

REFERENCE: P/25/722/FUL

APPLICANT: Mr J McCarthy 46a Village Farm Industrial Estate, Pyle, Bridgend, CF33 6BP

LOCATION: Land south of Wyndham Close Brackla Industrial Estate Brackla CF31 2AN

PROPOSAL: Change of use of land to provide self-storage (B8) use, including parking, landscaping, creation of a means of access, and other ancillary works

RECEIVED: 27 November 2025

DESCRIPTION OF PROPOSED DEVELOPMENT

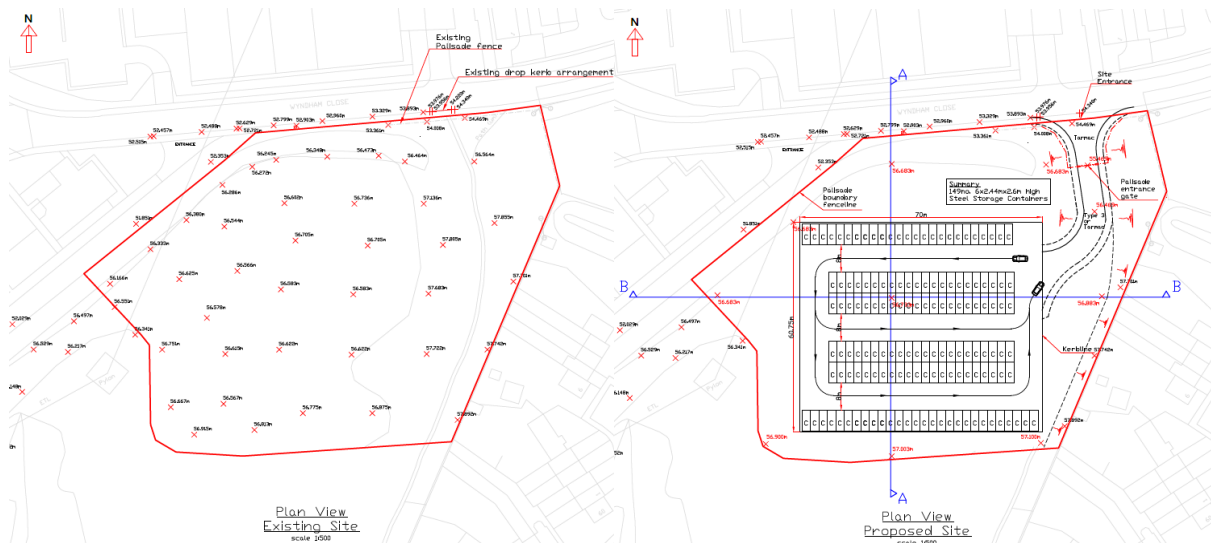
The Application seeks full consent for the change of use of land to B8 to provide self-storage use and the siting of 149 containers measuring 2.4 x 6 x 2.6m (W x D x H) and coloured blue. The storage containers would be set out in roughly a square shape, with single rows on the northern and southern edge, and 2no double rows in-between. Vehicular access is proposed to be via a previous access on the northeast corner via Wyndham Close leading up to the plateau of land. Intersecting the rows of containers would be vehicular passages approximately 8m wide. The overall site covers an area of 0.98Ha, whilst the containers and vehicle tracks would be 70 x 60.85m in area.

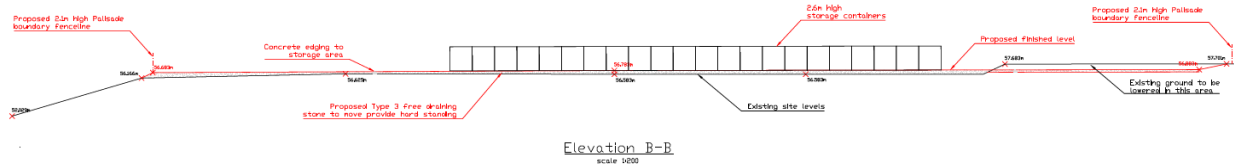
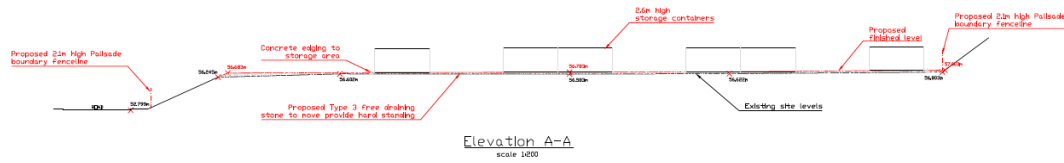
The Application is supported by the following documents:

- Transport Statement by ACSTRO (November 2025)
- Noise Assessment by Acoustic Consultants Ltd (November 2025)
- Preliminary Ecological Assessment by KHEPRI (November 2025)
- Arboricultural Impact Assessment by ArbTS (June 2026)
- Design and Access Statement with GIS
- Sequential Test outlining the feasibility of other sites

Figure 1 – plans

1a/b: Existing/ Proposed Block Plan





SITE DESCRIPTION

The Application site is situated within the Primary Key Settlement of Bridgend and the sustainable growth area of Bridgend, as defined by Policies SF1 and SP1 of the adopted Bridgend Replacement Local Development Plan (2024). Other constraints (within the site or nearby) include:

- COM11(5): Brackla Ridge Natural and Semi-Natural greenspace
- DNP5: Coed-y-Morfa SINC
- COM11: Other Limestone Area
- A claimed Public Right of Way under Application (A763/1/292)

The site comprises an irregular shaped parcel of land directly south of Wyndham Street, with the rear gardens of St. Illtyd's Close along the eastern boundary of the site. To the west and north is Brackla Industrial Estate as designated under policy SP11 whilst to the south/south west is a large area of woodland.

