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F.A.O Steven Rennie / Erica Dixon

Vale of Glamorgan Council
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2016/01427/OUT - RESIDENTIAL DEVELOPMENT OF UP TO 300 UNITS AND ASSOCIATED WORK, INCLUDING THE PROVISION OF PUBLIC OPEN SPACE AND STRATEGIC ACCESS POINTS.

Dear Steven / Erica,

Introduction

Further to our recent dialogue on the above outline planning application and in respect to matters of Ecology, we write to provide a submission and response to Natural Resources Wales' consultation response (dated 21.02.2017) and further 'Technical Annexe – Essential management to protect arable plant populations' (dated 10.03.2017). I append these responses to this submission for ease of reference. This response has been prepared by both ourselves and the scheme's appointed ecology and bio-diversity consultant – TerrAqua.

At the outset, I would like to re-iterate and assure that the applicant is fully aware of, and acknowledges, the issue of the rare arable seeds which have been previously identified on-site, and furthermore is fully committed to addressing this factor to ensure a suitable and acceptable mitigation strategy is achieved.

By way of context, it is highly relevant that neither NRW nor the County Ecologist object to the proposal based on a perceived significant impact to the rare arable species which have previously been recorded as being located at the site. The County Ecologist's response states the following in relation to rare arable species:

"Whilst the plants are not currently growing in fields F1 and F2, the conversion from arable to pasture has occurred relatively recently and therefore, there may be a viable seed bank in the soils" (GJP emphasis)

"We recommend that a Rare Arable Plants Conservation Strategy is produced and implemented"

Further to this, and as discussed in detail below – NRW's initial consultation response (dated 21.02.2017) on Page 4 states the following:

"We advise you, however, that it cannot be confirmed whether the plants have survived or not. The fields would require cultivating (probably deep ploughing) to confirm this. It is our opinion that the fields do hold a viable seed bank for these plants and that there is an opportunity to ensure these plants survive.

Therefore, we advise the conservation management strategy recommendations are implemented or the Applicant agree other suitable measures with your Authority to ensure the plant species continue to populate these fields."

NRW's further technical annexe consultation response received on 10th March 2017 continued to state no fundamental objection. However, there are numerous references in NRW's responses that speed is a crucial factor:

'However this strategy is time critical and requires immediate action which may not align with the timescales for determination of this application';

'It is now late winter, therefore for any hope of either plant germinating this year cultivation of all of Area A1 and part / most of Area (field) C needs to happen now and definitely before end of March'

The specified period to undertake these works has now passed as this was an unrealistic timeframe to determine the application and then to undertake any work.

The application the subject of this note seeks outline planning permission. Accordingly, prior to the commencement of any works on-site, a subsequent reserved matters application will need to be submitted and approved, with there likely being a period where pre-commencement conditions will need to be discharged. In light of this, whatever mitigation strategy is agreed will not be implemented for a significant period of time. This is discussed further in the sections below.

Rare Arable Seeds

Two species of rare arable seed have historically been found on-site and in the immediate surrounding area, these two species are:

- Shepherd's Needle; and
- Corn Buttercup.

Both Shepherd's Needle and Corn Buttercup are classified as Critically Endangered and are considered to be facing an extremely high risk of extinction in the wild. Shepherd's Needle and Corn Buttercup are also both listed as a priority species under the UK Biodiversity Action Plan, with Shepherd's Needle also appearing on the Vale of Glamorgan, Local Biodiversity Action Plan.

According to NRW's response dated 21st February 2017, the site is considered to be one of the top arable plant sites in Wales.

As noted above, the Shepherd's Needle (*Scandix pecten-veneris*) is identified with the Vale of Glamorgan's Biodiversity Action Plan as a 'short-list' species - which is a list of species deemed to be most critical. The purpose of the action plan is of course to protect and improve key biodiversity within the Vale of Glamorgan, and sets out a programme of actions in order to achieve this.

The Shepherd's Needle was once widespread; however, it has been declining severely for over 50 years and is now almost entirely restricted to southern and eastern England. The species is classified as *Nationally Scarce* in the UK owing to a very low level of seed dormancy (which renders it particularly vulnerable to periods of inappropriate management).

The Corn Buttercup (*Ranunculus arvensis*) is not identified within the Vale of Glamorgan's Biodiversity Action Plan. The Corn Buttercup is listed as a priority species under the UK Biodiversity Action Plan. It is classified as 'Critically Endangered' and is therefore considered to be facing an extremely high risk of extinction in the wild.

