



**Cyfoeth  
Naturiol  
Cymru**  
**Natural  
Resources  
Wales**

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Eich cyf/Your ref: 31131

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**FAO: Marcus Goldsworthy**

4 November 2014

Annwyl Syr/Madam / Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
(ENGLAND AND WALES) REGULATIONS 1999 – REQUEST FOR FORMAL SCOPING  
OPINION**

**RESIDENTIAL DEVELOPMENT – LAND NORTH AND WEST OF DARREN CLOSE,  
COWBRIDGE.**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales on the above scoping opinion, which we received on 22 September 2014. We apologise for the delay in our response.

We have reviewed the contents of the scoping report entitled 'Land North and West of Darren Close, Cowbridge' (Reference: 31131/GW/EE) prepared by Nathaniel Litchfield & Partners and provide the following advice.

**Summary**

As part of the Environmental Impact Assessment (EIA) process we request that the following matters are fully considered for their effects; positive and negative, direct, indirect and cumulative impacts with other plans and projects over different time spans. Our view is that the EIA should assess the likely significant effects of the development on:

- **Protected Species** - detailed and comprehensive assessment of those protected species likely to be affected by the proposed development.
- **The Water Environment**
  - **Surface Water** – details on how surface waters will be disposed of from the site, their effects and management.

- **Foul Water** –details on provision of suitable infrastructure, how foul waters will be disposed of from the site during all phases of development (construction and operation), their effects and management.
- **Water Resources** – information on the proposed water supply and its efficient use.
- **Risks and Consequences of Flooding** – assessment of how surface water will be effectively managed with improvements and without increasing the risks of flooding elsewhere because of land changes as a result of development proposals.

We also advise that local planning authorities must have regard to purpose of conserving biodiversity under section 40 of the NERC Act and we recommend consultation with your own advisors on landscape and visibility issues.

We provide our full explanation and reasoning below;

### **Protected Species**

We advise that the developer scopes in or out all protected species, giving justification for their decision in each case. In addition to those indicated in the EIA Scoping Report, we advise consideration of the impact of the proposals on great crested newts, with surveys and assessment to follow the guidance in English Nature (2001). *Great Crested Newt Mitigation Guidelines*. Peterborough: English Nature. We also advise that visual inspections of buildings and trees for their potential to support bats guides the need for further emergence/re-entry surveys. If further surveys are not deemed necessary, then the EIA should explain why this is the case.

Surveys for protected species should follow published guidance, where it exists, and be undertaken by trained, suitably experienced and, where necessary, licensed ecologists. Please find a list of recommended survey and mitigation guidance included as an Annex to this response.

Species records from the South East Wales Biological Records Centre (SeWBReC), Vale of Glamorgan Council and local ecological interest groups (e.g. bat groups) should be reviewed. We also advise that the applicant consider the potential of habitats within the area, which may be affected by the proposals of which some support such species.

### **Local Biodiversity**

The EIA should also consider the potential impacts of the proposals on habitats and species listed under S.42 of the Natural Environment and Rural Communities (NERC) Act 2006 as habitats and species of principal importance for the conservation of biodiversity in Wales. Some of these may be covered in the consideration of impacts on protected species, otherwise additional survey work may be required. If any are likely to be affected, the EIA should detail all of the measures that will be put in place to conserve and enhance the species/habitats concerned. We recommend that you seek further advice from your authority's internal ecological advisor and/or nature conservation organisations such as the

local wildlife trust, RSPB etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species

## **The Water Environment**

### **Surface Water**

We welcome the intention within Section 5.106 that 'the likely effects of the development on drainage downstream of the site' will be assessed.

We note that the site lies entirely within Zone A, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004). In accordance with TAN15, there is a requirement that no increase in flooding elsewhere occurs as a result of development. Developers need to give good reason why sustainable drainage systems cannot be implemented and wherever possible enhancements or improvements to the drainage regime will be expected. We would recommend that a surface water assessment or flood consequence assessment is undertaken in relation to these issues.

We would advise that any surface water assessment should include a design of the surface water drainage system to be implemented at the site and how this will affect the site layout.

The applicant should produce the following information:

- Demonstrate how the principles of Sustainable Drainage Systems have been applied to the development identifying what techniques will be used.
- Estimate the discharge rate for the site. Greenfield discharge rates should be sought on Greenfield sites, and also on Brownfield sites (where possible).
- Estimate the volume of 1 in 100 year attenuation to be provided and what techniques will be used to provide the attenuation.
- Take into account TAN 15 climate change requirements.

It is important that a drainage design strategy is carried out at the outset to identify the options for the design of the surface water drainage system and how it will affect the site layout and construction.

### **Foul Water**

Discussions with the utility companies will be required to ascertain their requirement in terms of any extensions and upgrades. In accordance with Planning Policy Wales appropriate sewerage facilities will need to be provided to convey, treat and dispose of wastewater in accordance with appropriate legislation and sustainability principles. The planning system has an important part to play in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source. This includes minimising the impacts associated with climate change. We would expect the submission with the outline planning application to confirm how foul water will be managed effectively throughout the lifetime of development (construction and operation).