The parcel of land is located on a higher banked level above Wyndham Street and is generally flat, with a historical access within the northeast corner, and a claimed Public Right of Way also commencing along the northeastern corner along eastern edge of the site, with a mixture of trees and hedgerow along the perimeter. The area of land is undeveloped, consisting of a mixture of soil and sporadic grassland.

The street-scene is predominantly industrial/commercial in nature to the north and west, whilst to the east and northeast is generally residential in nature.

Figure 2 – Site Location Plan

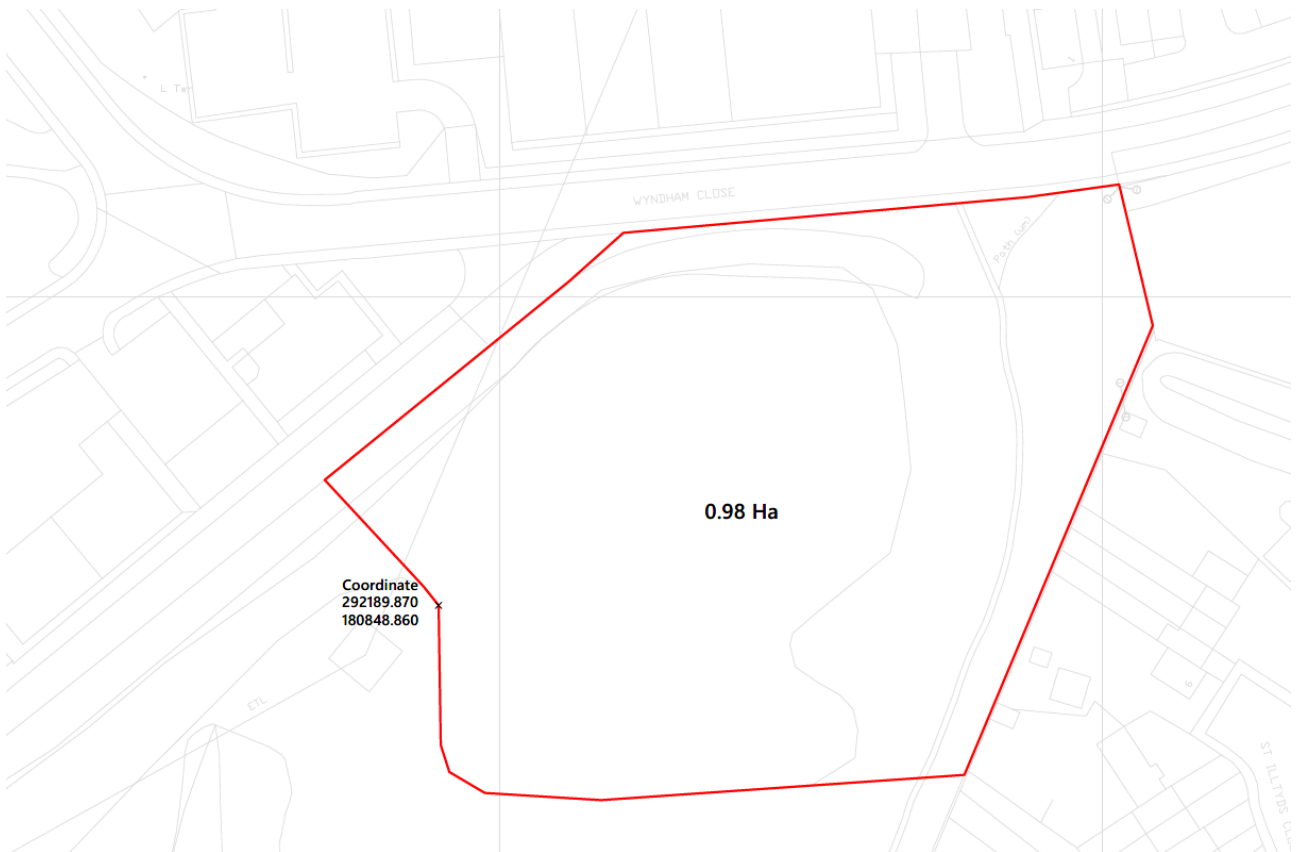


Figure 3 – photos

Proposed vehicular access and claimed PRow Entrance





Existing site







View towards St Illtyd's Close from within the site



RELEVANT HISTORY

Application Number: P/18/945/FUL Decision: Refusal Decision Date: 12 September 2019

Proposal: Erection of 41 affordable residential dwellings, with associated on site car parking, access arrangements and associated works

PUBLICITY

The Application has been advertised on site.

Neighbours have been notified of the receipt of the Application.

The period allowed for response to consultations/publicity expired on 5th January 2026.

CONSULTATION RESPONSES

Land Drainage: No objection raised, subject to a condition relating to drainage arrangements including a SAB Application.

Highway Authority: No objection, subject to conditions relating to access road, parking areas and gradient of land.