Alike the Shepherd's Needle, the Corn Buttercup was formerly widespread throughout the south and east of England but has declined rapidly over the last 60 years, now with few viable populations even in Wales. A strong-hold remains in the south-west Midlands, with other sites scattered from Devon to Suffolk.

As indicated by County Ecologist, Erica Dixon's consultation response, records from the Vice-County Recorder for Botanical Society of Britain & Ireland (BSBI) indicate that Corn Buttercup (*Ranunculus arvensis*) were last recorded in F1 (on-site) in 2011, some 6 years ago.

The Site

To support this planning application for residential development, a Preliminary Ecology Assessment of the site was submitted to the Vale of Glamorgan Council on 25.11.2016.

A site walkover survey was undertaken in June 2016 by Carmen Jones MSc MCIEEM Senior Ecological Consultant and Dyfrig Jones BSc Senior Ecological Consultant. Both highly experienced ecologists with extensive experience in both ecological assessment and species specific issues. The walkover survey, across the 24ha site, consisted of an assessment of the habitats present and was undertaken following the methodology as set out in the Handbook for Phase I Habitat Survey and extended to cover faunal species and their habitats according to the Chartered Institute of Ecology and Environmental Management (2016) Guidelines for Ecological Impact Assessment.

It is therefore considered and evidenced that a rigorous survey was undertaken at the site, at the optimum survey season which ensured compliance with current legislation.

The report, compiled and authored by Carmen Jones and Dyfrig Jones, states the following in respect of rare arable seeds:

"No evidence was found within any of the three fields F1-F3 that critically endangered plant species formerly recorded within these areas such as Shepherd's Needle and Corn Buttercup have survived the change in agricultural use from arable to grassland. The seed of both above species have relatively short survival periods. All three fields have been reverted to grass for a period of between two and four years. It is possible that a limited number of seeds have remained viable within the soil, however current management of the fields (permanent grassland) would suggest that the species are likely to be lost from these areas should current management continue"

Further key findings are as follows:

"Fields F1, F2 and F3 have previously been managed as arable fields. As such the fields have historically supported plant communities common within fields regularly disturbed through ploughing and harvesting. These plant communities include those associated with arable field margins which can be very diverse and contain a number of rare and uncommon plant species.

In recent years the agricultural use of these three fields has changed from arable production to grassland and associated grazing with cattle and sheep. As a result of the change in use none of the three fields currently supports the plant community formerly present. None of the endangered species such as Shepherd's Needle and Corn Buttercup were recorded during the Phase I survey. Records

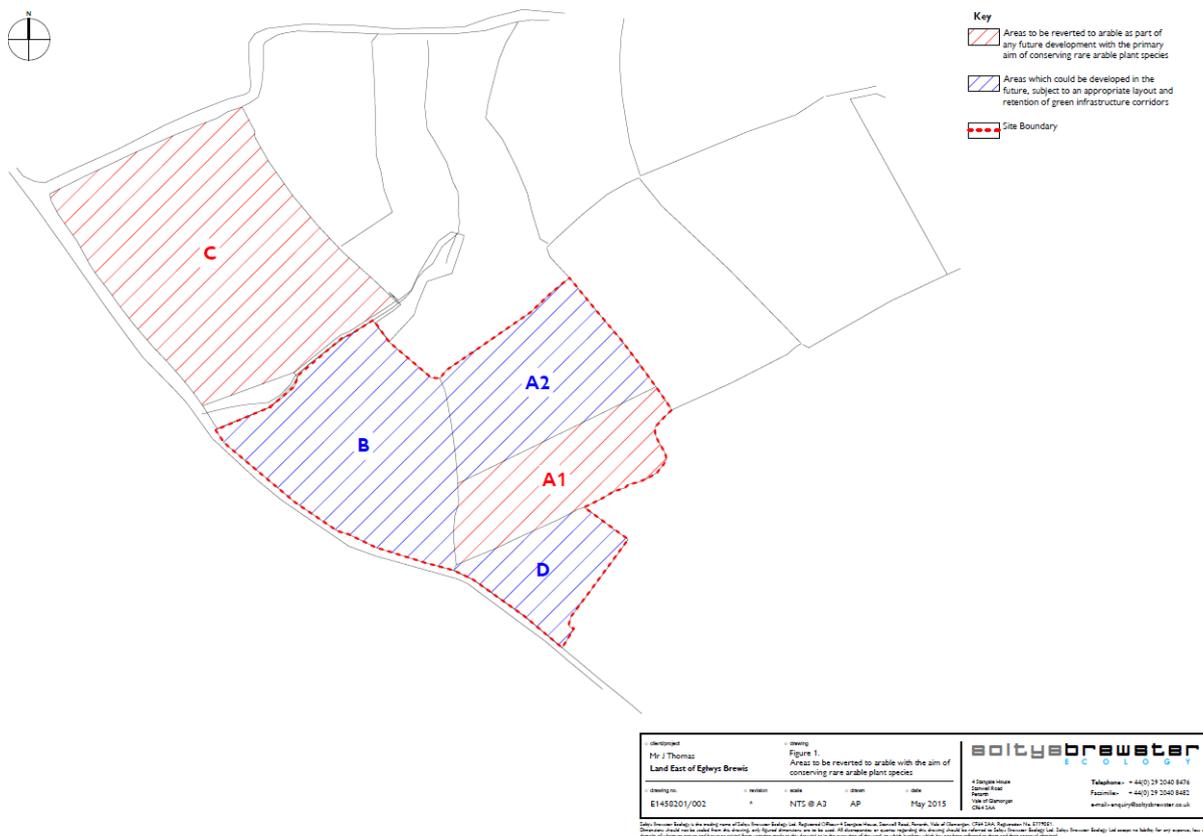
obtained from the County Recorded suggest that these plant species while common in 2004/2005 with more than 100 Shepherd's Needle plants recorded in field F1 and F2 and 1000+ in field F3, have declined rapidly, due to changes in agricultural management. Neither Shepherd's Needle or Corn Buttercup were recorded during a 2013 site visit by the recorder.

