

WELSH WATER

Land at St Nicholas Expansion of Waste Water Treatment Works

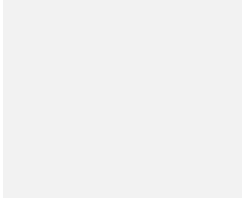
Planning Statement

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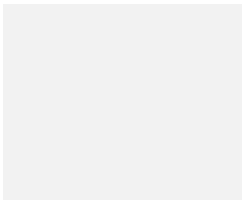
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1 Introduction

1.1 The Planning Application

- 1.1.1 This Planning Statement has been prepared by Arcadis Consulting (UK) Ltd, working as part of the Dŵr Cymru Welsh Water (DCWW) Asset Management Alliance (AMA). Arcadis has been instructed by Morgan Sindall Limited to prepare a Planning Statement to accompany an application for planning consent under the Town and Country Planning Act 1990, as amended (the 1990 Act), for the expansion and improvements to the existing Waste Water Treatment Works (WwTW) herein referred to as the 'Proposed Development' at St Nicholas, located in the Vale of Glamorgan.
- 1.1.2 The planning application seeks permission for the following:
'The Expansion of the existing Waste Water Treatment Works to include the following: Inlet Works, Trickling Filter, Buried Humus Tanks, Sludge Holding Tank, Motor Control Centre Kiosk, Reed Bed Reed Bed Blower Kiosk, Alkalinity Dosing Kiosk, Trickling Filter Distribution Chamber, De-sludge Pumps and Slabs, Landscaping, Internal Access Road, Lighting, along with a Temporary Contractor's Compound and Construction Access'.
- 1.1.3 The statutory requirement for a Design and Access Statement is duly noted and has been prepared as a separate report to accompany this planning application submission.
- 1.1.4 A Pre-Application Consultation (PAC) Report has also been prepared in line with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) (amendment) Order 2016 which accompanies this planning application submission. The mandatory PAC was held between 27th October to 24 November 2023, where statutory consultees, the Community Council and neighbours were invited to review the draft application submission and provide comments prior to the formal submission to the Council. The accompanying PAC report provides further details of the consultation undertaken.
- 1.1.5 The Proposed Development site is located at the existing St Nicholas WwTW which is situated approximately 1km south of the village of St Nicholas, at National Grid Reference (NGR) ST 08786 73303. The application site boundary is shown in the accompanying Site Location Plan (Ref: B10181-0AG964-ZZ-ZZ-DR-TA-PN0235 Rev P02) and covers an approximate area of 1.8 hectares (ha) in total. Due to the length of the temporary construction access road crossing several parcels of land and not adjoining the site, the Vale of Glamorgan Council (VoGC) has advised in its Pre-Application Response (11 October 2023) that this is not permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the GPDO) and should form part of the application. Whilst also temporary in nature and adjoining the development site, it has been considered expedient for the determination of the application to include this parcel of land within the application boundary.
- 1.1.6 This Planning Statement should be read in conjunction with the supporting reports accompanying the application comprising of:
- Draft Planning Application Form;
 - Planning Statement
 - Design and Access Statement;
 - Archaeological Evaluation Project Design
 - Archaeological Evaluation;
 - Preliminary Ecological Appraisal (PEA)
 - Bat Tree Climbing Report
 - Flood Consequence Assessment (FCA)

- Ground Investigation Report
- Site Ecological Constraints Memo
- Dormouse Survey Report
- Bat Survey Report
- Arboricultural Report
- Existing Site Plan B10181-0AG964-ZZ-ZZ-DR-CA-DI0312
- Site Location Plan B10181-0AG964-ZZ-ZZ-DR-TA-DI0235
- Proposed Landscape Planting Plan B10181-0AG964-ZZ-ZZ-DR-CA-DI0239
- Planning Site General Arrangement B10181-0AG964-ZZ-ZZ-DR-TA-DI0295
- Proposed Elevation Plan through Northern & Eastern Side B10181-0AG964-ZZ-ZZ-DR-TA-DI0237
- Proposed Elevation Plan through Southern & Western Side B10181-0AG964-ZZ-ZZ-DR-TA-DI0238
- Temporary Construction Access Road – Plan 1 of 4 300745-DEL-XXX-DR-0001
- Temporary Construction Access Road – Plan 2 of 4 300745-DEL-XXX-DR-0002
- Temporary Construction Access Road – Plan 3 of 4 300745-DEL-XXX-DR-0003
- Temporary Construction Access Road – Plan 4 of 4 300745-DEL-XXX-DR-0004
- Construction Environmental Management Plan (CEMP) B10181-0AG964-ZZ-ZZ-RP-WB-CJ0321
- Transport Management Plan B10181-0AG964-ZZ-ZZ-RP-WB-CJ0322
- Transport Statement (*Currently in preparation to be submitted with the planning application*)
- Green Infrastructure Statement (*Currently in preparation to be submitted with the planning application*)

1.2 The Applicant

- 1.2.1 DCWW is a regulated business with statutory responsibilities for the provision of water and sewerage services to 1.3 million people operating across Wales and including parts of the Wirral, Cheshire, Gloucestershire and Herefordshire. DCWW is owned by Glas Cymru, a single purpose company with no shareholders run solely for the benefit of its customer.
- 1.2.1 DCWW is currently implementing its Asset Management Plan for AMP7 (2020-2025), which is the mechanism by which the regulator, Natural Resources Wales (NRW) monitors and regulates. An extension and upgrade of the existing Waste Water Treatment Works is therefore proposed to meet the current and future population growth in the area and to meet the new consents required under AMP7.