Ecologist: No objection, subject to conditions relating to a Reptile Mitigation, Sensitive Lighting Strategy, Construction Environmental Management Plan, Landscaping and Biodiversity Enhancement and Landscape and Ecological Management Plan / Long-term Habitat Management Plan.

Public Right of Way: 'Qualified objection'. Conditions suggested in relation to a footway creation agreement and informative not suggested. A plan outlining the claimed right of way is also suggested prior to determination.

Shared Regulatory Services – Contaminated Land Section: No objection, subject to conditions relating to contaminated land, aggregates, materials and opening times.

Natural Resources Wales: No objection raised or conditions suggested.

Dwr Cymru/Welsh Water: No objection, subject to a condition relating to surface water and advisory notes regarding the water act 1991 and Sustainable Drainage.

South Wales Fire Service: No objection raised. Standing advice comments relating to adequate water supply and emergency access received.

REPRESENTATIONS RECEIVED

Letters of representation have been received from a total of seven addresses. One of the letters of representation did not include any content (the letter was blank and so has not been included in the total number of objections submitted). Therefore, six letters of objection are considered in the determination of this Application.

In summary, the letters of objection are based on the following concerns:

- a) Impact upon the claimed right of way on the eastern edge of the site and access via the northern vehicular access.
- b) Biodiversity/ Ecology: loss of frogs and newts in the area and/ or trees within the site.
- c) Devaluation of homes by way of incongruous/ overpowering development above the ground level of Wyndham Street and the proposed screening is not sufficient due to the change in ground levels of the site and nearby land uses.
- d) Noise and light pollution egress onto nearby homes. The noise assessment does not consider all possibilities of the noise egress from the site, in addition to the

- levels of noise already spilling from the nearby industrial estate.
- e) The proposed access has been illegally obstructed and there is evidence of heavy plant machinery in use.
 - f) Concern relating to Japanese knotweed on the site.
 - g) Concern relating to the drainage implications of the site due to the type of existing ground evident.
 - h) Any palisade fencing should assimilate with the surrounding area.
 - i) Concern relating to overlooking from any potential CCTV cameras.
 - j) The proposed screening is not sufficient due to the change in ground levels of the site and nearby land uses.
 - k) There is sufficient self-storage areas within Bridgend already and the site is not suitable for this type of development due to the nature of the ground/habitat, nor would it have a economic or social benefit.

Councillor Martin Williams has also requested that the Application is put before the Development Control Committee.

Councillor Williams has raised concerns in relation to the claimed PRow and visual amenity of the area by way of screening/landscaping provided due to the elevated position of the site.

Andrew RT. Davies MAS has written in support of the Application.

COMMENTS ON REPRESENTATIONS RECEIVED

- a) Issues relating to rights of way are addressed in the relevant section of the report.
- b) Biodiversity/ Ecology are addressed in the relevant section of the report.
- c) Devaluation of homes is not considered a material planning consideration.
- d) Noise/Light pollution are addressed in the relevant section of the report.
- e) A dropped kerb is evident on the site post 2009 as evident on Google Street View. The agent has confirmed that development has not commenced and remedial work on the site was required.
- f) Japanese Knotweed would be considered within any ecological or Arboricultural survey.
- g) Drainage implications of the site are addressed in the relevant section of the report.
- h) Palisade fencing, subject to conditions can be classified as permitted development. Any visual impact of fencing will be addressed in the visual amenity section of the report.
- i) Overlooking is addressed in the relevant section of the report.
- j) Screening is addressed in visual amenity section of the report.
- k) The Local Planning Authority is duty bound to consider any planning Application that is submitted whilst the principle of development will be addressed in the relevant section of the report.

PLANNING POLICY

National Planning Policy and Guidance

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (PPW) are of relevance to the determination of this Application.

Paragraph 1.30 of PPW confirms that... *‘Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning Applications.’*

“All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.” (Paragraph 2.2 of PPW refers) Para 2.3 states *“The*

planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.”

At Paragraph 2.7, it states “Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.”

PPW states at paragraphs 2.22 and 2.23 that the Planning system should “ensure that a post-Covid world has people’s well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being.”

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 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this Application.

The Socio Economic Duty

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this Application.

Local Policies

The Development Plan for the area comprises of the Bridgend Replacement Local Development Plan 2018-2033 which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

Strategic Policy

- Policy SP1: Regeneration and Sustainable Growth Strategy
- Policy SP3: Good Design and Sustainable Placemaking
- Policy SP4: Mitigating the Impact of Climate Change
- Policy SP5: Sustainable Transport and Accessibility
- Policy SP11: Employment Land Strategy
- Policy SP17: Conservation and Enhancement of the Natural Environment

Topic Based Policy

- Policy SF1: Settlement Hierarchy and Urban Management
- Policy PLA11: Parking Standards
- Policy COM11: Provision of Natural and Semi-Natural Greenspace (including Amenity Greenspace)
- Policy DNP5:
- Policy DNP6: Biodiversity, Ecological Networks, Habitats and Species
- Policy DNP7: Trees, Hedgerows and Development
- Policy DNP8: Green Infrastructure.
- Policy DNP9: Natural Resource Protection and Public Health
- Policy PLA9: Development Affecting Rights of Way
- Policy PLA11: Parking Standards

Supplementary Planning Guidance

- SPG02 - Householder Development
- SPG04 – Retail and Commercial Development
- SPG07 – Trees and Development
- SPG17 - Parking Standards
- SPG19 - Biodiversity

APPRAISAL

The Local Ward Member has requested that the Application be referred to the Council's Development Control Committee. Additionally, as there are more than four objections with material planning considerations, the application cannot be determined under the Council's Scheme of Delegation of Functions granted to Officers.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, the amenities of neighbouring residents, biodiversity, drainage, public right of way and highway/pedestrian safety.

