

Vale of Glamorgan Council  
Regeneration and Planning  
Docks Office  
Subway Road  
Barry  
CF63 4RT

Dyddiad/Date: 15 November 2018

Dear Sir/Madam,

**SITE: WOODSIDE HAMLET, HAM MANOR, LLANTWIT MAJOR  
PROPOSAL: PROPOSED TOURIST (TREE TENT) ACCOMMODATION  
DEVELOPMENT ON LAND ADJACENT TO WOODSIDE HAMLET, WITH  
ASSOCIATED PARKING, WASH UP AND TOILET FACILITIES**

Thank you for re-consulting Natural Resources Wales (NRW) regarding this application on 26 October 2018.

**We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.**

Condition 1: European Protected Species (bats, dormice)- Construction phase method statement setting out the measures to mitigate potential effects to European Protected Species, to be agreed with the Local Planning Authority and implemented as agreed.

Condition 2: European Protected Species (bats, dormice)- a lighting plan for the development limiting lighting to the insides of the proposed tree tents and cabins, with no lighting of the wider woodland habitat, watercourses or trees with potential for bat roost provision, to be agreed with the Local Planning Authority and implemented as agreed

We also have comments regarding Flood risk management and foul drainage.

## European Protected Species

In our letter dated 19 December 2016 (our ref: CAS-26548-Y3T4) we raised significant concerns regarding potential impacts on European Protected Species (EPS) and requested conditions addressing EPS for a construction works method statement and a lighting plan. In an email to your Authority dated 06 April 2018 we clarified that we were in particular referring to bats and dormice, the latter if further survey work identified potential impacts on that species. Our position essentially remains as previously stated.

### Legislation and Policy

EPS, along with their breeding sites and resting places, are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where EPS are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by NRW, having satisfied the three requirements set out in the legislation.

Paragraph 6.3.7 of Technical Advice Note 5: *Nature Conservation and Planning* (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

### Advice on proposals

The amended Ecological Impact Assessment by East Ecology (version 1.3 dated 12 October 2018) outlines the surveys implemented and measures intended to mitigate potential effects on EPS. Based on the described outline of the mitigation proposals we consider that it would be possible to maintain the favourable conservation status of the EPS species concerned, providing the detail of those measures is developed and agreed with the LPA under conditions.

In relation to developing the final details we note:

1. not all trees have been surveyed to identify if they support Potential Roost Features (PRF's). Therefore, to be able to site pods away from PRF's further tree survey may be required, depending on the desired siting locations. This will have timing implications, to ensure suitable survey.
2. the report provides a current assessment of trees with PRF's and trees with potential to be felled. Whether a bat roost would be affected, and whether a EPS bat licence would be needed for works, will depend on the final detail of the proposal and the trees that are then proposed for felling or lopping. It also needs to be noted that bat tree roosts are not necessarily used in all years and roosts may move between PRF's during a year. We therefore welcome the indication that any tree that is identified as needing felling or lopping will be resurveyed for bats. Resurvey including climbing and potentially emergence survey, will be needed to support an EPS licence application.

3. the report indicates that lighting would be minimal and confined to insides of the proposed tree tent pods and cabins. Lighting of the wider woodland habitat and watercourses should be avoided to prevent disturbance to habitat use by bats and dormice, should they be present. Control of lighting will also be of benefit to otter. Lighting should be controlled both in the construction and operational phase of the development.
4. that the scale and nature of the proposal works and land use present low risk to dormice, should they be present. The outline of measures to mitigate risk to dormice during construction are also noted, and the final detail should be agreed as part of a conditioned method statement. However, as the survey implemented is not able to demonstrate the absence of dormice, the possibility remains that dormice may be encountered during construction works. If this occurs works will need to stop and NRW be contacted. Works may not be able to proceed subsequently without a EPS licence. Whilst the risk of encountering dormice is low, this may have timing implications and the applicant may wish to consider implementing further survey prior to construction to demonstrate the absence of dormice or to support a EPS licence application.

Should your Authority be minded to grant outline permission for these proposals we are satisfied that the final detail could be agreed under the conditions we request above.

### **Flood risk management**

The proposed development site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Hoddnant.

The proposed accommodation appears to be located outside of DAM Zone C and our flood map outlines, and therefore we have no significant concerns regarding flood risk. However, as we advised in our previous letter, the proposed river crossings will require a Flood Risk Activity Permit- we refer the Applicant to our [website](#) for further advice.

### **Foul Drainage**

The application presents options but is not clear as to the means of foul drainage, proposing that the drainage detail is addressed under a drainage scheme condition at the reserved matters stage

We refer you to WG Circular 008/2018 on private drainage, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. We advise that the proposed development is in a publicly sewered area.

Please consult NRW again if foul sewage from the proposed development is to be disposed of by a non-mains drainage system.

### **Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not *rule out the potential for the proposed development to affect other interests, including environmental interests of local importance*. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for details.

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

Yn gywir / yours faithfully



**Stewart Rowden**  
**Development Planning Advisor**