

[REDACTED]

From: max wallis <[REDACTED]>
Sent: 04 January 2017 11:54
To: Planning & Transportation (Customer Care)
Cc: green keith
Subject: Re: Northcliffe Lodge development: App No. 2015/01449/FUL

Please accept the following as "late reps"

The Report has been too hastily prepared and fails to cover points FoE have raised in several letters. The site on Penarth Head is very sensitive in landscape terms as well as the setting of individual listed buildings.

We asked for further documents and clarification early on 3rd January, but have received no answers. Doubtless the holiday provides a reason for no reply as yet. The officers scheduling the application over the holiday has meant that the requirement for documents 3-days pre-meeting has not been met.

We therefore ask for deferral while the information and documentation are provided.

The Conservation Officer has reported only very late; there are quotations from his report, not his full report in the on-line file as required.

His comments quoted do not cover the policy in the adopted Conservation Area plan, that ***development proposals should conserve and enhance the appearance of Penarth Head***. A truthful assessment would have to say the modernist design and removal of tree cover detract from the appearance of the Head. If considered in due time (we pointed out the policy in August) the officers could have sought to amend the proposals to mitigate the damage.

The Tree Officer's consent to removal of the mature trees is invalid, in that she failed to comply with British Standards 5837:2012, which require regard to:

"1 arboricultural grounds; 2 Mainly landscape values and 3 Mainly cultural values, including conservation."

The VoG Tree officer (who has quit, no qualified replacement) and Treescene consultants did not consider aspects 2 and 3.

A late view of the Ecology Officer is quoted, again without the full document in the e-file necessary for context and verification. The quotation "*The Council's Ecologist has made an assessment of the likely impact of the development on protected species and habitats in full accordance with Council policy and national guidance*" implies a specific assessment that is not supplied or even evidenced in the papers. The required survey of trees for bat-roosts was never completed, as it omitted the parts of the site alongside the Northcliffe Apartments. The ecological status of the site as Lowland mixed deciduous woodland means it is a Wales *priority habitat* in the Section 7 list under the Environment Act and under the Biodiversity Action Plans; the officers' report fails to mention this.

The report accepts "high risk" of landslide and potential "acceleration" due to the development. The officers' excuse for not requiring further investigation "This is considered

unreasonable in planning terms" is contrary to Planning Policy Wales (13.9.1; development on unstable land), which prescribes a specialist investigation to determine the stability plus remedial measures, and that the planning decision take into account the consequential hazard.

PPW says the hazard of a landslide has to be assessed; landslip of surface material is covered in the recent stability report, but not eg. the consequences of a landslide of 30-100cm layers. Without further information, such a substantial landslide – known in the past on the Penarth Headland – has to be considered by the Committee. Would it result in damage to the listed buildings? Would it destabilize adjacent built-on sections (Northcliffe Apartments and Northcliffe Drive)? Would an insurer place some responsibility on the Vale Council for not following PPW in deciding to permit the development?

The Historical 1840 Summerhouse was mentioned in the original report as "derelict and in need of repair". Amending the site perimeter to leave this out would cut off access to this building, except by permission of the developer who claims not to own it. The officers report fails to mention this 'orphan' building and access to it, despite FoE asking for access to be secured and responsibility determined. The cultural-historical interest in repairs to this building and access to a unique viewing point should take precedence in spending S.106 funds, rather than the officers' choice of public art and community facilities remote from the site.

Max Wallis

Barry & Vale FoE, planning manager.

On 14 November 2016 at 14:46, max wallis <[REDACTED]> wrote:

Planning Case Officer, Mrs. Y. J. Prichard

Vale of Glamorgan Council

Northcliffe Lodge development: App No. 2015/01449/FUL

Further Objection and Information requests

Please find our attached letter dated 12 November 2016. We seek clarification of site areas and ownership, on the future of the derelict historic building and future public foot-access.

We note that Mr Martinez as adjacent landowner writes that he did submit an objection when Mrs Crofts was case-officer. This may be in the pre-application file, could you please supply a copy or post it up in the current file?

We also entered a request for information on 9th October. Could you please confirm this is being dealt with?

With thanks,

Max Wallis

3 Penarth Head Lane, Penarth CF64 1BB

Friends of the Earth, Barry & Vale

On 9 October 2016 at 11:52, max wallis <[REDACTED]> wrote:

case officer Mrs. Y. J. Prichard

Disclosure of records of Inspection for Bats on the Northcliff Lodge site

The high potential for bats roosting in the on-site trees and structures is of course accepted by the applicant's consultants David Clements Ecology Ltd. The June 2015 report from the tree consultants Treescene recommendations included further investigation of suspected defects that require more detailed assessment and potential for wildlife habitat. They reported much obscuring by ivy and other vegetation. By 'habitat' in 'suspected defects', it is presumed that they included bat roosts.

The DCE report of Dec. 2015 says "all the trees within the site boundary are mature specimens and were subject to a ground level inspection for their potential to support roosting bats following the BCT Guidelines (2012)". It reported the results as "No trees within the site were felt to be more than a category 2 tree (BCT guidelines, Appendix 5) with only a few limited features suitable for bats."

DCE's *Additional Biodiversity Strategy* of June 2016 states that nearby gardens are well used by foraging pipistrelle bats (as residents know) but offers no data on this. Curiously it does not report what residents know well, that the Lodge grounds are also well used by foraging bats (which may be pipistrelles). It does not say how the bats were identified as pipistrelles and not rarer species, as could readily be determined by normal bat detectors.

This document further reports "visual inspection for (*should read 'from'*) the ground for their potential to support roosting bats. No trees within the site were felt to be more than a category 2 tree (BCT guidelines, Appendix 1). No data are provided on this.

The BCT guidelines (3rd Edn, issued January 2016, endorsed by the Chartered Institute CIEEM) describe 'preliminary ground level roost assessment' as a

detailed inspection of the exterior of the tree from ground level to look for features that bats could use for roosting. It prescribes systematic inspection around all parts of a tree and recording results in standard format. All trees surveyed should be numbered and marked on a map or plan of the site...should at least record the location (grid reference) and tree species...enable ecologists to locate the tree on subsequent visits...marking individual trees with a tag or some tape may be essential.

Could you therefore obtain from the applicant DCW's records of their 'ground level inspection' of Dec. 2015 and their 'visual inspection' of June 2016? Also please ask for records that show the bats were pipistrelles and did not include other species.

We would welcome a copy of the records as soon as you receive them. If you post them on the website, please let me know when you do so.

With thanks,

Max Wallis 

3 Penarth Head Lane, Penarth CF64 1BB

Friends of the Earth, Barry & Vale