Principle Of Development

The site is located within the primary key settlement of Bridgend as defined by **Policy SF1** and is also located within the Bridgend Sustainable Growth Area as defined by Policy SP1 of the Bridgend Replacement Local Development Plan (**RLDP**) adopted in 2024. Policy SF1 states that Development will be permitted within settlement boundaries at a scale commensurate with the role and function of the settlement.

The Application site is adjacent to Brackla Industrial Estate, as defined by policy SP11 of the RLDP. As the Application proposes a new employment use, in the first instance, the proposal should be located within an allocated employment site. To support the Application, additional information has been submitted in the form of a sequential assessment to justify the proposed development's location immediately adjacent to the boundary of Brackla Industrial Estate. This assessment demonstrates that there are no

suitable or available sites within the industrial estate capable of accommodating the proposed employment use. Consequently, the proposed location is considered to be broadly appropriate in this instance.

Policy COM11: Provision of Natural and Semi-Natural Greenspace (including Amenity Greenspace) states that the provision of accessible, Natural and Semi-Natural Greenspace will be promoted wherever suitable opportunities arise. In this respect, the site overlaps with Brackla Ridge and Associated Areas which is specifically allocated under Policy COM11(5). The site forms part of the wider green infrastructure network to protect and enhance biodiversity and ecological resilience. In this instance, the Application is supported by an ecological assessment and arboricultural impact assessment outlining the baseline measures of biodiversity. It is noted that although it is allocated, the site comprises predominantly of bare ground with limited vegetation. The Council's Ecologist has been consulted on the matter and raised no objection to development on the site, subject to specific conditions ensuring any ecological merit is retained. As such and on balance, in this instance, the development of the site is compliant in principle.

Policy SP3: Good Design and Sustainable Place Making of the LDP states that all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

On balance, it is considered that, in principle and subject to satisfying the requirements of RLDP Policy SP3, the proposed development is acceptable and accords with the Bridgend Replacement Local Development Plan (2024).

Visual Impact

Policy SP3 of the adopted Bridgend Replacement Local Development Plan (RLDP) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of Good Design;
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;

Public representations have raised concern in relation to the potential for the storage containers to be an eyesore and overpowering in the landscape.

The proposed development comprises the change of use of the land to B8 (storage) with the siting of 149 containers and associated access works. The siting of the containers in their entirety can be classified as non-permanent structures. Therefore, whilst clearly visible within the street-scene and landscape, the consideration of visual amenity predominantly comprises of the change of use of land and not the siting of the storage containers.

In the first instance, the change of use of land to B8 is, as outlined above, is considered appropriate in principle. The land is at a raised level above Wyndham Street to the north and is relatively open within the landscape. The land itself is not of significant visual merit

and comprises of bare scrubland, bound by trees. The change of use of land adjacent to an existing industrial estate which comprises of large warehouse type structures and industrial uses would not be overly prominent and can be considered as an extension to the existing industrial estate not at odds with the land uses to the north.

There are a number of dwellings at St Illtyd's Close to the east which have some intervisibility with the proposed site. The rear gardens of the dwellings would form a near straight line distinction between industrial and residential land uses from the site and is comparable to the dwellings on the opposite side of Wyndham Street and the existing boundary of the Brackla Industrial Estate. The dwellings rear curtilage boundaries and proposed container siting are intersected by a claimed PRow, hedgerows and a number of trees, whilst many of the dwelling's boundary treatments consist of palisade style fencing. As such, owing to the distance from the site, existing boundary treatments/trees within the vicinity and lack of any visual merit, it is considered that the change of use of land to B8 would be acceptable in relation to visual amenity.

The proposed access and siting of containers would also have a visual impact. The storage containers are proposed to be in a relatively standard row pattern and coloured blue. The perimeter containers would be prominent within the street-scene and could have the potential to be impactful. To ensure there is some coherence of colour from Wyndham Street southwards and from the dwellings eastwards a condition relating to the external colour of the containers will be added to the recommendation. Details of the palisade fencing will also be sought along with a suitable landscaping scheme along Wyndham Street and the eastern boundary.

Therefore, as outlined above and having regard to the objections raised, the change of use of this area of land to B8 is not considered to be overly visually obtrusive and any visually obtrusive features from public vantage points can be suitably controlled via planning conditions.

On balance, the proposal is considered to be acceptable in terms of its land use, scale and design in accord with criterion (b) of Policy SP3 of the Bridgend Replacement Local Development Plan (2024). As such it is considered that the proposed development would not have any unacceptable impacts in relation to visual amenity.

Residential Amenity

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that *"placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people"*.

Criterion (k) of Policy SP3 of the Bridgend Replacement Local Development Plan (2024) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Public comments have been received raising concern in relation to noise, operating times, CCTV/loss of privacy and light pollution.

Overbearing and overshadowing impact

Given the nearby land uses and distance between the closest dwellings and proposed change of use of land and associated structures there would be no overshadowing impact. It is acknowledged that there would be some visibility to the land use apparatus, however, it is considered that the storage containers would not dominate the outlook of windows from adjoining dwellings.

Overlooking/loss of privacy

In terms of overlooking and loss of privacy, there would be a separation distance of approximately 19m from nearest rear dwelling boundary to the area of hardstanding where the containers are to be sited. Due to the layout and height of the containers, there would be no increased visibility into dwellings when compared with the existing viewpoints, particularly from the claimed right of way which runs in-between the site and nearby dwellings. Concerns relating to CCTV is noted and a condition ensuring any CCTV is approved by the LPA and does not record any residential dwelling curtilage is considered appropriate in this instance. As such, there is no increase in the level of overlooking or loss of privacy when comparing the existing situation.

Noise and operating times

Policy DNP9 of the RLDP seeks to ensure that pollution (including noise) from new development can be mitigated to an acceptable level. Given that the proposed B8 use has the potential to be more intensive than the existing use, the Application is supported by a Noise Assessment. Although objectors have raised concerns with the validity of the assessment, Shared Regulatory Services (SRS) have been consulted on the matter and raised no objection, subject to reducing the operating hours on weekends and bank holidays to 8am – 6pm. This is considered to be an appropriate and reasonable approach within the context of the wider land uses.

Lighting

In terms of external lighting, no details have been provided with this Application. As external lighting may be required for such a development to illuminate external areas, it is necessary to impose a condition to ensure that adequate details are provided prior to any lighting being installed on the site. This is to ensure that any future lighting does not have any unacceptable impacts upon the amenity of surrounding residential properties.

Accordingly, subject to the imposition of conditions, the proposal complies with criterion (k) of Policy SP3 of the Bridgend Replacement Local Development Plan (2024) in relation to residential amenity.

Highway Safety

Policy PLA11 of the adopted Bridgend Replacement Local Development Plan (2024) stipulates that all development must be served by appropriate levels of parking in accordance with the adopted SPG on parking standards.

The Highways Officer has been consulted on the matter and comments as below:

The Application relates to a proposed B8 (self-storage) with a gross floor area of approximately 2,181 sqm. The submitted Transport Statement confirms that access will be taken from Wyndham Close via a new junction designed to provide visibility splays of 2.4m x 43m in both directions, which is considered to meet the requirements for the vehicle speed of the local environment.

Traffic generation has been assessed using TRICS data for comparable self-storage sites. The reported anticipated trip generation is very low, it is noted that the sample surveys have been restricted to ensure that they are representative by size. However, it could be considered useful to open the data fields to find similar sites which offer storage container storage rather than a building with subdivided rooms. Notwithstanding this, the traffic impact associated with self storage units is low and the land use peak periods of activity do generally coincide with the network peak hours.

The background planning history of this site has been considered, including the refusal of

planning consent, and subsequent appeal dismissal, for a residential use. The reasons for refusal, in transport terms, included a lack of acceptable sustainable travel connections, including design deficiencies in maximising active travel and the absence of adequate parking provision.

The considerations in terms of this Application are that this specific land use has different travel characteristics to a residential use. The self storage land use is typically accepted to result in vehicular movements to the storage facility to deposit or collect items. The local active travel provision has also benefitted from the shared walking and cycling route installed opposite the site on Wyndham Close. The submitted Planning, Design & Access Statement indicates that adequate on-site parking and turning facilities will be provided.

In accordance with the Council's adopted Parking Standards (SPG17), a storage warehouse located within Zone 5 requires operational parking at a rate of one space per 500 sqm of gross floor area, with no non-operational parking requirement. On this basis, the proposed development requires five operational spaces. The Transport Statement confirms that parking is readily available adjacent to storage units, with sufficient space to allow vehicles to pass and manoeuvre safely. A review of the layout confirms that aisle widths are proposed at 8 metres which is sufficient for two way vehicular travel and parking on at least one side of the aisle. The layout has been set out that the aisles include connecting loops which are not constrained and would likely allow large vehicle movements for long wheel based panel vans and negate the need for turning heads.

The access proposals indicate that footways would be provided on both sides of the access road. The security gate has been shown to be inset some 15 metres from the carriageway which is sufficient for large vehicles to wait off the highway while gates are opened or closed.

The Transport Statement identifies the proposed walking and cycling route INM-BR-29 along Wyndham Close using the Active Travel Network Maps. Part on INM-BR-29 has already been delivered to a point at the north east corner of the site and on the opposite side of Wyndham Close. The requirements of this site in coming forward is that it does not frustrate the possibility in delivering a scheme for INM-BR-29. Therefore, it is required that the development allows for a suitable set back of any secure fenceline on the northern and north western boundaries. This should allow for a corridor of 3.5 metres, inclusive of any footway width from the edge of the carriageway, continuously from the north eastern corner along Wyndham Close. The land should be made available for the provision of an active travel route, which may result in formal dedication in the future.

The access junction should be redesigned to show a vehicular crossover of the footway and in this case of heavy duty construction. Internally the footway could be removed from eastern side of the site access road.

It would appear that the proposed use is sufficiently different from that which was refused, and that same issues may not apply in this case.

