable in terms of its impact on the historic environment and as such, would comply with policies SP10 (criterion 1 and 6) and MD8 (criterion 2 and 4) of the LDP.

### Highway safety

Criterion 6 of Policy MD2 of the LDP requires that development proposals should *‘have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.’*

The proposed development would utilise an existing farm access from St Lythans Road. The proposed route for construction is indicated within a submitted Construction Traffic Management Plan (CTMP), which shows access directly from Five Mile Lane to St Lythans Road, as shown in the following extract:





*Construction traffic route to / from site, CTMP rev F, page. 5*

The CTMP states that deliveries will only be between working hours and no construction / delivery vehicles will be permitted to lay-up in surrounding roads. The above image indicates the proposed route, but the CTMP states that a strategy could be implemented to guide construction traffic and staff to the development site. Given the nature of the proposed route as a narrow country lane, the Highway Authority have requested detail on a delivery management plan in order to prevent larger vehicles meeting each other in the lane and to protect highway safety / free flow of traffic. The Planning Authority agree that such a condition is required and suggest its imposition (**Condition 7 refers**).

It is noted that during the pre-application process, the Highway Authority raised concerns regarding the potential use of articulated vehicles for deliveries. The revised details state that vehicle sizes to site shall not be greater than an 8.25m long, 2.5m wide rigid vehicle and the Highway Authority have raised no concern with regards to the ability for these vehicles to access the site along the lane. It is also noted that it is highly likely that similar sized agricultural vehicles already use the lanes.

Paragraph 5 of the revised CTMP states that all vehicles exiting the site will be cleaned and should any loose material or mud etc. enter the highway, it will be immediately addressed by means of a street sweeper. Such a practice is welcomed, particularly in instances where an application site is situated adjacent to the adopted highway and as such, in order to ensure that this is carried out, the CTMP shall be included as an approved document.

The CTMP anticipates that during peak construction, approximately 30 construction workers would be on site and as such, a temporary compound will be provided within the site to allow for parking off the highway. In instances where workers are staying in nearby hotel accommodation, the CTMP envisages that these workers would be transported to site via minibus, in order to minimise the impact on the local highway network.

The submitted CTMP includes further details on passing places on the outward and inward routes and neighbouring comments have queried the suitability of these. The Local Highway Authority have reviewed neighbour comments, however, they have stated that due to the lightly trafficked nature of the lane, the instances where vehicles will need to pass will be very infrequent. The Highways Officer has specifically, however, stated that two passing places are not suitable – passing place A and F on the outward journey. However, they acknowledge that passing place A is located in proximity to the wider two lane road, which is sufficient to reduce this conflict and passing place F is approximately 100m from passing place G with good forward visibility.

Notwithstanding this, the Highway Authority have requested a delivery management plan (as referenced above) and have also requested detail of potential passing place widening and protection of verges (**Condition 8 refers**). With the addition of these conditions, it is considered that sufficient measures are in place to ensure that large construction vehicles are unlikely to meet within the narrow lanes and in instances where vehicles may meet, sufficient measures will be secured by means of a condition to ensure that the existing highway network, including its roadside verges and passing places are protected from unacceptable damage. It should be noted that the Highway Authority were approached to provide comment on which passing bays may require works, however, they have stated that the onus is on the applicant to provide details / justification etc. at a later date.

In addition, a condition is imposed to secure a condition survey of the highway network prior to the commencement of development and also following completion in order to ensure the standard of the highway is maintained and in instances where damage may occur, that these are addressed by the developer (**Conditions 9 and 10 refer**).

Neighbour comments relate to the dismissal of the proposed access route from neighbouring DNS schemes and it should be noted that each application is considered on its own merits. In this instance, the application has demonstrated that the proposed route would be suitable for the vehicles proposed. It should also be noted that the proposed development is smaller in scale to neighbouring DNS schemes which is likely to reduce the timescale for construction and also the number of deliveries etc.

The conditions imposed to protect highway safety mainly relate to the construction phase of the development. During the operational phase of the proposed development, it is estimated that up to two vehicle movements weekly, which would be made up of a standard 4x4 pick-up (pa. 6.105, Planning Design and Access Statement). Given the infrequency of such vehicle movements, it is considered that the impact of the operational phase on the adopted highway would not be unreasonable.



The submitted Planning Design and Access Statement refers to access to three points of access to the BESS unit compound “via internal access roads” (pa. 4.14), which is stated to be a requirement of such facilities to allow for alternative access to the compound for emergency vehicles should the main route be inaccessible. Details of these routes have not been provided, however, given that they refer to internal access roads and are only for use during emergencies, it is not considered to be a material planning consideration (i.e. the land is private and it does not relate to the adopted highway). The CTMP will form an approved document which clearly identifies the proposed route during construction and operation along the adopted highway and as such, no alternative routes are assessed. In addition, whilst the internal access alternatives are required for compliance with various regulations, these are not planning considerations and the onus is on the applicant to ensure compliance with such regulations.

Taking the above into consideration, provided the aforementioned conditions are imposed, the proposed development is considered acceptable in terms of highway safety and would comply with criterion 6 of Policy MD2 of the LDP.

### Mineral Safeguarding

The proposed development is also located in an area identified as a mineral safeguarding area under LDP Policy MG22 – Development in Mineral Safeguarding Areas for limestone. Policy MG22 sets out the following criteria for new developments in mineral safeguarding areas by demonstrating that:

- 1. Any reserves of minerals can be economically extracted prior to the commencement of the development;*
- 2. or development would have an unacceptable impact on environmental or amenity considerations; or*
- 3. the development would have no significant impact on the possible working of the resource by reason of its nature or size; or*
- 4. the resource in question is of poor quality / quantity*

The application is accompanied by a Mineral Resources Assessment, which outlines that the site is located within category two safeguarding for Limestone and also Sand and Gravel. The assessment summarises that there is an outlined need for the development – i.e. that flexible energy storage is required to support the country’s energy needs and that due to the nature of the proposal, it would be decommissioned and removed from the site after approximately 45 years. It also states that there would be no permanent sterilisation of any underlying mineral beneath the site and as such, it concludes that there is no requirement for the prior extraction of the limestone and sand and gravel in advance of the commencement of the proposed development.

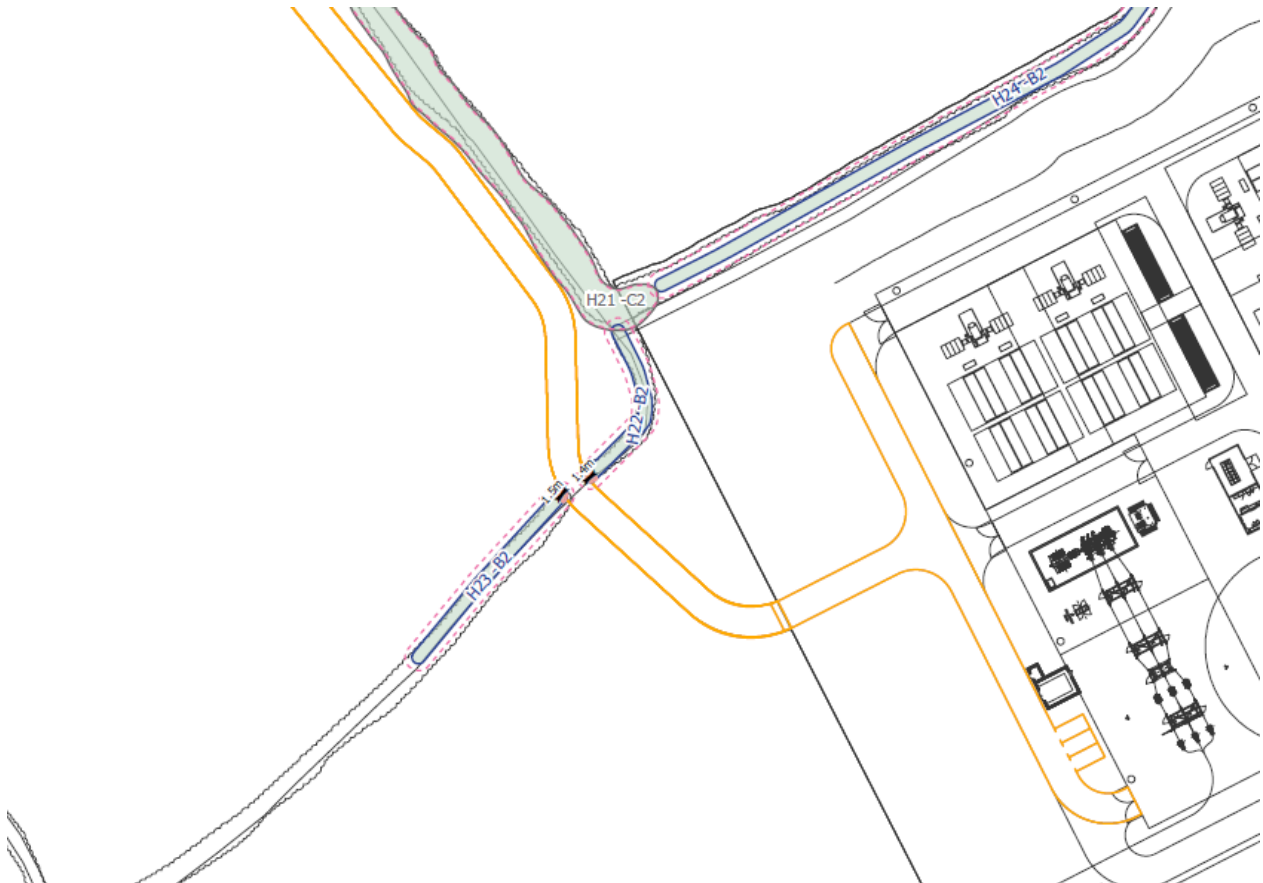
The report includes reference to a recently granted Oaklands solar scheme, DNS/3245503 (LPA reference 2023/00002/DNS) which was also located within a mineral safeguarding area. In the Inspector’s report, the following is noted in terms of mineral safeguarding:

*“69. The area is safeguarded for its mineral resources under LDP Policy MG22. It is acknowledged that due to the limited lifespan and that it is reversible, the proposed development would not have a significant long-term impact on mineral resources.”*

Whilst the nature of the schemes differ somewhat, the BESS also has a limited lifespan and it is reversible and as such, on that basis, it is considered that the proposal would not have a significant long-term impact on mineral resources and complies with criterion 3 of policy MG22 of the Council's LDP.

### Trees and hedgerows

An Arboricultural Impact Assessment has been submitted in support of the planning application which states that no trees require removal to facilitate the construction of the proposed development. However, category B2 hedgerows, labelled as H22 and H23 in the following extract are proposed to be partially removed:



The following image, taken from the AIA, shows the hedgerows and the existing gap:



IMAGE 5: H21, H22, H23. Photo taken facing southeast.

*Image showing H22 and H23, p. 6 AIA*

Both hedgerows are located adjacent to the existing field access and circa. 1.5m is proposed to be removed from both hedgerows to facilitate the construction of the internal site road. The report states that to mitigate the minor loss, new hedgerow could be delivered as part of the proposed landscape scheme for the site.

The survey states that crown lifts to existing trees along the access is required to provide 5.5m clearance. However, paragraph 6.4 of the AIA states that given the use of the access by agricultural machinery, clearance is already maintained at 6m. In addition, it states that further crown clearance (average crown height of 4m from ground level) may be required on two groups (G8 and G9) – category B2 grey willow groups.

It should be noted that the AIA makes reference to the cabling for the application site and notes that details of the underground cables are not provided. These have not been included with the planning application and as such, will not be considered further.

The Tree Survey (included within the AIA) summarises the findings of an assessment on the trees and hedgerows within the site. In total, the following is noted:

- 4 category A (3 trees, one group of trees)
- 26 category B (6 trees, 12 groups of trees, 8 hedgerows)
- 34 category C (8 trees, 5 groups of trees, 21 hedgerows)
- 3 category U (2 trees, one group of trees)

The AIA concludes that if the proposal is carefully implemented in accordance with the method statement, *“there would be no or only a low potential negative impact on the retained trees”*. The AIA is supported by a tree retention, removal and protection plan, which indicates that protective fencing would be erected along the southern boundary, protecting the trees and hedgerow beyond. Should the application be approved, a condition is required to ensure that the protecting measures are implemented prior to the commencement of development (**Condition 12 refers**).

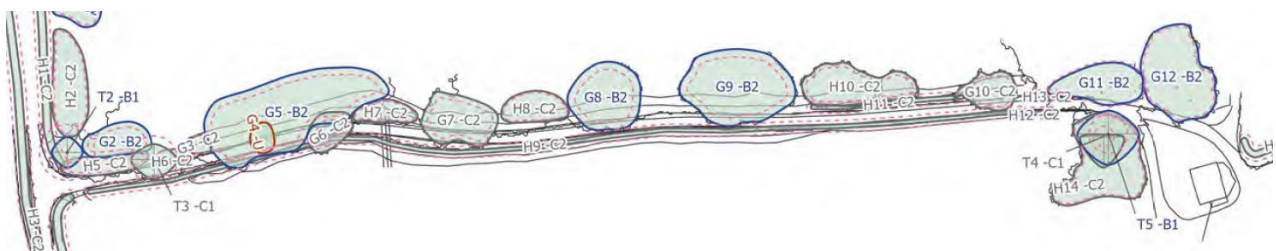
It should be noted that the tree survey findings refers to category C trees as “low quality trees which could be retained” and category B trees as trees where “retention is desirable”. Whilst this most likely refers only to the category of tree, as per PPW, all trees are considered valuable and should be retained. The tree removal plan indicates only the removal of the category U trees, which include:

- T9 – a Hawthorn which is considered *“mostly dead”*
- T13 – an Ash which has Ash dieback and large cavities
- G4 (which includes 5 trees) – Willow and Ash whereby the Ash has stage 4 dieback and the Willow is dead and dying.

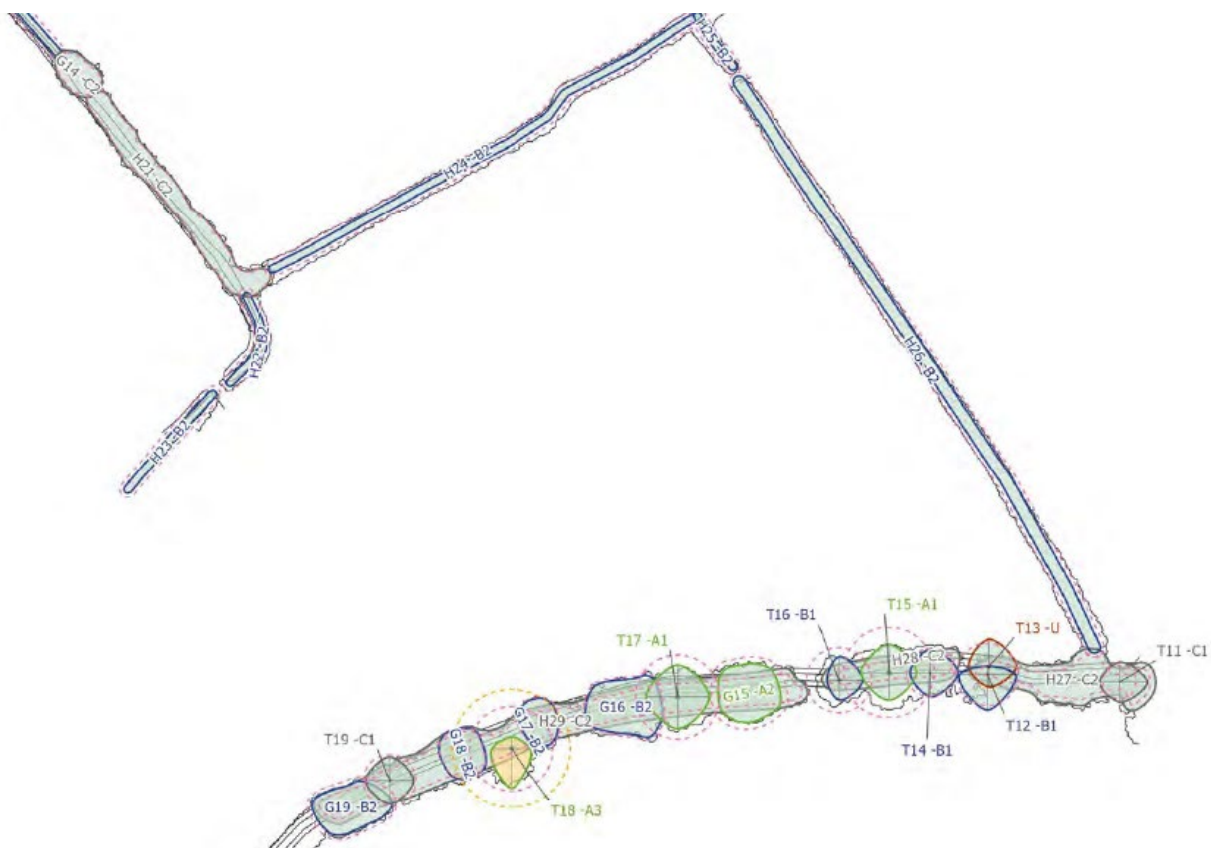
PPW requires a replacement ratio of 3:1 for trees, however, given that the trees are not required for removal to facilitate the development and are to be removed for arboricultural reasons, a replacement tree planting scheme is considered unreasonable in this instance. Notwithstanding this, the trees are not protected and their removal would not require any consent.

The survey also identifies whether Ash dieback is present in the trees or groups of trees. Whilst Ash is included within a number of the hedgerows, the survey does not indicate that dieback is present within these. A total of 8 Ash trees were identified, three of which are noted to have Ash dieback (trees number 3, 18 and 19). In addition, 7 groups of trees were identified with Ash dieback – albeit it should be noted that in some cases, not all trees within the group have symptoms (groups 4, 6, 7, 10, 11, 12 and 14).

Tree number 3 and groups number 4, 6, 7, 10, 11, 12 are positioned along the access route to Old Wallace Farm, as shown in the following extract:



G14 is positioned adjacent to the access track to the field, whilst trees 18 and 19 are positioned along the southern boundary (to the south-west of the application site) as indicated in the following extract:



It is noted that there are a number of Ash trees within the wider site and as such, the impact of the potential loss of these trees on the wider visual impact of the site needs to be considered. The majority of these trees are situated along the main entrance to the farm, which is considered a sufficient distance to ensure that remaining vegetation would be sufficient to address the visual impact of the proposals, should these trees in the future be lost or become diseased. G14 is positioned adjacent to the track and there is a hedgerow located adjacent to it. In addition, the same is noted of trees 18 and 19. Whilst the future loss of these would be unfortunate, it is considered that there are sufficient numbers of healthy trees to ensure no increase of views.

Taking the above into consideration, provided a condition is imposed to ensure that the works are carried out in accordance with the submitted AIA and retention / removal / protection plan, the application is considered acceptable in terms of its impact on trees. The proposal is therefore considered acceptable and complies with PPW and the Council's SPG on Trees, Woodlands, Hedgerows and Development (2025).

### Green Infrastructure

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

A Green Infrastructure Statement supports the planning application, which identifies the application site as predominantly agricultural ley grass, with species rich hedgerow (including some that are under environmental stewardship management) forming the site's boundaries. The proposal includes the retention of most existing trees and hedgerows, with two trees and one tree group identified for removal due to poor quality in the accompanying Arboricultural Impact Assessment (discussed further above). In addition, 2.9m of hedgerow is proposed for removal to facilitate the access.

With regards to the Step-Wise approach, the GI statement states that the proposed access has been located along an existing track in order to minimise the need to remove hedgerows and trees. The majority of boundary hedgerows and trees will be retained, with a minimum buffer of 10m proposed between the development and these features. 2.9m of hedgerow is proposed for removal in order to widen access points for visibility and trees will only be removed where they have been identified as requiring removal within the Arboricultural Impact Assessment.

A Construction Environmental Management Plan (CEMP) would propose measures such as sensitive clearance of habitats, pre-commencement checks etc. In addition, additional planting of native hedgerows and trees is proposed to enhance ecological connectivity and to further strengthen green infrastructure. The GI statement also proposes a condition for a Landscape Management Plan, which would outline the ongoing management and monitoring for the site, for a minimum period of 25 years.

Whilst it is noted that green infrastructure would be lost, as aforementioned, a site selection process identified no brownfield sites of potential and all other potential sites were similar to the application site – i.e. greenfield, agricultural land etc. It is therefore recognised that the loss of greenfield is unavoidable but in this instance, the location in proximity to existing tracks is considered to appropriately avoid unacceptable impacts. In addition, additional planting is proposed alongside existing vegetation (which is to be retained).

Provided that the aforementioned conditions are added to any consent, the proposal is considered acceptable in terms of its impact upon existing and proposed green infrastructure.

## Ecology

Policy MG19 (Sites and Species of European Importance) states that development proposals likely to have an adverse effect on 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 that development proposals likely to affect protected species will only be permitted where it is demonstrated that:

- 1. The population range and distribution of the species will not be adversely impacted;*
- 2. There is no suitable alternative to the proposed development;*

3. *The benefits of the development clearly outweigh the adverse impacts on the protected species; and*
4. *Appropriate avoidance, mitigation and compensation measures are provided.*

An Ecological Impact Assessment accompanies the planning application, which gathered data in May 2024 to “*collate existing information on statutory and non-statutory sites designated for nature conservation, Habitats and Species of Principal Importance and legally protected, controlled or otherwise notable species within the site or in the area over which effects on ecological features for the development could be realised*” (pa. 3.1). In addition, an Extended Phase 1 habitat survey was undertaken on 15 May 2024. The survey was extended to record the presence or likely absence of protected species including bats, otter, water vole, great crested newt and breeding birds. A Potential Bat Roost Assessment was also undertaken between 3 July 2024 and 14 August 2024 to collect data to confirm the presence or likely absence of roosting bats, following the discovery of Potential Roosting Features during the initial site walkover.

There are no internationally designated sites within 5km of the application site, however there are two statutory sites of national importance, Sites of Special Scientific Interest (SSSIs) within 2km of the site: Coedydd y Barry / Barry Woodlands (0.158km southwest of the site) and Fferm Walters (1.33km southwest). There are also five Sites of Importance for Nature Conservation (SINCs) within 1km of the site. It is noted at paragraph 4.1 of the Ecological Impact Assessment that whilst the site is not directly adjacent to the Dyffryn Golwch SINC, it could potentially be connected hydrologically via the existing ditch network.

The Potential Bat Roost Assessment concluded that whilst there are records of roosting or potentially roosting pipistrelle, soprano pipistrelle and brown long-eared bats within 2km of the site, no bats were present at the time of the survey and no evidence of bats was found. The survey recommends a lighting strategy to avoid light spill into surrounding habitats, including the tree line to the south of the site (**Condition 16 refers**).

The Council’s Ecologist has reviewed the Ecological Impact Assessment and has commented to state that they have no objection to the proposal, albeit they stated that they would need further detail on proposed plants and the management of grassland. The agent has recommended the addition of a LEMP (Landscape and Ecological Management Plan) and the Ecologist has welcomed such an addition as a means of responding to their queries (**Condition 11 refers**).

Natural Resources Wales have stated that due to the proximity of the application site to multiple watercourses, which provide hydrological links with Barry Woodlands SSSI, combined with the scale of the proposal, a condition requesting a CEMP (Construction Environmental Management Plan) should be attached to any planning permission (**Condition 13 refers**). The CEMP would ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

The supporting Planning Design and Access Statement states at paragraph 3.56 that whilst no permanent lighting is required, some emergency / intermittent lighting is required, for example, motion sensitive lighting, which would be directed by cowls. However, further detail of any proposed lighting would need to be secured by means of a condition to ensure no harmful impact on habitats and species within and adjacent to the application site (**Condition 16 refers**).



Provided the aforementioned conditions are added to any consent, the proposal is considered acceptable in terms of its impact on habitats and species and as such, complies with policies MG19 and MG20 of the LDP.

### Biodiversity enhancement

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrate that:

1. *The need for the development clearly outweighs the biodiversity value of the site;*
2. *The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.*

Para. 6.4.5 of Planning Policy Wales (Edition 12, 2024) states that:

*"Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity..... "*

The Ecological Impact Assessment sets out the biodiversity enhancement measures proposed and include:

- The creation of 0.456ha of species rich grassland which will increase its distinctiveness and encourage greater diversity of flora and fauna;
- Enhancement and addition of hedgerows which will also introduce more variation in species;
- Connectivity will be retained;
- Long term management would improve habitat features.

The proposed ecological enhancements are considered acceptable and would comply with policy MD9 of the LDP, in addition to the advice set out within PPW. Whilst a condition is normally required to secure these details, it is noted that further detail on planting schemes etc. is required by means of a LEMP condition (as referenced above) and as such, it is considered that this condition (**Condition 11 refers**) is sufficient to also address the net benefits for biodiversity.

### Pollution and Fire

Policy MD7 (Environmental Protection) of the LDP 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 pollution of land, surface water, ground water and the air (1), land contamination (2), hazardous substances (3), any other identified risk to public health and safety (8).

NRW have requested a condition seeking a Construction Environmental Management Plan to ensure necessary management measures are agreed prior to commencement of development. Should the application be approved, such a condition would need to be imposed (**Condition 13 refers**).



The Council's contaminated land department have also requested a set of standard conditions / informatives for contaminated land and importation and as such, should the application be approved, these conditions would need to be imposed (**Conditions 18 and 19 refer**).

Neighbour comments have referred to concerns regarding pollution and NRW (7 February 2025) have stated that any discharge of firewater to the wider environment would be unacceptable given the high risk of pollution that it would pose. The level of pollutants would potentially arise as a result of the discharge of firewater, which would be polluted with lithium ion electrolytes. There are watercourses on/near the site, which provide hydrological links with the nearby Barry Woodlands SSSI located approximately 550m away from the site. NRW stated that the Authority should be satisfied that adequate measures will be in place for the containment or removal of contaminated firewater.

An Outline Battery Safety Management Plan has been submitted in support of the application. Page 7 states that a detailed battery safety Management Plan for installation and implementation would be produced post planning consent. The plan would, amongst other things, assess the level of residual risk by the BESS design to individuals, the environment etc. It then continues to state the following with regards to the chemical makeup of batteries:

*The incumbent technology at the time of writing is primarily based on Lithium-Ion batteries. Due to the pace at which battery technology is developing, the precise battery chemistry will not be selected, and solution confirmed until the detailed design phase of the development. Selection of equipment will be based on proven and evidential technical and safety performance (Page 7).*

Paragraph 5.2 details the design safety of the proposals and with regards to fire, it states that a battery chemistry bespoke Fire Detection and Suppression System would be fitted to the containers and that vegetation would be maintained to create a natural firebreak. Paragraph 5.6 details how emergency plans would be created and implemented, which would include an on-site fire containment strategy which would be *"incorporated into the overall site drainage design at the detailed design stage"* (pa. 5.6, Outline Battery Safety Management Plan). It then states that at present, *"tackling Lithium-Ion Battery fires with water has limited effectiveness, other than using the water for the purpose of containing the fire and suppressing the smoke plume emanating from the BESS"* and that a Risk Management Plan would be devised which would, in part, include the hazards and risks at and to the facility and their proposed management.

The table on page 19 of the Outline Battery Safety Management Plan states that the site drainage is a "sealed system, and any firefighting water will be attenuated and treated prior to discharge from the site". Paragraph 5.4.2 of the submitted Flood Consequences Assessment states that an attenuation basin is proposed in the south of the application site and continues to state the following:

*Should a fire occur at the Site and the fire suppression system is activated, a penstock valve downstream of the basin will be automatically triggered to isolate potentially contaminated discharges. Should this occur, contaminated water would be tankered away and would not discharge to any ordinary watercourse.*

*Although unlikely, the potential for a fire to occur at the same time as a rainfall event has been considered (Table 5-6). The basin has therefore been sized to provide sufficient storage to attenuate the 1 in 30 year rainfall event plus 228m<sup>3</sup> of firewater (based on firefighting at 1,900 l/minute for 2 hours), with no discharge. Both the permeable sub-bases and attenuation basin will be tanked to impede the percolation of contaminants into the underlying groundwater following a contamination event (e.g. fire).*

In their most recent comments (1 April 2025), NRW stated that:

*We are not the expert body to advise as to whether measures proposed by the applicant to minimise the risk of fire, or to suppress a fire at the site are adequate. We recommend that you seek advice from a Battery Energy and Electrical process safety expert and the relevant Fire and Rescue Service in determining whether the proposed measures to minimise the risk of fire, and to suppress a fire at the site are adequate.*

The Fire and Rescue Service have been consulted on the proposals and have not raised an objection. Whilst the Health and Safety Executive are not consulted on such proposals (unless the site falls within a consultation zone), their website states that there is a legal responsibility to comply with health and safety legislation, including the Health and Safety at Work Act, Dangerous Substances and Explosive Atmosphere Regulations, Dangerous Substances (Notification and Making of Sites) Regulations etc. Therefore, whilst concerns are noted, it is evident that there are regulations and legislation beyond the remit of planning that address issues such as fire safety. As such, it is considered that the onus is on the applicant to ensure that all rules and regulations are followed and aside from an informative to inform of such responsibilities, it is considered unnecessary to control such matters via the planning process.

In addition to concerns on fire and pollution of water, neighbours have also raised concerns with regards to the potential release of chemicals and the following is noted in the Outline Battery Safety Management Plan:

What are the environmental consequences of a BESS fire?	In the event of a BESS fire several chemicals in gaseous form can be released and the composition and concentration of the plume (also refer to as the vapour cloud) is dependent on the chemistry in use, the design and components of the BESS and the magnitude of the fire. Amongst the general gases released are CO, HF, Oxygen (O) and H <sub>2</sub> . The only UK BESS fire (Carnegie Road, Liverpool – Sept 2020) was monitored and the resultant composition of the plume determined as being negligible in toxic gas concentration.
---	---

The release of chemicals as a result of a fire are noted and the aforementioned conclusion regarding rules and regulations is again of relevance in this instance. With regards to any other release of chemicals, NRW have requested a CEMP condition (as referenced above) and as such, it is considered that pollution would be addressed by means of this information at a later date.

