



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

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Eich cyf/Your ref: 2014/01466/SC2**

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11 March 2015

Annwyl Syr/Madam / Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND AND WALES) REGULATIONS 1999 – REQUEST FOR FORMAL SCOPING
OPINION - LAND EAST OF BONVILSTON.**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales on the above scoping opinion, which we received on 5 February 2015.

We have reviewed the contents of the scoping report entitled Land east Bonvilston – Proposed Scope of Environmental Impact Assessment, dated December 2014 prepared by Wardell Armstrong and provide the following advice.

Protected Species:

We note that the applicant proposes to consider the impact on protected species further in the Environmental Statement (ES). We advise 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.

We advise that the consideration of legally protected species should be informed by a review of ecological records in the vicinity of the proposed application site and a walkover survey of the site (Phase 1 survey) extended to consider the potential of the site to support such species.

We recommend the proposal considers great crested newts, bats and dormice, all of which are European Protected Species. We recommend that surveys follow published guidance where this exists. We note that the walkover survey of the site confirmed the presence of mature and semi-mature trees in the hedgerows on site although it is not clear to what extent these may support bats and may be affected by the proposals (e.g. by pruning or felling, lighting, or fragmentation/isolation from surrounding habitat). Although it would appear that

no buildings are likely to be affected by the proposed development, we recommend consideration should be given to the presence of bats in trees and the potential impact of the development in this respect. Surveys should follow the guidance in the Bat Conservation Trust's *Bat Surveys: Good Practice Guidelines* (L, Hundt, 2012).

The EIA should include details of the survey methodology employed and any limitations, a comprehensive impact assessment and, where protected species are likely to be affected, full information of all the mitigation measures that will be put into place to ensure that there will be no detriment to the populations of the species concerned (i.e. we advise that firm mitigation commitments are made and not just what *could* or *should* be put in place).

With regards to dormice, the survey methodology should explain the location and density of deployment of nest tubes.

Surveys for protected species should follow published guidance, where it exists, and be undertaken by trained, suitably experienced and 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 (SeWBRc), 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

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.

Further Advice on other matters to be scoped out:

We note that the applicant does not propose to consider impacts on the water environment further in the ES. However, satisfactory information should be submitted to support the planning application in line with current planning policy. We provide the following advice.

Surface Water:

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. The developer needs 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.

The site is located on a principle aquifer, therefore any proposal for surface water drainage should consider this fully, especially if considering infiltration methods for drainage disposal.

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.

Other Matters

Although the vast majority of the site is agricultural fields, parts of the site including areas under or next to old farm buildings, could potentially have hotspots of contamination. Dealing with these hotspots of contamination will need to be considered further.

We would advise that the developer contact us for advice if they plan to use any waste during the construction phase. Consideration should be given to movement of waste on and off site. The Environmental (Duty of Care) Regulations 1991 should be considered.

A Construction and Environmental Management Plan is referred to in the appendices of the scoping document. We welcome this and would expect this to be submitted and approved prior to commencement of development at the site.

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.

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)

Planning Advice Note (100) Natural Resources Wales/Cyfoeth Naturiol Cymru

This note provides guidance on environmental planning and regulatory issues, and may be of use at a pre-application/application stage and for the lifetime of your activities. It is not exhaustive, and if you have any other queries please contact our Natural Resources Wales Customer Contact Centre on 0300 065 3000 for further assistance.

Flooding and Flood Consequence Assessments (FCAs)

You can obtain information on which 'flood zone' your site is located through

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Planning Policy Wales Technical Advice Note 15: Development and Flood Risk (July 2004) provides very important guidance on consideration of fluvial, tidal and surface water flood risk. It includes information on climate change; vulnerability of land use types; justification; preparation of flood consequence assessments (FCAs) (Appendix 1 E) and acceptability criteria. We have also produced a useful checklist for developers and consultants that should be submitted in support of a FCA. To request pre-application advice on FCAs please contact us. Please note the Local Planning Authority (LPA) may also have their own requirements in respect of a FCA and further advice should be sought from them.

FCAs must assess the risks of fluvial, surface water and other sources of flooding. Sustainable Drainage Systems (SuDS) should be included in development wherever possible to reduce surface water run-off. A variety of SuDS techniques are available, which also helps with protecting water quality and adding amenity value to development.

Further information sources on SuDS can be found in:

- Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004) TAN15 - Appendix 4
- CIRIA C522 document Sustainable Drainage Systems – design manual for England and Wales
- CIRIA C523 document SuDS – best practice manual
- The Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDS.

For guidance refer to Natural Resources Wales and CIRIA websites:

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk; www.ciria.org.uk

You should be aware that Section 8 of TAN15 (paragraph 8.4) states that if SuDS cannot be implemented, a conventional drainage system will need to improve on the status quo.

We may not be consulted on flood risk matters by the Local Authority or provide detailed application or pre-application flood risk comments on some types of development for extensions up to 250m². Given the scale of the proposed development, and in the absence of a FCA, we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development. These may include barriers on ground floor front doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in our Floodline publication 'Damage Limitation'. This is available on our website. A developer may also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website: www.planningportal.gov.uk

Please be aware that this does not negate the need to submit FCAs as required by the LPA and further advice may need to be sought from them. You might also contact Local Authority Land Drainage engineers to determine any localised flooding problems from ordinary watercourses within the vicinity of your proposals, and to confirm that proposed surface water disposal would not cause or exacerbate flooding.

We may have flood level data to assist in preparing a FCA: This information may be provided for a fee and obtained from our Natural Resources Wales Customer Contact Centre on 0300 065 3000. For information: we do not recommend individual FCA consultants but the following website link is provided to help you to source a suitably qualified person <http://www.ciwem.org>.

Landfill/Landfill Gas

The location of authorised landfills is shown on our website or contact our Natural Resources Wales Customer Contact Centre on 0300 065 3000. Your Local Authority has a list of closed (historic) landfill sites. You might refer to the landfill gas website (which includes policy and guidance) for further information on proposed development within 250 metres of a landfill site. <http://www.landfill-gas.com/html/search.html>

Land affected by Contamination

Planning Policy Wales takes a precautionary approach to land affected by contamination. Before the principle of development can be determined, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of clean up (remediation). Where contamination is known or strongly suspected, a desk study, investigation, remediation and other works may be required to enable safe development. Minimum requirements for submission with a planning application are a desk study and preliminary risk assessment, such as a site walkover or conceptual model. Site Investigation and Remediation Strategy reports may be required for submission with a planning application for sensitive land use types or where significant contamination or uncertainty is found. We recommend that you contact the Local Authority Environmental Health team who may hold records on known/potential land contamination. If during site works, contaminated material is suspected, you are advised to stop works and seek further guidance. Remediation of contaminated land may also require an authorisation under environmental permitting legislation (formerly waste management legislation). For information: whilst we do not recommend individual environmental consultants, the following website link is provided for environmental consultants that undertake contaminated land assessments <http://www.endsdirectory.com/>

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage. For planning purposes we have provided a Foul Drainage Assessment Form to assist in your consideration of these matters, please view our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk.

You may wish to submit this to the Council with your application. Alternatively, the Local Authority may have its own assessment form. Our Pollution and Prevention Guidance Note 4 'Treatment and disposal of sewage where no foul sewer is also available' also provides useful guidelines.

Biodiversity

The planning system in Wales has an important part to play in maintaining, restoring and enhancing biodiversity (Planning Policy Wales and the UK Biodiversity Action Plan 1994). Technical Advice Note 5 on Nature Conservation (TAN5) provides detailed guidance on nature conservation and includes guidance regarding wildlife corridors. A developer should conserve and enhance special features, which will also be a consideration as part of our determination of consents/licences/permits. Article 10 of the EU Habitats Directive also stresses the importance of natural networks of linked habitat corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. River corridors are particularly effective in this way. Such networks and corridors may also help wildlife adapt to climate change. Our advice is that green buffer zones should be agreed and permanently delineated alongside a watercourse, be free from structures and/or planted with UK generic provenance or left as a natural area for wildlife. River basin management planning also requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

If you own land or property alongside a river or other watercourse, our guide 'Living on the Edge' explains your rights and responsibilities as a riverside property owner (www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk)

Your responsibilities include maintaining river beds and banks; allowing the flow of water to pass without obstruction; and controlling invasive alien species such as Japanese knotweed. Sometimes you will need permission from other bodies as well as from us. Should a proposal affect a designated site that has no connection to the water environment or any BAP species/habitats then please contact us. A license will be required from us to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species.

Water Resources

We encourage water efficiency in all development. For residential, we recommend a minimum standard of Level 3 of the Code for Sustainable Homes. http://www.planningportal.gov.uk/uploads/code_for_sustainable_homes_techguide.pdf. For commercial, we recommend rainwater harvesting and grey water recycling. Development should endeavour to meet the 'very good' rating under the BREEAM Standard for non-residential development. www.breeam.org

Pollution Prevention

You should incorporate pollution prevention measures to protect ground and surface waters. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice, which include Pollution Prevention Guidance Notes (PPG's) targeted at the specific activities (as listed below). Pollution prevention guidance can be viewed on our website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Also, the NetRegs website has guidance, specific for the construction sector, on environmental regulations and good practice. Codes of Practice on preventing pollution from agricultural activities is available on Defra's website: <http://www.defra.gov.uk/foodfarm/landmanage/cogap/index.htm>

Environmental Permits (EPs) / Consent Requirements – separate to Planning Permission

The granting of planning permission does not permit activities that require consent, licence, or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before work commences. Consenting procedures can take several months to complete, and early contact is therefore advised.

Further information can be found on our website:

www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Flood Defence Consents

Any works (including temporary works) in, under, over or adjacent to a 'main river' (including any culverting) may require us to give formal permission in the form of a Flood Defence Consent before you start any work. We operate a "no-culverting" policy and Consent for culverting will only normally be granted for site access purposes. Our Development and Flood Risk Team will be able to help with this. Please phone 0300 065 3000 - this is the general enquiries line for the Customer Services Centre and ask to be put through to the team that covers your area if you would like further advice or to apply for a Consent.

Please be aware that on 6 April 2012, when a further phase of the Flood and Water Management Act 2010 was implemented, responsibility for regulating activities (issuing consents; and undertaking enforcement action) on 'ordinary watercourses' in most areas of England and Wales transferred from the Environment Agency to lead local flood authorities, for example, Unitary Authorities, or Internal Drainage Districts (IDDs). Please refer to the relevant organisation for consent applications.

Fish Stocking

Our consent is needed before any fish can be introduced or removed from a watercourse or fishery. This applies to all waters, both public and private. The only exceptions are fish farms and domestic waters (e.g. garden ponds) which are less than one acre in area and which are not fished. Here you can find out about online methods of fish movement consenting www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Discharge (of Effluent) to ground or surface waters

You will need to apply for a Permit, or Exemption, if you wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. You may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. You must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Environmental Permits (EPs) (formerly Waste Management Licences + Pollution Prevention Control Permits)

Waste arising from development, must be handled in accordance with relevant environmental permitting legislation. Waste must be minimised and options for reuse or recycling should be investigated before it is sent for disposal. Importation of waste material onto site (e.g. hardcore for construction) will require a waste authorisation, which may be an EP; although in most cases will be the registration of an exemption from the need for an EP. If the purpose of development is to create a waste management facility (e.g. landfill, incinerator, transfer/recycling centre, scrapyards, contaminated land remediation, anaerobic digestion or composting plant), some form of waste management authorisation will be required, in the form of an EP (previously WMLs or PPC Permits). For further information contact us on Tel. 0300 065 3000 - this is the general enquiries line for the Customer Services Centre or visit our web site at www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Environmental Permitted Sites

Under the Environmental Permitting (England and Wales) Regulations 2010 permitted sites should not cause harm to human health or pollution of the environment and any emissions should meet regulatory requirements and technical standards. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property.

Other EPs may also be required

For example, to abstract surface or groundwater, to impound water bodies, and for Industrial and Intensive Pig & Poultry (formerly Integrated & Pollution Prevention Control Permits). Contact us on Tel. 0300 065 3000 - this is the general enquiries line for the Customer Services Centre. To apply for an EP please view our website at: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Further Information

Information on protecting and enhancing the environment, and the location of features such as Source Protection Zones, can be obtained from our website: www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk

Pollution Prevention Guidance Notes (PPG's) are available on the following topics:

<i>PPG01 General guide to the prevention of water pollution</i>	<i>PPG18 Control of spillages and fire fighting run-off</i>
<i>PPG02 Above ground oil storage tanks</i>	<i>PPG20 Dewatering underground ducts and chambers</i>
<i>PPG03 The use and design of oil separators</i>	<i>PPG21 Pollution incident response planning</i>
<i>PPG04 Disposal of sewage where no mains drainage available</i>	<i>PPG22 Dealing with spillages on highways</i>
<i>PPG05 Works in, near or liable to effect watercourses</i>	<i>PPG26 Storage and handling of drums & immediate bulk containers</i>
<i>PPG06 Working at construction and demolition sites</i>	<i>PPG27 Installation, decommissioning and removal of underground storage tanks</i>
<i>PPG07 Refuelling facilities</i>	<i>PPG28 Controlled Burn</i>
<i>PPG08 Storage and disposal of used oils</i>	
<i>PPG13 High pressure water and steam cleaners</i>	

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