1.3 Need for the Proposed Development

- 1.3.1 DCWW has a statutory obligation to provide wastewater treatment to the sewered catchment of St Nicholas. In doing so, DCWW is licenced by NRW to undertake wastewater treatment and discharge treated water to the environment under specific licence conditions. The existing plant is currently in need for expansion and upgrade due to an increase in population of the sewer catchment with recent and proposed developments in and around St Nicholas.
- 1.3.2 The current treatment capacity of the WwTW is such that DCWW is at risk of not meeting its statutory obligation to provide wastewater treatment to the forecast growth in the area. The proposed improvement works will increase the treatment capacity of the WwTW from a current equivalent

population of approximately 500 to an equivalent population of approximately 670 in line with this growth forecast.

1.4 Pre-Application Engagement

1.4.1 A pre-application enquiry was submitted to VoGC on 4 July 2023. A formal written response was received on 11 October 2023, confirming the following matters in association with the proposed works:

- The temporary access road does not constitute permitted development under Part 4 of the General Permitted Development Order and would need to form part of the full planning application submission;
- The proposal is likely to be considered acceptable in principle under the provisions of Policy SP8 of the adopted Local Development Plan;
- The proposal is likely to have a localised impact upon the landscape character, albeit the impact is balanced against the benefits provided by the development;
- The site is unlikely to conflict with Criteria 7 of Policy MD7 in relation to Agricultural Land Classification (ALC);
- The proposals would not likely result in a materially significant loss in terms of this strategic mineral resource given its location within the Minerals Safeguarding Zones including Categories 1 & 2 Sand and Gravel;
- The requirement for biodiversity net gain is essential;
- The scale of development in its context and from an operational context is not of significant concern in relation to neighbouring amenity, albeit the submission of a Construction Environmental Management Plan (CEMP) is expected;
- The requirement for the submission of a Transport Statement to accompany the planning application submission;
- No significant hydrological effects anticipated from this increase given the maximum storm flow remains unchanged;
- Confirms the position that the temporary access route is the only reasonable means of access, and the land is re-instated post construction of the development;
- Engagement with Glamorgan Gwent Archaeological Trust (GGAT) is required prior to formal submission;
- Engagement with the Drainage Approving Body (SAB) approval with developments creating 100sq.m of development or more;
- Pre-Application Consultation (PAC) will be required for developments deemed as major.

1.5 Screening Opinion

1.1.7 DCWW submitted a Screening Opinion to the VoGC on whether the construction and operation of the proposed development constitutes EIA Development under the provisions of Regulations 6(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) on 17 April 2023. VoGC confirmed, by letter on 29 June 2023 that the proposed development is a non-EIA Project.

1.6 Purpose and Structure of the Statement

1.1.8 The purpose of this Planning Statement is to describe the Proposed Development for which planning permission is sought and to outline how the proposals respond to and comply with, relevant national and local planning policy to be weighed by the VoGC, as the Local Planning Authority (LPA).

- 1.1.9 This Statement seeks to demonstrate that the Proposed Development is in accordance with the Development Plan, taking into account other relevant policies in order that the LPA is able to determine the development proposal without delay. It has also been produced to provide information to assist VoGC, as the determining body for the planning application and for consultees and other stakeholders to be informed about the Proposed Development.
- 1.4.1 The structure of the Planning Statement is as follows:
- **Chapter 2** provides a brief description of the application site and its surroundings and a description of the development proposals before the local planning authority.
 - **Chapter 3** sets out the local and national planning policy context of relevance to the proposal.
 - **Chapter 4** appraises and considers the extent to which the Proposed Development complies with relevant policies at a national and local level.
 - **Chapter 5** reaches conclusions on the overall compliance of the development proposals with planning policy in reaching a recommendation on the acceptance of the Proposed Development.

2 Site Context and Proposed Development

2.1 Introduction

- 2.1.1 This Chapter provides a description of the application site and its surroundings, the planning history, as well as the description of the development and proposed works taking place at the WwTW at St Nicholas.

2.2 Development Site and its Surroundings

- 2.2.1 The Proposed Development site, the subject of this planning application encompasses an area of 1.8 hectares (inclusive of the temporary construction access route), as indicated in red on the submitted Site Location Plan (Drawing Number B10181-0AG964-ZZ-ZZ-DR-TA-PN0235 Rev P02). It forms an extension to the existing St Nicholas WwTW that is located at approximate National Grid Reference (NGR) ST087732.
- 2.2.2 The existing St Nicholas WwTW occupies a roughly triangular piece of land with an area of approximately 0.32 ha, which was constructed in the late 1970s/early 1980s. The existing WwTW comprises various tanks and biofilter units in the north of the site, the control and mess building in the centre of the site, and sludge drying beds to the south. The southern part of the site is largely vegetated with the exception of the access to the sample chamber in the south of the site. The upgrade and expansion of works is located to the east of the existing site, which is currently in agricultural usage as grazing pasture. Hedgerows and scattered trees are present on the west, north and eastern boundary of the new area of land.
- 2.2.3 The wider surrounds includes agricultural land in all directions, with the nearest residential property being located approximately 200m north of the site off Brook Lane, which is an isolated property. The next closest property is located 430m north of the site, and also comprises an isolated property.
- 2.2.4 The site is located in a topographical low point at approximately 60m Above Ordnance Datum (AOD), with the land rising to the north-east, north-west. The topography falls slightly to the south to the River Waycock, then rises further south of the River. The site is located 1km south of the village of St Nicholas and accessed via Brook Lane, immediately north of the site which terminates at the treatment works.
- 2.2.5 The Site is not contained within any statutory designated areas or sites, albeit is identified within the Dyffryn Basin and Ridge Slopes Special Landscape Area (SLA). Land along the River Waycock SINC is located 200m south of the proposed works.
- 2.2.6 The proposed temporary access route lies to the northeast of the site and is accessed via Duffryn Lane. It runs through different Minerals Safeguarding Zones including Categories 1 & 2 Sand and Gravel, and crosses land that is identified as Grade 3a and 3b on Agricultural Land Classification (ALC) maps.
- 3.3.1 The nearest Public Right of Ways (PRoW) are Footpath S11/7/1, S11/7/2 and S11/8/2 located approximately 400m east of the WwTW site, this route forms part of the millennium heritage trail. Footpath S11/7/1 and S11/7/2 are crossed by the proposed temporary construction access road approximately 400m east of the existing WwTW.