In addition to the above, it should also be noted that many solar schemes have BESS integrated within them. The Inspector for the Oaklands DNS (3245503) stated the following:

*The risk associated with fire from electrical equipment is considered to be low as the systems will have cooling mechanisms and automatic shutdown features in the event of overheating. With regard to fire risk associated with the BESS, there have been significant safety improvements in technologies use and fire suppressant systems generally. A three-stage fire prevention and suppression system built into the design will ensure this risk is managed out. Housing the batteries in modular containers provides an additional layer of protection by reducing the risk of spread. Safety measures are presented in a Battery Fire Safety Statement.*

It is therefore considered that the Authority should follow the same approach as the Inspector in this instance, given that the same conclusions can be made, i.e. fire prevention systems built in etc.

Taking the above into consideration, provided the aforementioned conditions are added to any consent and that the Outline Battery Safety Management Plan is listed as an approved document, the proposal is considered to comply with policy MD7 (Environmental Protection) of the LDP (criterion 1, 2, 3 and 8).

It should be noted that additional information regarding the battery units were received on 1 May 2025, in addition to a fire suppression note for the units and a list of applicable standards that must be met. Whilst the information is useful, given the constant improvement to battery technology, these documents will not form part of the approved documents list.

#### Public Right of Way

It is noted that there are Public Rights of Way in proximity to the site and also crossing at the proposed access at Old Wallace Farm. The proposed development would not directly impact upon the footpath, however, an informative is added reminding the applicant of their duty to ensure the footpath remains open etc.

An assessment on the impact of the proposed development on users of the footpath in terms of visual impact is assessed above.

#### Other issues

Comments relating to the need for an Environmental Impact Assessment have been considered and it is noted that a screening opinion was previously provided to the agent stating that the application did not trigger a need for an Environmental Statement. Following these comments, the Authority reviewed the case again and concluded that the original conclusion had not changed. It should also be noted that on 1 May 2025, the Local Government and Planning Directorate submitted a letter, in summary, to state that the development is not considered 'EIA development'.

The Authority's Contaminated Land department have requested conditions and informatives in relation to importation and contaminated land, which shall be added to any decision notice.

Comments from South Wales Police have been considered and it is noted that there is fencing and security proposed as part of the development. In addition, whilst lighting is suggested by SWP, permanent lighting could be detrimental to neighbouring habitats and species and as such, as aforementioned, any proposed lighting would need to be secured by means of a condition.

Comments received relating to devaluation of property and compensation for nearby businesses due to noise levels etc. are not material planning considerations. Notwithstanding this, noise has been assessed further above.

Comments relating to concerns regarding damage to fibre broadband supplies etc. are legal / civil matters and as such, are not considered as material planning considerations.

## RECOMMENDATION

### APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Edp8591 D006 C Illustrative Landscape Strategy  
Grn005 EI 01 Rev01 Contextual Elevations (sheet 1 Of 2)  
Grn005 EI 02 Rev01 Contextual Elevations (sheet 2 Of 2)  
Grn005 Fs 01 Rev04 Fire Strategy Plan (sheet 1 Of 2)  
GF-BESS PL-02 Rev08 Proposed Site Layout Plan  
Grn005 PI 04 Rev01 Existing Site Layout Plan  
Grn005 Sd 01 Rev01 132kv Substation (plan)  
Grn005 Sd 02 Rev01 132kv Substation (section)  
Grn005 Sd 03 Rev01 Dno Control Room  
Grn005 Sd 04 Rev01 33kv Customer Switchgear  
Grn005 Sd 05 Rev01 Battery Unit  
Grn005 Sd 06 Rev01 Twin Skid (tx)  
Grn005 Sd 07 Rev01 Pcsk Inverter  
Grn005 Sd 09 Rev01 40ft Storage Container  
Grn005 Sd 10 Rev01 40ft Welfare Container  
Grn005 Sd 11 Rev01 240,000L Water Tank And Pump  
Grn005 Sd 12 Rev01 Cctv Camera And Post  
Grn005 Sd 13 Rev01 Palisade Security Fence And Gate  
Grn005 Sd 14 Rev01 Aux Tx  
Grn005 Sd 15 Rev01 Battery Interface Cabinet  
Grn005 Sp 01 Rev09 Proposed Site Location Plan  
Illustrative Sections Edp8591 D010 A

Agricultural Quality of Land at Old Wallace Farm Dyffryn  
Alternative Site Assessment  
Archaeological Evaluation  
Ecological Impact Assessment  
Flood Consequence Assessment  
Geophysical Survey Report  
Green Infrastructure Statement  
Heritage Assessment  
Landscape and Visual Appraisal  
Mineral Resources Assessment  
Noise Assessment  
Outline Battery Safety Management Plan Issue 3  
Planning, Design and Access Statement  
Pre-application Consultation Report  
Statement of Need  
C/DWD/HV/002 Topographical Survey  
Transportation Advisory Note  
Arboricultural Impact Assessment

Received 19 December 2024

JP/CTMP/08/24 rev F Construction Traffic Management Plan  
edp8591\_d012-A-Findings of EDPs Visual Assessment  
Environmental Colour Appraisal -edp8591\_r005  
GF-BESS PL-02\_rev09 Proposed Site Colour Finishes

Received 10 March 2025

GF-BESS PL02 rev10 Proposed Site Colour Finishes received 29 April 2025

Reason:

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

3. The permission hereby granted shall expire 45 years from the date when electrical power is first stored or distributed to / from the Grid. Written confirmation of the first storage and / or export date (whichever is the soonest) shall be provided to the local planning authority no later than one calendar month after the event.

Reason:

In the interests of the character and appearance of the area in accordance with LDP Policy MG17.

4. No later than 12 months before the end of the 45-year operating period (or within 6 months of the permanent cessation of electricity storage / production) a decommissioning and site restoration scheme ('Decommissioning Scheme') shall be submitted to the local planning authority in writing. The Decommissioning Scheme shall include:

- i) a method statement detailing the process and extent of removal of all structures and buildings, surface elements and associated development and any foundations, anchor systems, trackways and subsurface cabling and associated works and
- ii) site restoration measures following all decommissioning operations.
- iii) a decommission environmental management (DEMP)

The Decommissioning Scheme, as approved in writing by the local planning authority, shall be carried out in accordance with the approved details and timescales.

Reason:

In the interests of the character and appearance of the area in accordance with LDP Policy MG17.

5. Notwithstanding the submitted details, a schedule of materials, including all surface materials and detail on colours (in line with the colour palette as indicated on page 11 of the EDP Environmental Colour Appraisal) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall be retained for the lifetime of the development.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development), SP10 (Built and Natural Environment), MD8 (Historic Environment) of the Local Development Plan.

6. No development shall commence until details of existing ground levels, to include any potential bunds, within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the wider visual amenities are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

7. No development shall commence until a delivery management plan has been submitted to and approved in writing by the local planning authority. The plan shall include measures/details to prevent larger vehicles accessing the site coming into contact along the length of the rural lane St Lythans Road, deliveries to be kept out of school peak times and the installation of construction matting for passing places. The approved measure in the plan shall thereafter be implemented and monitored by the site for the duration of the construction works.

Reason:

In the interests of highway safety and free flow of traffic along the highway network and to comply with policy SP1 (Delivering the Strategy) of the adopted Local Development Plan.

8. Prior to the commencement of development, further details on the protection of passing places and verges shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures and further detail on protecting passing places and verges with permeable matting, details on maintenance / inspections of the route / passing places and any information on widening of passing places. The agreed details shall be implemented and retained for the duration of the construction phase of the development.

Reason:

In the interest of highway safety and to comply with policy SP1 (Delivering the Strategy) of the adopted Local Development Plan.

9. Prior to the commencement of any works, a Condition Survey shall be submitted to and approved by the Local Planning Authority / Highway Authority. The Condition Survey shall be carried out at the developers expense and shall be carried out along agreed haulage route (the extent to be agreed with The Councils Highway Network Manager) which shall undertaken by a suitably qualified and experienced an independent Highway Maintenance Consultant.

Reason:

In the interest of highway / Public Safety and to comply with policy SP1 (Delivering the Strategy) of the adopted Local Development Plan.

10. The Highway Authority will require at the developers expense a Second Condition Survey along the agreed haulage route (the extent to be agreed with The Councils Highway Network Manager) to be undertaken by the approved independent Highway Maintenance Consultant on completion of the last structure or such time that the Highway Authority instruct. Any remedial works identified along the haulage routes considered necessary will be required to be carried out at the developers expense.

Reason:

In the interest of highway / Public Safety and to comply with policy SP1 (Delivering the Strategy) of the adopted Local Development Plan.

11. No development or site clearance shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include:

- > A hedgerow management strategy;
- > A grassland management strategy;
- > Location of wildlife passes in fencing to ensure permeability;
- > A Landscaping Scheme, to include details of new planting, to include species list;
- > A plan showing wildlife and habitat protection zones, if appropriate;
- > Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
- > Details of sensitive site clearance with respect to reptiles and breeding birds;

The approved details shall be carried out in the first planting and seeding seasons following the completion of the development, and any trees or plants which within a period of 5 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 biodiversity impacts are mitigated and appropriate enhancement and management is secured, in accordance with LDP Policy MD9.

12. No development shall take place, nor any site clearance, until the tree and hedgerow protection measures as indicated on the submitted 'Tree Retention and Removal Plan - BHA\_5991\_02, contained within the Arboricultural Impact Assessment' has been erected and implemented on site. The protective measures shall be retained throughout the course of the development.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policy SP1 (Delivering the Strategy) of the Local Development Plan.

13. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;



- v) details of site deliveries, plant on site, wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.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.
- ix) Construction methods: details of materials, how waste generated will be managed;
- x) 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.
- xi) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- xii) Soil Management: details of topsoil strip, storage and amelioration for re-use.
- xiii) 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; measures to control light spill.
- xiv) 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
- xv) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- xvi) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- xvii) Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

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

14. Equipment at the site should result in the noise levels exceeding 30db (for bedrooms) on the specified receptors as indicated on page 9 Table 4 of the accompanying Noise Assessment.

Reason:

To protect neighbouring amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

15. Construction activities in respect of the implementation of this consent shall not take place outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays.

Reason:

To protect neighbouring amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

16. Prior to the erection of any form external lighting, a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with 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) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

In order to ensure the amenities of nearby occupiers is protected and to ensure accordance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

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

19. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

## 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, SP9 – Minerals, SP10 – Built and Natural Environment, MG17 – Special Landscape Areas, 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, MG22 – Development in Minerals Safeguarding Areas, MD1 - Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity and MD19 - Low Carbon and Renewable Energy Generation of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026, and the advice contained within the Council's Supplementary Planning Guidance on Biodiversity and Development (2018), Design in the Landscape, Economic Development, Employment Land and Premises (2023), Minerals Safeguarding (2018), Model Design Guide for Wales, Parking Standards (2019), Planning Obligations (2018), Renewable Energy (2019), Sustainable Development - A Developer's Guide and Trees, Woodlands, Hedgerows and Development (2018), Future Wales: The National Plan 2040, Planning Policy Wales 12<sup>th</sup> Edition (2024), and Technical Advice Note 11 – Noise (1997), 12 – Design (2016), 15 – Development and Flood Risk, 18 – Transport (2007), 23 – Economic Development (2014) and 24 – The Historic Environment (2017), the development is considered acceptable in terms of its principle, visual impact, impact upon highway safety and neighbouring amenities, impact upon the historic environment, ecology and green infrastructure.

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

#### **NOTE:**

1. **The contamination assessments and the effects 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.

2. The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Vale of Glamorgan County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

- 3. The proposed development is traversed by a designated main river. If development works in this area are within 8 metres of the river, you may need to apply for a Flood Risk Activity Permit. We refer you to Natural Resources Wales for further information**
- 4. The Public Right of Way footpaths must be kept open and available for safe use by the public at all times. The Applicant should ensure construction traffic and delivery drivers are aware of the possibility of members of the public crossing their access track. No barriers, structures or any other obstructions should be placed across the legal alignment of the footpaths. No adverse effects should result to the footpaths, the Applicant should ensure that materials are not stored on the footpaths and that any damage to the surface as a result of the development is made good at their own expense. Should the footpaths require temporary closure to assist in facilitating works an Order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.**

**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.**

**APPLICANT:** Seth Hill & Son Ltd Earthmover's House,, Unit 16 Llantrisant Business Park,, Llantrissant, Pontyclun., CF72 8LF

**AGENT:** Geraint John Geraint John Planning Ltd, Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

**Pantyffynnon Quarry / Seth Hill Quarry, Bonvilston**

2nd Periodic Review following permissions 97/01084/FUL & 2009/00814/ENV

**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 has been called in for determination by Cllr M Morgan due to public interest. Cllr I Perry also asked that the application be determined by Planning Committee if it were to be recommended for approval with work permitted prior to 8:00 and/or after 18:00 and/ or not require any additional monitoring for noise and dust than is currently required.

**EXECUTIVE SUMMARY**

The site relates to the active carboniferous limestone quarry off Pantyffynnon Lane, south of the A48 near Bonvilston. The quarry is intersected by a highway and covers a combined area of approx. 8.8.ha. Mineral extraction is presently taking place on the southern side and the processing plant and offices are situated on the northern side.

This is a Review of Minerals Permission (ROMP) application, submitted to the VoGC as Mineral Planning Authority (MPA) under the Environment Act 1995, for the approval of a revised scheme of working and schedule of planning conditions on an existing minerals site. It is not a planning application. The ROMP process has been designed to allow historic planning permissions to be updated with modern conditions to ensure extraction operations take place in line with current environmental standards.

The applicant has submitted a schedule of new conditions to control the continued running of the quarry and its subsequent restoration. Most of these conditions seek only to allow the continuation of the quarry's operations as they operate today. However, there are some variations sought by the applicant, which are as follows:

- proposed mineral extraction until 2042 across both quarries. The end date is currently split between 2042 on one part (significant extent of northern quarry), and 2025 on the other (large extent of southern quarry);
- resumption of mineral extraction in the northern quarry, deepening it to 65AOD;
- changes to the outline restoration scheme to introduce the creation of a batter in the northern quarry; and
- highway improvements, through widening of the A48 west junction and part of Pantyffynnon Lane, installation of passing bays, widening of the quarry accesses, and installation of a vehicle restraint system.

The revised conditions that are proposed here effectively involve a proposal for a continuation of extraction in the northern quarry for the winning and working of limestone, which is not permitted by the existing conditions, together with an amalgamation of the end dates for extraction, until 2042.

Representations have been received from approximately 28 households, and a more detailed summary of the consultation results is included within the main body of this report. The main areas of concern, raised by several parties, relate to procedural matters, traffic congestion and highway safety, neighbouring impacts (inc. noise, vibration, and dust), flood risk, contamination, and a lack of justification in its favour. St Donats Community Council objected raised concerns, on similar grounds.

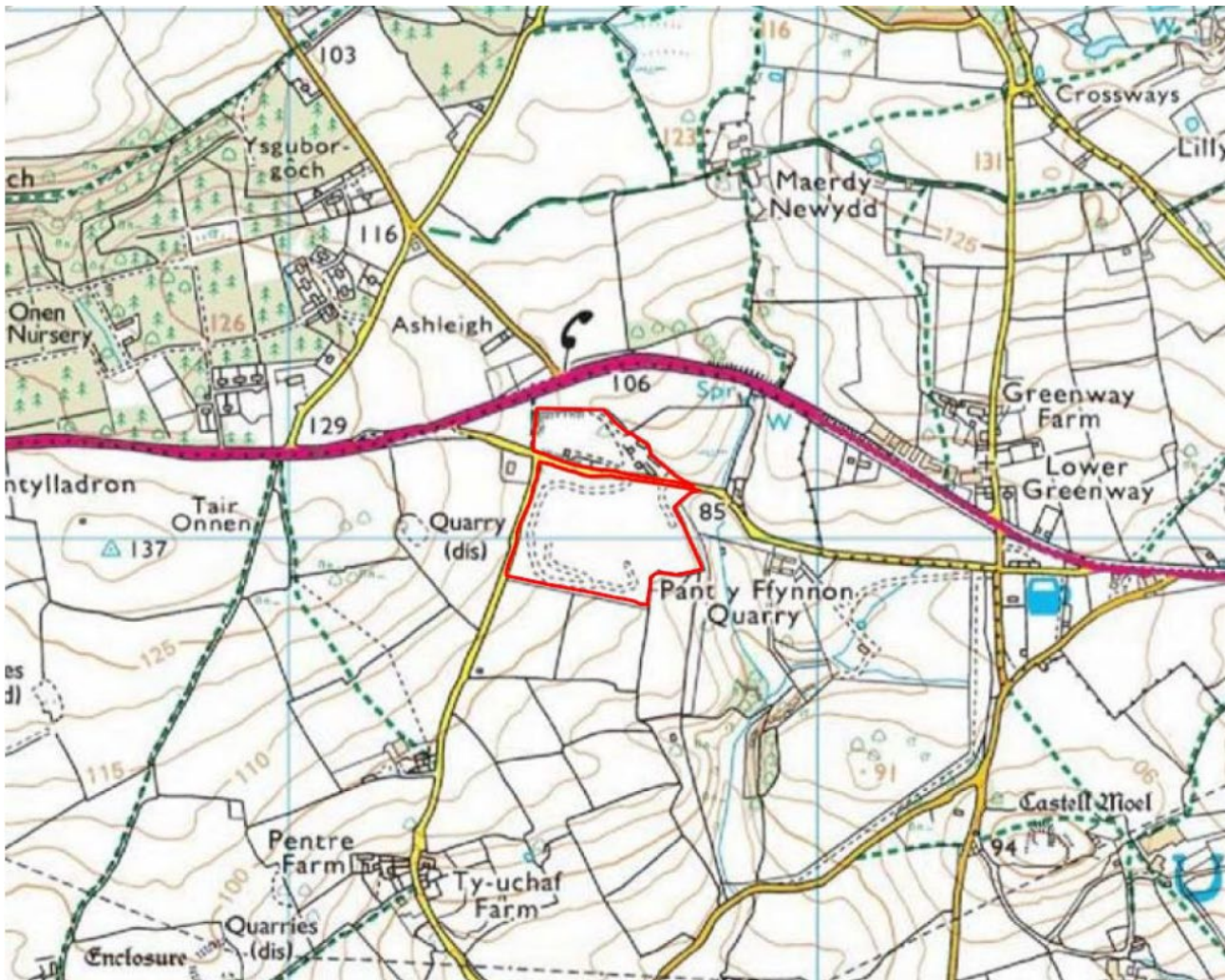
Having considered the above, and having appraised the principle of development (insofar as the proposed changes to the planning conditions are concerned), the ecological, hydrological, neighbouring, and highways impacts (among others), it is considered that the proposed amendments are acceptable in relation to noise, vibration, air quality, hydrology and hydrogeology, environmental impacts, parking, highway safety, traffic, residential amenity, green infrastructure, ecology and biodiversity, heritage and landscape impacts. The application is recommended for approval subject to the planning conditions as set out in the report.

#### SITE AND CONTEXT

The site relates to the active carboniferous limestone quarry off Pantyffynnon Lane, south of the A48 near Bonvilston. The quarry is split between two parts, one north ("The North Quarry") and the other south ("The South Quarry") of the intersecting highway and covers a combined area of approx. 8.8.ha. Mineral extraction is taking place in The South Quarry and the North Quarry is used as a stocking and processing area, using mobile plant.

The site area is shown below:





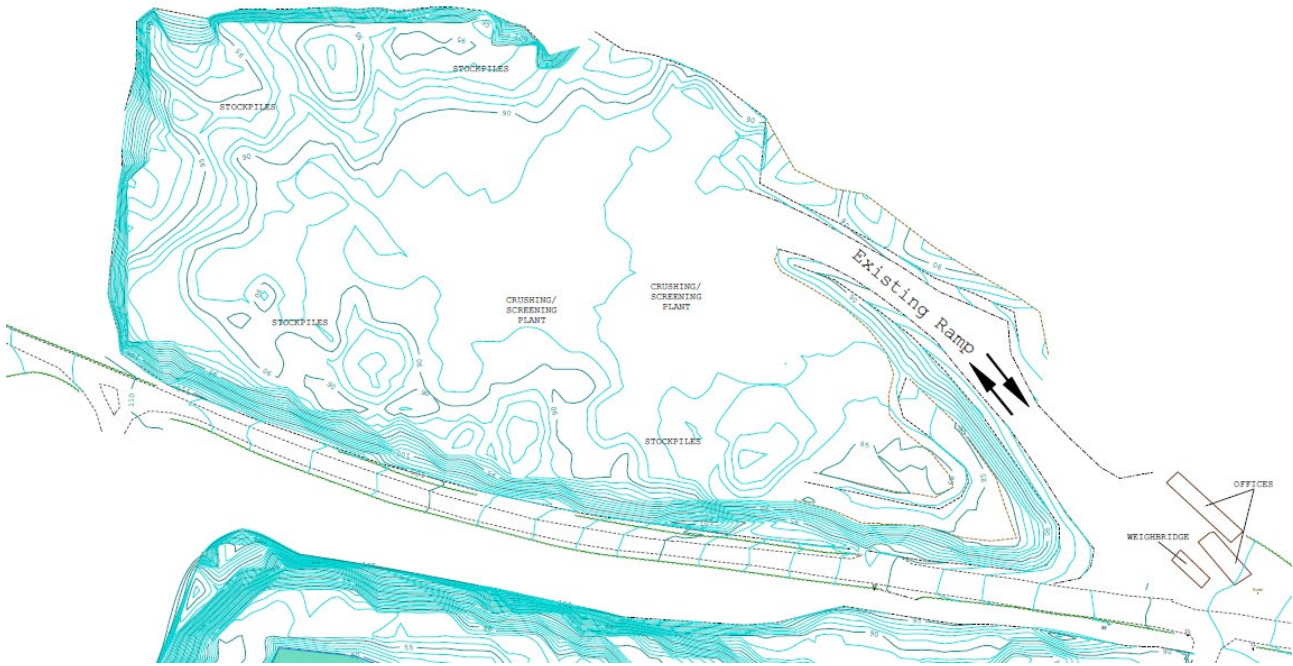
The South Quarry borders on to the grade II\* registered Llantrithyd Place Historic Park and Garden.

## DESCRIPTION OF DEVELOPMENT

### Background

Mineral extraction is long established at the site and is understood to predate the modern planning system. The site has been the subject of planning permissions and associated mineral review applications, which govern the present-day site activity. The site is split between planning ref: 1997/01084/FUL ("The 1998 Permission") and ref: 2009/00814/ENV ("The 2009 Permission"). The 1998 Permission requires the discontinuance of operations by 31st December 2025, whereas the 2009 Permission requires discontinuance of operations by 21st February 2042. The working scheme for the 2009 permission currently shows The North Quarry as a stocking area (Condition 6 refers) and the extent of the application site is shown in the planning history section below. There is no mineral extraction permitted in the North Quarry under the 1998 Permission.

The existing situation at the North Quarry is shown below:



The proposals under this review would consolidate the existing consents under a single permission.

### Proposals

This is a Review of Minerals Permission (ROMP) application, submitted to the VoGC as Mineral Planning Authority (MPA) under the Environment Act 1995, for the approval of a revised scheme of working and schedule of planning conditions on an existing minerals site. It is not a planning application. The ROMP process has been designed to allow historic planning permissions to be updated with modern conditions to ensure extraction operations take place in line with current environmental standards.

The applicant has submitted a schedule of new conditions to control the continued running of the quarry and its subsequent restoration. Most of these conditions seek only to allow the continuation of the quarry's operations as they operate today. In the first instance, it is sought to amalgamate the 1998 Permission and the 2009 Permission. However, there are some variations to the conditions also sought by the applicant, which are as follows:

- proposed mineral extraction until 2042 across both quarries. The end date is currently split between 2042 on one part (significant extent of northern quarry), and 2025 on the other (large extent of southern quarry);
- resumption of mineral extraction in the northern quarry, deepening it to 65AOD;
- changes to the outline restoration scheme to introduce the creation of a batter in the northern quarry; and
- highway improvements, through widening of the A48 west junction and part of Pantyffynnon Lane, installation of passing bays, and widening of the quarry accesses.

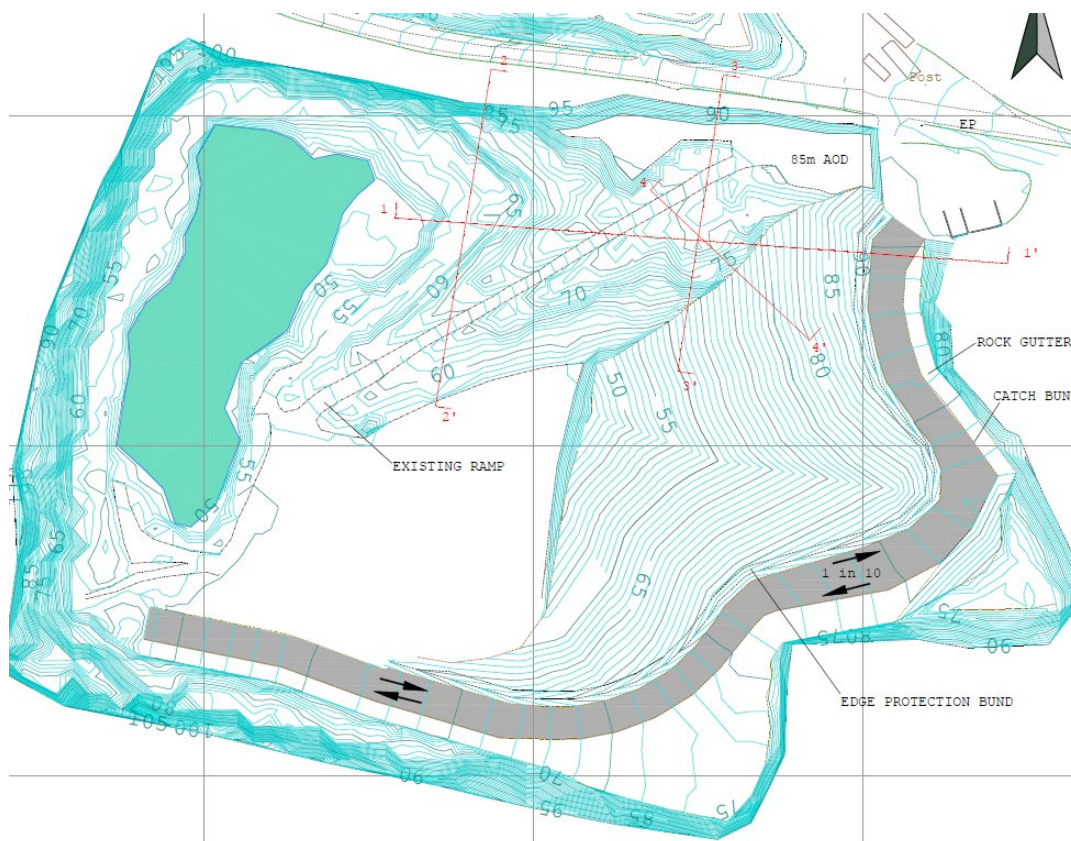


The revised conditions that are proposed here effectively involve a proposal for a continuation of extraction in the northern quarry for the winning and working of limestone, which is not permitted by the existing conditions. The plans also illustrate the re-location and re-grading of the haul road in the southern quarry, which would free up additional reserves in the existing haul road area.

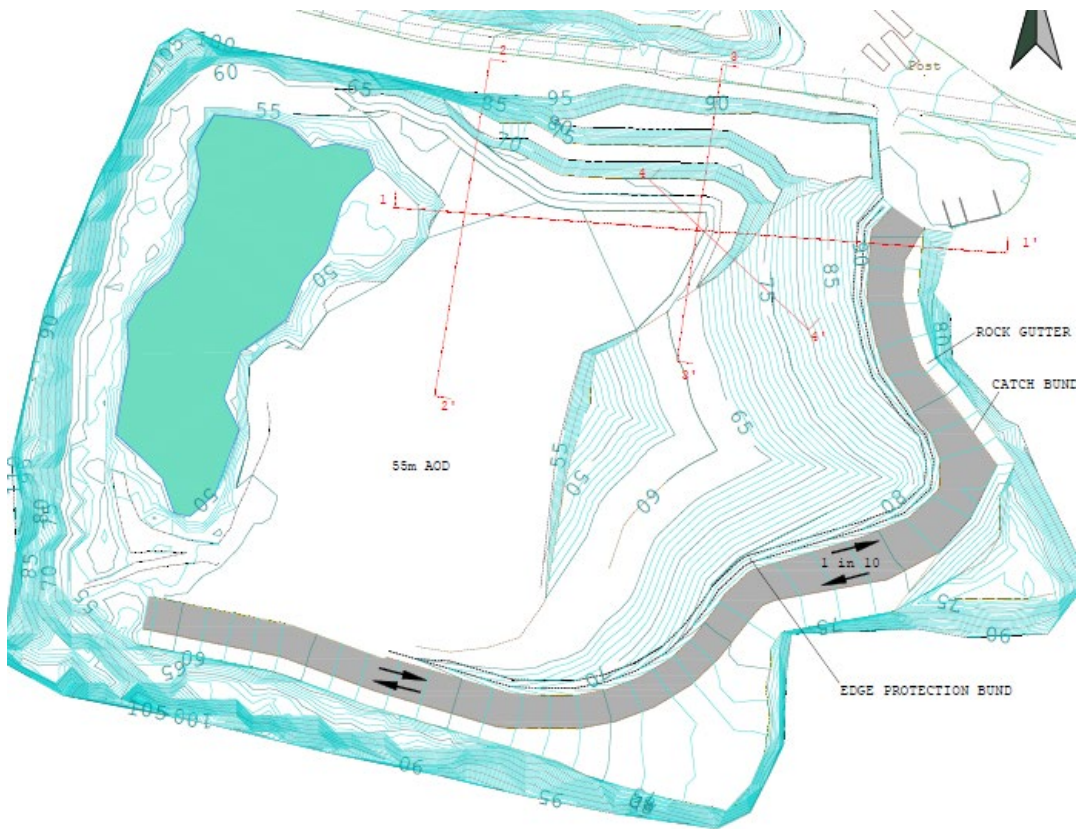
### South Quarry:

In the South Quarry works would be undertaken to remove the existing ramp and relocate it along the eastern and southern boundaries. This would facilitate access to the remaining mineral reserve beneath the ramp. The extent of this quarrying is shown on the excavation drawings ref. PHL-PFQ-1-24 to PHL-PFQ-4-24 and the associated cross-sectional plans. The plans also illustrate the new access ramp that would be created around the eastern edge of the South Quarry, using site won or imported materials.

The plan extracts below show the initial and last phases of these works:



Plan above illustrates the re-positioned and engineered haul road, to be installed prior to excavation of the existing ramp.



The above plan illustrates the quarry topography and benches following excavation of the existing ramp

### North Quarry:

The proposed variations include additional extraction in the North Quarry for the winning and working of limestone. These works are illustrated on extraction drawings PHL-PFQN-1-24 to PHL-PFQN-4-24.

The additional extraction would deepen it from c. 89m AOD to 65m AOD through drill and blast. This would increase the mineral reserve permitted to be extracted. However, the current output limit of 250,000 tonnes per annum is not proposed to be changed.

The quarry is shown extracted to its deepest extent on the plan extract below:









CRPS 3 - CRDC Interim Development Order permission for quarrying. Approved 10 February 1947.

3338 - Registration of IDO permission. Registered 14 April 1992.

3504 - Determination of conditions to be attached to IDO permission. Approved 29 June 1993.

P5/Z/431 - Extension of quarry to create a safety fence. Approved 8 August 1956.

CR.6172 - Extension of quarry. Approved 4 March 1960.

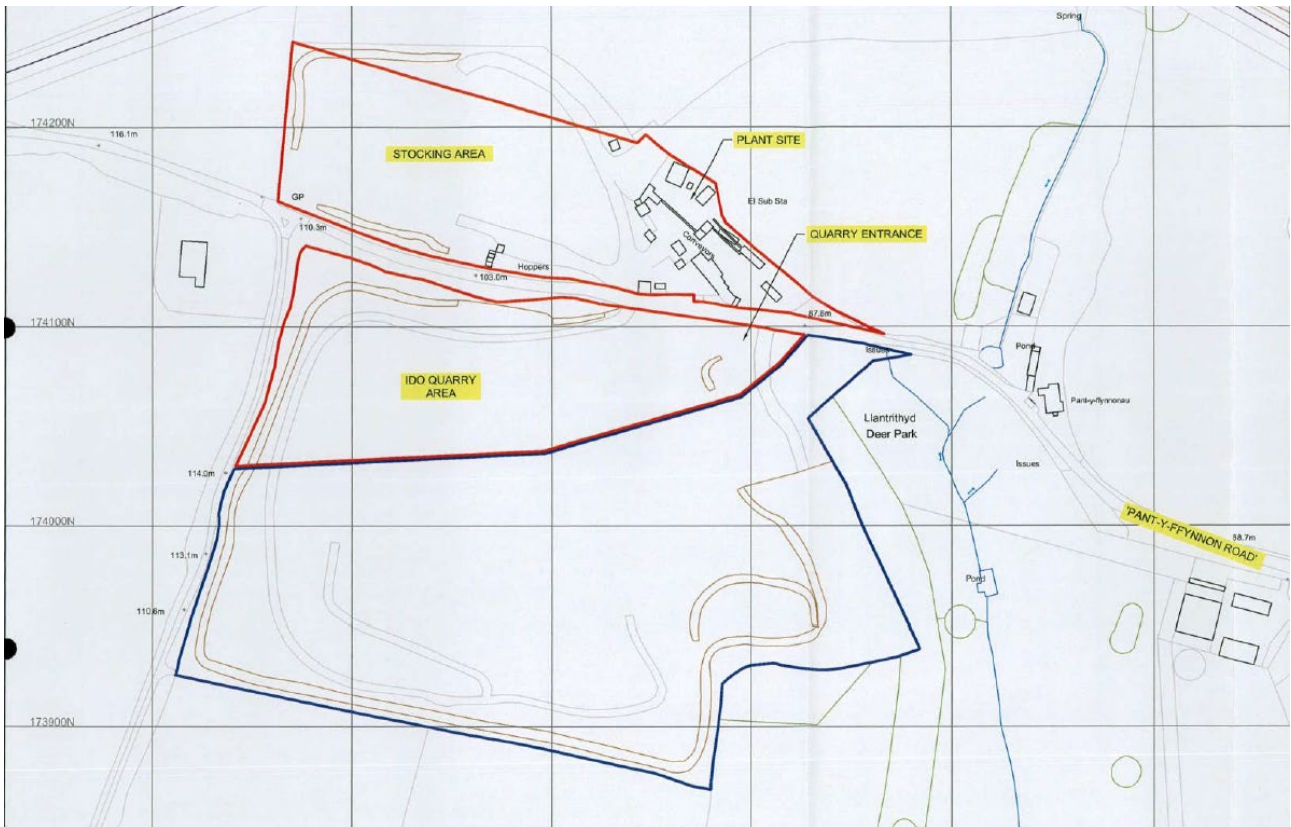
1997/01084/FUL, Address: Pantyffynnon Quarry, Bonvilston, Proposal: Scheme of new working conditions, Decision: Approved

This permission covers most of The South Quarry. The plan extract below shows the approved interim restoration scheme agreed in 2017.

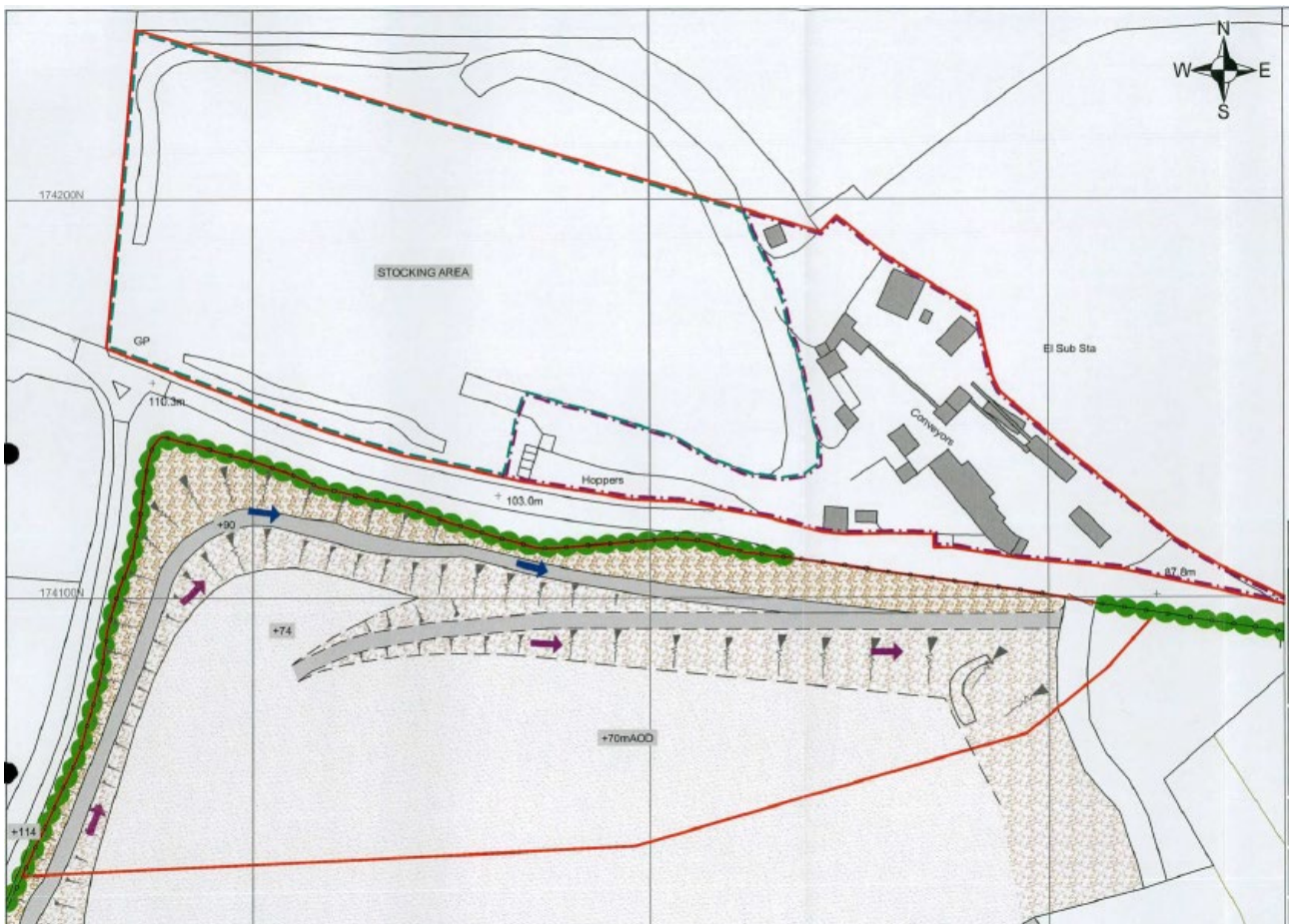


2009/00814/ENV, Address: Pantyffynnon Quarry, Bonvilston, Proposal: First periodic review of interim development order permission - Submission for the determination of new planning conditions, Decision: Variation of Conditions

The area of this permission is shown edged red on the layout plan below:



The associated working scheme below shows how mineral extraction is currently limited to The South Quarry (Condition 6 refers):





The outline restoration scheme is shown below. It shows landforms between 85 and 95 AOD in The North Quarry and a water body in The South Quarry.



2018/00171/SC1, Address: Pantyffynnon Quarry, Bonvilston, Proposal: Request for screening opinion, Decision: Environmental Impact Assessment (Screening) - Not Required.

2018/00759/SC1, Address: Pantyffynnon Quarry, Bonvilston, Proposal: Request for Screening Opinion, Decision: Environmental Impact Assessment (Screening) – Required.

2021/01379/FUL, Address: The Quarries, Bonvilston, Proposal: The winning and working of limestone, importation / recovery of inert waste and restoration to agriculture/amenity, Decision: Refused.

This was a planning application that sought to resume limestone working in the North Quarry to a level of 54AOD, establish a construction and demolition waste recycling operation at the quarry, and entirely backfill the northern void with residual waste from the recycling operation. There were also variations sought to planning conditions that would have increased the permitted output from the quarry from 250,000 tonnes p.a. to 300,000 tonnes p.a., as well as a series of highway improvements.

The sole reason for refusal, which related to the backfilling proposed as part of restoration:

*By reason of the excessive unjustified infilling operation, which is not fundamentally required to create an acceptable restored site, the proposal would amount to (and would encourage) unjustified waste disposal that is contrary to the principles of the waste hierarchy, would result in unnecessarily and harmful perpetuated environmental impacts, and would fail to provide a beneficial, sustainable, and high-quality restoration and after care solution for the quarry, at the earliest opportunity. The proposal is therefore contrary to the policy and guidance relating to waste management contained in TAN 21 paragraph 4.23, and criterion 2 of Policy MD20 of the LDP. In addition, the proposal is contrary to planning policy and guidance relating to quarry restoration and after care contained in PPW paragraphs 5.14.4, 5.14.50, and 5.14.54, MTAN1 paragraphs 94, 97, 100, 103, and 130, and criterion 7 of Policy MG25 of the LDP.*

## **CONSULTATIONS**

**Welsh St. Donats Community Council** objected to the application. They stated: -

*“Residents in our area have expressed significant concerns about the existing work going on at the quarry, including the size and frequency of blasting and the inadequate levels of monitoring of quarry operations. We are aware that there has been an increase in enforcement complaints from residents. Residents have also reported damage to properties, and a constant background of machinery and quarry noise, which is having a detrimental effect on the quality of life in the area. It is a valid and realistic concern that the above proposals will worsen this situation, especially as the north side of the quarry is the side nearest to Tair Onen and the A48. Whilst we recognize that the Vale of Glamorgan Council needs to strike a balance between supporting commercial and business ventures in the area and maintaining its character and amenities, we feel that in this case, the impact would be sufficiently detrimental to warrant a refusal of this application.”*

**Llancarfan Community Council** – no response.

**VoGC Highway Authority** requested that highway improvements be carried out mirroring those put forward as part of planning application 2021/01379/FUL (as illustrated on plan reference 2430-H02-F). These comprise a widening of the junction to the A48, widening of part of the lane, the installation of two passing bays, and widening of the two quarry access points. Their detailed comments reference complaints about vehicles waiting along the A48 to gain access to the site, as well as two recent road traffic collisions in the vicinity.

They also commented that the deepening of the quarry would result in safety implications along the adjacent highway network and a Vehicle Restraint System should be provided as per the RRAP assessment conclusion (also submitted part of planning application 2021/01379/FUL).

In regard to the restoration, they stated that the proposals look satisfactory in principle, and detailed plans should be required as part of restoration and aftercare conditions.

**VoGC Drainage Section** – no response.

**Shared Regulatory Services (Neighbourhood Services)** stated that having reviewed the documentation, including the recommendations in the summary from the Minerals Officer, for Carmarthen Council, SRS concurred with the Officer’s advice and have no further comments to add.

**Heneb, The Trust for Welsh Archaeology (GGAT)** stated no comment.

**Cadw** stated no objection. Their detailed comments identified several scheduled monuments within a 3km distance of the site, however, that intervening buildings, vegetation, and topography block all views between them.

The application site is also immediately adjacent registered park, they concluded that whilst there may be some adverse impact on the way that the registered park and garden is experienced, understood, and appreciated it will not amount to a significant impact on the setting of Llantrithyd Place.

**VoGC Ecology Officer** observed that the waterbody in the southern quarry could be larger, the recommendations regarding Peregrine Falcon nesting habitat to create suitable nesting features are taken forward, and that the base of the quarries is made up of rock and dust to allow calcicolous plants to colonise naturally.

**VoGC Landscape Officer** – no response.

**Natural Resources Wales** initially stated that inadequate information had been provided regarding hydrology and requested details of water volumes being pumped at the site, noting abstracting over 20 cubic meters a day required a Water Abstraction Licence. They made no comment regarding protected species and were satisfied with the suggested planning condition regarding Peregrine Falcon.

Their latest response, however, states that they are satisfied that there is sufficient regulatory control through their licencing regimes. This could include an abstraction licence if exceeding the above threshold and an Environmental Permit (water activity) to discharge water to Nant Llantrithyd. They stated that they had no further comment regarding the additional information (the restoration proposals).

**Shared Regulatory Services (Environment)** stated no comment from a land contamination perspective.

**Carmarthenshire CC (Minerals and Waste)** stated that Mineral Planning Guidance (MPG) 14 advises that in the aggregation of two or more mineral planning permissions, the MPA (Mineral Planning Authority) must have regard to the guidance that the mining site will usually be the same as that of the initial review. Where there have been extensions granted in the interim, since the initial review, that these should be incorporated into the mining site for the purpose. Where there are cases where planning permissions to work the same mineral are severed by a physical barrier such as a road, the MPA should have regard to what constitutes a sensible planning unit. Whilst the site is divided in two separate areas, the site is understood to be worked as whole, with the application noting that the current phasing, mineral is extracted from the southern quarry and is processed and stockpiled in the northern quarry. Both planning permissions 97/01084/FUL and 2009/00814/ENV cover both the northern quarry and southern quarry (either in part or in full).

They also requested information or clarity in relation to several of the proposed conditions, as well querying the proposed buildings mentioned (in error) in the Environmental Statement and requested outline restoration details be provided.

No further concerns were held in their latest response, providing the additional conditions and amendments discussed were taken forward. In regard to the outline restoration proposals, they stated that whilst the principle of restoration is acceptable, the details would still need to be provided before the quarry ceases extraction, to ensure that it can indeed be achieved.

**Cllr M Morgan** called the application in for determination due to public interest.

**Cllr I Perry** asked that the application be determined by Planning Committee if it were to be recommended for approval with work permitted prior to 8:00 and/or after 18:00 and/ or not require any additional monitoring for noise and dust than is currently required.

No responses were received from any other ward councillors.

**Jane Hutt AM** has written on several occasions relating to the concerns of residents. These are as follows:

Letter 3<sup>rd</sup> May 2024:

*I am writing on behalf of a constituent regarding concerns they have over the current working operations at the quarry and their objection to the current application to extend the life and increased extraction at the quarry.*

*They have told me of the reasons why they have concerns which include:*

- "Lack of Direct Consultation: the delegated nature of the decision rather than planning committee route is concerning.*
- Exclusion from RLDP: The site in question has been rejected from the Replacement Local Development plan (RLPD 2021-2036) (Stage 2 Candidate register), stating "no further allocations are specifically required.... ." This prior assessment and decision by the Vale Council must form a significant and overriding consideration of this application. Current landbank reserves are more than significant and adequate (2<sup>nd</sup> review of the Minerals Regional Technical Statement).*
- Inadequate Monitoring and Compliance: Current monitoring levels of quarry operations ensuring compliance are inadequate, infrequent and not fit for purpose. Breach of conditions have been identified previously and enforcement notices/complaints to Vale enforcement have escalated.*
- Noise and Nuisance: The current working hours of the quarry results in a constant backdrop of machinery working and quarry noise, particularly on Saturday mornings.*
- Frequency and Intensity of Blasting: the frequency and intensity of blasting, causing property damage and significant disturbance. no current upper limit/uncapped for blasting in the North quarry. Independent report attached to the current application recommend a strict maximum of 60kg. Monitoring levels have reported 174kg being used in the North quarry – 3x the "strict maximum" recommended! Blast impact presenting as 'earthquake like' and resembling 'heavy objects falling down in properties.' Multiple blasting has taken place and recorded within a 4 week period which exceed that stipulated in the current application submission.*
- Dust Nuisance and Environmental Concerns: Dust emissions from the quarry affect the environment, posing a risk to plants and wildlife, including those along the A48 roadside, quarry access road and hedgerows.*
- Highway Safety: Increased number of lorries turning in and out of the junction with the A48 together with the shedding of material from lorries with increased rock debris reported on A48. Speed and volume of lorries turning are hazardous and cause*

*potential increased threat of RTA for pedestrians, particularly those with mobility issues/elderly/ families with children crossing the A48 to bus stops. Difficulty and danger crossing the road in order to access bus services due to increased lorry activity and speed. Parking of Pritchard's lorries in the nearby bus stops (including school bus stop) and lay-bys as problematic, (presumable) waiting to gain entry to the quarry. No highway enhancements have been included in this application.*

- Extraction Levels and Sustainability: Previously accepted reports from multiple experts and planners are in agreement that the quarry had come to the end of life – where is the evidence demonstrated in the application to prove reserves or need for further extraction? Moreover in line with key sustainability policy, the Council should be actively promoting the use of secondary, recycled, not primary minerals.*
- Cumulative Impact: The quarry proposal, should it be approved, will result in a cumulative detrimental impact on the character of the local area. Any expansion of the quarry needs to be considered in relation to the impact of cumulative growth (by stealth) of industrial usage/development in the residential and agricultural area (Conemasters; Horizon Civil engineering). Infringements to their right to 'quiet enjoyment' and public amenity. The unacceptable escalation of quarry operations by the current owner, compared to previous owner, has led to a discordant co-existence.*
- Sustainability Considerations: Questions are raised about the need for primary mineral extraction versus the encouragement of secondary recycled materials usage in line with sustainability policies and council's statutory obligation."*

*I would appreciate it if you could respond to my constituents concerns regarding this planning application.*

Letter 14<sup>th</sup> January 2025:

*I am writing on behalf of a constituent, Cheryl Mcnamee-Britain regarding Pantyffynnon Quarry.*

*Following the consultation on this by the Council, Cheryl would like some further information and clarification on:*

- 1. "Public safety and the close proximity to highways and the up to date geotechnical concerns for this particular quarry*
- 2. Planning procedures and whether the expiring permission of Dec 2025 should warrant a new application and not , as is currently the case, be absorbed with a ROMP application for another planning consent."*

*I would be grateful if you could update me on this.*

Letter 17<sup>th</sup> April 2025:

*I am writing on behalf of Llantrithyd Residents Association, who have contacted me to share their concern regarding the above and its impact on road safety.*

*Please find attached to this letter copies of their correspondence with the Vale of Glamorgan Council for information. They have also sent me the below to outline their concerns;*

*"I do wish to express the concerns of the residents of Llantrithyd Village, regarding certain factors that we do believe have a detrimental impact on the safety of the A48. These are matters we have raised previously with the Vale of Glamorgan Council and we would wish these to be highlighted and considered in any examination of the A48 and its safety.*

*For your information, I have attached various correspondence, which set out these issues that have been ongoing for some considerable time now. The first document is the formal response of the LRA to the Pantyffannon Quarry ROMP Application made in May 2024. I have included this document, as we have articulated the principal concerns of the village here, in respect of Highway Safety and the existing impact of the quarry activity on this. The relevant sections are highlighted.*

*Additionally, I have attached email correspondence between the LRA and the Vale of Glamorgan Council regarding the ongoing safety concerns we have, some of which represent an exacerbation of the issues raised in the Planning Submission referenced above.*

*Whilst we are unaware of the causes of the recent tragic accident on the A48, the second in recent times, it has highlighted the potential risks surrounding the junction between the A48 and Pantyffannon Lane, especially for vehicles turning right into the lane from the eastbound carriageway of the A48 and when the A48 is contaminated with mud. The new access created to the land acquired by the quarry adjacent to the A48 junction with Pantyffannon Lane, also has the potential to increase the risks associated with this junction and the nature of the heavy traffic using it (this was not in play at the time of the Quarry ROMP application in early 2024)."*

*I would be grateful if you could look into the issues raised by Llantrithyd Residents Association and respond to the concerns raised in the attached documents regarding the planning conditions on the quarry and access road.*

*I look forward to hearing from you.*

**The former MP Alun Cairns** wrote to share concerns expressed by residents, as follows:

*I have been asked by local residents to write to express their concerns with the above planning application. Their major concerns are as follows:*

*1) The consultation process - although the application is of significant public interest, residents nor Welsh St Donats Parish Council were initially not consulted on April 16 like the other stakeholders. The Parish Council was only consulted on May 9; this and the news the application was initially to be decided by delegated authority did not inspire confidence in the process.*

*2) Inadequate Monitoring and Compliance - the current monitoring levels of the quarry operations to ensure compliance are inadequate, infrequent and not fit for purpose. Tair Onen residents have identified erroneous reporting and breach of conditions by the quarry. While some enforcement notices and complaints to the council have escalated, this will continue if the quarry is allowed to extend its life and mining operations.*

*3) Noise and Nuisance - the current working hours of the quarry mean that there is a constant background noise of machinery working and quarry noise affecting residents' rights to peaceful enjoyment of their homes, especially on Saturday mornings.*

*4) Frequency and Intensity of Blasting - concerns are raised about the frequency and intensity of blasting, causing property damage and significant disturbance. An independent report attached to the current application recommends a strict maximum of 60kg. Monitoring levels have reported 174kg being used in the North quarry—3x the “strict maximum” recommended! Many residents of Tair Onen have referred to blast impacts as ‘earthquake-like’ and resembling ‘heavy objects falling into properties.’ Recordings over a four-week period note that multiple blastings have taken place exceeding the amount stipulated in the current application submission.*

*5) Dust Nuisance and Environmental Concerns - dust emissions from the quarry affect the environment, posing a risk to plants and wildlife, including those along the A48 roadside, quarry access road, and hedgerows.*

*6) Highway Safety - there is a noted increase in the number of lorries turning in and out of the junction with the A48, which are often speeding and shedding material. Residents have identified difficulty and danger in crossing the road to access bus services due to increased lorry activity and speed. Residents have witnessed the parking of Pritchard’s lorries in the nearby bus stops (including the school bus stop) and lay-bys as problematic, (presumably) waiting to gain entry to the quarry and note that no highway enhancements have been included in this application.*

*7) Cumulative Impact - the unacceptable escalation of quarry (growth by stealth) operations by the current owner, compared to the previous owner, has led to a discordant co-existence. There is already an infringement upon residents’ right to quiet enjoyment, and any further expansion (by approval or stealth) will have a cumulative detrimental impact on the character of the local area.*

*I have asked them to engage in the planning process on this very local issue.*

## REPRESENTATIONS

The neighbouring properties were consulted on 1<sup>st</sup> May 2024 and re-consulted on 23<sup>rd</sup> January 2025. Site notices were also displayed on 13<sup>th</sup> May 2024 and 27<sup>th</sup> January 2025.

The application was also advertised in the press on 16<sup>th</sup> May 2024 and 6<sup>th</sup> February 2025.

There were representations received on behalf of approximately 28 households in total. The grounds of objection and concerns raised have been summarised and broadly categorised below: -

- The Vale of Glamorgan has a sufficient landbank for limestone (crushed rock/ aggregate) and it has been rejected as a candidate site for the rLDP on the basis that no further allocations are required.
- Increases in site activity and blasting in recent years.
- A further increase to the permitted activity/ duration would exacerbate existing issues.
- The quarry is too close to residential areas.
- Possible breaches of current permission/ conditions/ limits.
- Insufficient/ ineffectual site monitoring.
- Request for monitoring data to be made available.
- The Council should secure an appropriate bond to ensure effective restoration takes place. The operating company currently has an insolvent balance sheet.
- Unjustified landfill in the pretext of restoration



- Lack of detail about infilling and nature of materials to be used
- Harmful levels of noise emanating from the site, both from blasting and constant noise from other plant (mobile stone crushing/ screening machinery), which has worsened since the permanent plant installation was removed.
- Dust impact from the site to environmental and human receptors.
- Harmful levels of vibration during blasting operations.
- The Noise and Vibration study recommends a lower 60kg maximum charge than currently permitted, the proposed conditions omit any limit on charge size.
- Possible cause of/ actual property damage.
- Siren is no longer operated and should be resumed.
- Mud and road debris – the existing provisions are ineffectual and it presents a highway safety issue.
- Traffic levels associated with quarry harmful to highway and pedestrian safety
- Quarry vehicles cause obstructions when queuing on and/or maneuvering on to A48.
- Insufficient visibility at the A48 junctions serving Pantyffynnon and Tai'r Onen
- The existing road layout at the junction is dangerous.
- Increased highway safety risk/ risk of collisions involving quarry traffic.
- Verge damage due to inadequate passing opportunities.
- Local road improvements should be required to improve the access road and junction to the A48.
- Increased flood risk/ exacerbation of existing flood issues.
- Hydrological report indicates no flooding downstream and land is permeable, however, local experience shows this is not the case.
- The effects of climate change on flood risk should be considered.
- Further extraction could result in increased water discharge to Nant Llantrithyd, which should be monitored.
- Assurances sought over water quality of discharge given potential impacts to adjacent Deer Park and herd.
- Impact on ecology and wildlife, destruction of fauna and flora
- Request no further damage caused to the eastern quarry wall common with the Deer Park.
- Concerns over the safety of the quarry boundary fencing / request to install anti-climb fence.
- Increased emissions / climate impact
- Detrimental impact to the character of the area
- The EIA is inadequate and not adhered to
- Lack of meaningful engagement with local community
- The ROMP procedure cannot/should not be used to amalgamate permissions, seek extensions to quarrying activities, or to extend the quarry end date.
- Further destabilisation of the northern quarry wall from the proposed extraction activities

In addition to the above, representations were also received from the Tair Onen and Llantrithyd Residents' Associations. These also raised concerns which are broadly reflected in the summarised grounds noted above. The full responses are appended to this report, for information.

## 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 SP7 – Transportation

POLICY SP9 – Minerals

POLICY SP10 – Built and Natural Environment

### **Managing Growth Policies:**

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

POLICY MG22 – Development in Minerals Safeguarding Areas

POLICY MG23 – Buffer Zones

POLICY MG25 – Mineral Working (Including Oil and Gas Extraction)

### **Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

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.

### **Chapter 5 – The Regions**

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.

- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

#### 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 19 – Strategic Policies for Regional Planning

Strategic Development Plans should embed placemaking as an overarching principle and should establish for the region (and where required constituent Local Development Plans):

9. a framework for the sustainable management of natural resources and cultural assets;
10. ecological networks and opportunities for protecting or enhancing the connectivity of these networks and the provision of green infrastructure; and
11. a co-ordinated framework for minerals extraction and the circular economy, including waste treatment and disposal.

#### 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, 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:

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
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Development in the Countryside
- Supporting Infrastructure

## Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Minerals policy:

Section 5.14 of PPW provides the following key principles in relation to minerals development:

- *Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;*
- *protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;*
- *reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and*
- *achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.*

The following advice is also provided in relation to extraction:

5.14.11 *The contribution that a resource could make to UK demand where the mineral is of limited or restricted supply or regional demand must be taken into account when taking planning decisions. Seeking to meet only local needs or ruling out all forms of mineral working within an area will only rarely be acceptable on the basis of significant adverse environmental impacts. As far as practicable, areas of future working should be identified in development plans, where this can be undertaken in a sustainable way. There will be locally realised benefits from minerals development, such as employment in rural areas, which will also need to be balanced against the other key principles outlined in paragraph 5.14.2.*

5.14.12 *The contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, as well as the use of marine-dredged materials where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations.*

5.14.35 *Minerals development should not take place in National Parks and AONB except in very exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:*

- the need for the development in terms of UK considerations of mineral supply;*
- the impact on the local economy of permitting the development or refusing it;*
- whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;*
- the detrimental effect of the proposals on the natural and historic environment and local community and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species and biodiversity; and*
- in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity*

5.14.47 *Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.*

5.14.48 *The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.*

The following advice is also provided in relation to site restoration and after use:

5.14.4 *when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.*

5.14.50 Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use at the earliest opportunity, and work begun within six months of cessation of working wherever this is practicable, except where progressive restoration has already commenced. Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. The statutory five year aftercare period should be extended as appropriate for the intended end-use. End uses such as nature conservation will normally require a minimum of 15 years and commuted sums may be required to cover long term maintenance costs. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed on to future generations.

5.14.51 Reclamation can provide opportunities for creating or enhancing sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan, or equivalent, and those adopted in local Biodiversity Action Plans throughout Wales. Reclamation can also provide opportunities for the conservation of historic assets and their settings. Capturing the potential of these opportunities should be explored at a strategic level through green infrastructure assessments, which may also result in further benefits such as the protection of geological exposures and public access.

5.14.52 In view of the long life of many mineral working sites, it is essential that progressive restoration is introduced at the earliest opportunity where appropriate and practicable. The increased use of phased restoration reduces the visual impact of mineral activities at any one time and provides continuity of restoration works throughout the active operations, so reducing the potential environmental damage left by any failure to restore.

5.14.53 After-uses may include agriculture, forestry/woodland, nature conservation, heritage, public open space, recreation or other development. A separate planning permission is likely to be required for any after-use except agriculture, forestry, nature conservation or informal recreation which is normally permitted development.

5.14.54 The guiding principles determining the potential after-use of a site should form part of the application submission for proposed mineral extraction or the review of mineral planning permissions, although flexibility and review will often be necessary during the life of the mineral operations. Using the guiding principles as a framework, and even for long term working sites, there must be a defined and acceptable minimum standard of restoration outlined at the application stage. To maximise the opportunities provided by the reclamation operation, it is essential that consultation is undertaken with the mineral planning authority prior to the submission of the application for mineral extraction, to determine the most appropriate guiding principles and thus the most suitable after-use of the restored land.

## 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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)
- Minerals Technical Advice Note 1: Aggregates (MTAN1)

*94. Abandoned and closed quarries can become visually acceptable through natural restoration and no further works may be necessary. Old quarries provide opportunities for biodiversity with the development of natural or semi-natural habitats. Geotourism is becoming increasingly important and Wales is a significant base for educational visits partly because of its special legacy of abandoned mineral workings. Botanical interest is provided in limestone quarries where calcicolous species-rich grassland develops. Cliffs and caves provide niches for birds and mammals. The views of local residents and conservation bodies on restoration strategies should be taken into account in considering the visual and landscape impact of quarry landforms.*

*97. Reclamation means the treatment of land affected by mineral workings in such a way as to restore the land to a satisfactory state and is defined in the Town and Country Planning Act 1990 to include both restoration and aftercare. Restoration and aftercare must provide the means to maintain or, wherever possible, enhance at the earliest opportunity the long-term quality of land that has been used for mineral extraction, so that it may become suitable for a beneficial use. If there is any significant doubt about whether satisfactory reclamation can be achieved at a site, planning permission should be refused. It is the responsibility of the mineral operator to design and implement a high quality restoration and aftercare scheme that must be an integral part of any mineral extraction application. The scheme should be reviewed regularly in consultation with the MPA during the course of extraction. For sites of 5 years duration or less full restoration and after-use proposals should be established and approved as part of the approval of the mineral development. For sites likely to work for longer duration, an initial restoration scheme should be submitted for approval at the outset with regular review of the restoration scheme during site operations. Reclamation includes both restoration and aftercare including events that take place before, during and after extraction, including soil and overburden stripping and storage, and advance screening and landscaping.*

Paragraph 100 defines the level of restoration detail required at application stage and reads as follows:

*For new quarries and quarry extensions and for the future development of sites subject to mineral review applications, a quarry restoration design in a working plan (see paragraphs 97 and 106) must be submitted and approved by the MPA, before any work commences on site. This can form part of the planning application for the quarry development or a subsequent scheme required by a planning condition or Section 106 Agreement. The restoration design must include where appropriate:*

- Existing, phased and final landforms;
- Quarry floors, faces and spoil tips;
- Soil storage areas including an assessment of volumes and quality;
- Phasing of progressive restoration;
- Location of proposed bunds and screening to mitigate environmental impact;
- Landscape strategy – areas of existing planting for retention and proposed planting;
- Where applicable, proposals for on or off site drainage, water storage, or new or diverted water features or water courses;
- Where applicable, proposals for reinstatement of footpaths;
- Mechanisms for protecting or recording existing site features such as interesting geological exposures or historic structures;
- Strategy for aftercare including timing of restoration proposals;
- Strategy for the after-use of the quarry area.

*For operational quarries of long standing, opportunities to modify methods of working to achieve these restoration objectives should be considered as soon as possible in conjunction with the MPA. These modifications could include re-location of quarry operations, bunding and screening to mitigate environmental impacts, and progressive restoration using techniques such as advance screen planting and restoration blasting*

*103. In granting planning permission for mineral working, MPAs should always carefully consider the applicant's proposals for reclamation of the site, how and whether the proposals are likely to achieve the intended results and, therefore, how requirements to ensure satisfactory reclamation can be incorporated into appropriate planning conditions. It is equally important that the applicant should thoroughly understand, and make financial provision for, the responsibilities he will be taking on under the reclamation conditions likely to be imposed on a planning permission.*

*107. Applicants may wish to call attention to, and authorities will wish to consider, any evidence as to how the applicant's proposed methods of site management, restoration and aftercare are likely to work out in practice. This might be done by providing evidence about the way a similar site is currently being managed, or how restoration and aftercare have been achieved on a similar site. MPAs should thus have regard to the practicality of the proposal before them. The possibility that reclamation techniques may have improved in the intervening time must also be borne in mind.*

### After-use

*130. Notwithstanding the longevity of most minerals permissions, the future use of land taken for aggregates must be considered before planning permission is granted so that the mineral extraction and restoration scheme can be designed accordingly. Development plans should provide guidance on the after-uses that are likely to be acceptable for existing sites that may be reclaimed during the plan period. Restoration of mineral sites provides an opportunity to influence future land-uses. The choice of after-use should be guided by a consideration of what is likely to be both beneficial and sustainable over the longer term, the interests of the landowner, any landscape assessments, local bio-diversity action plans and countryside strategies that may be relevant. Early consultation with local authorities is therefore paramount. For operational quarries of long standing, opportunities to modify after-use may now exist in the light of these assessments, plans and strategies. After-use of such sites must*

*be regularly reviewed in the light of these and future initiatives.*

### **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.

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape

#### *Policy DG9 (Quarries)*

##### *Aims:*

- *To ensure that after use of quarries adds to overall landscape value*

##### *Design Principles:*

- *Undertake ecological survey to identify impacts where appropriate and incorporate appropriate mitigation measures into scheme design.*
  - *Afteruse and restoration plans should consider the potential of the workings for recreation, e.g. rock climbing, biking and habitat creation, particularly limestone cliffs, screes and wetlands.*
- Minerals Safeguarding (2018)
  - Parking Standards (2019)

### **Other relevant evidence or policy guidance:**

The Regional Technical Statement for the North Wales and South Wales Regional Aggregates Working Parties – 2<sup>nd</sup> Review (Sept 2020)



The purpose of the RTS is to provide a strategy for the future supply of construction aggregates within each Region, taking account of the latest available information regarding the balance of supply and demand, and current notions of sustainability, as enshrined in Planning Policy Wales. The overarching objective of the RTS is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.

The RTS provides recommendations on the quantity of aggregates which should be supplied by Authority areas, or sometimes by groups of Authorities; and the total tonnages required from existing production sites and new allocations made by Local Development Plans. This is to maintain minerals supplies throughout and to the end of the Plan period.

- 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 11/99 – Environmental Impact Assessment
- 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.
- Clarification Letter of the Policies in Minerals Technical Advice Note 1: Aggregates (MTAN 1) - CL-05-14.
- Land-Use Planning & Development Control: Planning For Air Quality (2017)
- Institute of Air Quality Management: Guidance on the Assessment of Mineral Dust Impacts for Planning (2016)
- Mineral Planning Guidance 7: The Reclamation of Mineral Workings (1998)
- Mineral Planning Guidance 11: the control of noise at surface mineral workings (1993)
- Mineral Planning Guidance 14: Review of Mineral Planning Permissions (1995)
- Welsh Assembly Government Guidance: Towards Zero Waste – One Wales: One Planet. The Overarching Waste Strategy Document for Wales (June 2010)
- The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012
- South East Wales Regional Plan (March 2004)
- Review of the South East Regional Waste Plan (September 2008)
- The Waste (England & Wales) Regulations 2011(as amended)

- EU Directive 2008/98/EC
- Waste Planning Monitoring Report: South East Wales (2013 to 2014)

## **Equality Act 2010**

The Equality Act 2010 identifies several ‘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

### Background

This site has a historic use as a quarry that pre-dates the modern planning system and separate minerals permissions covered parts of the site. The Planning and Compensation Act 1991, and latterly The Environment Act 1995 introduced a requirement for Minerals Planning Authorities to review historical permissions and impose planning conditions to reflect modern environmental practices.

The introduction of the Environment Act 1995 also allowed, under Schedule 14, for mineral permissions to be periodically reviewed not less than every 15 years. This presents the Mineral Planning Authority (MPA) the opportunity to assess the conditions attached to the mineral planning permissions at a mineral site and, if necessary, to bring them up to date. The 15 years is taken from the date at which the most recent substantive mineral planning permission was granted.

This site has been subject to separate reviews under application references 1997/01084/FUL (the “1998 Permission”) and ref: 2009/00814/ENV (the “2009 Permission”), both under the Environment Act 1995. This application represents (an amalgamation of) a second periodic review of the 1998 Permission, and a third periodic review of the 2009 Permission.

The MPA may either approve the scheme of conditions as submitted or may determine a different scheme of conditions within the specified period. If amended planning conditions restrict existing working rights (e.g. resulted in reduced reserves being available), compensation may be payable. The application cannot be refused.

### Procedural matters

The appropriateness of amalgamating the permissions has been questioned in representations. Minerals Planning Guidance (MPG) 14 (Welsh Office, 1995) states, at paragraph 140, that a periodic review may consist of a single or an aggregate of two or more permissions. The amalgamation of the existing permissions would result in a single permission that coherently aligns with that of the site, and in turn, corresponds with the 'planning unit'. MPG14 makes clear this is an acceptable approach in dealing with the review of mining sites.

It has also been contended in representations that mineral reviews cannot permit the extraction of additional reserves. A lateral extension outside of the permission boundary would clearly be beyond the scope of a review. However, it is open to the MPA to consider all the planning conditions subject to these permissions (imposed as part of past reviews), including those which define or restrict the lifespan of the development and workings within the site boundaries.

There is no explicit guidance relating to these circumstances, however, paragraph 160 of MPG14 states that *"The conditions determined may include any conditions which may be imposed on the grant of planning permission for minerals development and may be in addition to, or in substitution for, any existing conditions"*.

It has also been contended that 1997 Permission (which sets an end date of December 2025) cannot be reviewed because it is too close to the expiry date. However, the applicable legislation neither sets any such restriction, nor does the above guidance advise against.

#### Mineral extraction policy

Planning Policy Wales (PPW) states that the key role of the planning authority in relation to minerals extraction is to balance the fundamental requirement to ensure the adequate supply of minerals, with the issues of sustainability, protection of amenity, and the environment. The key principles are described in the planning policy section of this report.

Policy SP9 of the LDP states:

*"The local and regional need for the provision of a continuous supply of minerals will be achieved through:*

- 1. Maintaining a minimum of 10 years land bank of hard rock throughout the plan period; including extended time periods to complete permitted extraction at existing sites;*
- 2. Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and alternative resources;*

The policy requirement for a minimum of 10 years land bank of hard rock throughout the plan period stems from the Regional Technical Statement (RTS), a requirement of Minerals Technical Advice Note 1: Aggregates (MTAN12). This statement recommends that the future quantities of aggregate which need to be provided for, from each Local Planning Authority, is calculated over 25 years for crushed rock (LDP period plus 10 years).

The LDP identifies the following active mineral working sites in the Vale of Glamorgan (or inactive sites where future working is considered likely to occur), including the site subject of this application (highlighted in bold):

1. *Aberthaw - Liassic*
  2. *Ewenny - Carboniferous*
  3. *Forest Wood - Carboniferous (Shared with Rhondda Cynon Taf)*
  4. *Pant - Carboniferous*
  5. ***Pantyffynnon - Carboniferous***
  6. *Longlands - Carboniferous*
  7. *Lithalun - Carboniferous*
  8. *Wenvoe - Carboniferous*
  9. *Garwa Farm \* - Carboniferous*
  10. *Ruthin \* - Carboniferous*
- \*currently inactive but held in reserve*

Policies MG22 (Development in Minerals Safeguarding Areas) and MG23 (Buffer Zones) of the LDP seek to safeguard known mineral resources and the aims of these policies are to avoid sterilisation of mineral reserves. The proposed development seeks permission to extract the mineral and therefore, the development would not conflict with the aims of these policies.

Policy MG25 (Mineral Working) states the extraction of new primary minerals will only be permitted where there is a proven national, regional or local need for the mineral, and sets out the following criteria:-

1. *Any adverse impacts on the natural environment are avoided or mitigated to an acceptable level, and proposals include, where appropriate, measures to enhance the natural environment;*
2. *Impacts on built and cultural heritage are mitigated to an acceptable level and enhanced wherever possible;*
3. *Impacts on the amenity of local residents and local communities are not unacceptable, in particular with regard to noise, health, air quality, vibration, visual impact, access provision, and traffic generation;*
4. *Impacts on geology, hydrology and hydrogeology, including land stability and water supplies, are acceptable;*
5. *There is clear evidence that there will be no unacceptable loss of agricultural land of ALC grade 1, 2, and 3a;*
6. *Minerals are transported by the most sustainable means and the potential for minerals to be transported by means other than by road has been adequately assessed;*
7. *There is provision for the land to be progressively and finally restored to a high standard and to a beneficial and sustainable after-use including long term post-closure management; and*
8. *Where opportunities for the re-use and recycling of mineral waste have been considered and where there are no practicable substitute materials that can be provided at less environmental costs."*

## Mineral extraction

The reserve figures (including the existing reserve at Pant-y-Ffynnon) identified in the Vale of Glamorgan landbank was sufficient at the time of the LDP adoption in 2017 to satisfy the requirements of the Regional Technical Statement, which is confirmed by subsequent monitoring and the 2<sup>nd</sup> RTS Review report in September 2020. This remains the most recent such review of regional reserves. The quarry is within an outcrop of Category 1 Limestone, but the application documents do not specify that any material of national importance is produced at the site. It is understood crushed rock aggregate is produced and, in line with Policy MG25 of the LDP, the acceptability of additional extraction at this site rests upon there being a proven national, regional or local need for the mineral.

It is noted that a submission from the operator to allocate land within the replacement LDP (rLDP) for a large lateral extension to the site was made, and the assessment concluded no new mineral allocations were required. This is because the Vale of Glamorgan Council has a sufficient landbank to meet local and sub-regional need. The candidate site was nevertheless on a wholly larger scale compared to these proposed amendments, which relate to additional mineral extraction on an existing site by deepening the quarry void, where the material can be extracted in a less environmentally damaging way than on new greenfield sites or by lateral extension (here or elsewhere).

The proposed amendment would help to reduce the reliance of other Authorities on mineral workings in the Brecon Beacons National Park, where minerals workings are usually discouraged. The 2<sup>nd</sup> RTS Review report identifies landbank shortfalls in several authorities in the wider region and while (on the whole) these 'cancel out one another', there are shortfalls identified in the neighbouring Rhondda Cynon Taf and Cardiff Authority Areas, as well as Newport and Torfaen, which are also within economical distance.

In the Brecon Beacons National Park, Penderyn quarry is currently a major supplier of limestone in the area and a planning decision for a reserves swap (approved Jan 2021) has reduced the reserves there by some 7.4 million tonnes. There is a presumption against new workings in the National Park and so reserves there appear at this time unlikely to be increased.

Having regard to the above, the proposed mineral extraction could help to reduce the risk of longer-term shortfalls or, alternatively, in the shorter to medium term, it could provide a secure supply of limestone locally and to other Authorities in the region where there is a shortfall. This would assist with meeting the demand of these authorities and reduce the pressure on Penderyn quarry as a major supplier in providing to Authorities in the region with shortfalls, helping to reduce potential future negative impacts in this more sensitive area. It would also ensure the steady and adequate supply of minerals are both economically supplied from a range of operators in the region and near to the sources of demand, and help to secure the on-site employment (and indirect economic benefits) in the mid-term.

The compliance of the proposals with the criteria of Policy MG25 is considered in further detail within the remainder of this report. However, for the reasons noted above the principle of the proposed mineral extraction is considered acceptable, in the interests of maintaining a secure landbank of mineral reserves in the region.

## Restoration and Aftercare

The winning and working of limestone is essential in maintaining the supply of a valuable resource upon which the construction trade and wider economy is reliant, as outlined above in this report. This is equally contingent on the requirement to deliver a beneficial land restoration and after care. This requirement is explicit within national policy guidance (outlined in the Planning Policy section of this report, above). Criterion 7 of Policy MG25 of the LDP requires the land to be *'progressively and finally restored to a high standard and to a beneficial and sustainable after-use including long term post-closure management'*.

Application 2021/01379/FUL (the "2021 application") was refused because of inappropriate restoration proposals, which, under the pretext of restoration, would have seen the entire North Quarry backfilled with the residual elements from the waste recycling facility proposed alongside it. This was not considered necessary to effect acceptable site restoration, and therefore, was not a 'recovery' operation as defined in waste related planning policy.

The proposed outline restoration of the North Quarry, as revised in this review application, would still see it backfilled, but to a lesser extent. Nevertheless, the key question is not one of volume, but of necessity. In this regard, the applicant has also provided a Geotechnical Report addressing the specific requirements relating to the North Quarry. The report identifies that leaving the upper quarry faces of the southern side of the North Quarry would not be an appropriate approach, given the risk of long-term weathering effects which, in time, could impact upon the stability of the adjacent public highway. No immediate risks or adverse effects are identified in the report, noting Limestone is a competent rock and does not weather quickly. However, covering these rock faces would lessen the risk of long-term instability from weathering, compared to an alternative scenario whereby they were permanently exposed. The quarry edge is also only a few metres away from the carriageway. Therefore, it would also, insofar as the risks to vehicles exiting the highway is concerned, provide a more gradual slope rather than a sheer drop.

In regard to, the availability of materials, at least some of the backfill is likely to be sourced from on-site arisings (i.e. waste materials such as soils or overburden from the extraction process). The applicant states the remainder would be soil forming materials, brought to site under the CL:aire DoWCoP protocol, and could be imported from other developments in the locality. The applicant has advised that the soil-forming materials to be utilised would accord with the guidance published in the Department of the Environment, Transport and the Regions *'Soil-forming materials: their use in land reclamation'* (DETR, 1999). They will include subsoil and topsoil material in compliance with BS 3882:2015 (Specification for Topsoil) and BS 8601:2013 (Specification for Subsoil) standards, ensuring they are free from contaminants and suitable for supporting vegetation.

It has been questioned whether additional extraction would further 'destabilise' the North Quarry wall. However, as noted, it is not known to suffer from any stability issues at present, noting limestone is a competent rock. The concern raised in the Geotechnical Report relates to the risk of potential weathering of the upper faces, in the long term.

The Council's minerals advisors at Carmarthenshire CC and the Highway Authority have reviewed the proposals and neither have made adverse comments concerning the principle of the restoration proposals. Whilst this is not tantamount to a peer review of the geotechnical report, the report has been authored by a competent expert and the available evidence is that this, much reduced, level of backfill is necessary to effect acceptable restoration of the North Quarry to eliminate the risks of long-term weathering so far as possible. The plans provided are outline in nature and conditions are still considered necessary to review detailed engineering proposals.

The application seeks to combine the planning permissions for both quarries and therefore the restoration of The South Quarry must also be considered. No outline plans for this section of the quarry have been submitted, albeit a draft concept plan is appended to the Preliminary Ecological Appraisal. The plan has been superseded by amendments in the North Quarry but nevertheless demonstrates how a minimal and nature-led regeneration approach could be undertaken across the whole site.

In regard to the restoration proposals, the Council's Ecologist noted the waterbody shown could be larger (it is shown to be smaller than the existing sump). There may be technical limits on how large the waterbody can be, but this can be addressed in the detailed restoration proposals. A separate condition is proposed to provide further details of Peregrine Falcon nesting provision as part of the restoration phase. In regard to calcicolous plants, the Ecologist's recommendation is to leave the quarry floor bare. This would not be possible in the North Quarry, but Limestone material could still theoretically be retained to then create calcicolous topsoil. This too can be addressed in detailed restoration proposals, to be agreed by 2041, or within six months of the cessation of mineral extraction (**condition 29**).

Noting the above, it is considered that a suitable scheme of restoration and aftercare could be achieved subject to suitable conditions.

### Noise and Vibration

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- : *Land contamination*
- : *Hazardous substances*
- : *Noise, vibration, odour nuisance and light pollution;*

The proposed extraction would take place within the existing quarry site area, albeit current permissions do not show further extraction in the North Quarry. The proposal must nevertheless be considered on its own merits in relation to the anticipated noise and vibration impacts. The nearest residential properties are The Longhouse and Pant-y-Ffynonau (to the east off Pant-y-Ffynnon Lane) and Ashleigh (to the north-west on the opposite side of the A48) and are both inside a 200m distance of the quarry.

The applicant proposes to retain the existing restrictions on blasting activity associated with the 2009 Permission, although they propose to amalgamate the operating hours of the existing consents to allow working from 7am across the whole site area (part of The South Quarry is subject to a 7.30am start) (**condition 16 refers**).

The application is accompanied by a Noise and Vibration Assessment, which is the same document as accompanied the 2021 application. This has considered the predicted noise associated with the quarrying against the noise standards outlined in MTAN1 and assessed these in relation to the closest neighbours to the site. It is based upon environmental noise measurements undertaken at the site, a subsequent noise modelling exercise, and predictions of likely blasting impacts, considering the current planning conditions. The prevailing noise environment was said to be mainly influenced by both the road traffic at Ashleigh and the quarrying activity around Pant y Ffynnonau.

#### Blasting:

The 2009 Permission sets a Peak Particle Velocity (PPV, a ground vibration limit) limit of 6mms-1 for 95% of blasts at nearby sensitive receptors which accords with the current guidance within MTAN1 (para. 83), which intend to avoid unreasonable nuisance vibration levels. Whilst The 1997 Permission sets a charge weight limit, the use of charge limits is no longer encouraged, to avoid unreasonable restrictions on blast design achieving end results beneath the upper threshold (which is set in conditions and monitored). This approach is reflected in the 2009 Permission which does not restrict charge weight. The proposed mineral extraction is considered acceptable subject to similar imposition of PPV limits and monitoring, in line with current guidance.

It is appreciated that the quarry may have operated in a lower key manner in years gone by, using lower blast charges, less frequently, and that the change in operator has resulted in increased impacts from blasting effects (as well as increasing output). However, despite an increase in activity, these all remain demonstrably below the condition thresholds set in the 2009 Permission. These are monitored by an independent company employed by the applicant, and in turn through submissions to, and other monitoring by, the MPA (contracted to Carmarthenshire CC). These efforts have confirmed that blasting at the site has not exceeded the impact thresholds set within 2009 condition limit.

MTAN1 (para. 81) advises that due to the unpredictability of air overpressure (the sonic boom effect) due to atmospheric conditions, planning conditions to control it are unlikely to be enforceable. Nevertheless, the quarry operator should pay particular attention to blast design to minimise possible impact, and the 2009 Permission requires air overpressure to be monitored.

The potential for, and actual damage that has occurred, are suggested in representations as being a potential result of blast vibrations. However, as noted, these have been carried out in accordance with planning conditions that are reflective of modern standards. No evidence of damage has been presented, and although damage as a consequence of blasting cannot be ruled out, if this has occurred it would be a civil matter between the respective parties. The planning conditions offer an acceptable degree of mitigation against impacts to amenity (**see conditions 19-23**).



It is noted that the report dates from 2021, however, there has been no material change to the site context that would result in a different modelling outcome using this same methodology. The principal difference between these and the 2021 proposals, in terms of blasting, is that the North Quarry is proposed to be extracted to a shallower depth of 65AOD, instead of 54AOD. I.e. a lesser amount of material would be extracted, over a shorter duration, in comparison to the assessed scenario.

The amendments to the conditions would prolong the life of the quarry, however, the proposed conditions would not deviate from the controls in place as part of the 2009 Permission, which in turn reflect the most up to date MTAN1 guidance applicable to quarry sites. It is understood, as reflected in representations, that this does not prevent occurrence of some noise and vibration impacts from blasting events, even when undertaken below these thresholds. However, this is not considered to be sufficient justification to place additional restrictions, above and beyond the above guidance, or otherwise prohibit the beneficial and economic extraction of mineral reserves from an existing quarry.

#### Operational noise:

The operational noise assessment concluded that the predicted noise levels from operational activity would not exceed the 55 dB LAeq, 1h criterion, referred to within MTAN1 (para. 88) as the maximum permissible where background noise levels exceed 45 dB (as is the case here without the quarrying activity). However, it should be noted that this assessment was conducted based on the 2021 Application proposals, which included a now-omitted recycling facility, increase in annual tonnages (from 250,000p.a. to 300,000p.a) and extensive backfilling of the North Quarry.

No response has been received from Shared Regulatory Services. However, the report was reviewed by them when submitted with the 2021 Application and they did not raise concerns with the assessment scope and methodology of the report, but stated that *“importation and recycling operations from 07:00 until 19:00 five days a week, especially at surface level as the reclamation works near ground level have the potential to cause disturbance and detriment to residential amenity.”*

The assessment predicts that there would not be a material increase in noise experienced at the nearest receptors (1- Longhouse, 2- Ashleigh) during most of the phases of works. It does, however, predict that the final restoration phase would increase the noise experienced at Ashleigh, as the site level rises.

However, as noted, the proposals no longer involve the recycling operation, and backfilling would be substantially less than considered within the noise assessment. The site levels would not rise to the same degree because of the much-reduced level of backfilling. Moreover, the assessment did not find there was an unacceptable impact, as it remained below (audible, but not above) prevailing background levels, and within the MTAN1 maximum threshold, even with the scope of works from the 2021 Application. The amendments proposed in this review would be materially less impactful.

The predictions are shown in Table 7 of the assessment but shown below for ease of reference:

NSR	Predicted Specific Noise Level – $L_{Aeq,1-hour}$ - dB	Adopted Noise Level Limit – $L_{Aeq,1-hour}$ - dB	Excess over Adopted Noise Level Limit - dB
Preliminary Phase			
1	54	55	-1
2	44	55	-11
Final Restoration			
1	54	55	-1
2	53	55	-2

Having regard to the above, the noise and vibration impact of the proposed amendments are considered acceptable.

### Dust and Air Quality

The application is supported by an Air Quality Assessment (AQA). The assessment details the expected impact of the proposed development in relation to air quality from both the quarry related activities and traffic generation, along with dust control and other measures that could be employed as mitigation (Section 7). Similarly, this report considered the wider proposals as set out in the 2021 Application. There are no proposals to amend the output as part of this review and, therefore, the upper threshold of permitted daily traffic flows would not be materially different to the current situation.

The operational impact of traffic generated by the proposal was screened against criteria set out within the Institute of Air Quality Management air quality planning guidance, whereby the increase in vehicle movements falls below the screening criteria. The impacts on local air quality from operational traffic emissions were considered negligible.

The impact of dust emissions from the site was assessed in the AQA and a moderate adverse risk of disamenity effects occurring at the nearest sensitive receptors was identified. The AQA and DMP includes a list of mitigation measures to be used at the site to reduce the moderate adverse risk.

Although no response has been received in relation to this application, the assessment was reviewed by Shared Regulatory Services as part of the 2021 application, who agreed then with the conclusions of the AQA, approved of the mitigation measures, and held no further concerns at the time. As noted, the scale of proposals has been reduced since then and therefore it is considered that issues relating to dust and air quality can be suitably mitigated.

### Highway Safety

The site is served by an existing unclassified road that connects to the A48 in two locations. The principal route to the site would be via a junction with the A48 to the west although the lane also connects with the A48 near the Aubrey Arms to the east. The western junction with the A48 is a priority junction with a ghost island right-turn facility.

The 2021 Application was accompanied by a junction assessment that used observed data for the A48 from 2015, adjusted for growth, and estimated use of the junction, based on it being used by quarry traffic, rising from approx. 120 daily movements to 300 (28 per hour). This calculation was based on the full scale of the 2021 proposals, which included (the now omitted) recycling facility (involving import and export of materials), quarrying to a greater depth (54AOD) in the North Quarry, as well as increasing the upper limit of annual output (extraction) from 250,000 tonnes p.a. to 300,000 tonnes.

No objection was raised to that application by the Council's highway development section at the time in this regard, and this level of increase was not seen as a reason to refuse permission of the 2021 application. The transport statement has not been re-submitted; however, these review proposals are not of the same scale as the previously refused scheme. As part of consideration of this application, there are no longer amendments proposed to annual output limits in the planning condition, and, on this basis, no material increase in daily traffic levels are likely to occur over and above what is already permitted. The principal difference is that the release of additional reserves would prolong the life of part of the quarry beyond December 2025..

There would be additional trips associated with importation of materials, those associated with the restoration of the North Quarry being of relevance, however, these trips would also occur post-extraction, i.e. not happen concurrently with those related with extraction activity. Noting this, it is considered that there would be no significant increase in traffic levels and, no highways objection has been raised in relation to any increase in vehicle numbers associated with the current proposals.

Nevertheless, the Highway Authority raised concerns about the existing situation and requested that the improvements put forward as part of the 2021 Application were carried out. The principal reason for concern was reports of quarry traffic queuing on the A48, as well as recent traffic collisions in the vicinity of the junction. The reduced scale of the proposed change, when compared to the 2021 application, was recognised; however, the proposals would nonetheless prolong the life of part of the quarry. The widening of the junction to the A48 would improve the ability of HGVs to manoeuvre through the junction if, for example, an incoming HGV met another waiting to exit the junction. The road would also be widened for a significant distance, allowing them to pass unhindered for c.170m without moving on to the grass verges. The installation of a further two passing bays would assist HGVs to pass one another between this point and the quarry accesses. The quarry access would also be widened, improving manoeuvrability into and between the two quarries.

Lastly, the installation of a Vehicle Restraint System along the boundaries of the quarries would help in addressing the prolonging of the (albeit existing) risk to vehicles exiting the highway, given the proximity of the quarry boundaries to the carriageway.

The Highway Authority have suggested conditions relating to the matters above and the applicant has agreed to provide these measures (**see condition 7**). The details would secure their implementation in accordance with more precise details, prior to the resumption of mineral extraction in the North Quarry. This trigger point is considered appropriate, and clear, given the limited extent of reserves to be worked out in the South Quarry, noting that the reserves beneath the ramp are in the area of those permitted by the 2009 permission (an end date of 2042) and noting permitted development rights that exist for creation of private ways within quarry sites.

The proposed suite of improvements would be of material benefit to highway safety to all users of the nearby public highway network, including the junction and lane, especially when contrasted against the scale and impact of the proposals. This is because substantial improvements are secured, despite there being no great likelihood of any increase in daily traffic flows, for the reasons described above. These are the same improvements agreed for the 2021 Application which was materially greater in scale and in terms of likely highway impacts, compared to these amended proposals.

There have also been concerns raised in representations about the condition of the highway in particular, the tracking of mud and debris on to the highway. There are planning conditions attached to the existing permissions in this regard, which require measures such as wheel washing and road sweeping to take place, and these provide for commensurate mitigation for this risk (**conditions 9 -11**).

The restoration proposals have been discussed in greater detail, above, and the Highway Authority stated that these were acceptable in principle, subject to further details to be provided under the revised planning conditions (**condition 29**).

Given their breadth in comparison to the scale of the proposed amendments, the highway improvements secured are also considered to weigh demonstrably in favour of the proposals. Overall, it is considered that the proposals are acceptable from a highway safety perspective.

#### Impacts on Geology, Hydrology and Hydrogeology

The application has been supported by a Hydrology & Hydrogeology Impact Assessment (HIA) with the ES. The document is the same as submitted for the 2021 application. However, when compared with the previous application there is no material change to the site context or proposals, apart from the reduction in the proposed depth of extraction in the North Quarry from 54AOD to 65AOD. The site is not within a Source Protection Zone (catchment areas of public drinking water sources).

The supporting documents outline that the quarry is in a limestone stratum of up to 260m depth, proven to be at least 35m (to 20m AOD) below the base of the South Quarry. Investigations conclude limestone deposit exist to the proposed base of the North Quarry and there do not appear to be any significant geological constraints to the proposed development. Borehole testing indicates that the water table sits below (c.52AOD) the deepest level of proposed extraction.

The 2021 application was also accompanied by Technical Note (TN) addendum, which details the impact of the proposal on the site's hydrology and hydrogeology. This was provided following a request for further information by NRW in 2021 to assess the impact on groundwater. It stated that data suggests most local groundwater is held within discrete pockets, and the site is therefore unlikely to form part of a continuous water table. The water levels in Pant y Lladron (the nearest groundwater level monitoring borehole) are higher than in the quarry, but despite being deeper, The South Quarry is mostly dry with only a sump that is dewatered. It is stated that there is no significant seepage of groundwater into the site and no conduits have been encountered during the southern quarry activities, and dewatering here is not significant or sustained. These site conditions have not materially changed in the meantime and therefore this assessment is still considered to be relevant.

NRW stated, in 2021, that they were in agreement with the majority of this assessment, apart from assumptions made regarding the likelihood of encountering a water filled conduit, as this is not possible to accurately predict. A condition was recommended, then, for an Environmental Management Plan to be submitted, detailing how unsuspected groundwater inflow would be dealt with if encountered during the works. NRW also advised that when restoration plans and a regulation approach is confirmed, it would be necessary to consider the proposal with respect to the groundwater level (if encountered), and if material was to be deposited in the saturated zone.

Dewatering may be required, and discharges over 20 cubic meters a day is a permitted activity. They did not object or request any further information in this regard in their latest response to this current application, however. They also raised no concerns about the additional extraction or the amended restoration proposals. However, albeit precautionary, their recommendations in 2021 about unsuspected groundwater inflow appear to be similarly applicable to extraction in the North Quarry proposed this time around, and neither have they addressed this specific point (i.e. explained why it is no longer required) when responding to consultations on this application. It is therefore recommended that the condition they recommended in 2021 is included (**see proposed condition 25**).

The supporting information and review conclude that there are no over-riding hydrogeological or hydrological based reasons to refuse the application.

### Drainage

LDP Policy MD7 (Environmental Protection) requires development proposals to not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. This site is not located in Development Advice Map (DAM) zones at risk of tidal or fluvial flooding.

The prevailing conditions in the North Quarry mean most if not all surface water percolates into the bedrock and this situation is highly likely to be maintained during the extraction works. The current proposals involve no change to the existing situation, or that proposed in the 2021 Application, in this regard.

The Council's Drainage Engineers (SAB) have not responded to consultations for this application. However, in response to the 2021 Application, they assessed the supporting information and drainage submissions and considered that the proposed strategy was acceptable in principle.

On this basis, the extraction proposal is considered acceptable in respect of drainage. Nevertheless, given the outline restoration proposals involve backfilling the quarry, likely requiring the surface water to percolate through the restoration material, further details of how surface water is to be dealt with for this phase are considered necessary (**reference condition 29**).

### Contamination

These proposed amendments no longer include the recycling facility put forward in the 2021 Application and nor does it involve the importation of construction and demolition waste. Shared Regulatory Services were consulted and stated no comment from a land contamination perspective, and neither did NRW make any adverse comment in this regard.

The proposal is therefore considered acceptable in relation to risk of contamination, noting that the planning system should not duplicate other regulatory controls in this area.

### Ecology and Biodiversity

The application is supported by a Preliminary Ecological Appraisal (PEA), which did not find vegetation or plant species of high importance in the quarries and the open water did not contain significant aquatic plant colonisation, albeit the report recommends that a Greater Knapweed plant, now possibly lost following demolition of buildings, is re-seeded, due to its local significance.

#### Bats:

Although bat surveys were conducted as part of the 2021 Application, these related to the potential use of on-site buildings for roosting. Those surveys did not record any roosts/ use of the buildings by bats and, since then, the buildings have been demolished (under permitted development rights), and mobile plant items are now deployed in their place. The PEA nevertheless recommends that bat boxes are installed on suitable on-site buildings or, in their absence, trees on the quarry boundary.

The PEA identified one tree in the vicinity of the proposed first passing bay which contains potential roosting features. If this tree is to be felled, it would require pre-commencement checks to be carried out. There is no methodology presented in the PEA, and therefore, an additional condition is required addressing this point (**see condition 8**).

#### Birds:

No designated birds were observed, apart from House Sparrow which is a section 7 Species of Principal Importance and a Red List Species of Conservation Concern. This and several other species are likely to use the habitat around the site peripheries. The demolition of buildings has likely reduced nesting opportunities. The PEA recommends that bird boxes are installed on suitable on-site buildings or, in their absence, trees on the quarry boundary.

The documentation associated with 2009 Permission states Peregrine Falcon may have been breeding in The South Quarry at the time. Condition 18 of that permission refers to measures to enhance nesting possibilities (the site area covers both the North Quarry and part of the South). Whilst peregrines are protected under the Wildlife & Countryside Act 1991, they are not known to have been present at the site for several years and were not recorded in survey work undertaken.

Although not present, an interim nesting plan identifies a suitable location for potential nesting in the North Quarry, that will be left undisturbed. This would need to be reviewed prior to the restoration phase, therefore, a condition requiring further details to be agreed is recommended (**see condition 13**).

## Reptiles:

The PEA identifies that although some of the habitat on the site peripheries could support reptiles and amphibians, their presence was unlikely due to site characteristics, and none were recorded during the survey. The on-site water body is not suitable breeding habitat for Great Crested Newt. Although one individual was recorded c. 750m from the site, the nearest recorded breeding sites are c.1500m away. They normally travel around a 750m radius from their breeding site and, therefore, they are unlikely to be using the site peripheries as terrestrial habitat.

## Other fauna:

The surrounding habitat has potential to support several species, such as dormouse, badger, hedgehog, and invertebrates based on records in the wider area. However, the PEA report notes that the nearest record of dormouse is over 1km away, with the A48 being a significant barrier to movement between the application site and the recorded location. The report recommends further pre-commencement checks for badger, reptiles, and hedgehog (**see condition 8**).

## Green Infrastructure

There is no significant green infrastructure within the working areas of the quarry and consequently the proposed additional extraction and restoration operations would have negligible impacts in this regard.

The recent request for highway improvement works has been agreed by the applicant. Whilst these works are located within the highway extent, the provision of the two passing bays and Vehicle Restraint System (VRS) would likely involve partial loss of the wooded area to the southern side equating to a loss of c.100sq.m area, and a partial loss of a hedgerow on the northern side. The amount would depend on the design of the VRS, which is a narrow feature, but for c.40m the hedgerow sits near the edge of the carriageway.

There is no feasible alternative in terms of siting of the VRS and therefore the loss of the hedgerow is considered acceptable in principle, noting the weight in favour from a safety perspective. However, such losses should be adequately compensated for, and the Council's Biodiversity and Development SPG sets a target replacement ratio at 1:1.5. The Highway Authority have recommended that detailed design is submitted as part of planning conditions. It is also recommended that the details secured also include details of compensatory planting commensurate with the above ratio (**condition 8**).

The ecological pre-commencement checks within the PEA should be carried out prior to the commencement of these works. The PEA also identifies a tree (field maple) in the vicinity of the first passing bay, that has potential roosting features for bats. Therefore, pre-commencement checks should also be made for this tree, if it is to be felled (**condition 8**).

## Heritage and Archaeology

The application site has several Scheduled Ancient Monuments and Registered Parks and Gardens within a 3km radius. CADW have assessed the application and have raised no objection to the impact of the proposed development on the scheduled monuments or the Llantrithyd Place registered park. There are no listed buildings or conservation areas nearby whose settings would be adversely affected by the proposal. Heneb have also not raised an objection regarding archaeological considerations.

## Other matters

It has been questioned whether quarry operations have been carried out in accordance with their permissions and associated conditions. The quarry is the subject of routine monitoring by Carmarthenshire CC, on a contractual basis. Their officers advise that the quarry operates within the limits set out in their planning conditions.

In recent years, operations have been undertaken within the North Quarry, which is shown as a stockpiling area in the 2009 Permission. There has been blasting carried out on the northern side, however, subject to compliance with general thresholds set out in the planning conditions, there is no specific restriction on blasting on the northern side. The operations carried out here are understood to have involved the removal of existing stockpiles and deposits, trimming of the quarry faces in the interest of site safety. Although operations may have expanded the central stockpile area laterally, there are no restrictions on such operations within the existing conditions. The haul road has also been moved, but this was carried out under the permitted development rights associated with quarry sites.

Although in some circumstances it may be appropriate to secure a bond for restoration purposes for new development, it is not considered appropriate to apply such a requirement retrospectively to a quarry that (even as extended) is mostly worked out. The risks to limestone quarries, which lend themselves to nature-led restoration is also very low, with the sole exception in this case being the works to create the batter in the North Quarry.

A planning condition exists that requires the operator to maintain a boundary enclosure around the perimeter of the quarry. This is proposed to be retained (**Condition 6**).

There is no detailed study of climate impact/ emissions within the Environmental Statement. There would be no material increase over the existing situation in regard to operations in the South Quarry. Nevertheless, the proposed resumption of quarrying in the North Quarry will have some impact in terms of associated emissions. It is estimated that these activities would be carried out over the course of c.3.5 years. Although substantive, the impact is not considered to be significant in terms of the EIA. They are also considered acceptable when balanced against the established need to maintain a supply of aggregate in the region.

The amendments would not have any material impact on the character of the area, from the perspective of visual and landscape impacts. The quarry working areas are existing, surrounded by vegetation, and are not highly visible from the public domain.



## Conclusion on EIA

As noted above, the application is accompanied by an Environmental Impact Assessment, and this provides an assessment of issues including traffic and transport, ecology, hydrology, air quality, noise and vibration. In summary, the EIA concludes that there would not be unacceptable environmental impacts and, having regard to the assessments carried out above by consultees, and their responses, it is considered that there would not be any unacceptable impacts, or impacts that cannot be mitigated for. It should also be noted, in respect of environmental issues, that none of the statutory consultees with specialist expertise in assessing relevant environmental information have raised an objection.

It is recommended that the application be APPROVED having regard to all the submitted environmental information in accordance with Section 25(1) of the 2017 EIA Regulations, and subject to conditions, that include monitoring provisions.

## REASON FOR RECOMMENDATION

### RECOMMENDATION

1. No operations authorised by this permission, with the exception of restoration and after-treatment works approved under these conditions shall take place after 21 February 2042.

Reason:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Within six months of the date of this approval a scheme for the working of the area subject of this permission shall be submitted for the approval of the Mineral Planning Authority: the working scheme shall include specific proposals for final quarry face heights, the programme and direction of working and the location, design and treatment of areas for the deposit of waste arising from mineral extraction. The developer shall submit a revised working programme and phasing plans for the approval of the Local Planning Authority every 5 years from the date of this permission until completion of operations at the site, unless otherwise agreed in writing by the local Planning Authority. All working of the area subject of this permission shall be carried out in all respects in accordance with the approved working scheme.

Reason: In the interests of general amenity and to ensure the eventual beneficial restoration of the site and to meet the objectives of MG25 (Mineral Working) of the Adopted Local Development Plan.

3. Total annual production of stone shall not exceed 250,000 tonnes in any calendar year and the quarry operator shall supply a statement of the quantity of stone produced in the previous calendar year in confidence to the Mineral Planning Authority no later than 31st March in each succeeding year.

Reason:

In the interests of protection of the local environment and the amenity of local residents and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

4. Unless superseded by details approved under condition 2 of this permission, the working of the area subject of this permission shall be carried out strictly in accordance with the working scheme described on plans refs. PHL-PFQN-1-2-24 to PHL-PFQN-6-2-24 and PHL-PFQ-1-24 to PHL-PFQ-6-24 submitted with the application or any variation thereof that may first be approved in writing by the Mineral Planning Authority.

Reason:

In the interests of general amenity and to ensure the eventual beneficial restoration of the site and to meet the objectives of Policy MG25 (Mineral Working) of the Adopted Local Development Plan.

5. Except with the prior approval of the Mineral Planning Authority, secondary breaking of stone shall be by mechanical means only.

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast and airborne debris and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

6. The quarry shall at all times be surrounded by a fence proof against the passage of persons and livestock, and such fence shall be repaired and maintained as necessary throughout the duration of this permission.

Reason:

In the interests of public safety and general amenity and to meet the objectives of policies MD2 (Design of New Development) and MG25 (Mineral Working) of the Adopted Local Development Plan.

7. No mineral extraction shall take place in the permitted working area north of the public highway dividing the site until full engineering details of the access improvements and Vehicle Restraint System (VRS) have been submitted to and approved by the Minerals Planning Authority and thereafter fully implemented in accordance with the details approved. The details shall include the design of the VRS, improvements to the junction with the A48 to the West, the widening and installation of passing bays on Pantyffynon Lane, and the quarry accesses adjacent to the adopted highway such as visibility splays, junction geometry, signage, construction specifications, and road markings.

Reason:

To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

8. No works or site clearance pertaining to the highway improvement works specified in the above condition shall take place until a mitigation plan that outlines the extent of vegetation removal required is submitted to and approved by the Mineral Planning Authority. The plan shall detail a methodology for pre-commencement checks for species including nesting birds, reptiles, badger, hedgehogs and bats, as well as a methodology for a precautionary approach toward the presence of dormouse. In addition, the details shall provide details of proposed compensation (planting volumes, location, and timings for delivery) for any habitat lost in accordance with the requirements of the Council's Biodiversity and Development SPG. The works shall thereafter be undertaken in full accordance with the approved details.

Reason: To ensure the potential presence or absence of protected species is confirmed, prior to construction and where necessary, remedial measures are implemented for their protection, in the interests of ecology and to ensure compliance with Policies MG19, MG20, MG21 and MD9 (Promoting Biodiversity) of the Adopted Local Development Plan.

9. Within six months of the date of this permission, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Minerals Planning Authority. The Management Plan shall include details of parking for quarry traffic, a route plan for HGV traffic (via the western junction to the A48), parking areas for HGV's on site, and wheel washing facilities. The measures in the approved Management Plan shall be carried out for the duration of quarrying and restoration operations.

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.

10. The public highway dividing the site shall be swept and washed as necessary to keep it free from mud and dust.

Reason: In the interests of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

11. All loaded lorries (with the exception of those carrying stone of 100mm dimension or greater) shall be sheeted before leaving the quarry.

Reason:

In the interests of highway safety and local amenity and to comply with the terms of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

12. Other than where their removal is required to comply with the approved plans and conditions of this permission, all trees and hedgerows forming the boundaries of the site at the date of this approval shall be retained throughout the duration of this permission.

Reason:

In the interests of public safety and visual amenity and to meet the objectives of policies MD2 (Design of New Development) and MG25 (Mineral Working) of the Adopted Local Development Plan.

13. Within six months of the date of this approval, details of a scheme to enhance the nesting possibilities for Peregrine falcons shall be submitted in writing for the approval of the Mineral Planning Authority. The approved scheme shall include proposals to identify and/or prepare a minimum of three alternative nesting sites and details of a watching brief to monitor peregrine falcon activity at the site, and shall be implemented within six months of its approval.

Reason:

In order to mitigate any adverse impact of quarrying operations on this species that is protected under the Wildlife & Countryside Act 1981 and to ensure compliance with Policies MG20 and MD9 (Promoting Biodiversity) of the Adopted Local Development Plan.

14. Any operations for the removal or storage of turf, topsoil or subsoil, other than those done in accordance with permitted development rights, shall be carried out only in accordance with a scheme to be first submitted in writing to and approved in writing by the Mineral Planning Authority.

Reason:

To ensure the availability of material for use in the restoration of the site and to meet the objectives of policies MD2 (Design of New Development) and MG25 (Mineral Working) of the Adopted Local Development Plan.

15. All turf, subsoil and topsoil shall be retained for the eventual restoration of the site and shall not be removed or sold from the site.

Reason:

To ensure the availability of material for use in the restoration of the site and to meet the objectives of policies MD2 (Design of New Development), and MG25 (Mineral Working) of the Adopted Local Development Plan.

16. Except in emergencies, the circumstances of which shall be notified in writing to the Mineral Planning Authority within 48 hours of their occurrence, no operations other than water pumping, servicing, maintenance and testing of plant shall take place outside the hours of 7.00 a.m. to 7.00 p.m. Mondays to Fridays or 7.00 a.m. to 1.00 p.m. Saturdays.

Reason:

In the interests of amenity and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

17. No servicing, maintenance, or testing of plant shall be carried out outside the hours of 7.00 a.m. to 10.00 p.m. Monday to Saturday, and none whatsoever shall be carried out on Sundays and Public Holidays.

Reason:

In the interests of amenity and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

18. Any vehicular operations at the site shall be carried out in accordance with the submitted Emissions Management Plan.

Reason:

In the interests of highway safety, environmental protection and general amenity and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

19. Within three months of the date of this permission, a Noise and Dust Management Plan shall be submitted to and approved by the Mineral Planning Authority. The plan shall include measures to suppress noise and dust arising from quarrying activity, processing, and plant within the area of this permission. These measures shall include all vehicles and plant being fitted with effective silencers, treatment of the working faces, haul roads and stockpiles with water, and the fitting of all drilling equipment shall with efficient noise and dust suppression devices. Site operations shall be carried out in full accordance with the approved plan.

Reason:

In the interests of environmental protection and general amenity and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

20. Notwithstanding Condition No. 19 above, noise from quarrying operations shall be monitored at a minimum of six-monthly intervals throughout any periods of mineral extraction or processing at or as close as practicable to 'Panttyffynnonau', Bonvilston in accordance with a specification to be first submitted in writing to and approved in writing by the Mineral Planning Authority: the results of each survey shall be forwarded in writing to the Mineral Planning Authority within one month of the date of the survey.

Reason:

In the interests of residential amenity and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

21. Notwithstanding Condition Nos. 19 and 20 above, quarrying operations between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays or 7.00 a.m. and 1.00 p.m. on Saturdays shall be designed so as not to exceed a maximum noise level of 55 dB(A) at the dwellings known as 'Panttyffynnonau' or 'Ashleigh', with any operations outside those hours not exceeding 42 dB(A).

Reason:

In the interests of residential and general amenity and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

22. All reversing sirens on mobile plant, machinery or vehicles shall be of the self-attenuating type with a variable sound power level, automatically adjusted dependent on background noise levels such that the sound power level of the units does not exceed 10 dB above background noise levels.

Reason:

In the interests of local amenity and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

23. All blasting in the area of this permission shall be carried out as follows:

(a) Each blast shall be designed so that the peak particle velocity of ground vibration in any of three mutually-orthogonal directions shall not exceed 6 millimetres per second in 95% of all blasts over any six-month period at any dwelling, with the remainder not to exceed 10 millimetres per second.

(b) Each blast in the area of this permission shall be monitored for the effects of ground vibration and air overpressure at or as close as practicable to at least one of:

Pantyyffynnonnau;  
Ashleigh;  
West Rise; and/or  
Parkside, Bonvilston,

with the results of each monitoring exercise being retained at the quarry for inspection by officers of the Mineral Planning Authority on request.

(c) A warning siren shall be sounded prior to each blasting operation and again when the operation is complete.

(d) Unless in the event of an emergency, no blasting shall take place outside the hours of 10.00 a.m. to 4.00 p.m. on Mondays to Fridays; and.

(e) A copy of the requirements shall be deposited with the quarry manager for inspection at any time by any person requiring access to such information in the course of their duties and shall be brought to the attention of every shotfirer who undertakes blasting operations at the quarry.

Reason:

In the interests of residential amenity and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

24. The site operations shall be carried out in full compliance with the measures set out in the Environmental Management Plan, document ref: EMP001.

Reason:

In order to minimise and mitigate risk to the Carboniferous limestone aquifer and groundwater resources and to meet the objectives of policies MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

25. No mineral extraction shall take place in the permitted working area north of the public highway dividing the site until a management plan detailing strategies for the management and mitigation for the control of any unsuspected groundwater inflow features which may be encountered during works has been submitted to and approved in writing by the Minerals Planning Authority. The plan will need to include the management of different potential flow rates and set out how inflows will be managed. The plan will also need to include the emergency contact details of the persons/bodies responsible should any unsuspected groundwater inflow features be encountered. The operation of the site shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure necessary groundwater protection measures are agreed prior operation and implemented to protect groundwater resources and to meet the objectives of policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

26. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

Reason:

In order to protect groundwater resources and to comply with the terms of and to meet the objectives of policies MD7 (Environmental Protection) and MG25 (Mineral Working) of the Adopted Local Development Plan.

27. The drainage ditches adjoining the public highway shall be kept free of debris at all times so as to allow the free flow of water.

Reason:

In the interests of highway safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.



28. Notwithstanding the submitted plans, within 12 months of the date of this approval a scheme showing the general principles of restoration of the site shall be submitted to and approved by the Mineral Planning Authority. This Interim Restoration Scheme shall indicate the proposed after-uses of the areas of the site to the north and south of the highway bisecting the site, details of progressive restoration where appropriate, and provisions for its regular review throughout the duration of mineral extraction at the site.

Reason:

In order to ensure the beneficial restoration of the site when quarrying is completed, to meet the objectives of In order to ensure the beneficial restoration of the site when quarrying is completed, to meet the objectives of MG25 (Mineral Working) of the Adopted Local Development Plan.

29. Not later than 21st February 2041, or the expiry of six months following the permanent cessation of the winning and working of minerals, whichever is the sooner, a detailed scheme of restoration shall be submitted in writing for the consideration of the Mineral Planning Authority: the approved scheme shall embody the the general principles of the Interim Restoration Scheme approved under Condition No. 28 above and shall have specific regard to

- (a) final landforms;
- (b) phasing of progressive restoration;
- (c) location of bunds and screening to mitigate environmental impact;
- (d) areas of existing planting to be retained and new planting;
- (e) proposals for safety measures around water bodies;
- (f) proposals for the removal of all plant, machinery, buildings, and foundations;
- (g) measures to be undertaken in the interests of biodiversity enhancement;
- (h) details of any composition of any made ground, including the source and composition of any imported materials; and
- i) details of surface water drainage proposals.

Reason: In order to ensure the beneficial restoration of the site when quarrying is completed, to meet the objectives of In order to ensure the beneficial restoration of the site when quarrying is completed, to meet the objectives of MG25 (Mineral Working) of the Adopted Local Development Plan.

30. The Detailed Restoration Scheme approved under condition 29 above, with the exception of any continuing after-care requirements, shall be implemented and completed within five years of its approval.

Reason:

In order to ensure the beneficial restoration of the site when quarrying is completed, to meet the objectives of In order to ensure the beneficial restoration of the site when quarrying is completed, to meet the objectives of MG25 (Mineral Working) of the Adopted Local Development Plan.

31. An aftercare scheme, covering a period of 15 years, specifying such steps as may be necessary to bring the quarry to a condition fit for the proposed nature conservation after use shall be submitted for the written approval of the Local Planning Authority not later than 6 months prior to the date when the restoration of the site is timetabled for completion.

The scheme shall include details of :

- a) Tree planting and landscaping works.
- b) Cultivation, under drainage, seeding and management of the restored land.
- c) Fertilizer and lime applications based on soil analysis
- d) Land management techniques
- e) The creation, management and maintenance of any paths, tracks or roads.
- f) Arrangements whereby at least once a year the site operator will facilitate a formal review with the Local Planning Authority to consider the aftercare operations that have taken place on the land during the previous year and the programme of management for the following year.

Aftercare of the site shall be carried out in accordance with the aftercare scheme, as approved.

Reason:

In order to ensure the beneficial restoration of the site when quarrying is completed, to meet the objectives of In order to ensure the beneficial restoration of the site when quarrying is completed, to meet the objectives of MG25 (Mineral Working) of the Adopted Local Development Plan.

32. Notwithstanding Part 19 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no buildings, fixed plant or machinery shall be erected or placed within the area of this permission without the prior grant of planning permission by the Mineral Planning Authority.

Reason:

To ensure adequate control in the interests of visual and local amenity and to comply with the terms of Policy MG25 (Mineral Working) of the Adopted Local Development Plan.

33. Without the prior written approval of the Mineral Planning Authority, no further stone extraction beyond a depth of 65m AOD shall take place in that part of the permitted area to the north of the public highway dividing the site.

Reason:

In order to precisely define the area to which this permission relates and in the interests of the amenity of local residents and to ensure compliance with Policy MG25 (Mineral Working) of the Adopted Local Development Plan.

34. Without the prior written approval of the Mineral Planning Authority, no excavation shall take place below a level of 55 metres above Ordnance Datum.

Reason: In order to protect groundwater and to enable the eventual restoration of the quarry to a beneficial use and to ensure compliance with Policy MG25 (Mineral Working) of the Adopted Local Development Plan.

The decision to recommend amended conditions has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining an 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), SP7 (Transportation), SP9 (Minerals), SP10 (Built and Natural Environment), MG19 (Sites and Species of European Importance), MG20 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MG22 (Development in Minerals Safeguarding Areas), MG23 (Buffer Zones), MG25 (Mineral Working), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales – the National Plan 2040, PPW 12, Technical Advice Notes 5, 11, 18 and 24, MTAN1, MTAN11, MPG14, the Council's SPG on Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, and Trees, Woodlands, Hedgerows and Development, Minerals Planning revised background paper (2014), The Regional Technical Statement for the North Wales and South Wales Regional Aggregates Working Parties – 2nd Review (Sept 2020), Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management, Welsh Office Circular 11/99 – Environmental Impact Assessment, the proposed development is considered acceptable in principle and in respect of noise, vibration, air quality, hydrology and hydrogeology, environmental impacts, parking, highway safety, traffic, residential amenity, green infrastructure, ecology and biodiversity, heritage and landscape impact. It is recommended that the application be APPROVED having regard to all the submitted environmental information in accordance with Section 25(1) of the 2017 EIA Regulations, and subject to conditions, that include monitoring provisions.

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

**NOTE:**

- 1. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 2. The developer will be required to enter into a Section 278 Agreement with the Highway Authority before undertaking works along the adjacent highway. In addition, no materials whatsoever shall be deposited or stored within the limits of the adopted highway.**

**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.**

# Comment for planning application 2024/00246/ENV

<b>Application Number</b>	2024/00246/ENV
<b>Location</b>	Pantyffynnon Quarry / Seth Hill Quarry, Bonvilston
<b>Proposal</b>	2nd Periodic Review following permissions 97/01084/FUL & 2009/00814/ENV
<b>Case Officer</b>	Mr. Ceiri Rowlands
<b>Organisation</b>	
<b>Name</b>	Mr Neil Marshall
<b>Address</b>	8 Tair Onen
<b>Type of Comment</b>	Objection
<b>Type</b>	neighbour
<b>Comments</b>	Please find pdf comment document attached, this was previously emailed into VOG planning department whereupon shortly after we received the official notification from VOG LPA regarding this application around the 14th May, not the 1st May as seemingly indicated.
<b>Received Date</b>	21/05/2024 19:42:57
<b>Attachments</b>	<p>The following files have been uploaded:</p> <ul style="list-style-type: none"><li>Comments regarding planning application Seth Hill Quarry 202400246ENV (CR)...pdate.pdf</li></ul>

<b>To:</b> Mr Ceri Rowlands Development Control Vale of Glamorgan Council <a href="mailto:developmentcontrol@valeofglamorgan.gov.uk">developmentcontrol@valeofglamorgan.gov.uk</a>	<b>From:</b> Llantrithyd Residents Association <b>Date:</b> 14 <sup>th</sup> May 2024
---	--

**Subject: Planning Application No: 2024/00246/ENV: The Quarries, Bonvilston;  
2nd Periodic Review following permissions 97/01084/FUL & 2009/00814/ENV.**

**Llantrithyd Residents Association (LRA) makes the following response and comments to the above planning application:**

The quarries have been adjacent to the village for very many years and have represented an integral part of the activities that take place in this rural location. The economic impact of the quarry is recognised in the context of the jobs it supports and wider benefits arising from its supply of stone and aggregates across the Vale and throughout South Wales. Until recent years, the quarry business had been in the ownership of the same local family for many years and those links remain now, even after the change in ownership to Prichards, which has seen a greater commercialisation of the business and the intensification in quarrying activity.

The LRA does have some concerns regarding particular aspects of the quarrying activity and how this may be supported by the changes sought within this planning application. These concerns are set out in detail below at points 1 - 6. In setting out our concerns, we respectfully request that in considering the application and in its determination, the planning authority has due regard to these concerns of local residents and ensures conditions in any grant of planning permission, or modification of existing conditions, secure appropriate safeguards and controls upon which local residents can take comfort and rely, not just for the present, but also the future. Further, we feel it would be appropriate for the application to be considered for determination, by the Council's Planning Committee.

Whilst we appreciate the present owners may be well meaning and consider local interests, this is after all, a business and one that may have potentially increasing value, which if sold one day to a multi-national conglomerate, we could not expect such a sympathetic approach. Thus, being able to rely upon robust measures, safeguards and controls, will deliver comfort to the residents of Llantrithyd, whilst enabling reasonable development of the quarry business.

We also wish to establish one area of significant concern, which is based upon the established fact that climate has changed and is continuing to change and certain environmental and flood risk controls established at the time of both the permissions 97/01084/FUL & 2009/00814/ENV are potentially no longer effective, or appropriate. It is important that in determining this application, the same level of safeguarding outcomes, intended by such original conditions are established in new conditions, which can remain valid and effective for the term to which any planning permissions remain in place.

**1. 'Facilities for cleaning of wheels and chassis of vehicles leaving the quarry'**

- a. Existing conditions and proposed new conditions require such facilities to be in place and operated. Local experience of the effectiveness of such facilities is that they appear to have little impact. The volume of material transferred to the highway (Pantyyffannon Lane) to the A48 from the gates of the quarry means this is almost always covered in a film, which in dry conditions is dusty and when wet, forms a slurry like paste, which adheres to any passing car or vehicle. The amount of deposit left by lorries from the quarry, has prompted the operators of the quarry to employ a road sweeper vehicle to try and

mitigate this. However, the effect is quite limited and often the sweeper turns the dust to slurry with its water spray.

- b. The solution to this problem is the establishment of effective vehicle washing before leaving the quarry and such condition should be adhered to, thus having the outcome for which it was originally intended.
- c. **We request it is conditioned that appropriate washing facilities are in place and operated to remove the transference of material to the surrounding roads and that the Council monitor this to assure compliance.**

## **2. Permitted hours of working**

- a. It is accepted that Condition 9 & 10 of 2009/00814/ENV permits working between the hours of 7.00am to 7.00pm Mondays to Fridays and 7.00am to 1.00pm Saturdays and there is a logic to the same times applying to the whole site. However, those residents living in close proximity (some within 150m) of the quarry, do also suffer from disturbance from employees and vehicles arriving and the preparations for working, prior to the permitted working time of 7.00am. We understand representations have been made to the council concerning this with some positive effect. Similarly, respect of noise generated at and after the end of the permitted working day is a consideration to afford neighbours the opportunity to enjoy their gardens, particularly in the summer period.
- b. The hours of permitted working were established to protect local inhabitants and their enjoyment of their properties.
- c. **We would request the Council ensures compliance with these times and that the good practice towards neighbours around those times is monitored.**

## **3. Blasting**

- a. It is understood that conditions are in place to limit the impact of blasting activity. However, this is an area of concern to certain residents, particularly as the effects of such blasting can be subjective and as such, disconcerting when a blast is both heard and felt. It would be extremely beneficial if the results of monitoring of blasting conducted by the Council could be made available to residents, so as to confirm conformance with the conditions and limits in place.
- b. **We request such monitoring and confirmation of compliance results are made available.**

## **4. Restoration of the Site**

- a. We acknowledge the logic of making the two locations consistent in terms of the restoration of the site. We do have some concerns about the security of the conditions associated with this being fulfilled. An examination of the company's most recent published accounts (January 22023) at Company's House, suggests that the company is loss-making and technically insolvent, indicating that the company has insufficient resources to provide for the cost of the works necessary to return the site to the condition envisaged by the imposition of the condition.
- b. **We would respectfully request that the Council secures appropriate security from the company in the form of a bond, parent company guarantee, or other instrument that provides the assurance restoration will be delivered as conditioned.**

## **5. Water Discharge by pumping into Nant Llantrithyd**

- a. Reestablishing the extraction of material from the North Quarry and the reprofiling of its walls, has the potential to increase the volumes of water.
- b. Current discharge consent is 10ltrs per sec, but there appears to be no historic records of discharge – **any grant of permission to include conditions to record and report on water discharge.**

- c. Although water discharge is 'controlled' and an enlarged sump in the South Quarry is used to limit pumping, the need to pump, invariably coincides with continuous heavy rainfall, when 'run-off' from the land, combining with quarry discharge, leads to flooding, primarily at the bottom of Brewers Lane, but also at Park Hill. – **the applicant has indicated in the PAC Report that flooding risk can be mitigated 'on most' occasions by adjusting pumping times. This means that at times when pumping cannot be adjusted, the flood risk remains and that risk may well crystalise and flooding arise. Any permission granted to be conditioned to ensure appropriate flood mitigation measures are implemented.**
- d. Hydrology Report indicates no flooding downstream. Local experience shows this to be inaccurate and flooding has been reported to the local authority in the recent times.
- e. Hydrology Report references land being permeable and as such no run off. Local experience shows this to be inaccurate with significant run-off occurring during a number of annual occasions when the ground becomes saturated.
- f. **The matter of water discharge needs to be a consideration in the light of a rapidly changing climate and ongoing flood events in the village. Climate has changed and is continuing to change and certain environmental and flood risk controls established at the time of both the permissions 97/01084/FUL & 2009/00814/ENV are potentially no longer effective, or appropriate. It is important that in determining this application, the same level of safeguarding outcomes, intended by such original conditions are established in new conditions, which can remain valid for the term to which any planning permissions remain in place.**

## 6. Access and Highways

- a. Whilst the applicant indicates they are not seeking to increase permitted vehicle movements and as such the impacts are neutral, the current impacts of the ongoing vehicle movements on Pantyffannon Lane between the quarry and the junction with the A48 are already quite material. Given the narrow width of the lane and the junction with the A48, frequent diversions off the paved surface by both quarry lorries and other vehicles are required to enable passing. This has led to what were previously verges, being turned into 'de facto' passing bays, initially of soft mud, but increasingly over time with the introduction of stone and other materials, semi hard surfaces. **This development of the edges of the lane over time, has simply demonstrated the inadequacy of the lane for the volume of traffic and size of the vehicles using it, even at present vehicle movement levels.** Whilst the actions of the applicant, in adding material to these areas has partially mitigated the problem it has created, it is hardly appropriate, as it gives rise to loose material being carried onto the carriageway of the A48, not to mention that it is extremely unsightly in this rural environment.
- b. The narrowness of the sharp right-hand bend immediately before the A48 junction, which is largely obscured by a high hedge to its right-hand side, means you can often be surprised by a lorry exiting the west bound carriageway of the A48 as you approach the junction, or vice versa. Local residents are mindful of this fact and exercise extra caution, however, non-local drivers do not have this awareness. We would record that our experience of the applicant's drivers conduct, is very good and they are considerate of other road users, notwithstanding this, conflicts on this junction in either direction often lead to the vehicle exiting the A48 obstructing the A48 carriageway, whilst the other vehicle manoeuvres out of the way. Whilst the A48 westbound carriageway is obstructed, other drivers travelling west often seek to go around the stopped vehicle and in doing so enter the eastbound filter lane adding further risk of conflict with vehicles seeking to exit to Pantyffannon Lane.
- c. The applicant cites from the Application Ref: 2021/01379/FUL *"The highway authority had no objection to the planning application following upgraded junction proposals and the addition of passing bays for HGV's to accommodate additional vehicle movements"*. We



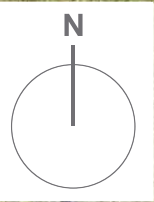
would strongly argue, that whilst the proposed junction improvements may have satisfied the increased traffic movements, it does not mean that the present junction arrangements are adequate for the current traffic volumes. As indicated earlier, this is proven by the unofficial adoption of verge space into lorry passing bays!

- d. **Should the Council be minded to grant consent for the additional elements requested by the applicant, reestablishing extraction of limestone to depth of 54m AOD in the North Quarry extended to 2042 and a new access road within the South Quarry to facilitate further extraction, it is requested the applicant be required to contribute to appropriate improvements to Pantyffannon Lane and its junction with the A48, to secure infrastructure appropriate to the industrial activity it is undertaking and the traffic this generates. Such improvements should include load bearing road surface, passing places and a widening of the Junction with the A48 and improved sightlines.**





2024/01212/FUL



-  Site Boundary
-  Existing Vegetation
-  Proposed Hedgerow
-  Proposed Hedgerow Trees
-  Proposed Species-rich Grass
-  Proposed Wildflower Mix to be Over-seeded
-  Proposed Attenuation Pond
-  Proposed Grasscrete Access Track or Similar Approved
-  Proposed Battery Storage Development

- ① Proposed trees along site boundaries filter views to the proposed development. Trees to be established by allowing suitable existing hedgerow specimens to develop into trees. Where there are no suitable specimens available, new trees should be planted. Proposed species to be native and, where available, of local provenance.
- ② Existing hedgerows to be allowed to grow to 3m. Retained and proposed hedgerows and trees filter and screen views to the proposed development.
- ③ Proposed species-rich and wildflower grassland to be created to the south of the site with species of local provenance, where available. Establishment and management process of the species-rich and wildflower grassland to be informed by soil testing.
- ④ Battery container units will be rendered in a colour associated and fitting with the wider context and character area.
- ⑤ Ash trees within the site will be monitored and replaced by suitable alternative native tree planting where ash dieback is present.
- A Sections illustrated on edp8591\_d010

client			
Greenfield Energy Developments Limited			
project title			
Old Wallace Farm BESS			
drawing title			
Illustrative Landscape Strategy			
date	15 OCTOBER 2024	drawn by	HEI
drawing number	edp8591_d006c	checked	CMA
scale	1:1,000 @ A2	QA	Gyo

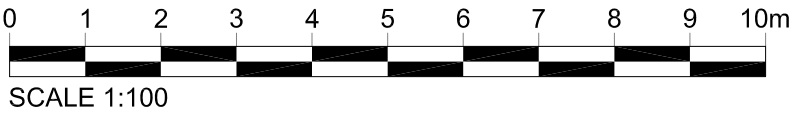
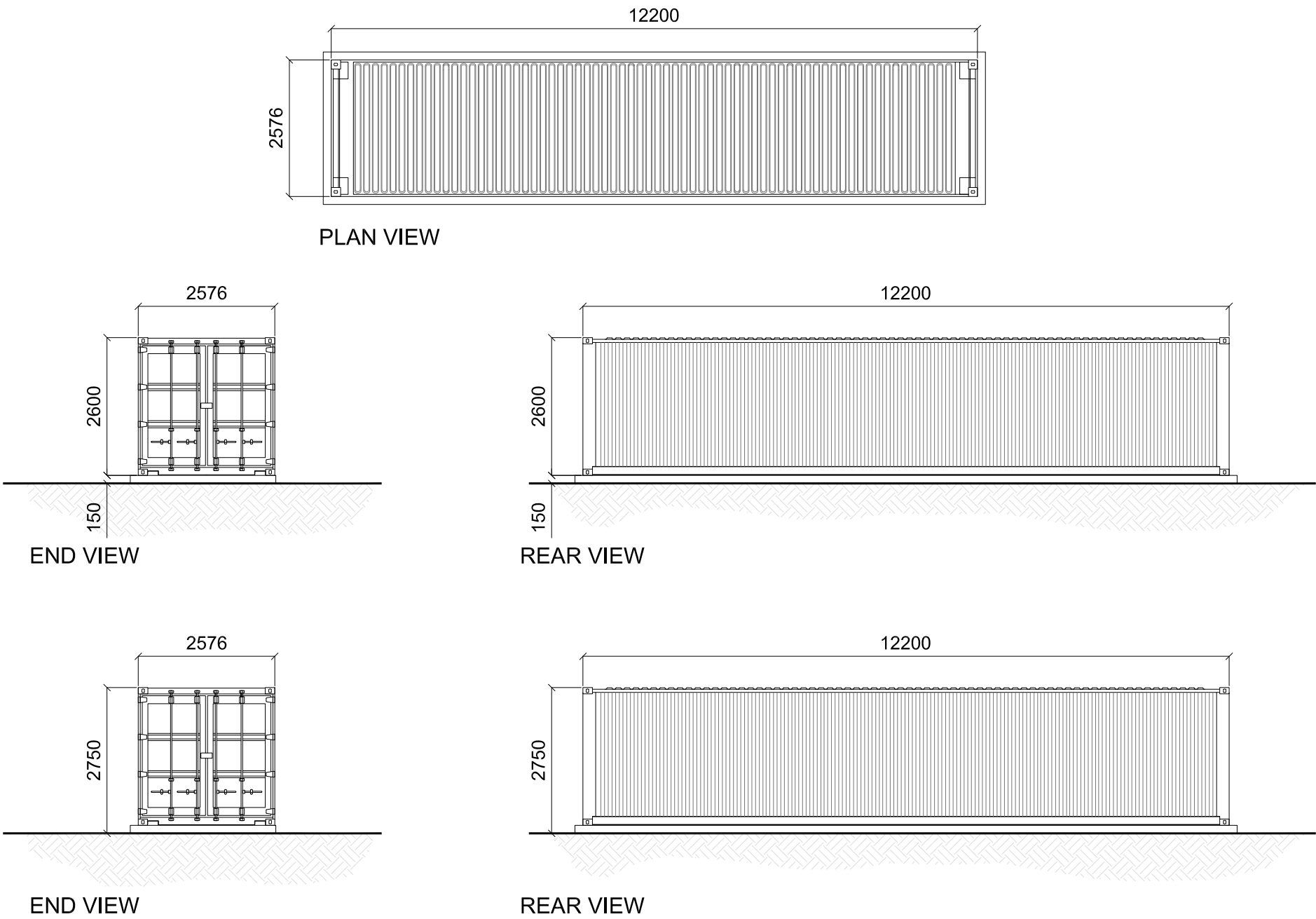


Revisions:

Revision	Date	Revision Notes	Drawn	Inspected
01	18.09.24	First Issue	RR	HK

LEGEND:

2024/01212/FUL



Project:

Old Wallace Farm BESS

Consultant:

greenfield.

Greenfield Energy Developments Ltd  
Gridiron Building  
1 Parnassus Square  
London  
N1C 4AG  
Tel: +44 (0) 20 657 7876

Drawn by:



CADmando Design & Draughting Solutions Ltd  
The Long Barn, The Courtyard, Seven Drive, Tewkesbury  
Business Park, GL20 9GD  
Tel: +44 (0) 1684 550919  
Mob: +44 (0) 7814436910

Status:

PLANNING

Drawing Title:

Standard Drawing:  
40ft Storage Container

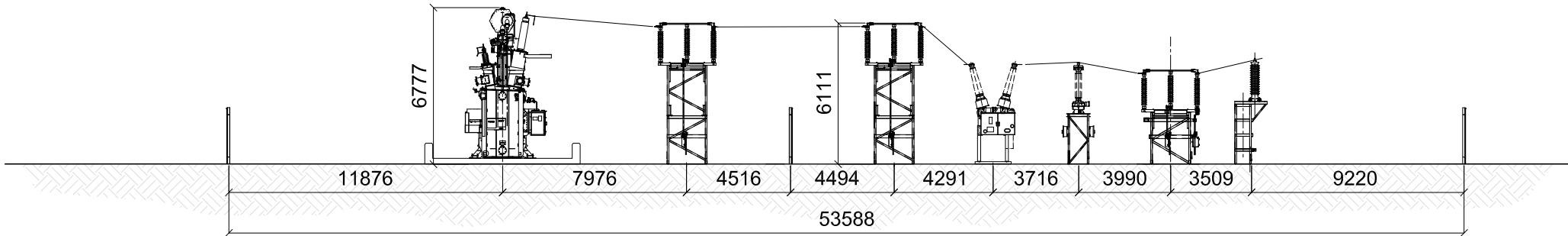
Drawn: RR	Checked: HK	First Issued: 18.09.24
--------------	----------------	---------------------------

Project Code: GRN005- SD-09	Drawing Number:
--------------------------------	-----------------

Sheet Size: A3	Scale: 1:100	Revision: 01
-------------------	-----------------	-----------------

Revisions:				
Revision	Date	Revision Notes	Drawn	Inspected
01	18.09.24	First Issue	RR	HK

LEGEND:



2024/01212/FUL

Project:  
**Old Wallace Farm BESS**

Consultant:  
**greenfield.**

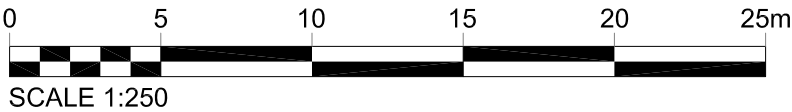
Greenfield Energy Developments Ltd  
Gridiron Building  
1 Pancras Square  
London  
N1C 4AG  
Tel: +44 (0) 20 657 7876

Drawn by:  
  
CADmando Design & Draughting Solutions Ltd  
The Long Barn, The Courtyard, Seven Drive, Tewkesbury  
Business Park, GL20 9GD  
Tel: +44 (0) 1684 550919  
Mob: +44 (0) 7814436910

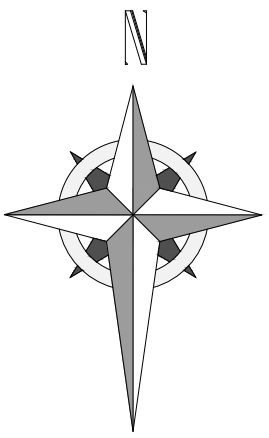
Status:  
**PLANNING**

Drawing Title:  
**Standard Drawing:  
132kV Substation (Section)**

Drawn: RR	Checked: HK	First Issued: 18.09.24
Project Code: GRN005- SD-02		
Sheet Size: A3	Scale: 1:250	Revision: 01



2024/01212/FUL



This drawing is the copyright of GREENFIELD ENERGY DEVELOPMENTS LTD and must not be reproduced in whole or in part or used in any manner without their written permission.  
Scaled dimensions must not be taken from this drawing. All dimensions are to be confirmed on site prior to commencement of work.

Revision	Date	Revision Notes	Drawn	Approved
08	08.10.24	Attenuation Pond modified	AQ	ES

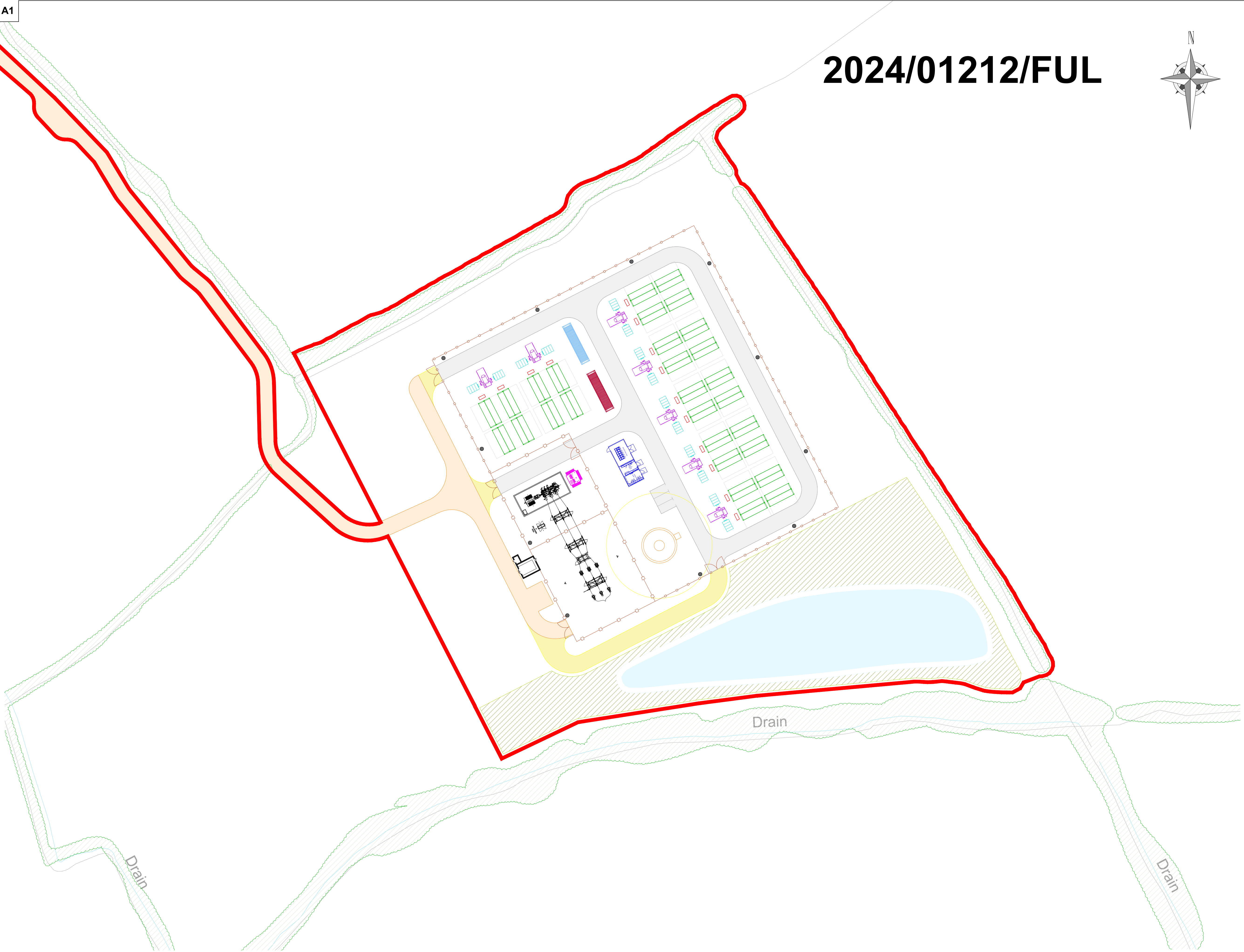
LEGEND:

	PLANNING APPLICATION BOUNDARY
	DNO ACCESS
	INTERNAL ACCESS
	SITE ACCESS
	PERIMETER FENCELINE
	EXISTING VEGETATION
	BIO DIVERSITY NET GAIN

SITE INFRASTRUCTURE:

	SECURITY GATE		BATTERY UNIT
	TWIN SKID (TX)		PCSK INVERTER
	132kV SUBSTATION		BATTERY INTERFACE CABINET
	CCTV CAMERA		STORAGE CONTAINER
	240,000L WATER TANK		WELFARE CONTAINER
	AUX TRANSFORMER		33kV CUSTOMER SWITCHGEAR
	ATTENUATION POND		DNO CONTROL ROOM

	x 7 @ 8MW/16MWh
Total Capacity: 56MW/112MWh	



1 OLD WALLACE FARM BESS PROPOSED SITE LAYOUT PLAN

Scale 1:500@A1



Project:  
**Old Wallace Farm BESS**

**greenfield.**

Greenfield Energy Developments Ltd  
Gridiron Building  
1 Pancras Square  
London  
N1C 4AG  
Tel: +44 (0) 20 657 7876

Status:  
**FOR PLANNING**

Drawing Title:  
**Old Wallace Farm BESS  
Proposed Site Layout Plan**

Drawn: AQ	Checked: ES	First Issued: 08.10.2024
--------------	----------------	-----------------------------

Project Code: Drawing Number:  
**GF-BESS PL-02**

Sheet Size: <b>A1</b>	Scale: <b>1:500</b>	Revision: <b>08</b>
--------------------------	------------------------	------------------------



2024/01212/FUL

Revisions:				
Revision	Date	Revision Notes	Drawn	Inspected
01	23.09.24	First Issue	RR	HK

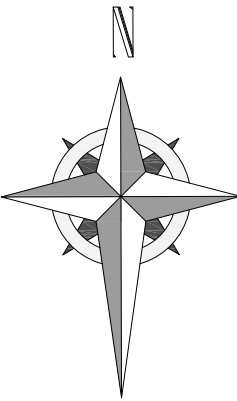
LEGEND:



1 SECTION B - B  
Scale: 1:100@A1



2 SECTION B -B (CONTINUED)  
Scale: 1:100@A1



Project:  
**Old Wallace Farm BESS**

Client:  
**greenfield.**

Greenfield Energy Developments Ltd  
Gridiron Building  
1 Pancras Square  
London  
N1C 4AG  
Tel: +44 (0) 20 657 7876

Drawn by:  
 **CADmando**  
2D, 3D CAD & BIM SERVICES

CADmando Design & Draughting Solutions Ltd  
The Long Barn, The Courtyard, Seven Drive, Tewkesbury  
Business Park, GL20 9GD  
Tel: +44 (0) 1684 850019  
Mob: +44 (0) 7814436910

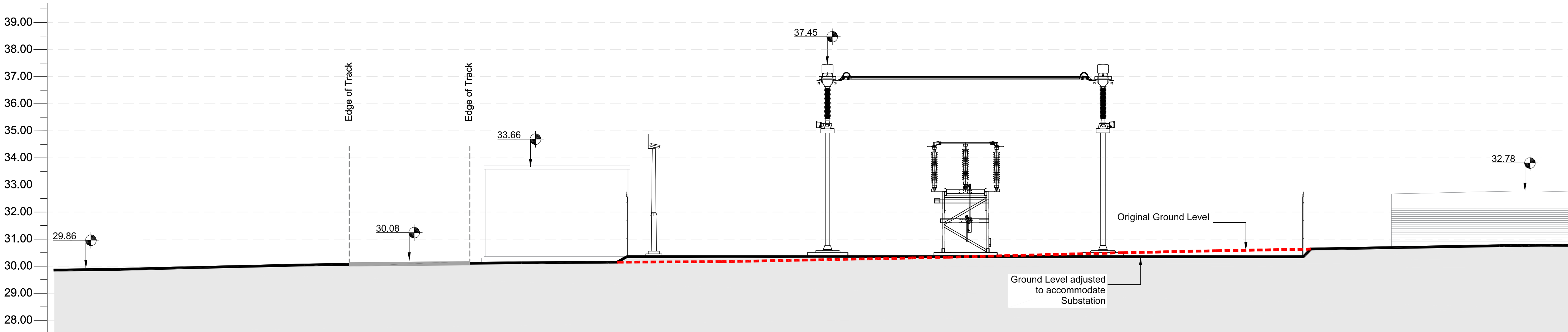
Status:  
**FOR PLANNING**

Drawing Title:  
**Old Wallace Farm BESS**  
Contextual Elevations (Sheet 2 of 2)

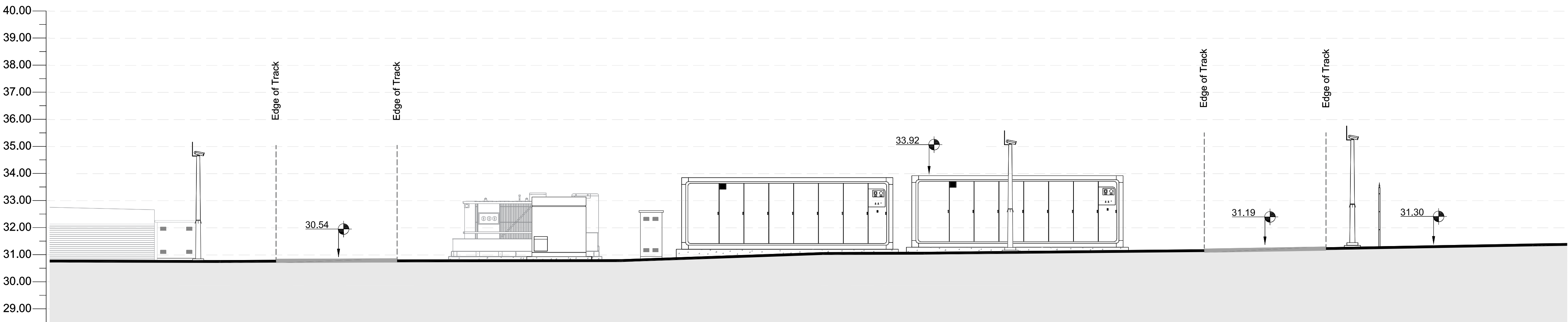
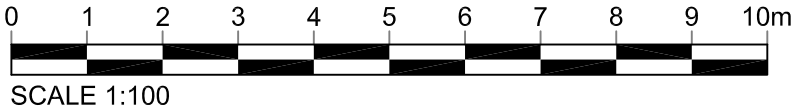
Drawn: RR	Checked: HK	First Issued: 23.09.24
--------------	----------------	---------------------------

Project Code: **GRN005**  
Drawing Number: **EL-02**

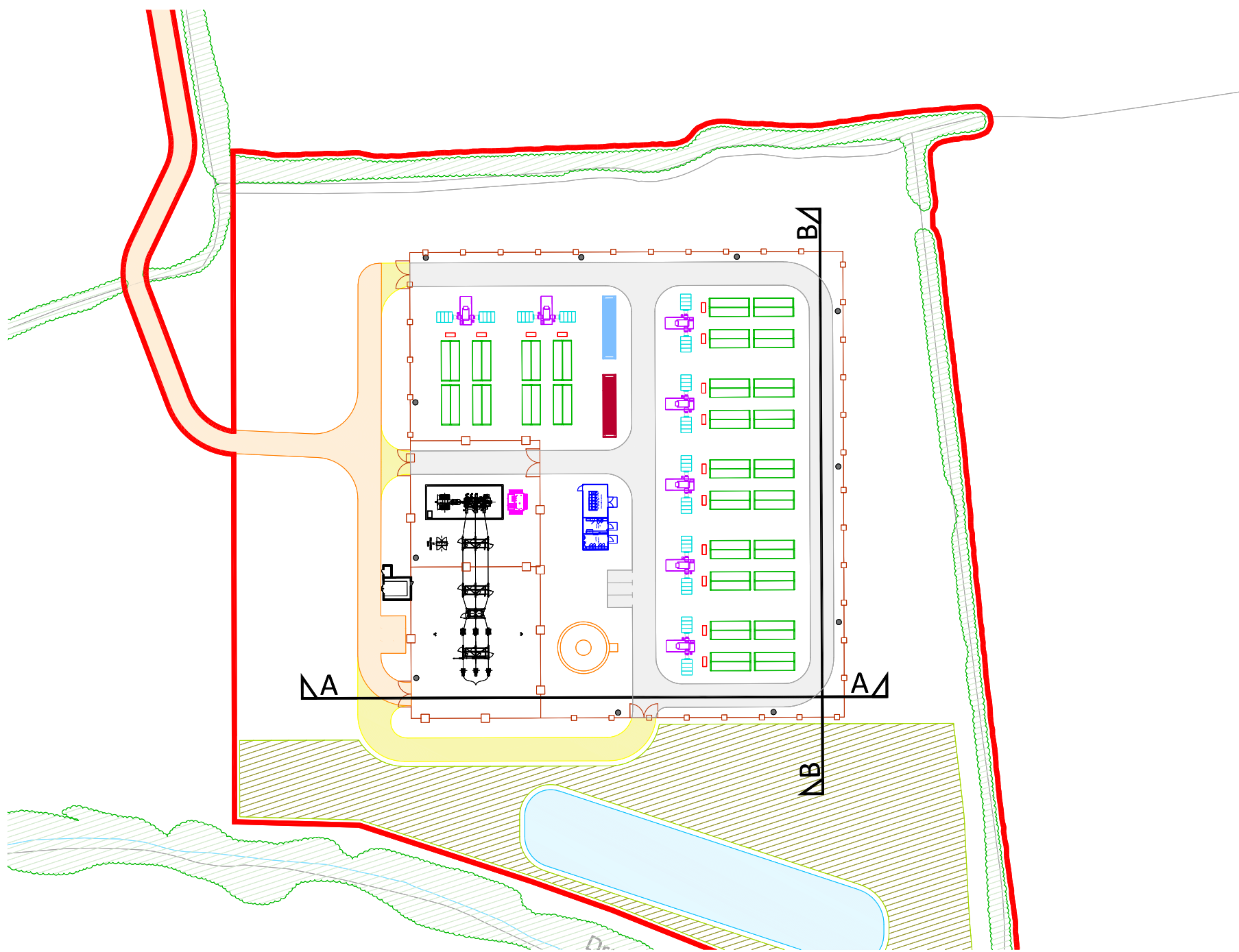
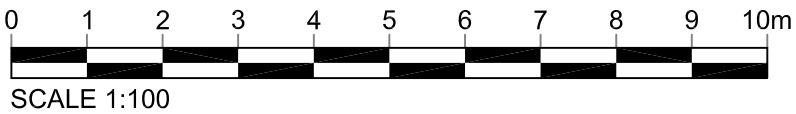
Sheet Size: <b>A1</b>	Scale: <b>1:100</b>	Revision: <b>01</b>
--------------------------	------------------------	------------------------



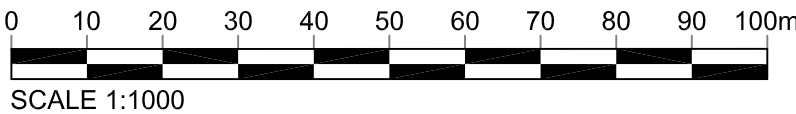
2 SECTION A - A  
Scale: 1:100@A1



3 SECTION A - A (CONTINUED)  
Scale: 1:100@A1



1 KEY PLAN  
Scale: 1:1000@A1

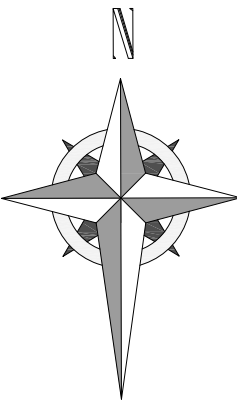


This drawing is the copyright of GREENFIELD ENERGY DEVELOPMENTS LTD and must not be reproduced in whole or in part or used in any manner without their written permission.  
Scaled dimensions must not be taken from this drawing. All dimensions are to be confirmed on site prior to commencement of work.

Revisions:				
Revision	Date	Revision Notes	Drawn	Inspected
01	23.09.24	First Issue	RR	HK

LEGEND:	
<span style="color: red;">—</span>	PLANNING APPLICATION BOUNDARY
<span style="color: orange;">—</span>	DNO ACCESS
<span style="color: lightblue;">—</span>	INTERNAL ACCESS
<span style="color: yellow;">—</span>	SITE ACCESS
<span style="color: red;">- - -</span>	PERIMETER FENCELINE
<span style="color: green;">—</span>	EXISTING VEGETATION
<span style="color: yellow;">—</span>	BIO DIVERSITY NET GAIN

SITE INFRASTRUCTURE:	
	SECURITY GATE
	TWIN SKID (TX)
	132kV SUBSTATION
	CCTV CAMERA
	240,000L WATER TANK
	AUX TRANSFORMER
	ATTENUATION POND
	BATTERY UNIT
	PCSK INVERTER
	BATTERY INTERFACE CABINET
	STORAGE CONTAINER
	WELFARE CONTAINER
	33kV CUSTOMER SWITCHGEAR
	DNO CONTROL ROOM



Project:  
**Old Wallace Farm BESS**

Client:  
**greenfield.**

Greenfield Energy Developments Ltd  
Gridiron Building  
1 Pancras Square  
London  
N1C 4AG  
Tel: +44 (0) 20 657 7876

Drawn by:  
  
2D, 3D CAD & BIM SERVICES  
CADmando Design & Draughting Solutions Ltd  
The Long Barn, The Courtyard, Seven Drive, Tewkesbury  
Business Park, GL20 9GD  
Tel: +44 (0) 1684 850019  
Mob: +44 (0) 7814436910

Status:  
**FOR PLANNING**

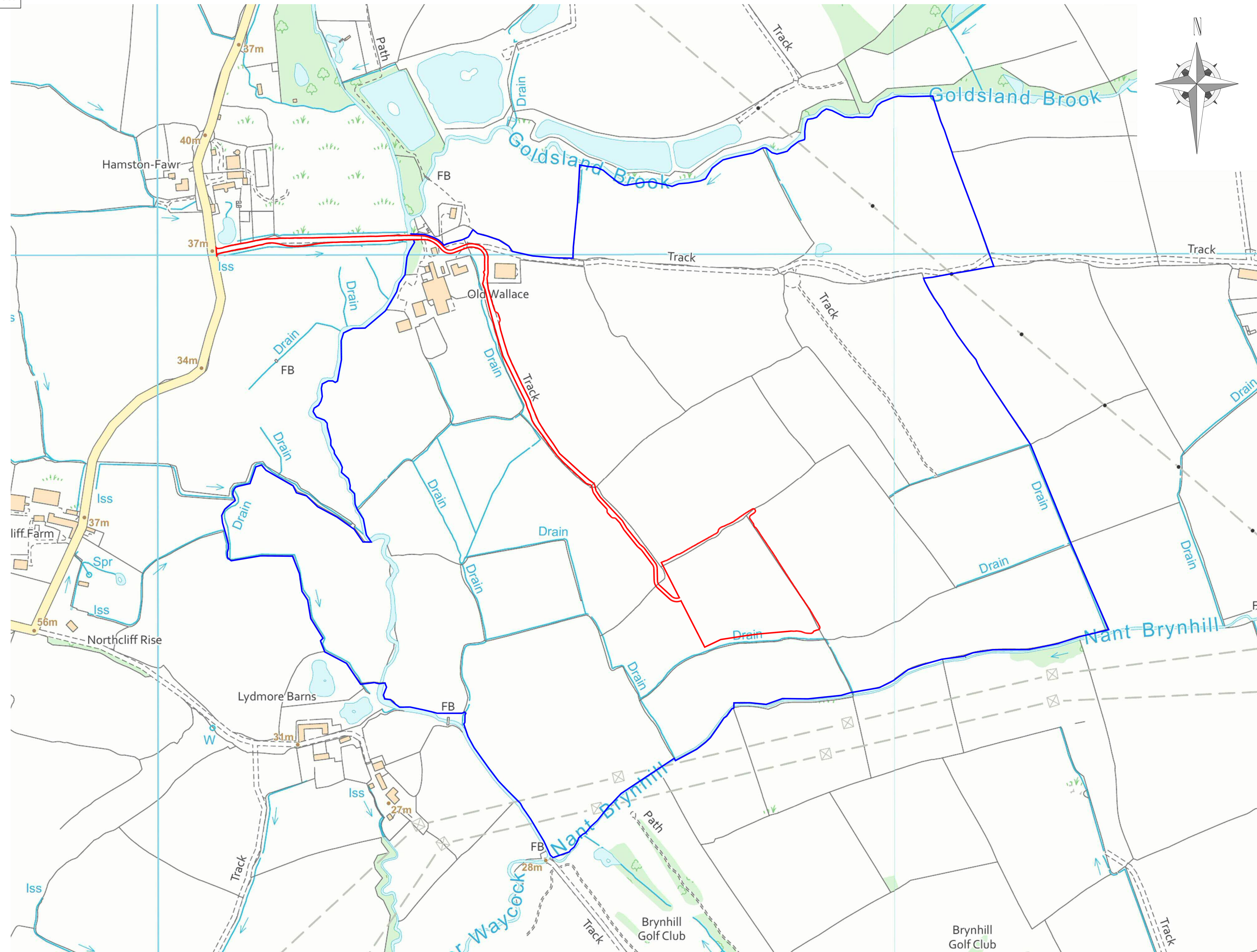
Drawing Title:  
**Old Wallace Farm BESS  
Contextual Elevations (Sheet 1 of 2)**

Drawn: RR	Checked: HK	First Issued: 23.09.24
--------------	----------------	---------------------------

Project Code: <b>GRN005</b>	Drawing Number: <b>EL-01</b>
--------------------------------	---------------------------------

Sheet Size: <b>A1</b>	Scale: <b>A.N</b>	Revision: <b>01</b>
--------------------------	----------------------	------------------------





This drawing is the copyright of GREENFIELD ENERGY DEVELOPMENTS LTD and must not be reproduced in whole or in part or used in any manner without their written permission.  
Scaled dimensions must not be taken from this drawing. All dimensions are to be confirmed on site prior to commencement of work

Revisions:

Revision	Date	Revision Notes	Drawn	Inspected
01	12.12.23	First Issue	JM	OPT
02	08.01.24	Revised	JM	OPT
03	27.02.24	Revised Access Route and Cable Entrance	HL	OPT
04	26.04.24	Revised Access Route and RLB	JM	OPT
05	01.05.24	Revised Red Line Boundary	JM	OPT
06	20.06.24	RLB Revised	JM	OPT
07	13.08.24	RLB Amended and Cable Route Removed	RR	KB
08	18.09.24	Project and Title Name Changed	RR	HK
09	17.12.24	Land Ownership Boundary added	HL	KB

LEGEND:

<span style="color: red;">—</span>	PLANNING APPLICATION BOUNDARY
<span style="color: blue;">—</span>	LAND OWNERSHIP BOUNDARY

2024/01212/FUL

Project:

Old Wallace Farm BESS

Client:

greenfield.

Greenfield Energy Developments Ltd  
Gridiron Building  
1 Pancras Square  
London  
N1C 4AG  
Tel: +44 (0) 20 657 7876

Drawn by:



CADmando Design & Draughting Solutions Ltd  
The Long Barn, The Courtyard, Seven Drive, Tewkesbury  
Business Park, GL20 0GD  
Tel: +44 (0) 1684 850019  
Mob: +44 (0) 7814436910

Status:

FOR PLANNING

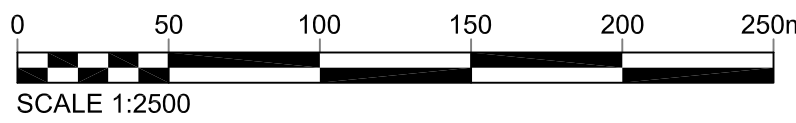
Drawing Title:

Old Wallace Farm BESS  
Proposed Site Location Plan

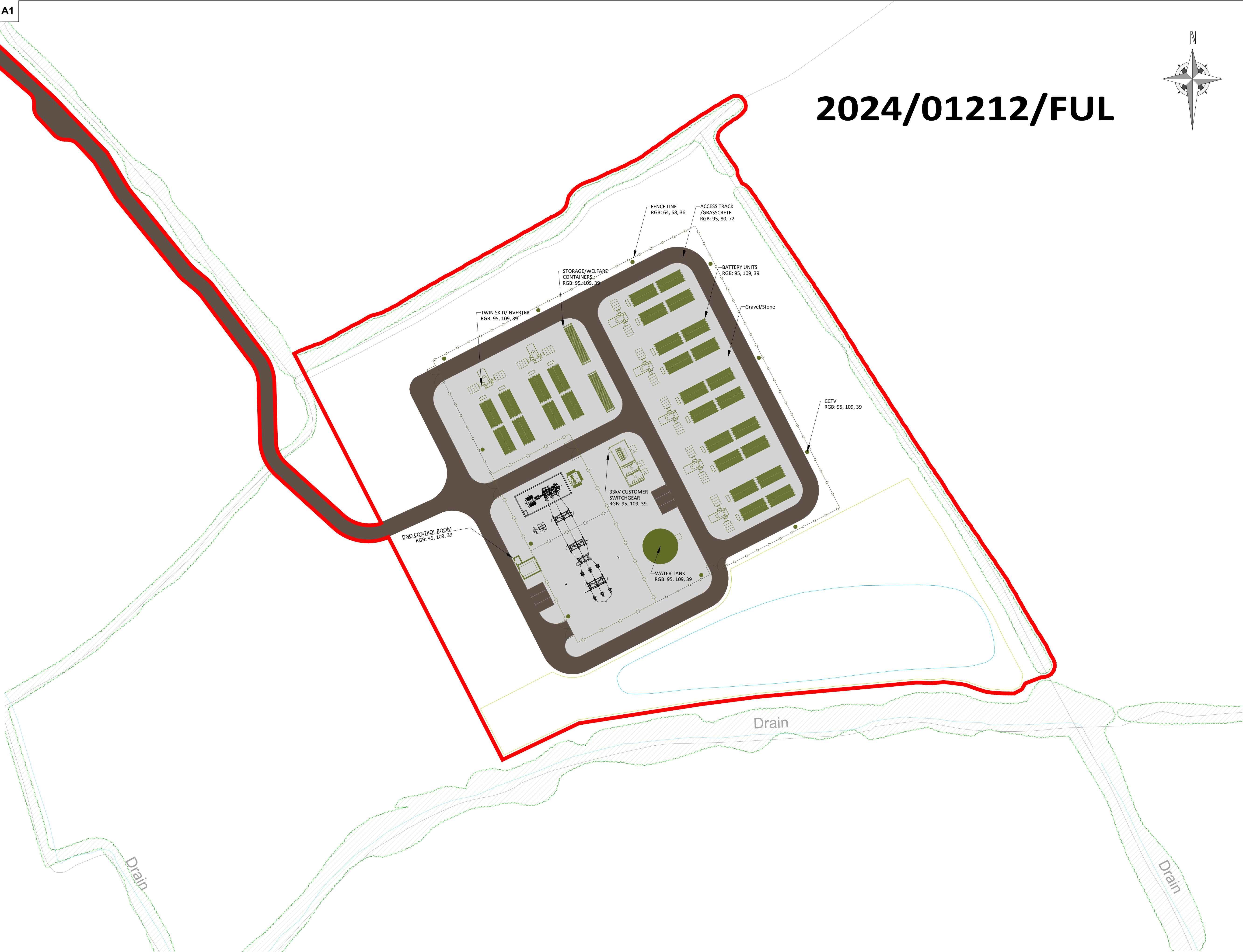
Drawn: JM	Checked: OPT	First Issued: 12.12.2023
--------------	-----------------	-----------------------------

Project Code: GRN005	Drawing Number: SP-01
-------------------------	--------------------------

Sheet Size: A1	Scale: 1:2500	Revision: 09
-------------------	------------------	-----------------







2024/01212/FUL

This drawing is the copyright of GREENFIELD ENERGY DEVELOPMENTS LTD and must not be reproduced in whole or in part or used in any manner without their written permission.  
Scaled dimensions must not be taken from this drawing. All dimensions are to be confirmed on site prior to commencement of work.

Revision	Date	Revision Notes	Drawn	Approved
08	08.10.24	Attenuation Pond modified	AQ	OPT
09	04.03.25	Colour Scheme Amended	AQ	OPT
10	29.04.25	Colour Scheme Amended	AQ	OPT

LEGEND:

- PLANNING APPLICATION BOUNDARY
- SITE ACCESS
- PERIMETER FENCELINE
- EXISTING VEGETATION
- BIO DIVERSITY NET GAIN

SITE INFRASTRUCTURE:

	SECURITY GATE		BATTERY UNIT
	TWIN SKID (TX)		PCSK INVERTER
	132kV SUBSTATION		BATTERY INTERFACE CABINET
	CCTV CAMERA		STORAGE CONTAINER
	240,000L WATER TANK		WELFARE CONTAINER
	WATER HYDRANT		33kV CUSTOMER SWITCHGEAR
	ATTENUATION POND		DNO CONTROL ROOM
			AUX TRANSFORMER

COLOUR SCHEME KEY:

BESS, Plant and Buildings	Fencing and Gates	Access Track/Grasscrete and Ground Surfacing
RGB# 95, 109, 39	RGB# 64, 68, 36	RGB# 95, 80, 72

DISCLAIMER: "Variations in colour may occur due to product supply. All reasonable steps will be taken to ensure the final finish is as close as possible to the intended colour."  
"Please note that this plan should be read in conjunction with the accompanying (Illustrative Landscaping Strategy) for a comprehensive understanding of the proposed development."

x 7 @ 8MW / 16 MWh
Total Capacity: 56 MW/ 112 MWh

Project:  
**Old Wallace Farm BESS**

**greenfield.**

Greenfield Energy Developments Ltd  
Gridiron Building  
1 Pancras Square  
London  
N1C 4AG  
Tel: +44 (0) 20 657 7876

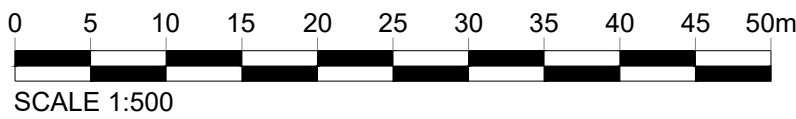
Status:  
**FOR PLANNING**

Drawing Title:  
**Old Wallace Farm BESS  
Proposed Site Colour Finishes**

Drawn: AQ	Checked: OPT	First Issued: 29.04.2025
Project Code: <b>GF-BESS</b>	Drawing Number: <b>PL-02</b>	
Sheet Size: <b>A1</b>	Scale: <b>1:500</b>	Revision: <b>10</b>

1 OLD WALLACE FARM BESS PROPOSED SITE COLOUR FINISHES

Scale 1:500@A1





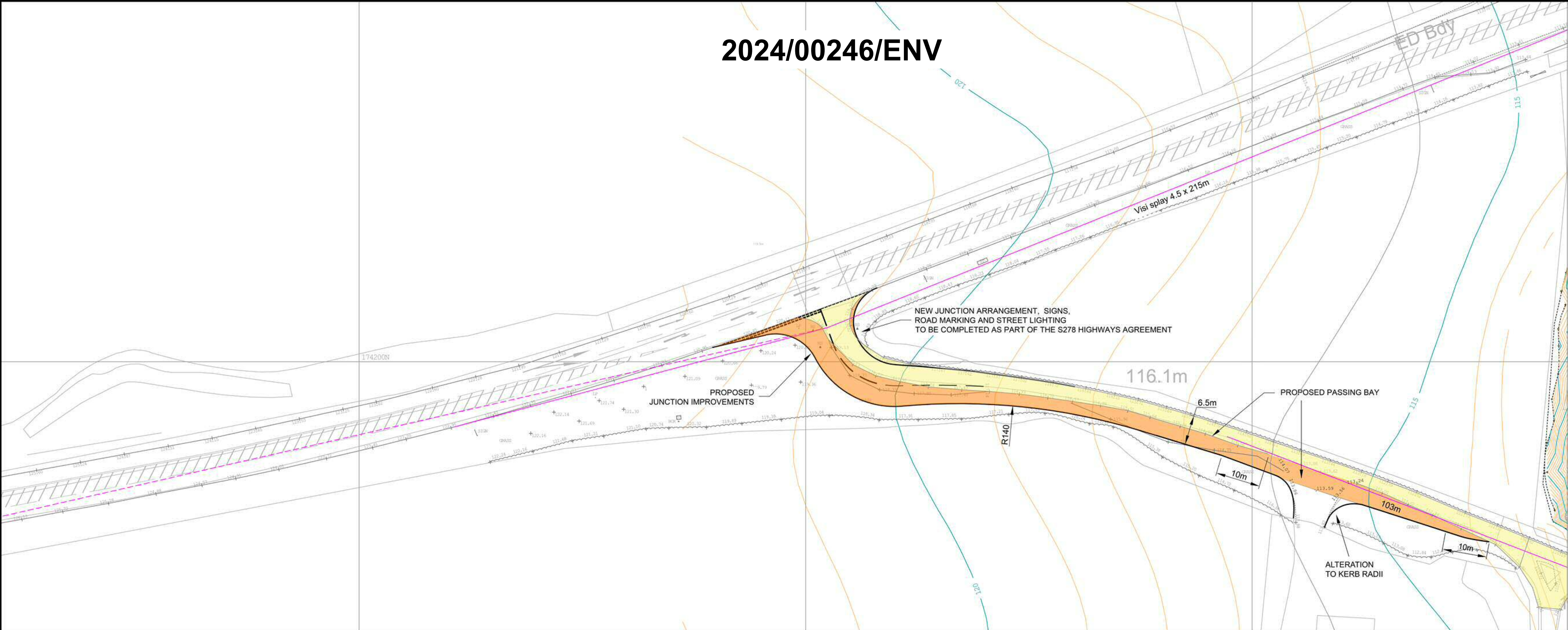
KEY

EXISTING ACCESS ROAD

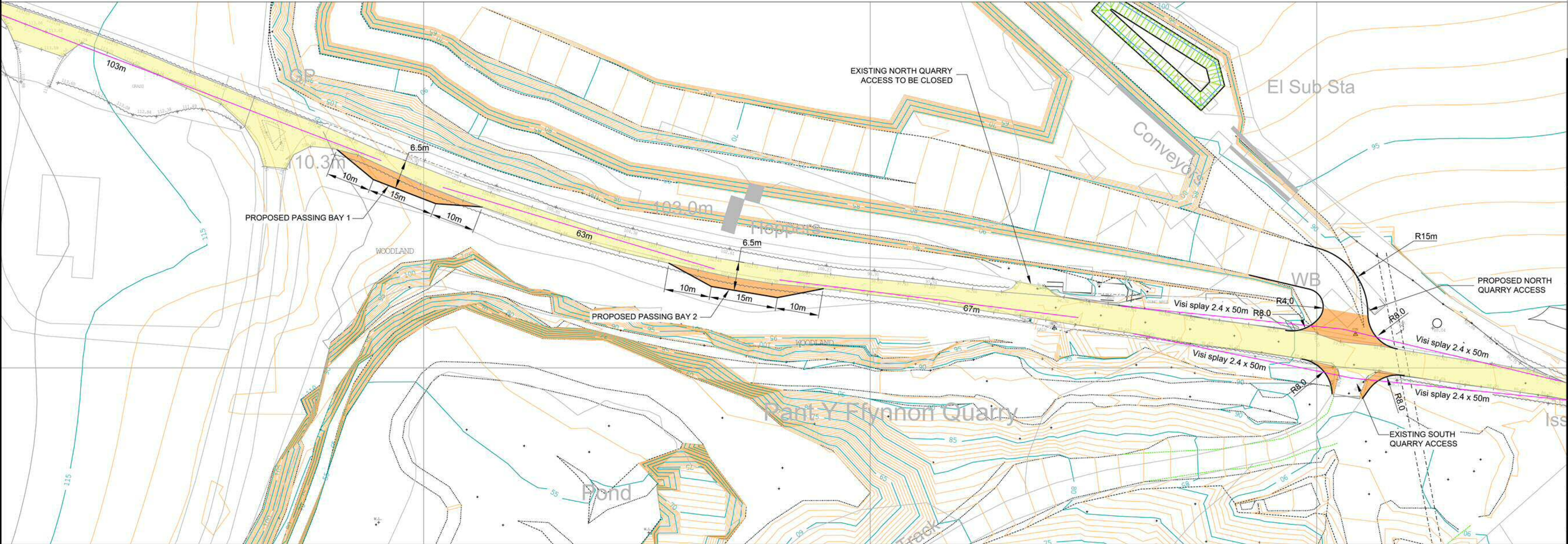
PROPOSED CARRIAGEWAY WIDENING

63m VISIBILITY BETWEEN PASSING BAYS

1. REFER TO DRAWINGS H04 AND H05 FOR VEHICLE TRACKING



A48 JUNCTION

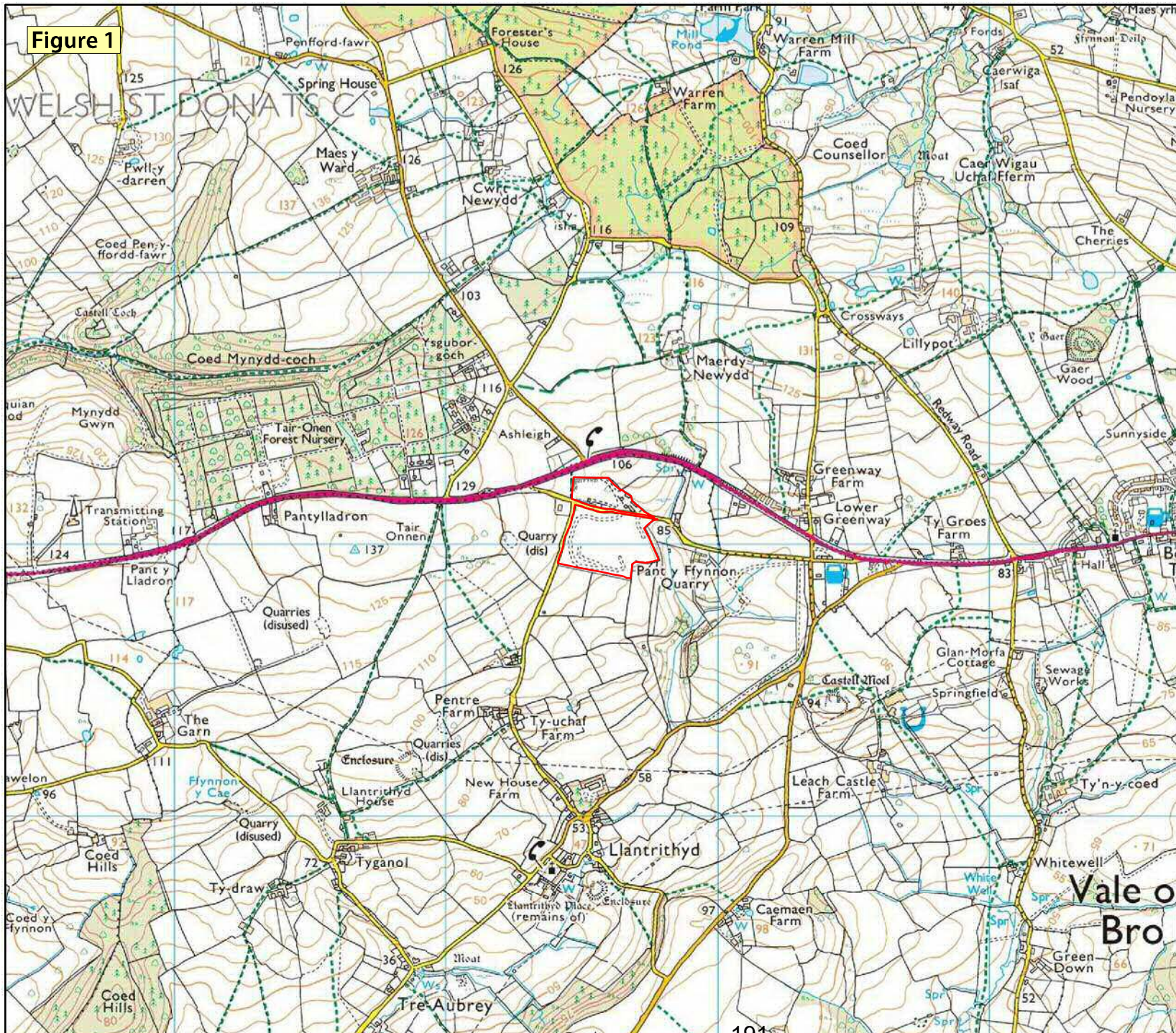


SITE ACCESS ROAD

E	APPROACH TO A48 JUNCTION AMENDED	11.05.2022
D	JUNCTION VISIBILITY SPLAYS ADDED	30.12.2021
C	VEHICLE PASSING BAYS ADDED	26.11.2021
B	SITE ACCESS ADDED	21.12.2020
A	PRELIMINARY ISSUE FOR PLANNING	11.12.2020
Revision Details		By Date
UTC ASSOCIATES Property Development Consultants		
20A Pantbach Road Birchgrove Cardiff CF14 1UA Tel 029 2081 2311 email: mikeurski@utcassociates.co.uk		
Project		PANTYFFYNNON QUARRY
Title		PROPOSED ACCESS ROAD AND JUNCTION IMPROVEMENTS
Scale at A1		1:500
Drawn	Date 01.12.2020	
Checked	Date	
Project No:		2430
Drawing No:		H02-E



Figure 1



Legend



Planning Application Boundary  
and Land in Contention of the  
Applicant

2024/00246/ENV



Reproduced from Ordnance  
Survey map data © Crown Copyright  
reserved. Licence number 01000316

DRAWING STATUS  
**PLANNING**

PROJECT  
**Pant-y-ffynnon Quarry**

CLIENT  
**Seth Hill & Son Limited**

TITLE  
**Location Plan**

DATE  
**March 2021**

SCALE  
**1:20,000 @A4**

DRAWN  
**LSB**

CHECKED  
**CH/RH**

DRAW NO.  
**M20.114.D.001**

REVISION

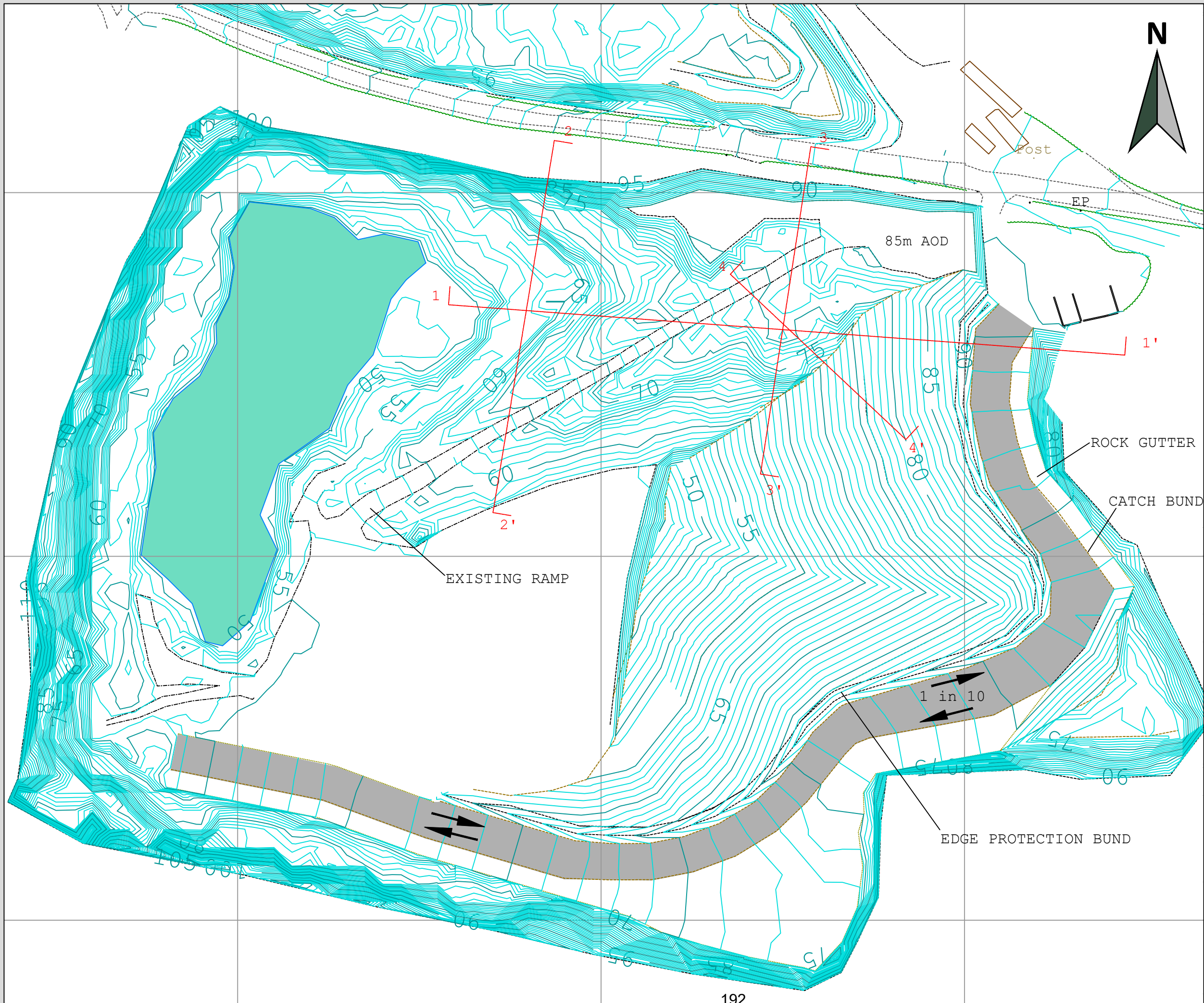
**JAMES**  
associates  
Geological, Mining and Development Consultants

PleydellSmithyman

THIS DRAWING MAY NOT BE USED  
WITHOUT CONSENT OF:

PLEYDELL SMITHYMAN LIMITED  
20A THE WHARFAGE, IRONBRIDGE  
SHROPSHIRE TF8 7NH  
T. 01952 433211 F. 01952 433323  
E. [psl@pleydellsmithyman.co.uk](mailto:psl@pleydellsmithyman.co.uk)  
[www.pleydellsmithyman.co.uk](http://www.pleydellsmithyman.co.uk)





1' Position of cross section

New access Ramp

NOTES:  
Site surveyed to Ordnance Survey orientated datum based on Trimble VRSNow.