On the basis of the submitted information, and the revision of the site layout to ensure that INM-BR-29 can be delivered and the revisions to the site access, I would advise that the observations of the Highway Authority are:

No objection subject to conditions.

The Highway Authority will require the Developer to enter into a legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of

the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

As such and having regard to the objections raised, the Application is considered appropriate in relation to highway safety, subject to the imposition of suitable conditions, is compliant with Policies SP3 and PLA11 of the Bridgend Replacement Local Development Plan (2024) and is acceptable from a highway and pedestrian safety perspective.

Biodiversity

In assessing a planning Application, the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016. Public comments have raised concern in relation to impact of the development on the ecology and biodiversity within the site including invasive species within the site boundaries.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* it further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

Policy SP3 of the adopted Bridgend Replacement Local Development Plan (2024) requires development to Safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP5 Local and Regional Nature Conservation Sites seeks to retain important sites with compatible development. It states *“Developments which would have an adverse impact on these sites will not be permitted unless the benefits associated with the development can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures”.*

Policy DNP6 states: *“All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species”.*

Policy DNP7 states: *“development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted”.* Policy DNP8 requires new development proposals to integrate, protect and maintain existing green infrastructure assets and to enhance the extent, quality, connectivity and multi functionality of the green infrastructure network.

In this case the proposed site is located adjacent to the Coed-y-Morfa SINC and allocated as semi-natural woodland within policy COM11. As outlined previously in the report, the site comprises of relatively bare ground and in principle the land use is compatible subject to appropriate mitigation and enhancement.

In relation to biodiversity, the Application is supported by a Green Infrastructure Statement, Arboricultural Impact Assessment, Tree Protection Plan, Arboricultural Method Statement and Preliminary Ecological Appraisal (PEA) prepared by Khepri Wildlife. The contents of which have been considered by the Council's Ecologist. Some concern were raised in relation to reptiles, lighting, tree protection, biodiversity enhancement and ecological protection. However, subject to accordance with the accompanying documents, and subject to specific conditions, no objection is raised. The conditions are in relation to the following matters:

- **Reptile Mitigation Strategy** – to include vegetation clearance methodology, timing of works, Ecological Clerk of Works supervision and habitat protection measures.
- **Sensitive Lighting Strategy** - prepared in accordance with Bat Conservation Trust guidance, demonstrating that retained woodland edges and ecological corridors will remain suitable for commuting and foraging bats and other nocturnal wildlife.
- **Construction Environmental Management Plan** - detailing ecological protection measures during construction, pollution prevention, vegetation clearance methodologies, surface water management, invasive non-native species procedures and unexpected ecological discoveries.
- **Detailed Landscaping and Biodiversity Enhancement Scheme** – to include native planting of local provenance, details and locations of enhancement features, planting specifications, establishment, monitoring and maintenance methods.
- **Landscape and Ecological Management Plan / Long-term Habitat Management Plan** – for both retained and created habitats, to include wider grassland and scrub management areas identified within the submitted Green Infrastructure Statement.

On balance, and having regard to the objections raised, the proposed development is considered to be compliant with Policies SP3, DNP5, 6, 7 and 8 of the Bridgend Replacement Local Development Plan (2024) and is therefore acceptable in terms of Biodiversity.

Public Right Of Way

Public comments have raised concerns in relation to the impact the development will have on Public Right of Way's. Policy PLA9 of the Bridgend Replacement Local Development Plan (2024) seeks to ensure adverse impacts on Public Right of Ways (PRoW) are mitigated. The Public Right of Way Officer has confirmed that a claimed public right of way exists on the northern and eastern perimeter of the site, although the pedestrian access appears to cross the proposed vehicular access of the development at the north. A palisade fence nearby the entrance of the claimed PRoW route was constructed between 2018-2021 and an area of hedgerow exists along the eastern edge of the site.

The PRoW is not currently included as a definitive map order PRoW and investigations have now commenced by the PRoW team to consider the merits of including the route in a definitive map. The PRoW Officer has requested a plan outlining how the route will be affected prior to determination. On this occasion, details of the palisade fencing and landscaping are required to be submitted via a condition.

The PRoW Officer has also suggested the following conditions:

- *Prior to the commencement of development, a written undertaking to enter into a Footpath Creation Agreement to ensure the registration of the claimed right of way or a valid public path diversion or extinguish order Application for the unrecorded path made out under the provisions of the Highways Act 1980 must be submitted to the Council for determination.*

Reason: To ensure the timely diversion / extinguishment of the claimed PRow and enable the consented development to lawfully progress.

- *Prior to the commencement of any phase of the development requiring the disturbance of the claimed PRow there will be a confirmed Order for the diversion or extinguishment of the claimed PRow or signed Creation Agreement for the creation of the claimed right of way.*

Reason: To ensure the timely diversion / extinguishment of the PRow and therefore enable the consented development to lawfully progress

Such conditions are principally related to specific legislation relating to PRow's which, although complimentary, is outside the remit of the planning process and is not considered to meet the necessary tests for a planning condition. It is of note that a previous planning Application (18/945/FUL) may have crossed over the claimed right of way further south from the access of this Application and did not have any suggested conditions.

Therefore, whilst the impact of PRows are material in the determination of an Application it is considered that details being submitted via condition is not appropriate in this case from a planning context, given the claimed PRow is not currently within the definitive map. The developer is required to contact the PRow team within the Council for any Footpath Creation Agreement, diversion or extinguishment of any claimed of definitive PRow's in the future.

Land Drainage

The Council Land Drainage officer has been consulted on the matter and has confirmed that SAB approval would be required. In addition, conditions relating to comprehensive drainage on the site and any infiltration test design are suggested and considered appropriate in this regard.

CONCLUSION

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 comprises Future Wales - the National Plan 2040 and the Bridgend Replacement Local Development Plan (2024).

On balance, and having regard to the objections raised, the proposal is deemed to be compatible with neighbouring existing and proposed land uses subject to specific conditions relating to biodiversity.

In addition, the development is considered to be appropriate in relation to neighbouring visual and residential amenity, highway safety and drainage, subject to conditions. Any impact upon a claimed PRow is outside the remit of the Local Planning Authority and can be remedied via other legislation.

Accordingly, it is considered that the proposal is in accordance with Policies SP1, SP3, SP4, SP5, SP17, COM11, PLA9, PLA11 DNP6, DNP7, DNP8, DNP9 of the Bridgend

Replacement Local Development Plan (2024).

It is further considered that the decision complies with Future Wales - the National Plan 2040, and 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.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall begin not later than five years from the date of this decision.

Reason: In accordance with the provisions 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
Plan View Proposed Site (1:500)
Elevation A-A (1:200)
Elevation B-B (1:200)

and documents:

- Transport Statement by ACSTRO (November 2025)
- Noise Assessment by Accoustic Consultants Ltd (November 2025)
- Preliminary Ecological Assessment by KHEPRI (November 2025)
- Arboricultural Impact Assessment by ArbTS (June 2026)
- Design and Access Statement with GIS

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

3. The uses hereby approved shall not be carried out outside of the following hours:

Monday to Friday 07:00 hours to 18.00 hours

Saturday, Sundays and Bank Holidays 08:00 hours to 18.00 hours

Reason: To ensure that the Local Planning Authority retains effective control over the hours of operation of the business in the interests of general amenity in accordance with Policies SP3 and DNP9 of the Bridgend Replacement Local Development Plan (2024).

4. The land to which this permission relates for Use Class B8 storage purposes only shall be restricted to the 70m x 60.75m area outlined on plan 'Plan View Proposed Site (1:500)' and shall be used for no other purpose including any other purpose in Class B8 of Schedule 1 Part B of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any other provision equivalent to that Class in any statutory instrument amending or revoking and re-enacting that Order.

Reason: In the interest of clarity, residential amenity and to ensure other changes of use can be assessed in the interests of amenity and to accord with Policies SP3 and SP11 of the Replacement Bridgend Local Development Plan (2024).

5. Notwithstanding the submitted plans, the access hereby approved shall be at a gradient not steeper than 5% (1 in 20) for the first 10 metres and thereafter not steeper than 8.3% (1 in 12). Unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy SP3 of the

Bridgend Replacement Local Development Plan (2024).

6. No development shall commence on site until the details of the permanent materials for the access road and parking areas have been submitted to and agreed in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the access road and internal routes have been completed in accordance with the agreed details and retained as such thereafter.

Reason: In the interest of Highway Safety in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

7. Notwithstanding the submitted plans, prior to any container being sited, details and samples of the finishes of the storage containers to be used with the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter in perpetuity.

Reason: In the interest of the visual amenity of the area and to ensure the development complies with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

8. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby permitted, a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location of any Public Right of Way or Claimed Right of Way within the site boundary and any measures required to allow public access if necessary. The boundary treatment shall be completed, as approved, prior to the commencement of the use and retained as such thereafter.

Reason: In the interest of visual and residential amenity and to ensure the development complies with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

9. Notwithstanding the submitted plans, no development shall take place until details of soft landscaping works and/or biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment such as a wildflower meadow, long grass or semi-improved grassland); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation program. 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: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenities of the area, to maintain the special qualities of the landscape and, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP3, DNP6 and DNP8 of the Bridgend Replacement Local Development Plan (2024).

10. No development shall take place until a reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall include vegetation clearance methodology, timing of works, Ecological Clerk of Works supervision and habitat protection measures. Development shall proceed in accordance

with the agreed details and recommendations of the methodology statement.

Reason: In the interests of safeguarding biodiversity and ecology and to comply with Policies SP3 and DNP6 of the Bridgend Replacement Local Development Plan (2024).

11. No development shall commence on site, including further site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures set Natural Resources Wales Guidance for Pollution Prevention (GPP) documents (2021). The CEMP should include information relating to:
 - a. Pollution prevention,
 - b. Vegetation clearance methodologies,
 - c. Surface water management,
 - d. Invasive and non-native species procedures,
 - e. Unexpected ecological discoveries

The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed and implemented to protect local amenity, especially for people living and/or working nearby, biodiversity, human health and to accord with Policies SP3 and DNP9 of the Bridgend Replacement Local Development Plan (2024).

12. Prior to the commencement of the use hereby approved, a landscape and ecological management plan for retained and created habitats including wider grassland and scrub management areas identified within the submitted Green Infrastructure Statement shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and biodiversity, and to ensure the long term management and maintenance of all landscaped and ecologically sensitive areas within the site and to ensure the development complies with Policies SP3, DNP6, DNP7 and DNP8 of the Bridgend Replacement Local Development Plan (2024).

13. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how roof and yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use.

Reason: to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

14. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use.

Reason: to ensure that effective satisfactory management and disposal of surface water is provided for the proposed development in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

15. Prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required (including measures to reduce as far as practicable light spillage onto the adjoining properties and incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation). The lighting scheme shall be implemented on site in accordance with the approved scheme only and retained as such thereafter in perpetuity.

Reason: In the interest of residential amenity, biodiversity and to prevent any unacceptable light spill, and to ensure compliance with Policies SP3, DNP6 and DNP9 of the Bridgend Replacement Local Development Plan (2024).

16. Prior to the installation of any CCTV cameras on the site, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all cameras indicating their field of view. The scheme shall ensure no residential property is adversely affected by the proposed camera positions. The cameras shall be implemented on site in accordance with the approved scheme and retained as such thereafter.

Reason: In the interests of residential amenity and to prevent any unacceptable overlooking and loss of privacy and to ensure compliance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

17. 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 DNP9 of the Bridgend Replacement Local Development Plan (2024).

18. 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 DNP9 of the Bridgend Replacement Local Development Plan (2024).

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policy DNP9 of the Bridgend Replacement Local Development Plan (2024).

20. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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 comprises Future Wales - the National Plan 2040 and the Bridgend Replacement Local Development Plan (2024).

On balance and in considering the objections made the proposed is deemed to be compatible with regards to the existing and proposed land use subject to specific conditions relating to biodiversity. In addition, the development is considered to be appropriate in relation to the visual and residential amenity, highway safety and drainage, subject to conditions. Any impact upon a claimed PRow is outside the remit of the planning authority and can be remedied via alternate legislation.

Accordingly, it is considered that the proposal is in accordance with Policies SP1, SP3, SP4, SP5, SP17, COM11, SF1, PLA9, PLA11 DNP6, DNP7, DNP8, DNP9 of the Bridgend Replacement Local Development Plan (2024)

It is further considered that the decision complies with Future Wales - the National Plan 2040, and 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.

Highway Advisory Note

1. The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;

c

iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

2. The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing

maintainable highway will not be permitted until such time as the Agreement has been concluded.

PRoW Advisory Note

PROW

- Prior to the commencement of development, a written undertaking to enter into a Footpath Creation Agreement to ensure the registration of the claimed right of way or a valid public path diversion or extinguish order Application for the unrecorded path made out under the provisions of the Highways Act 1980 must be submitted to the Council for determination.

Reason: To ensure the timely diversion / extinguishment of the claimed PRoW and enable the consented development to lawfully progress.

- Prior to the commencement of any phase of the development requiring the disturbance of the claimed PRoW there will be a confirmed Order for the diversion or extinguishment of the claimed PRoW or signed Creation Agreement for the creation of the claimed right of way.

Reason: To ensure the timely diversion / extinguishment of the PRoW and therefore enable the consented development to lawfully progress

We must advise the Applicant that in the interests of public amenity and to ensure the protection of the claimed PRoW:

- The alignment of the unrecorded path which is the subject of Application A763/1/292 must be included in any relevant drawings submitted with the planning Application.
- The granting of planning permission confers on the developer no other permission or consent. The granting of planning consent does not entitle the developer to obstruct a Public Right of Way or a claimed right of way. The development, insofar as it affects a PRoW or claimed right of way, cannot be started - until such time as an Order which provides for its diversion or extinguishment has been made and confirmed.
- The successful making and confirmation of an Order should not be assumed.

Land Drainage Note

Land Drainage Informative

To satisfy condition 13, the Applicant must:

- Provide surface water drainage layouts;
 - The Applicant shall provide an agreement in principle from DCWW for the disposal of surface water flows (if required) to the public sewer.
- Submit a Sustainable Drainage Application to the Bridgend SAB – SAB@bridgend.gov.uk. The SAB Application must be approved prior to commencement of construction

In order to satisfy the condition 14, the following supplementary information is required:

- Provide a surface water drainage layout including the location of any infiltration systems;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365;
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location;
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and

the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;

- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

Dwr Cymru Note

The Applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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. 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 12) 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.

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with Bridgend County Borough, 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.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

Dwr Cymru Welsh Water is not responsible for fire protection or for providing suitable fire flows. Providing fire flows and fire protection are the responsibility of the appropriate regional Fire Services. We refer you to the 3rd Edition of the National Guidance Document on the Provision of Water for Fire Fighting published by the Local

Government Association and Water UK.

Our response is based on the information provided by your Application. Should the proposal alter during the course of the Application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Fire Safety Officer

Upon examination of the submitted site plan, the Authority provides the following standard advice to assist the planning authority and developer. It is important that these considerations are addressed early in the development.

- The Fire Authority has no objection to the proposal and refers the Local Planning Authority to current standing advice issued by the Authority.

The developer should also consider the need for the provision of: -

- a) adequate water supplies on the site for firefighting purposes; and
- b) access for emergency firefighting appliances

Should the Applicant require further information in relation to these matters they should contact the above-named fire safety office

NRW Pollution Prevention Note

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water, and GPP 6: Working on construction and demolition sites, which are available on the NetRegs website.

If you have any queries on the above, please do not hesitate to contact us.

Contamination and Unstable Land Advisory Note

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.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None