- 2.2.7 A number of archaeological remains sit within close proximity to the application site, located to the southwest.
- 2.2.8 The site is located within Flood Zone B, areas known to have flooded in the past but considered to be of low risk of tidal and fluvial flooding in future. The existing WwTW discharges to the River Waycock approximately 200m south of the site.

2.3 Planning History

- 2.3.1 From reviewing VoGCs available online public access records, there is no planning history of relevance to the application site, aside from the Screening Opinion requests submitted under references: '2022/01215/SC1 - EIA screening opinion for temporary access road (not required)' and '2023/00450/SC1 – EIA screening opinion for upgrade works (not required)'. Both responses confirmed that the proposals and the associated works do not constitute EIA development. The formal written pre-application response received by VoGC on 11 October 2023 confirms this position to both EIA Screening Opinions.

2.4 Proposed Development

- 2.4.1 The Proposed Development comprises a number of new structures and associated works to accommodate the expansion of the WwTW site. Those elements the subject of this planning application are listed below. A detailed description is provided in the accompanying Design and Access Statement (DAS) and are shown on the accompanying planning drawings.
- 2.4.2 The upgrade works will be located directly adjacent to the existing works, and security fencing will be located around the existing and new plant. Access to the site will be via a temporary construction access road from Duffryn Lane to the east of the site, along with a temporary contractor's compound.
- 2.4.3 The proposed permanent works consist of:
- Inlet works and screen
 - Below ground lift pumping station
 - 2.no buried small return pumping stations
 - Trickling filter
 - 2 humus tanks
 - Sludge holding tank
 - Motor control centre kiosk
 - Reed bed
 - Reed bed blower kiosk
 - Alkalinity dosing kiosk
 - Trickling Filter Distribution Chamber
 - De-sludge pumps and slab
 - Internal access road
 - Security fencing

- Proposed landscaping and ecological mitigation

- 2.4.4 The Sludge Holding Tank, Liquor Return Pumping Station, Alkalinity Dosing Kiosk, Wash Water Booster Set, and an above ground De-sludge Pump are located in the existing site boundary. No demolition or modifications to the plant on the existing WwTW are required, beyond the provision of connections to the new equipment. The final settlement tank on the existing site will be retained, however, no longer used.
- 2.4.5 The maximum height of the proposed above ground structures relates is to the Sludge Holding Tank, which has a height of approximately 4.85m, The Motor Control Centre Kiosk and Inlet Screens will be a maximum of approximately 4.2m above ground level. The remaining plant will be approximately 1 - 2m above ground level.
- 2.4.6 During the operational phase, vehicular access to the site for staff will continue to be gained from the A48 via Brook Lane, with access to the newly expanded area will be provided from the existing WwTW. No increase in operational traffic, is anticipated resulting from the improvement works.
- 2.4.7 No additional lighting is anticipated to be required beyond task lighting provided on the kiosks, these comprise the motor control centre kiosk, final effluent monitoring cabinet and three return pumping stations.
- 2.4.8 The Proposed Development will incorporate a secure drainage system which will be channelled into the WwTW in order to prevent any spillages of potentially contaminative material migrating offsite.
- 2.4.9 The trees located between the existing WwTW and the extended site area will require removal to facilitate the development in this area. There is a requirement for approximately 4m of hedgerow removal along the eastern boundary of the site to facilitate the connection point between the temporary construction access road and the Proposed Development, to allow access for construction the construction compound. Following completion of the works, the hedgerow will be replanted. Other hedgerows and trees within the application site boundary are proposed to be retained.

Temporary Construction Access

- 2.4.10 During the construction phase, a temporary construction access road will be installed . The road will be 815m in length and approximately 4m wide. The temporary construction access road will extend from Dyffryn Lane in the east and cross agricultural fields in an approximate west, north-west and south-west orientation where it access the temporary contractor's compound.
- 2.4.11 The temporary construction access road would utilise the existing field gateways (4no.) and involve a total land take of 0.33 ha. The temporary construction access road will be composed of a compacted type 1 granular aggregate on top of a protective geotextile fabric.