## **Water Resources**

Information should be provided regarding the development's water supply. If connection to the mains water supply is proposed, the applicant should contact Dwr Cymru Welsh Water (DCWW). Any proposal other than mains supply must be discussed with Natural Resources Wales.

Natural Resources Wales supports the efficient use of water, especially in new developments. We would expect information relating to this to be included within the ES.

## **Further Advice**

We welcome the intention to undertake a preliminary ecological appraisal of the site and immediate surroundings. Again we advise that surveys should follow published guidance, where it exists, and be undertaken by trained, suitably experienced and, where necessary, licensed ecologists.

We note that the site has predominantly been used for agricultural purposes, however we do note that an area to the south east of the site was subject to quarrying activity in the past, therefore we welcome the proposal to undertake a phase 1 geo environmental appraisal. We also note that the site lies on a major aquifer and is within 800m of a Source Protection Zone, therefore we suggest that surface water drainage proposals are considered carefully as to ensure the protection of sensitive groundwater.

We welcome the proposed landscape and visual assessment. We recommend you seek advice from your own internal advisors as to the suitability of the methodology to be used.

We attach our Planning Advice Note, which provides further advice on pollution prevention, drainage and permitting requirements.

We trust our advice is clear. If you have any queries, please do not hesitate to get in touch.

Yn gywir / Yours faithfully

*R. H. Evans*

## **Miss Ruth Evans**

Ymgynghorydd Cynllunio Datblygu - Caerdydd a Bro Morgannwg / Development Planning Advisor – Cardiff and the Vale of Glamorgan

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**Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.**

**Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.**

cc. Nathaniel Lichfield and Partners, Cardiff

## **Annex 1: Recommended survey and mitigation guidance for protected species**

Please find below a list of recommended survey and mitigation guidance which you may wish to include as an Annex to NRW's full EIA scoping response.

### **Bats**

Hundt, L. (2013) ***Bat Surveys: Good Practice Guidelines 2nd Edition***. Bat Conservation Trust (BCT).

Mitchell-Jones, A.J. (2004) ***Bat Mitigation Guidelines***. Peterborough: English Nature

Mitchell-Jones, A.J. and McLeish, A.P. (2004). ***Bat Workers Manual 3rd Edition***. Peterborough: JNCC.

### **Other relevant information**

DEFRA, English Nature (2004) ***Bats, Barn Owls and Buildings: A guide to safeguarding protected species when renovating traditional buildings*** London: DEFRA

English Heritage, National Trust, Natural England (2009) ***Bats in Traditional Buildings***: Birmingham: English Heritage.

Entwistle, A. et al (2001) ***Habitat Management for Bats: A guide for land managers, land owners and their advisors***. Peterborough: JNCC

Forestry Commission for England, Bat Conservation Trust, Countryside Council for Wales, English Nature (2005) ***Woodland Management for Bats***. Wetherby, Yorkshire: Forestry Commission.

Greenaway, F. (2004) ***Advice for the management of flightlines and foraging habitats of the barbastelle bat *Barbastella barbastellus****. English Nature Research Reports Number 657, Natural England Peterborough.

Highways Agency (2011) ***A Review of Bat Mitigation in Relation to Highway Severance***.

Natural England (2008) ***Managing landscapes for the greater horseshoe bat***.

Schofield, H. (2008) ***The Lesser Horseshoe Bat Conservation Handbook***. Ledbury, Herefordshire: The Vincent Wildlife Trust

Smith, P.G. & Racey, P.A. (2002) ***Habitat Management for Natterer's Bat (*Myotis nattereri*)***. London: Mammals Trust UK

### **Dormice**

Bright, P., Morris, P, & Mitchell-Jones, A.J. (2006) ***Dormouse Conservation Handbook 2nd Edition***. Peterborough: English Nature.

## **Great Crested Newts**

English Nature (2001). **Great Crested Newt Mitigation Guidelines**, Peterborough: English Nature.

Langton, T., Beckett, C. & Foster, J. (2001). **Great Crested Newt Conservation Handbook**. Halesworth: Froglife.

Gent, T. & Gibson, S. (1998). **Herpetofauna Worker's Manual**, Peterborough: JNCC.

Baker, J., Beebee, T., Buckley, J., Gent, T., and Orchard, D. (2011), **Amphibian Habitat Management Handbook**. Amphibian and Reptile Conservation, Bournemouth.

## **Water Voles**

Strachan, R. & Moorhouse, T., Gelling, M. (2011) **Water Vole Conservation Handbook 3rd Edition**. Oxon: The Wildlife Conservation Research Unit

## **EIA Quality**

In order to ensure that the planning submission is of appropriate quality, we would recommend that the applicant uses the following guidance in compiling their ES:

- BS42020:2013 Biodiversity – Code of Practice for Planning and Development
- Guidelines for the Ecological Impact Assessment (of terrestrial, freshwater and coastal habitats) in the UK (Chartered) Institute of Ecology and Environmental Management, 2006)
- Chapter 5 (Writing and reviewing survey reports) of the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (L. Hundt, 2012)