It is therefore assumed that without an imminent return to arable production these species are likely to be lost from fields F1, F2 and F3. Even with a return to arable production the short life of the seeds of these species may mean that these species are already permanently lost from these areas."

"As a result of the changes in farming practices none of the previously recorded plant communities currently survive in these fields. It is however possible that some viable seed may remain within the soil although seeds of both Shepherd's Needle and Corn Buttercup are relatively short lived."

Given the above, it is therefore considered it is highly likely that the rare arable plant species are no longer present on site. It is known that neither species were recorded in 2013, and since that time a further 4 years has elapsed – where farming practices on the land have changed (further increasing the likelihood of the species' demise) Furthermore, as a result of continued future agricultural practices, and even in a 'no development' scenario, the prevailing circumstances will continue and the species will be lost.

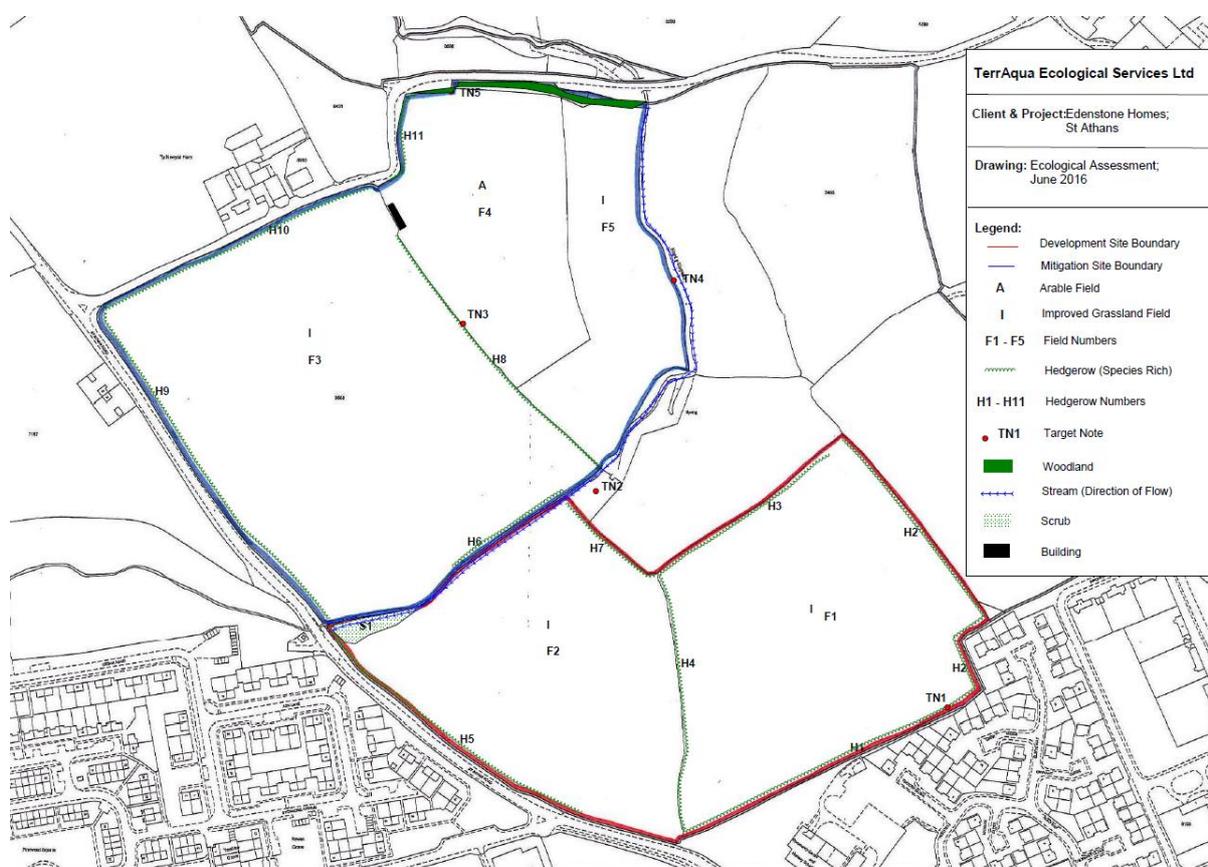
The Soltys Brewster mitigation strategy (which supplemented the site as part of the LDP process (which allocates the site for residential development) set out a proposed mitigation strategy at the time. An extract from the Soltys Brewster mitigation plan is set out below:



It is the case that this strategy was formulated and presented in 2015, and in the absence / without the benefit of further site planning and investigation work (the process being forwarded planning and site allocation based at the time, as compared to the planning application now prepared and submitted for consideration). Accordingly, there is a need to revisit and re-evaluate the findings and proposals with the Soltys Brewster report – informed by the further passage of time and with the benefit of a scheme proposals and factoring in all other material considerations (including master planning and urban design matters).

Proposed Mitigation

In light of the above findings, it is therefore considered reasonable and appropriate to adopt and implement the following TerrAqua mitigation strategy set out within the July 2016 Ecological Appraisal. This is illustrated within the plan extract below:



In terms of the associated assessment of the impact and acceptability of the proposed strategy, the following extract from the TerrAqua Report addressed this:

"Proposals for the development of the site are confined to fields F1 and F2. The development of these fields would result in the loss of two areas previously identified as supporting both above species. As the plant communities depend on the management of the land for arable production, and the fact that no such return to arable production is proposed in the medium term, it is highly probable that without intervention they will become extinct within the two fields where they were previously present. This is likely to occur regardless of whether the land is developed or otherwise. Similarly without a return to arable production all the species will also become extinct within field F3 located north of the proposed development area."

Due to the changes in management and the probability of extinction even without development the possibility exists to develop fields F1 and F2 while compensating for their loss through the use of off-site mitigation. Such mitigation could re-establish the management and conditions required to encourage the return of these plant communities. Fields F3 and F4 both offer opportunities for such mitigation to be undertaken while allowing the development of fields F1 and F2 to proceed.

In order to allow for development to occur within Fields F1 and F2 Edenstone Homes propose a commitment to attempt to re-establish these rare plant communities on land to the North. It is therefore recommended that:

- a) All land within field F3 is returned to arable production. This should be undertaken using traditional farming methods and without the use of herbicide. The land should be ploughed in order to disturb the underlying seed bank before any crop is planted. This should be undertaken within three (3) years. If the land is not returned to arable production within this period then the field should be re-surveyed for any evidence of the presence of rare plant species. If no plants are found to have survived then the land can then be managed according to the requirements of the agricultural unit as considered appropriate by the land manager.*
- b) Using an appropriate agreement (S106) or planning condition land within field F3 should remain in arable production and be managed specifically for the retention/creation and long term survival of the Corn Buttercup and Shepherd's Needle and other arable plant communities. The precise detail of the management to be implemented should be written into the S106 (or other agreement) and should include management in the long term.*

In summary, the above strategy submitted will allow for the development of the site (in line with and commensurate with the requirement for housing within the St Athan area and the site's allocation within the emerging LDP) while also attempting to protect rare plant species in the long term.

As stated earlier, without intervention (regardless of whether the site is developed or otherwise) both Corn Buttercup and Shepherd's Needle will become extinct within fields F1, F2 and F3. The above proposals give an opportunity for these species to be saved from extinction. The return of field F3 to traditional arable production will also lead to a more diverse habitat being present within the general locality.

Accordingly, the proposed mitigation (which will seek to restore these species on land to the north) represents a significant gain over the no-development option (where the seed bank will be lost in time). As such, the residential proposals can be viewed as enabling the long-term botany interests of the site and surrounds, as opposed to leading to their loss. Having regard to the proposed mitigation outside of the site boundary (but within the applicant's control) there is a deliverable mean of mitigation for the development's impact.

Masterplanning

In considering whether the Soltys Brewster approach / strategy (and in particular the proposed retention / reversion of Parcel A1 for Arable Use) could be implemented within the masterplan, the following is the case:

1. Parcel A1 is located immediately adjacent to existing built form. Accordingly, its retention for arable use would be at odds to the existing physical form should the remainder of the site be built out into a residential development. The physical form would therefore be non-

- contiguous with the immediate surroundings, and be at odds with the pattern of development within the area;
2. Connectivity through the site would be limited in this area – which would have a significant detrimental impact on the permeability of the site;
 3. Furthermore, the function and operation by way of retaining this parcel of land in arable/agricultural management form by ploughing or other means on a regular basis would be inordinately difficult to farm given its location and diminished relationship with other agricultural field parcels.
 4. Owing to the extent of field 'A1', this parcel extends to the site boundary upon Cowbridge Road, certain masterplan features such as the pedestrian footway & cycleway on the site boundary and internal footpath links to the southern portion of the site could not be accommodated.

Implementing the TerrAqua mitigation strategy is therefore considered to be the most appropriate solution for the site. The proposed built form would benefit from a better relationship to the existing built form of St Athan – which has 'knock on' effects, not least through improving the connectivity to/from St Athan, along with the provision of a pedestrian footway / cycleway as discussed at length with officers. The housing provision on site would result in a far greater yield of dwellings – making the best and most effective use of the land (as promoted by PPW, and as would be expected of an allocated site for housing). A higher yield of housing on-site would also have a greater contribution towards the LDP's housing targets, and increasing the evidenced substantial need for rural affordable housing.

Summary and Conclusions

Despite being common in 2004/2005, Corn Buttercup was last recorded on the site in 2011 and Shepherd's Needle was last recorded in 2012.

The land was converted to pasture in 2014 and yet neither species were found by the County Recorder a year earlier in 2013 when conditions for them to flourish would have been optimal.

Neither species were again found in the 2015 Soltys Brewster site walkover.

The 2016 TerrAqua Extended Phase 1 Habitat Survey comprised a much more rigorous and extensive search and this also identified no evidence of the rare plants located on the site.

It is reasonable to conclude therefore that there should be no on site constraint to development. There is no evidence that these plants are currently present within the proposed development area despite an exhaustive search. There is a low possibility that these species remain within the seed bed, but their chances of germination are virtually nil while the land remains as grassland.

Without appropriate mitigation, these plant communities will be permanently lost regardless of whether the site is developed or left as grassland. The development of the site will allow for a mitigation strategy to be implemented in an attempt to restore these plant communities to land immediately north of the development site and ensure their permanent survival through appropriate management.

The seeds for Shepherd's Needle are generally referred to as "short lived" and without appropriate management, are generally expected to survive in the region of 3-5 years. This timeframe has been reached and therefore it is highly likely that the seeds are already permanently lost. The continued management of the site "as is" leaves no possibility of any future germination.

It is clear that implementing the Soltys Brewster strategy (and in particular the proposed retention of Parcel A1 for Arable Use) would have a significant detrimental impact on the relationship of the masterplan proposals with the wider area. It is also clear that, with the passage of time and the additional survey information from TerrAqua, the chances of the Soltys Brewster strategy now proving successful have materially worsened and are now considered to be negligible.

Overall, we respectfully request that you reconsider the information provided which illustrates that the proposed mitigation strategy by TerrAqua is sufficient and suitable for re-locating an already 'Nationally Scarce' species, and one which is identified on the Vale of Glamorgan's 'Short-list' of endangerment. The applicant is fully committed to ensuring that a viable seed bank / crop be relocated and flourishes on the adjacent land identified and this could be secured through a Section 106 agreement.

Should you require further information, please do not hesitate to contact me.

Yours faithfully



Geraint John
Director
Geraint John Planning Ltd