3 Planning Policy Framework

3.1 Introduction

- 3.1.1 This Chapter sets out the relevant planning policy framework for the Proposed Development. The purpose of the Chapter is to summarise key policies that are pertinent to the determination of the application. The assessment focuses on the compliance of the proposed Development in relation to planning policy at a national and local level.
- 3.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 3.1.3 The Development Plan material to the proposed Development is provided by the VoGC Local Development Plan (Adopted 2017). Other material planning policy considerations include national planning policy, in addition to VoGC's Supplementary Planning Guidance (SPG).
- 3.1.4 At a national level, Planning Policy Wales (PPW) 11th Edition (Welsh Government, February 2021) provides relevant planning guidance informed by the Well Being Future Generations Act, together with the National Development Framework: Future Wales – The National Plan 2040 (February 2021). The content of national guidance must be taken into account by local planning authorities when deciding planning applications.

3.2 National (Wales) Planning Policy

- 3.2.1 The planning system in Wales is a devolved responsibility of the Welsh Government. Local planning authorities are required to take decisions in accordance with their Development Plan unless material circumstances indicate otherwise. National planning policy is a key material consideration for local planning authorities.

National Development Framework: Future Wales – The National Plan 2040

- 3.2.2 The National Development Framework (NDF): Future Wales – The National Plan 2040 comprises the national land use plan covering 2020 to 2040 in Wales, required under the provisions of the Planning (Wales) Act 2015. The national spatial plan was formally adopted in February 2021. The plan outlines a strategy for addressing key national priorities using the planning system, including sustaining and developing a vibrant economy, reducing carbon emissions and climate change risk, and improving our communities' health and well-being.

The Well Being of Future Generations (Wales) Act 2015

- 3.2.3 The Well-being of Future Generations Act (Wales) 2015 places a duty on Local Planning Authorities to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. It was enacted to improve the social, economic, environmental, and cultural well-being of Wales. The Act sets out seven well-being goals to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Planning Policy Wales Edition 11 (February 2021)

- 3.2.4 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs) and Welsh Government Circulars, which together with PPW provide the national planning policy framework for Wales.
- 3.2.5 In respect of infrastructure provision, Paragraph 3.61 of PPW identifies that *'adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working'*.
- 3.2.6 Furthermore, Paragraph 6.6.5 states that the planning system should *'ensure that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source'*.
- 3.2.7 PPW emphasises that development should be located so that *'it can be well serviced by existing or planned infrastructure. The capacity of existing infrastructure and the need for additional facilities require early identification when locating future development'* (Paragraph 3.63). PPW continues at Paragraph 6.6.12 that planning authorities should *'encourage the use of sites where existing water supply and/or sewerage and drainage provision problems can be solved and seek to avoid the use of sites where adequate provision is unlikely to be achieved'*.
- 3.2.8 Lastly, Paragraph 6.6.10 highlights the Welsh Government's aim to secure the environmental infrastructure necessary to achieve sustainable development, while balancing the growing demand against minimising adverse impacts on the environment. Furthermore, it is essential that timely *'investment in infrastructure is required insofar that new development does not adversely affect water supplies or sewerage drainage systems and have consequential impacts on water quality and surface water flooding'*.

3.3 Local Planning Policy

- 3.3.1 The VoGC Local Development Plan 2011 - 2026 (Adopted June 2017) constitutes the Development Plan for the County Borough Council. The Council are currently undertaking a local development plan review and are preparing the 'Replacement Local Development Plan' (RLDP) to replace the current LDP. The Council are currently at the Pre-Deposit Preparation and Participation stage. With the Plan's adoption, it will help guide development within the Vale of Glamorgan for the next 15 years (from 2021 to 2036).

The Vale of Glamorgan Local Development Plan 2011 – 2026 (June 2017)

- 3.3.2 Notwithstanding the above, the adopted LDP contains the following policy framework for the consideration of development proposals of relevance to this application:

Policy SP1 - Delivering the Strategy

'The strategy will seek to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets. This will be achieved by:

- 1. Providing a range and choice of housing to meet the needs of all sectors of the community;*
- 2. Promoting a range of employment sites intended to meet the needs of the Vale of Glamorgan and the wider capital region;*

3. Reinforcing the role of Barry, service centre settlements and primary settlements as providers of cultural, commercial and community services;
4. Promoting sustainable transport;
5. Delivering key infrastructure linked to the impacts of development;
6. Protecting and enhancing the built, natural and coastal environment;
- 7 Promoting opportunities for sustainable tourism and recreation; and
8. Favouring development that promotes healthy living'.

Policy SP8 - Sustainable Waste Management

'Development proposals will be favoured which support the provision of a network of integrated waste management facilities which assist in meeting the waste management capacity identified in the national collections, infrastructure and markets sector plan. The following locations are considered suitable for the development of in-building waste management solutions:

- Atlantic Trading Estate;
- The operational port of Barry Docks;
- Llandow Trading Estate; and
- On suitable existing and allocated employment sites identified in Policy MG9.

The provision of open air facilities such as civic amenity sites, composting and recycling of commercial and demolition waste will also be permitted on existing class B2 and B8 employment sites, operational mineral working sites or within or adjoining existing farm complexes where they do not conflict with existing or proposed neighbouring uses'.

Policy SP10 – Built and Natural Environment

'Development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including:

1. The architectural and / or historic qualities of buildings or conservation areas, including locally listed buildings;
2. Historic landscapes, parks and gardens;
3. Special landscape areas;
4. The Glamorgan Heritage Coast;
5. Sites designated for their local, national and European nature conservation importance; and
6. Important archaeological and geological features'.

