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15/12/2022

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, A PRIMARY SCHOOL, COMMUNITY SPACE AND PUBLIC OPEN SPACE WITH ALL MATTERS RESERVED OTHER THAN ACCESS**

**LLEOLIAD / LOCATION: Land at Upper Cosmeston Farm, Lavernock Road, Penarth**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20 October 2022.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions and the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

**Conditions:**

1. Dormouse Conservation Strategy
2. Details of works implemented to fulfil the Dormouse Conservation Strategy (Reserved Matters Applications)
3. Details of Phasing of Site Development
4. Lighting Strategy (Outline application)
5. Lighting Plan (Reserved Matters Applications)
6. Landscape and Ecology Management Plan (LEMP)
7. Details of works implemented to fulfil the LEMP (Reserved Matters Applications)
8. Pre commencement Species Surveys
- 9-11. Land Contamination
12. Designated Sites – Buffer Zone
13. Construction Environmental Management Plan – to protect the water environment.

Condition identifying approved plans and documents on the decision notice to include:

- Environmental Statement entitled 'Land at Upper Cosmeston Farm, Lavernock Road, Penarth' by Asbri Planning dated September 2020.

- Drawing UFC-ASL\_00-00-DR-A-0930 entitled 'Upper Cosmeston Farm. Proposed Masterplan' by Austin Smith Lord dated 2/5/19;
- Drawing 0933 (Rev 08) '*Upper Cosmeston Plan. Parameter Plan – Green Infrastructure*' by Austin Smith Lord dated 11/3/22
- PAC Report (Appendix H).

### **European Protected Species**

We note that the following further information has been submitted to support the above application:

- '*Land at Upper Cosmeston Farm, Lavernock Road, Penarth. Technical Appendix 8.8: Update Baseline Ecology Report* (Report Ref: edp5187\_r012a)' by EDP dated October 2022;
- Letter from Asbri Planning to Vale Council Planning/Robert Lankshear dated 20/10/22.
- Drawing 0933 (Rev 08) '*Upper Cosmeston Plan. Parameter Plan – Green Infrastructure*' by Austin Smith Lord dated 11/3/22;

We also note that updated ecological surveys have been carried out in 2022 to inform the application and offer the following observations:

#### Dormice

Further to the previous surveys carried out on site, we note that there is still suitable habitat to support dormice on site, the majority of internal hedgerows are now unmanaged and that the 2022 dormouse surveys found evidence of the species on site. We note that the revised Green Infrastructure Parameter Plan amends the proposed green infrastructure, with particular reference to a reduced amount of dormouse habitat along the seaward/eastern boundary of the site.

#### Bats in buildings

We note that the 2022 emergence/re-entry surveys revealed low level use by common bat species in three of the buildings on site: B1 (farmhouse), B6 (barn), and B7 (Metal barn). Further, that the other buildings previously shown to have supported roosts did not support roosts in 2022 (Eg. B3 (Stone barn), B4 (Stone barn), B8 (Bridge)).

#### Bats in trees

We note that the daytime ground-level assessment of trees within the Application Site reassessed 42 trees previously identified with potential to support roosting bats. Of these nine we note that were assessed as having moderate bat roost suitability and 17 were assessed as having high bat roosting suitability.

In response to NRW's advice regarding climbed, endoscope inspections for roosting bats, we also note the feedback from Asbri Planning in their letter dated 20/10/22.

#### Bat activity across the site

We note that the updated bat activity surveys recorded double the number of bat species using the site from the previous survey results. These now include: *Nathusius pipistrelle*, lesser horseshoe, long-eared and serotine.

### Otters and water voles

We note the comments regarding the likelihood of the site to support otters and water voles. We have no further comment on these species.

### Great Crested Newts

We also note the results of the GCN surveys as outlined in section 3.45 of Appendix 8.8. We have no further comment on this species.

In view of the above, we confirm that the advice set out in our letter dated 25/11/20 (copy attached) in respect of planning conditions and European Protected Species licensing still applies. Although, the reference for the updated Green Infrastructure Parameter Plan now applies to any condition listing the approved documents and drawings.