DRAWN		CHECKED	
-------	--	---------	--

SITE  
PANTYFFYNNON QUARRY  
BONVILSTON

PLAN  
EXCAVATION TO 85mAOD

Scale 1:1000 @ A3

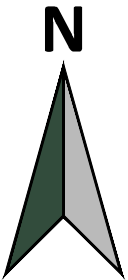
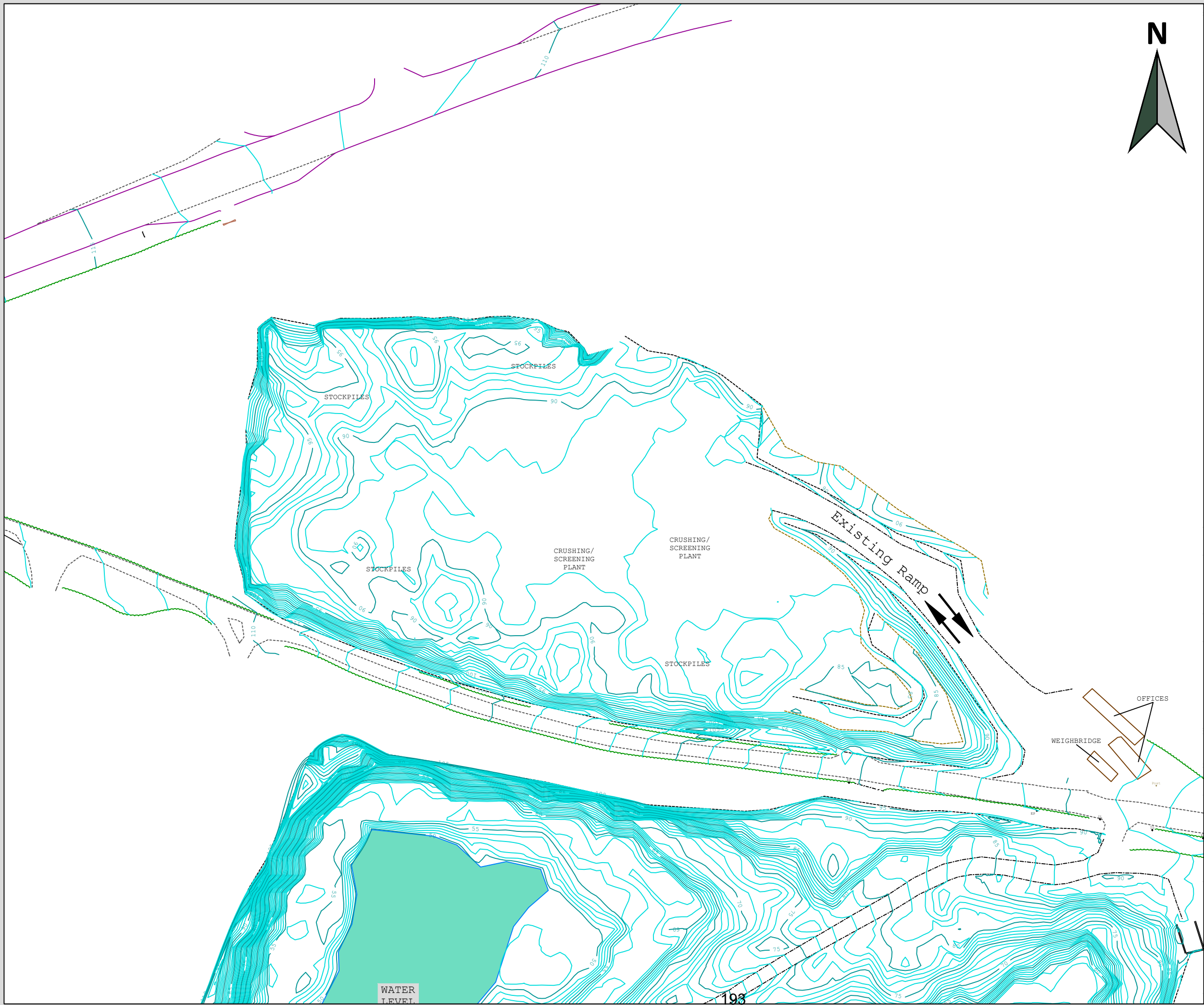
PHL-PFQ-1-24

PRICHARD HOLDINGS LTD

**JAMES**  
associates  
Geological, Mining and Development Consultants

2024/00246/ENV





2024/00246/ENV

NOTES:  
Site surveyed to Ordnance Survey orientation and datum based on Trimble VRSNow.

DRAWN		CHECKED	
-------	--	---------	--

SITE  
PANTYFFYNNON QUARRY  
BONVILSTON

PLAN  
NORTH QUARRY  
CURRENT SITUATION

Scale 1:1000 @ A3

PHL-PFQN-1-2-24

PRICHARD HOLDINGS LTD

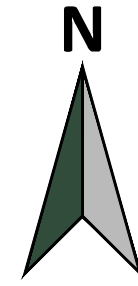
**JAMES**  
associates

Geological, Mining and Development Consultants





202400246/ENV



1 1' Position of cross section

NOTES:  
Site surveyed to Ordnance Survey orientation and datum based on Trimble VRSNow.

DRAWN		CHECKED	
-------	--	---------	--

SITE  
PANTYFYNNON QUARRY  
BONVILSTON

PLAN  
NORTH QUARRY  
EXCAVATION TO 65mAOD

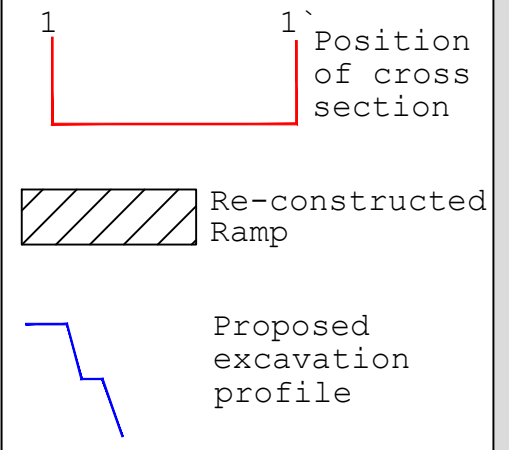
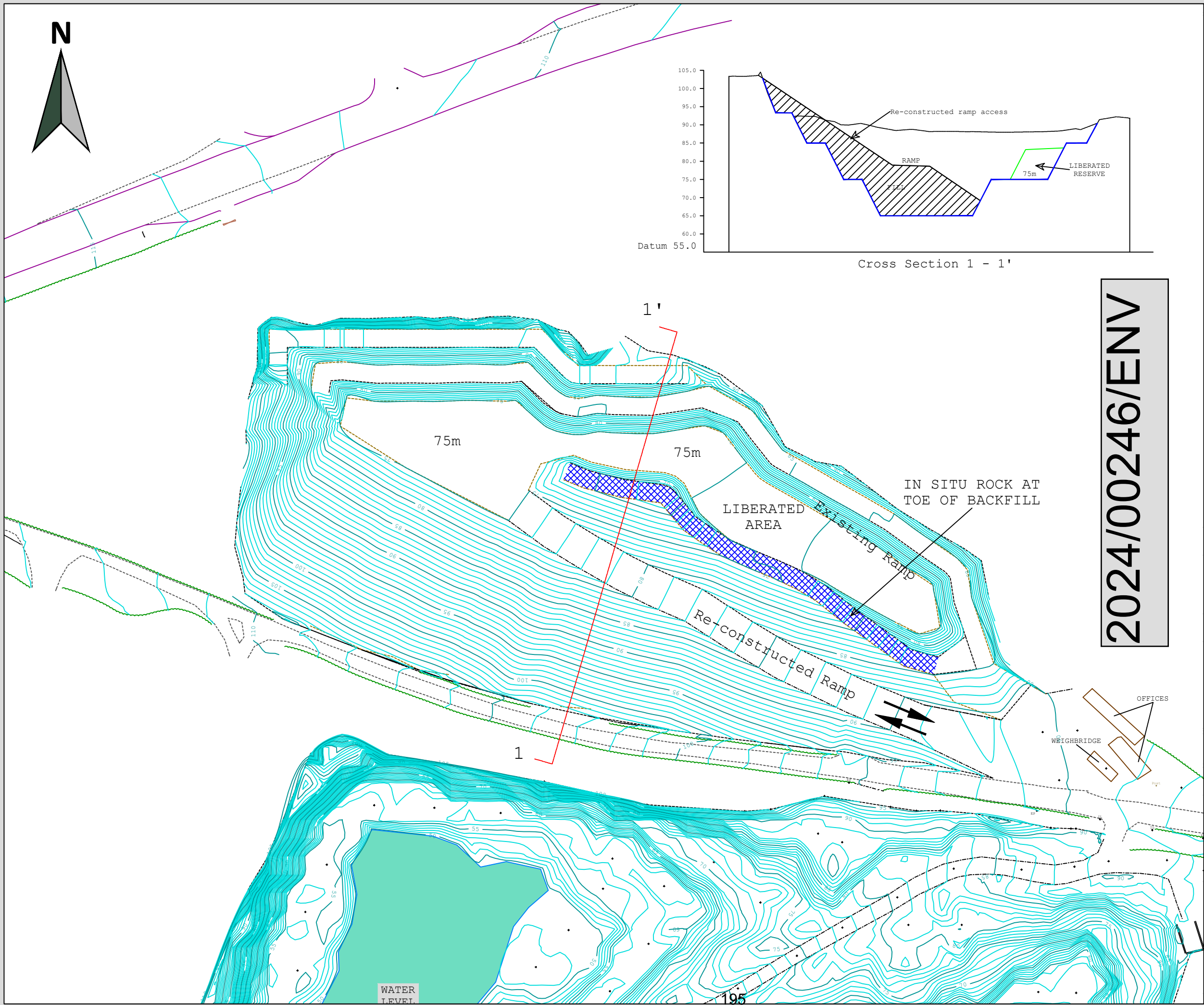
Scale 1:1000 @ A3

PHL-PFQN-4-2-24

PRICHARD HOLDINGS LTD







NOTES:  
Site surveyed to Ordnance Survey orientation and datum based on Trimble VRSNow.

DRAWN		CHECKED	
-------	--	---------	--

SITE  
PANTYFYNNON QUARRY  
BONVILSTON

PLAN  
NORTH QUARRY  
RE-CONSTRUCTED ACCESS RAMP

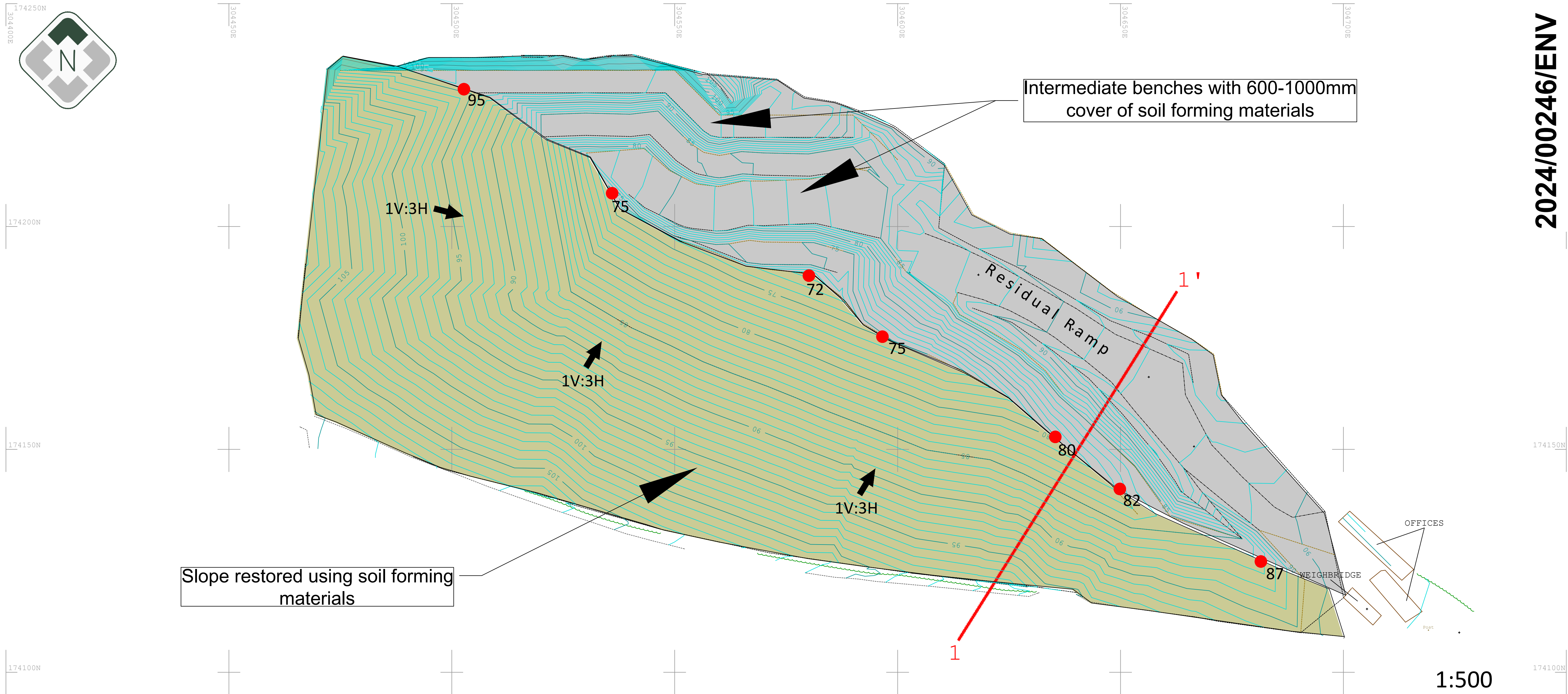
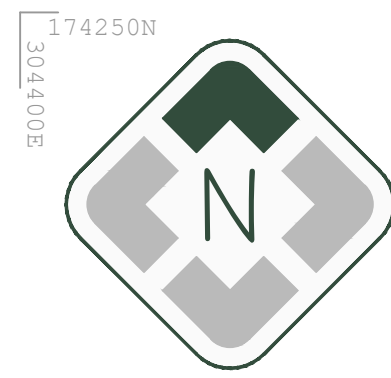
Scale 1:1000 @ A3

PHL-PFQN-5-2-24

PRICHARD HOLDINGS LTD







2024/00246/ENV

- Legend
- Excavation Profile
  - Infill Profile
  - Restoration Profile
  - Cross Section 1
  - Infill
  - Retained rock face
  - 1V:5H Infill slope gradient
  - 95 Spot level mAOD

NOTES:  
Site surveyed to Ordnance Survey orientation and datum based on Leica SmartNet.

DRAWN	DJ	CHECKED	DH
-------	----	---------	----

SITE  
Seth Hill (Pant-Y-Fynnon) Quarry

PLAN  
Restoration to wall plan

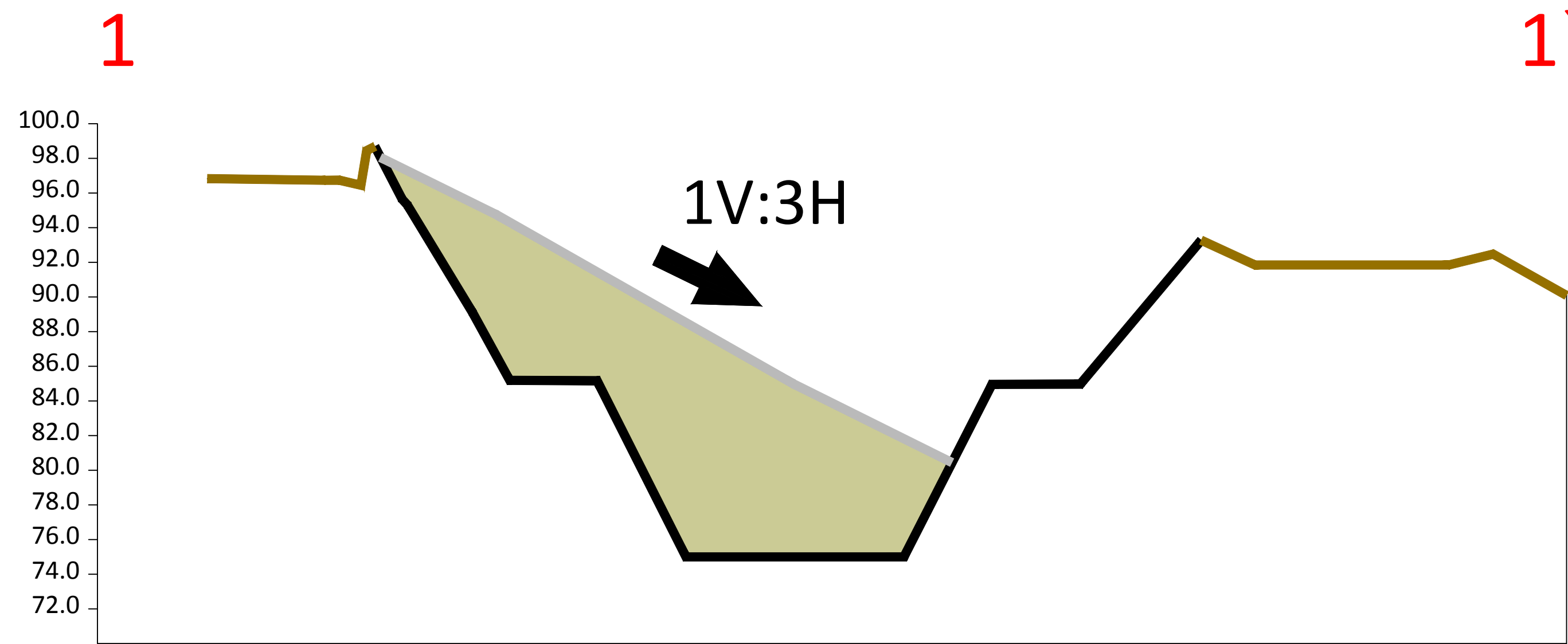
Scale: As Shown

JA-PH-PYF-STQ-1-10-24

Prichard Holdings Ltd



Snitterton House, 3 Snitterton Road,  
Matlock, Derbyshire, DE4 3LZ  
T: +44 (0) 1629 581389  
E: mail@james-assoc.co.uk

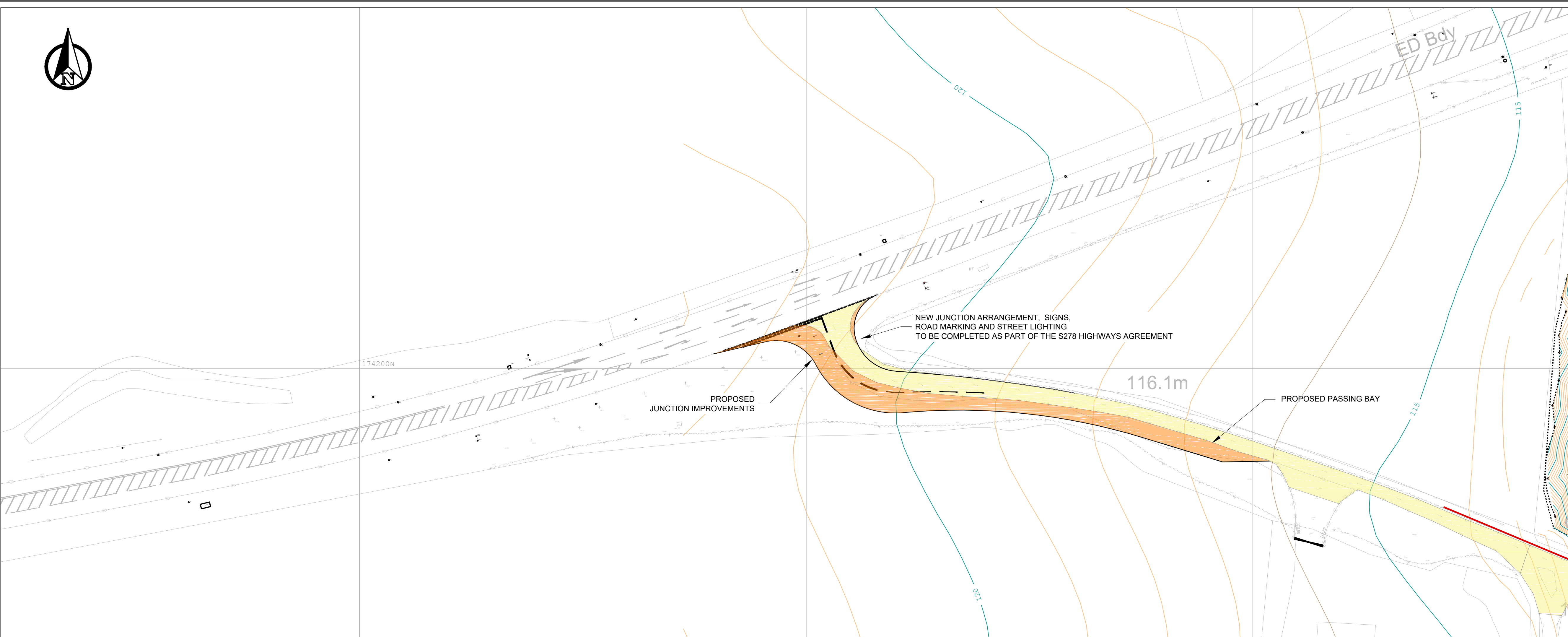


Cross Section 5-5'

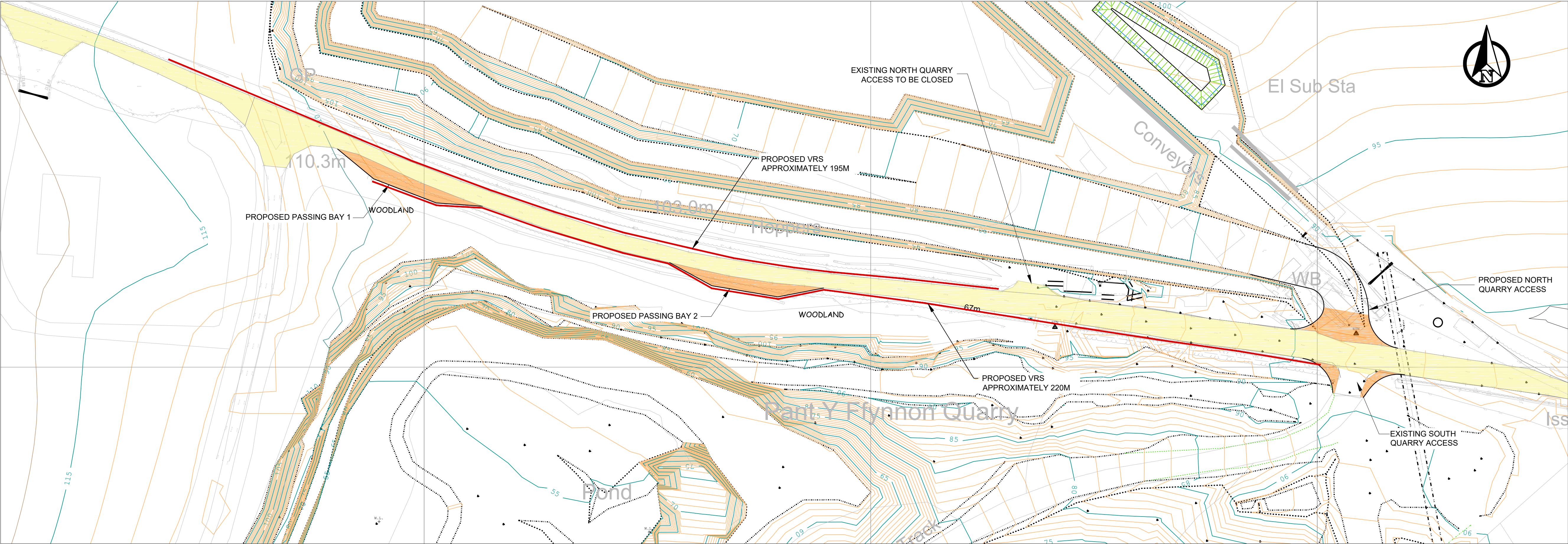
1:250

1:500





A48 JUNCTION



SITE ACCESS ROAD

KEY

EXISTING ACCESS ROAD

PROPOSED CARRIAGEWAY WIDENING

PROPOSED VRS LOCATION

NOTES

1. BARRIER TO BE CONTRACTOR DESIGNED, MINIMUM H1 W2 SPECIFICATION

2. ALL PARTS OF THE VRS, INCLUDING TERMINALS, TO BE 1.2m SET BACK FROM EDGE OF CARRIAGEWAY. UNLESS THERE IS A PHYSICAL CONSTRAIN WHERE THIS CAN BE REDUCED TO 1m. THIS CAN BE REDUCED FURTHER TO 0.45m WHERE IT IS CONSIDERED NECESSARY TO POSITION THE VRS AWAY FROM THE EDGE OF AN EXISTING EMBANKMENT TO PROVIDE SUPPORT TO THE FOUNDATION

3. WORKING WIDTH TO BE <0.8m

P01	28.06.22	ISSUED	DH
Rev	Date	Description	By
Amendments			
Project			
PANTYFFYNNON QUARY			
Title			
PROPOSED VEHICLE RESTRAINT			
Client			
CLIENT			
<div><div><div></div></div><div><div>waterman</div></div></div>			
Halifax House, Halifax Place, Nottingham, NG1 1QN			
Tel: +44 115 948 2612			
mail@watermangroup.com			
www.watermangroup.com			
Status			
PRELIMINARY			
Designed By	DH	Checked By	DP
Waterman Ref	WIE19366		
Drawn By	DH	Date	28.06.22
Scales @ A1	1:500		
Project	Originator	Volume	Level
Type	Role	Number	Revision
WIE19366-ZZ-XX-DR-C-950401			
P01			