Policy MG17 - Special Landscape Areas

'The following areas are designated as special landscape areas:

1. Castle Upon Alun;
2. Upper & Lower Thaw Valley;
3. Ely Valley & ridge slopes;
4. Nant Llancarfan;
5. Dyffryn basin & ridge slopes;
6. Cwrt-yr-Ala basin.

Within the special landscape areas identified above, development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area'.

Policy MG22 - Development in Mineral Safeguarding Areas

'Known mineral resources of sandstone, sand and gravel and limestone are safeguarded as shown on the proposals map. New development will only be permitted in an area of known mineral resource where it has first been demonstrated that: 1. Any reserves of minerals can be economically extracted prior to the commencement of the development; 2. Or extraction 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'.

Policy MD1 Location of New Development

'New development on unallocated sites should:

- 1. Have no unacceptable impact on the countryside;*
- 2. Reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements or minor rural settlements as key providers of commercial, community and healthcare facilities;*
- 3. Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan;*
- 4. In the case of residential development, support the delivery of affordable housing in areas of identified need;*
- 5. Have access to or promote the use of sustainable modes of transport;*
- 6. Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;*
- 7. Where possible promote sustainable construction and make beneficial use of previously developed land and buildings;*
- 8. Provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources; and*
- 9. Have no unacceptable impact on the best and most versatile agricultural land'.*

Policy MD7 Environmental Protection

'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:

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

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. In respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2.

Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN15'.

Policy MD8 - Historic Environment

'Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:

- 1. Within conservation areas, development proposals must preserve or enhance the character or appearance of the area;*
- 2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses;*
- 3. Within designated landscapes, historic parks and gardens, and battlefields, development proposals must respect the special historic character and quality of these areas, their settings or historic views or vistas;*
- 4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings'.*

Policy MD9 - Promoting Biodiversity

'New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

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

The Vale of Glamorgan adopted Supplementary Planning Documents

3.3.3 The VoGC Supplementary Planning Guidance of relevance to the proposals includes:-

- **Biodiversity and Development SPG (April 2018)** - The Biodiversity and Development SPG has been prepared to provide guidance on how biodiversity in the Vale of Glamorgan will be conserved and enhanced throughout the planning and development process. Where there is a reasonable likelihood for a development to impact on a wildlife feature, specific biodiversity surveys will need to be undertaken and provided in support of any planning application. The survey information provided should be necessary, relevant and if an ecological survey is required it will need to be undertaken and incorporated into the early stages of the project proportionate to the development and sufficient to enable the determination of the application;
- **Residential and Householder SPG (2017)** - The Residential and Householder SPG has been prepared to provide guidance on the interpretation and implementation of the policy within the LDP that is relevant to householder and new residential development. This SPG represents material consideration in the determination of planning applications and appeals for householder and new residential development. The purpose of this document is to provide advice on what matters must be considered when designing new residential development or improvements or alterations to your home, preparing plans and submitting planning applications. This SPG provides guidance on impact on neighbours, amenity space, access and parking, foul and surface water drainage, landscaping and boundary treatments, renewable energy and other development;
- **Minerals Safeguarding (2018)** - The Minerals Safeguarding SPG has been prepared to assist with the consideration of planning applications within Minerals Safeguarding Areas (MSAs) for hard rock, and sand and gravel within the Vale of Glamorgan. As minerals can only be worked where they are found, it is important that mineral resources are 'safeguarded' from sterilisation by other development to help to secure a long-term future supply of minerals. The role of Minerals Safeguarding Areas is

to alert those proposing sites for future development to the presence of valuable mineral resources which they might not have otherwise considered;

- **Trees, Woodlands, Hedgerows and Development SPG (July 2018)** - The Trees, Woodlands, Hedgerows and Development SPG has been prepared to provide guidance to homeowners, landowners, contractors, developers and other interested parties involved in the planning process on how to fully consider trees and hedgerows as part of new development.

4 Planning Assessment

- 4.1.1 This Chapter appraises the proposed development having regard to the relevant adopted LDP policies as well other material considerations, including national planning policy contained within PPW.

Principle of Development

- 4.1.2 The Proposed Development is an extension to the existing St Nicholas WwTW where it is proposed to receive and treat Waste Water on site through systems to filter out sewage sludge into a holding tank, before removing this waste by tanker with the remaining waste water treated on site through reed bed systems. The proposal is an upgrade and expansion to the treatment works to deal with existing waste streams from development within the settlement catchment and to accommodate further planned population growth.
- 4.1.3 The Proposed Development does not constitute an exception to development in the open countryside as set-out in Policy MD1 Location of New Development in the adopted LDP. However, it is recognised that the open countryside is an appropriate location for WwTWs where these are commonly found. Furthermore, improvements to such facilities, including extensions to existing sites can only take place where these facilities are located. National guidance contained within PPW emphasises the need to encourage the use of sites where existing sewerage and drainage provision problems can be solved, which in this case is where the existing WwTW is located. . An expansion and upgrade to the existing system aligns with the policy intent set-out in national guidance.
- 4.1.4 Related to the principle of development, the VoGC advised in its pre-application written advice on the relevance of Policy SP8 (Sustainable Waste Management) to the proposed development. Whilst recognising that the Policy relates primarily to other waste types (civic amenity sites etc.) and not sewerage facilities, it is not regarded as 'a prohibitive policy' and that the principle of expanding the existing facility is likely to be acceptable, subject to assessment of the environmental impacts.
- 4.1.5 To conclude, support for the principle of such development is provided for by national planning policy in which the provision of key infrastructure, including water supply and sewers is considered necessary to supporting economic, social and environmental sustainability. The proposal provides an extension to the existing works to increase the treatment capacity in line with population growth, thereby providing betterment to the local area, as well as meeting future infrastructure needs. The VoGC has confirmed in its pre-application advice that this is an appropriate location in which to locate such facilities in line with local planning policy. As a result, the proposal is therefore considered to be acceptable in principle and meets the requirements set by local and national planning policy.
- 4.1.6 Issues relating to the impacts of the Proposed Development in terms of landscape, accessibility, biodiversity, local amenity, best most versatile land and flood risk matters are considered against other plan policies below.