If the site is to be developed in phases, then the condition for pre-commencement surveys (condition 8 in the letter of 25/11/20) will still be required particularly if the site is to be developed over several years. The updated survey information submitted in Appendix 8.8 remains valid for approximately two years and as such, could support any Reserved Matters applications that come forward in that timeframe.

The conditions we requested in relation to Land Contamination, also remain unchanged.

### **Statutorily Protected Sites and Water Quality**

Our advice in relation to Penarth Coast Site of Special Scientific Interest (SSSI), the Severn Estuary SAC/SPA and the Cosmeston Lakes SSSI, set out in our letter of 25/11/20 remains unchanged.

As the proposed development is located in a sensitive location and has the potential to affect the water environment and the integrity of the adjacent designated sites, we requested conditions for an appropriate buffer zone to protect the Penarth Coast SSSI and a Construction Environmental Management Plan to protect water quality during construction.

We previously advised that due to the potential for erosion and destabilisation, a robust buffer was required to protect the features of the Penarth Coast SSSI from the proposed development. In addition to addressing proximity risks from curtilages and use of the development site, the size of a buffer should take account of the potential for cliff erosion, as it raises co-dependant long-term management issues for the SSSI and the Wales Coast Path.

We note and welcome the revision to the routing of the Wales Coast Path as shown on the amended plan Drawing 0933 (Rev 08) '*Upper Cosmeston Plan. Parameter Plan – Green Infrastructure*' by Austin Smith Lord dated 11/3/22.

However, we continue to advise that a buffer zone is necessary between the development and the SSSI. We previously requested a "robust" buffer be conditioned but have not specified a required distance. We consider that a 20m buffer is reasonable given the rate

of erosion. This will allow natural processes to occur and protect the coastal geology. This could be conditioned as part of the LEMP or by a standalone buffer zone condition to safeguard the special interests of the Penarth Coast SSSI.

Our advice on the need for a condition for Construction Environmental Management Plan remains unchanged.

We note that the Drainage strategy Appendix D1 shows a discharge into the Sully Brook which subsequently flows through Cog Moors SSSI. Cog Moors SSSI is frequently flooded by the Sully brook and network of ditches. Therefore, at the detailed design stage it should be demonstrated that suitable measures are in place to ensure that any discharge into the Sully Brook will not result in a deterioration in water quality nor pollution to Sully Brook. Sully Brook and Cog Moors SSSIs will need to be identified as sensitive receptors within the CEMP submitted at the detailed design stage.

We note from the Drainage Strategy appendix D that the previously proposed discharge over Penarth Coast SSSI has been removed from the design.

### **Habitats Regulation Assessment (HRA)**

We provided advice on the 'Stage 1 Habitats Regulations Assessment (HRA) Screening Report', prepared by Soltys Brewster Ecology, dated July 2021 in our letter dated 7 September 2021, reference CAS-161504-L8L8.

Having considered the advice in that letter, our formal consultation responses and the information presented in the application, should you conclude that the proposed development is likely to have a significant effect on the European site, you must consult us on your Appropriate Assessment. However, if you conclude the proposed development is unlikely to have a significant effect, without taking account of avoidance or mitigation measures, then no further assessment is required prior to determining the application.

### **Shoreline Management Plan 2 – Advisory Note**

The Shoreline Management Plan 2 ([SMP2](#)) currently has 2 policy units relating to the Penarth coastline and; 'predicts some erosion to cliffs at Lavernock and recommends no active intervention (NAI) at this location.' Any future proposal to protect the site against erosion would not be in line with SMP policy. We refer you to the Severn Estuary Group's planning leaflet on SMP2 [Vale planning leaflet](#).

Within the documents submitted in support of this application, there were no apparent references to the Vale SMP policy units. We advise this is a matter for your Authority's consideration with this development proposal.

### **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.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

**Advice for the Developer**

The watercourse known as the Sully Brook is scheduled as a statutory main river, pursuant to the Water Resources Act 1991. The applicant/developer will need to apply for a Flood Risk Activity Permit if they wish to undertake any work in, over, under or adjacent to this main river. Please use the following link for further information  
<https://naturalresources.wales/permits-and-permissions/flood-risk-activities/?lang=en>

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

Yn gywir / Yours faithfully

**Claire McCorkindale**

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