

**FAO: Ian Robinson**

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

11 July 2017

Annwyl Syr/Madam / Dear Sir/Madam,

**PROPOSED CONSTRUCTION OF A NEW HIGHWAY (CALLED THE NORTHERN ACCESS ROAD) WITH FOOTWAYS AND A CYCLEWAY, NEW JUNCTIONS, LIGHTING, SIGNS, FENCING, FLOOD ALLEVIATION WORKS, ACOUSTIC BARRIERS AND OTHER ENVIRONMENTAL MITIGATION MEASURES, LANDSCAPING, DEMOLITION OF GARAGE AT ROSE COTTAGE, AND ALL ASSOCIATED ENGINEERING AND BUILDING OPERATIONS AT LAND EAST OF B4265 BETWEEN BOVERTON AND EGLWYS BREWIS, ST. ATHAN.**

Thank you for consulting us on the above application, which we received on the 16 June 2017.

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

**Condition 1:** Implementation of the scheme in accordance with the submitted Dormice Method Statement and Landscape and Ecological Management and Maintenance Plan.

**Condition 2:** A lighting scheme to agree before the start of works to reduce light spillage onto retained and created habitats.

**Condition 3:** The development is carried out in line with the submitted Flood Consequences Assessment (FCA) prepared by AECOM dated March 2017 and mitigation measures as outlined are incorporated in the development.

**Conditions 4-8:** Land Contamination Conditions (see below).

**Legal Agreement:** Long-term monitoring and management of mitigation measures are secured through agreement.

*Further advice on the conditions and legal agreement is given below.*

### **European Protected Species**

We have reviewed the following documents in relation to European Protected Species:

- Draft Rev 1 Hazel Dormouse Dormice Method Statement May 2017.
- St Athan Northern Access Road; Landscape and Ecological Management and Maintenance Plan, AECOM Ltd, Revision 2 23 May 2017.

We note the survey work completed to date and note the presence of dormice is confirmed on site. As you are aware, dormice are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010. Where a European Protected Species is present, and a development proposal is likely to contravene the protection afforded to it, 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) July 2014, sections 5.5.11 and 5.5.12, 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 note that evidence of dormouse was recorded within the application site, and the proposal will result in the clearance of habitat likely to be used by them. We consider that the submitted information provides an adequate basis upon which to make an assessment of the likely impact of the proposals on dormice. Whilst we have some outstanding concerns, we consider that these can be addressed via appropriate conditions and planning obligations attached to any permission as outlined below.

### **Condition 1**

- Implementation of the scheme in accordance with the above Dormice Method Statement and Landscape and Ecological Management and Maintenance Plan.

### **Condition 2**

We understand that the scheme will be lit except for where the road crosses the Llanmaes brook. Whilst we welcome that there will be no lighting in this area, we consider that the presence of lighting has the potential to reduce the likelihood of dormice utilising replacement planting, unless appropriately designed.

We therefore advise that:

- A lighting scheme to agree before the start of works to reduce light spillage onto retained and created habitats. This scheme should include details of the siting and type of lighting to be used, drawings setting out light spillage and any operational measures to be implemented.

### **Section 106 Agreement**

We advise that a legal agreement to secure the long-term management and monitoring of the habitats is agreed. This should include, but not limited to the following:

- Financial measures to ensure ongoing management and monitoring provisions as set out in the Dormouse Method Statement and the Landscape and Ecological Management and Management Plan.
- Management and monitoring of all habitats within the red line boundary.

### **European Protected Species Licence**

The applicant will require a European Protected Species licence from Natural Resources Wales under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon a European Protected Species. Please note that the granting of planning permission does not negate the need to obtain a licence. For further information on applications and enquiries please contact the Species Team via email on [specieslicence@naturalresourceswales.gov.uk](mailto:specieslicence@naturalresourceswales.gov.uk).

### **Flood Risk**

We note that the proposed road scheme crosses over the Llanmaes Brook, a designated main river. The scheme lies partially within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, 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. We have reviewed the submitted Flood Consequences Assessment (FCA) prepared by AECOM dated March 2017 and subsequent AECOM TUFLOW model supporting the FCA.

Based on the submitted FCA together with our review of the hydraulic model, we advise that the consequences of flooding to and from the proposal as designed are acceptable in line with TAN 15. We recommend the following condition is secured on any planning permission granted to ensure the delivery of the proposed mitigation measures.

**Condition 3:**

The development is carried out in line with the submitted Flood Consequences Assessment (FCA) prepared by AECOM dated March 2017 including proposed flood mitigation methods. All mitigation measures set out in the FCA must be fully incorporated in the development.

**Land Contamination**

We have reviewed the following documents in relation to Land Contamination:

- St. Athan Northern Access Road, Phase 1 Geo-environmental Assessment, Prepared by Aecom, Dated December 2016.
- St Athan Northern Access Road, Drainage Strategy, Prepared by Aecom, Dated March 2017.

We note that the Phase 1 Geo-environmental report refers to a number of previous intrusive investigations undertaken on the site, however it is unclear which parts of the overall site have been previously investigated. A number of potential sources, pathways and receptors relating to potential contamination of controlled water have been identified and the site is within close proximity to a number of military land uses. Given that the site crosses over a number of surface waters and overlies a secondary A aquifer, we would likely recommend that the following conditions and informative be included on any planning permission granted.

**Condition 4: Risk Assessment**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

#### **Condition 5: Verification Report**

Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

#### **Condition 6: Long Term Monitoring**

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

#### **Condition 7: Unsuspected Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

#### **Condition 8: Controlled Waters**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Further to this we advise:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to Groundwater protection: Principles and practice (GP3).
- Refer to British Standard for the Investigation of Potentially Contaminated Sites. Code of Practice (BS10175:2011)
- The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.
- Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.
- You should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

## 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 Marshall**

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