Accessibility and Highway Safety

- 4.1.7 A Transport Management Plan has been prepared in support of the planning application has focussed on the construction phase of development, as this is when it is considered that the proposed Development will generate the highest traffic flows. Once operational, the traffic generation from the St Nicholas WwTW are expected to revert to that of the existing operations of the WwTW.

Access

- 4.1.8 Traffic accessing the Proposed Development site will continue using the existing site access from the A48 to the St Nicholas WwTW. This would form the only access and egress point for both light vehicles and HGV traffic during the operational phase.
- 4.1.9 During the construction phase, a temporary construction access road will be installed from Duffryn Lane to the west, through agricultural fields to reach the application site (the operational St Nicholas treatment works). This will remain in place during the construction period, which is envisaged as being between 12 and 15 months, with a maximum of 30 vehicle movements (HGVs and lighter vehicles) per day during peak construction times.
- 4.1.10 Potential temporary impacts and mitigation measures are detailed in the accompanying Construction and Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP). Particular attention is given to traffic management in terms of vehicles and pedestrians on Duffryn Lane and the A48 near the junction with Duffryn Lane.

Public Rights of Way

- 4.1.11 PRoWs S11/7/1 and S11/7/2 will be crossed by the temporary construction access road for the duration of construction works. Gates will be installed at these points where the temporary construction access road crosses the pathways. The section of the ground marked as "Boggy Area" on the accompanying access drawings will have a granular drainage blanket placed underneath it. Since these construction activities are temporary, and measures are already established to ensure the public rights of way (PRoWs) remain accessible, there is no need for additional consultations or applications based on these circumstances. It is anticipated that should planning permission be forthcoming from the LPA, an advisory note will be attached to the planning permission advising the developer / applicant that no obstructions should be in place of the PRoWs.

Summary

- 4.1.12 It is not envisaged that the traffic generated by the Proposed Development during the construction period will impact on trip generation and travel demand and therefore no further consideration is necessary in relation to highway improvements or traffic management measures. As a result, the development proposals are considered, from a highway safety and accessibility perspective to meet the requirements of Policy MD1 of the adopted LDP.

Ecology

- 4.1.13 A Preliminary Ecological Appraisal (PEA) has been prepared to accompany the application site to the east the existing WwTW, as well as the existing operational site and proposed temporary access track.
- 4.1.14 The findings of the desk and field surveys of the PEA found habitats within the survey boundary, which included improved grassland, semi-improved grassland, hedgerows, broadleaved woodland, occasional mature trees, scrub and a ditch. These habitats have the potential to support nesting birds, roosting, foraging and commuting bats, Hazel dormouse, badger, reptiles, amphibians (during their terrestrial phase) and hedgehogs. The report has also identified that the River Waycock and the Land adjacent to the River Waycock is a SINC and an area of restored ancient woodland are additional constraints to the temporary access track. There were no non-statutory designated sites within or immediately adjacent to the site of the existing WwTWs.
- 4.1.15 There were no non-statutory designated sites within or immediately adjacent to the site of the existing WwTWs. The report has also identified that the River Waycock and the Land adjacent to the River Waycock is a SINC and an area of restored ancient woodland are additional constraints to the temporary access track. The PEA recommends replacement tree and hedgerow planting for that to be lost as part of the Proposed Development, along with wildflower seed mixes where appropriate. Bird and bat boxes will also be provided along with onsite hibernaculum/habitat piles. The accompanying CEMP seeks to ensure that the River Waycock and SINC, Tinkinswood area of restored ancient woodland, mature trees and hedgerows outside the application boundary are not impacted by the construction works to include practical pollution prevention control measures, root protection zones and sensitive site clearance.
- 4.1.16 In support of the above, additional ecological surveys were undertaken to support the application, including a Bat Tree Climbing Survey, Bat Survey and Dormouse Survey. The protected species surveys for Hazel dormouse and bat roosts in relation to the WwTW site have confirmed likely absence of Hazel dormouse and no bat roosts have been identified in trees likely to be impacted by the proposals. However, as referenced above, sensitive directional vegetation clearance towards retained habitat is recommended. In addition, replacement hedgerow planting should be included in the design to ensure a net benefit for biodiversity and alternative green corridors/connectivity for other species as described in the PEA.
- 4.1.17 The provisions of Policy MD9 require new development proposals to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that the impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes. The Proposed Development provides compensatory planting, as well as the installation of bird and bat boxes along with onsite hibernaculum/habitat piles in both conserving and enhancing the biodiversity interests at the site.
- 4.1.18 Subject to the implementation of the mitigation set out above, no significant effects on ecology and biodiversity are anticipated for the construction and operational phases of the Proposed Development in compliance with the requirements set out by Policy MD9 of the adopted LDP, as well as the guidance provided by the adopted VoGC Biodiversity and Development SPG (April 2018). As there are no nationally or locally designated sites of nature conservation importance affecting the application site, the proposal is considered to comply with Policies MD1 and MD7 of the adopted LDP.

