



**Cyfoeth
Naturiol
Cymru**
**Natural
Resources
Wales**

Ein cyf/Our ref: CAS-66755-F9H4
Eich cyf/Your ref:
P/DC/SDB/2016/01520/OUT

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Dyddiad/Date: 4 September 2018

Annwyl Syr/Madam / Dear Sir/Madam

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

Thank you for referring the additional information submitted in support of the above application, which we received on 2 August 2018.

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

Condition: European Protected Species – An updated Mitigation Method Statement for Great Crested Newt to ensure suitable resting places for great crested newts

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 conditions and legal agreement, as well as foul drainage matters is given below.

We have considered the document 'Land at Swanbridge Road, Sully. Mitigation Method Statement – Great Crested Newt', by Soltys Brewster Ecology, dated 18 July 2018 and the revised masterplan drawing no. SULL/S2/IM01 'Indicative Masterplan' dated 3 July 2018, submitted in support of the above application.

We welcome the updated method statement and the mitigation measures therein which have largely addressed the points raised within the requested condition set out in our letter of 8 February 2017, reference CAS-28549-P1D4. **However, we advise that additional areas of scrub planting and/or habitat features should be added to the proposal that will provide suitable resting places between the pond and the scrub currently proposed around the periphery of the Ecological Area.**

Where a European Protected Species is present and a development proposal is likely to contravene the protection afforded to species, development may only proceed under a licence issued by Natural Resources Wales (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 population of the species concerned at a favourable conservation status (FCS) in their natural range.'

These requirements are translated into planning policy through Planning Policy Wales (PPW), and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. The planning authority should take them into account when considering development proposals where a European protected species is present.

We consider that the submitted information provides an adequate basis upon which to make an informed assessment of the likely impact of the proposals and we do not consider that the development is likely to be detrimental to the maintenance of the favourable conservation status of great crested newts provided that the mitigation proposals are implemented.

Therefore, should your authority be minded to consent the proposals, we advise that the mitigation method statement is updated to include the following:

- A revised drawing of the habitats to be created within the Ecological Areas (currently drawing no. E1237004/003, E.2.4 of the Great Crested Newt Mitigation Method Statement) to be agreed with the LPA prior to the start of works. This should include additional areas of scrub planting and/or habitat features that provide suitable resting places for great crested newts between the pond and scrub habitats on the boundary of the Ecological Area. To be implemented as agreed.

EPS licence:

We note the intention within the Great Crested Newt report that the applicant seek a European Protected Species licence from NRW under Regulation 55(2)e of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon this species. Please note that the granting of planning permission will not negate the need to obtain a licence. Any changes to plans/the site between planning consent and the licence application may affect the outcome of a licence application.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

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 (as revised by the above condition) 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.

We would be happy to comment on the detailed proposals submitted of the management and monitoring of the Ecological Areas.

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.

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 (<http://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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.

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

Yn gywir / Yours faithfully

Mrs Claire McCorkindale
Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor