



**Cyfoeth  
Naturiol  
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Natural  
Resources  
Wales**

Ein cyf/Our ref: **CAS-28549-P1D4**  
Eich cyf/Your ref: **2016/01520/OUT**

Rivers House  
St Mellons Business Park  
Fortran Road  
Cardiff  
CF3 0EY

Ebost/Email:  
[southeastplanning@cyfoethnaturiolcymru.gov.uk](mailto:southeastplanning@cyfoethnaturiolcymru.gov.uk)  
Ffôn/Phone: 03000 653 091

**FAO: Ian Robinson**

The Vale of Glamorgan Council  
Development Control  
Docks Office  
Subway Road  
Barry  
CF63 4RT

8 February 2017

Annwyl Syr/Madam / Dear Sir/Madam,

**RESIDENTIAL DEVELOPMENT OF UP TO 190 UNITS WITH ASSOCIATED ACCESS AND ASSOCIATED WORKS AT LAND WEST OF SWANBRIDGE ROAD, SULLY.**

Thank you for consulting us on the above application, which we received on the 19 January 2017.

**We recommend that you should only grant planning permission if you attach the following planning condition and a section 106 legal agreement. The condition and agreement will address significant concerns that we have identified and we would not object provided you attach them to the planning permission.**

**Condition:** An updated Mitigation Method Statement for Great Crested Newt is secured through any permission granted to ensure specific mitigation measures are implemented;

**Legal Agreement:** Long-term monitoring and management of mitigation measures are secured through agreement as set out in section F of the Mitigation Method Statement – Great Crested Newt.

Further advice on the condition and legal agreement, as well as foul drainage matters is given below.

## Condition

The submitted mitigation method statement for Great Crested Newts (GCN) has identified that the proposal poses a risk to GCN. As you're aware GCN are a European Protected Species (EPS). Where an EPS is present and a development proposal is likely to contravene the protection afforded to them, development may only proceed under a licence issued by NRW, having satisfied three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the favourable conservation status (FCS) in their natural range'.

These requirements are translated into planning policy through Planning Policy Wales (PPW) July 2014, Sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature and Conservation and Planning September 2009. Your Authority should take them into account when considering development proposals where an EPS species is present.

Our advice is the mitigation method statement is updated to include the following specific measures:

1. Confirmation of the size of the habitat area to be included in the updated mitigation method statement.
2. Additional areas of scrub planting are included within the retained habitat area and we suggest these could be located along the eastern boundary and/or a block in the north eastern corner.
3. Measures and/or alterations to the design of the retained habitat area to minimise the potential disturbance to the pond associated with its location within a residential development. This could include for example fencing and scrub planting to the north of the pond joining into the boundary hedgerow.
4. In relation to grassland management, in order to minimise the risk of killing/injuring any newts that may be present, grass cutting height should be amended under 'F1 *Retained Grassland*' to no lower than 150mm, as opposed to 100mm.
5. We note measures outlined in relation to the pond to ensure the maintenance of the integrity of the lining set out under 'F1 *Pond*.' Appropriate measures/commitments to monitor and manage the vegetation within the pond and any silt build up in order to maintain favourable conditions for GCN are included.

We recommend that these be contiguous with the habitat area included in the separate development proposal north of the site, which also supports a new water body and will be managed for Great Crested Newts (GCN).

## **Section 106 Agreement**

We advise that a legal agreement to secure the long-term management of the retained habitat area as set out in the mitigation method statement should be agreed through a Section 106 agreement. Section F1 under *Retained Grassland* proposes that the long-term management of the retained habitat area will be delivered via a Section 106 agreement. It goes on to state that annual monitoring of habitats within the retained area will be undertaken to assess their current condition and the effectiveness of the management regime. If the condition of any feature is viewed as unfavourable the management regime will be amended as required in consultation with us.

Therefore we recommend this is controlled through a section 106 agreement, and to include:

- Details of the financial measures to secure the management of retained habitats for great crested newts and monitoring provisions.
- Details of the management and monitoring of ecological areas.

*NB: The agreement can be in the same format as the one prepared for the permission secured under 2013/01279/OUT.*

## **Foul Drainage**

The proposal is for outline planning permission, the drainage strategy does not confirm the means of foul drainage from the development. We refer you to Welsh Office Circular 10/99 on non-mains drainage, and specifically paragraphs 3 and 4 which stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. We note the proposed development is in a publicly sewered area.

## **Other Matters**

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

If you have any further queries, please do not hesitate to contact us.

Yn gywir / Yours faithfully

**Lindy Barratt**

Ymgynghorydd Cynllunio Datblygu/ Development Planning Advisor  
Cyfoeth Naturiol Cymru / Natural Resources Wales