Trees and Landscaping

- 4.1.19 The site is located in the open countryside and in a Special Landscape Area. Policy MD1 (Location of New Development) states proposals must not have an unacceptable impact on the countryside and Policy MG17 (Special Landscape Areas) states that proposals must not have an unacceptable impact on the important landscape character of the SLA.
- 4.1.20 An Arboricultural Report, Tree Survey, Tree Constraints Plan, an Arboricultural Impact Assessment and Method has been prepared in support of the application. which has informed the proposed site layout, design and landscape scheme .
- 4.1.21 The Tree Survey has identified that all trees to be removed as part of the proposals are Category C (low quality) and form a parallel line of scattered trees (mainly hazel and hawthorn), that are the remains of two hedgerows. Surveys have confirmed that these trees have no potential for bat roosts with no evidence of dormouse using this treeline (nor elsewhere within the existing or proposed site extension).
- 4.1.22 The trees located between the existing WwTW and the extended site will require removal to facilitate the Proposed Development. As aforementioned, there is also a requirement for approximately 4m of hedgerow removal along the eastern boundary of the existing WwTW site to facilitate the connection point between the temporary construction access road and the proposed Scheme (between the compound and the existing WwTW), to allow access for construction. Following completion of the works, the hedgerow will be replanted. The hedgerows and trees within the application site boundary will otherwise be retained.
- 4.1.23 The proposed landscaping planting strategy provides 14 No. trees (including prunus spinosa, Quercus palustris, acer campestre, Crataegus laevigata) to be planted around the perimeter of the site, together with a native hedge mix on the southern border of the site. Further enhancement planting is provided by means of native planting to the north east and south east of the development site.
- 4.1.24 Whilst it is accepted that the proposal will be visible from wider viewpoints, the existing vegetation and proposed planting would serve to strengthen existing landscape characteristics, limit visibility of the Proposed Development, and integrate the proposals with the surrounding landscape and views.
- 4.1.25 Furthermore, the scale of the Proposed Development has been limited to that which is functionally necessary for the operation of the WwTW. For those elements within the existing operational area of the site, these will form additional features, viewed against the backdrop of the existing site facilities without impacting on the surrounding area and the designated SLA. Similarly, the scale of development within the eastern extension of the operational site is to be viewed, not only within the context of existing structures on site, but within the wider landscape, which will be effectively screened with landscape planting. As such, the proposal accords with the requirements of Policy SP1, MD1, MG17 and the guidance set out in the Council's adopted Trees, Woodlands, Hedgerows and Development SPG (July 2018).

Flood Risk and Drainage

- 4.1.26 The application has been supported by a Flood Consequence Assessment (FCA) to assess the potential for flood risk impacts associated with the Proposed Development for the expansion of the existing treatment works, as the site is located within Flood Zone B. The Assessment has been undertaken in line with national guidance contained within PPW and Technical Advice Note 15 - Development and Flood Risk (TAN15).
- 4.1.27 The FCA has concluded that small areas of the site are predicted to be at risk of surface water flooding, however, it is understood that no existing or proposed buildings /structures as a result of the proposals will be located within the extents of surface water flooding once the proposed works are completed, as detailed in the accompanying FCA. In addition, small areas of the site are predicted to be at risk of fluvial flooding, however, the areas affected do not contain any proposed or existing infrastructure.
- 4.1.28 The FCA further concludes that the Proposed Development would result in a small increase in impermeable land cover which could lead to an increase in surface water runoff. However, it is understood that a drainage strategy is currently being developed in consultation with the VoGCs SAB Department. It is recommended that proposed development site is elevated above ground level to provide flood resilience that vulnerable infrastructure / machinery within the kiosk in the west and southwest of the site. subject to implementation of the recommendations below, flood risk to
- 4.1.29 Subject to the above matters, it is considered that the proposed site would be acceptable, and the development would not increase third party flood risk development. There are no significant hydrological effects anticipated from this increase given the maximum storm flow remains unchanged. These measures are considered acceptable, in compliance with LDP Policy MD7.

Residential Neighbouring Amenity

- 4.1.30 The Proposed Development is located within a rural setting, with the closest residential receptors approximately 130m north of the proposed temporary construction access road along Duffryn Lane (Winchpit) and approximately 200m north of the site along Brook Lane (Cherry Tree Cottages).
- 4.1.31 It is anticipated that there may be temporary construction noise, albeit this will be of a limited duration and best practice mitigation measures will be applied to the site to reduce any adverse noise impact. The Construction Environmental Management Plan (CEMP) that accompanies this application submission sets out the following measures through making contact with neighbours likely to be affected by construction works informing them about the works and what mitigation measures have been implemented to reduce nuisance and disruption as much as practically feasible. The presence of sensitive receptors will be identified and recorded on the Register of Environmental Effects and the necessary control measures implemented. If during construction, the Site Manager anticipates an excessive increase in noise levels likely to cause a nuisance, control measures will be adopted. Where possible noisy operations must be programmed for times when the least perceived nuisance will occur. Contact should be made with Welsh Water to determine whether additional neighbour consultation is required. It is not anticipated that the operation of the new plant will cause any additional noise impact and will run in situ with the existing operations.
- 4.1.32 In light of this, the Proposed Development is considered to comply with the requirements set by Policy MD7 of the adopted VoGC LDP and the Council's adopted Residential and Householder SPG.

Agricultural Land Classification

- 4.1.33 Paragraphs 3.58 and 3.59 of PPW delineate the overarching national policy with regards to the preservation of the finest and most adaptable agricultural land in Wales, commonly referred to as Best and Most Versatile (BMV) agricultural land. In support of the above, Policy MD 7 Criterion 7 of the adopted LDP highlights that development proposals must demonstrate they will not result in an unacceptable impact upon BMV. The Proposed Development requires a permanent land take of approximately 0.45 ha of agricultural land to the south of the existing operational site.
- 4.1.34 Grades 1 to 3a are defined as 'Best and Most Versatile' agricultural land. The Predictive Agricultural Land Classification (ALC) Map indicates that the permanent land take of the extended site area is Grade 3b (moderate quality) and 4 (poor quality) agricultural land. Grade 3a (good to moderate quality) land is found within the surrounding area, including the temporary construction compound and temporary construction access. However, these areas would be returned to their original condition following completion of the works. Access to the field is available via a southern access point, which will not be impacted as part of the Proposed Scheme.
- 4.1.35 Given the large majority of the permanent land take is sited on Grades 3b and 4 and the temporary use of land of Grade 3a that will be restored, the Proposed Development is therefore considered to meet the requirements set by Criterion 9 of Policy MD1 and Criterion 7 of MD7 of the adopted LDP and guidance contained within PPW as having no unacceptable impact on the best and most versatile agricultural land.

Archaeology

- 4.1.36 A number of archaeological remains sit within close proximity to the application site, located to the southwest. The application has been supported by an Archaeological Written Scheme of Investigation (WSI) and also an Archaeological Evaluation report detailing the archaeological evaluation undertaken at St Nicholas WwTWs. It provides a comprehensive overview of both established and potential archaeological features, as well as any historical built heritage elements present at a site.
- 4.1.37 The WSI was initially prepared to inform Glamorgan Gwent Archaeological Trust (GGAT) of the proposed methodology to be undertaken. The survey identified that the following heritage assets are within close proximity to the site inclusive of Scheduled Ancient Monuments (SAMs) including Tinkinswood Burial Chamber, as well as a number of archaeological remains. As a result of the WSI, early engagement with Glamorgan Gwent Archaeological Trust (GGAT) has taken place. Following sign off from GGAT, trial trenching took place on the site. The findings of the trial trenching is identified in the Archaeological Evaluation report accompanying the planning application submission. The survey concludes that despite the historical importance of the area, with have three SAMs within 1KM distance, no archaeological features or deposits were observed in the trial trenches, and following the completion of recording, all 3 trenches were backfilled. In light of the above, the Proposed Development is considered to comply with the requirements of Policies SP10 and MD8 of the adopted LDP.

Interim Summary and Conclusions

- 4.1.38 Support for utilities development is established within the Plan. The earlier policy response has also demonstrated and that a countryside location is acceptable for such a facility, subject to detailed environmental considerations.
- 4.1.39 The location of the proposed expansion and improvement works at the St Nicholas WwTW's is therefore considered an acceptable form of development that raises no principal land use concerns.
- 4.1.40 The Site is not contained within any statutory designated areas or sites, albeit is identified within the Dyffryn Basin and Ridge Slopes Special Landscape Area (SLA). Land along the River Waycock SINC is located 200m south of the proposed development site. The various assessments undertaken cover a range of key environmental issues. Those of relevance to the Proposed Development have been considered in the previous Chapter in relation to the planning policy framework provided by the Adopted LDP.
- 4.1.41 On the basis of the information available to date, it is considered the Proposed Development is considered acceptable and fully meets the requirements set by national and local planning policy.

5 Conclusions

- 5.1.1 Section 38(6) of the Planning and Compulsory Act 2004 requires that an application for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.1.2 Chapter 3 of this Planning Statement has identified the relevant policies from the statutory Development Plan, which comprises the Adopted VoGC LDP, as well as the provisions contained within national guidance of relevance to the proposal. Support for sewage development is established within the Plan, as well as within the provisions of national guidance. The earlier policy response has demonstrated and that a countryside location is acceptable for such a facility, subject to detailed environmental considerations.
- 5.1.3 The location of the proposed expansion and improvement works at the St Nicholas WwTW's is therefore considered an acceptable form of development that raises no principal land use concerns.
- 5.1.4 The various technical assessments undertaken to support the application submission cover a range of key environmental issues. Those of relevance to the Proposed Development have been considered in the previous Chapter in relation to the planning policy framework provided by the Adopted LDP and can be summarised as follows:
- 5.1.5 These findings are in compliance with the policy provisions of the LDP as the Proposed Development is shown to have no significant adverse effects on locally designated sites of biodiversity importance. Moreover, mitigation measures proposed are in accordance with the policy requirements in terms of the enhancement of nature conservation interests within the site.
- 5.1.6 Having regard to the details submitted with this application submission, the proposed development is considered acceptable in principle and should be treated positively in accordance with the adopted VoGC adopted development plan, as well as provisions contained within national guidance. The planning application and proposals contained herein should therefore be granted permission without delay.

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