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26/05/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: Hybrid planning application for residential development for up to 250 dwellings (submitted in OUTLINE), associated highway and bridge improvement / realignment works (submitted in FULL). Development involves the demolition of all buildings on site and of the existing B4267 Leckwith Road Bridge

LLEOLIAD / LOCATION: LECKWITH QUAYS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 13 May 2021.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met and the conditions listed below are attached to the permission. Otherwise, we would object to this planning application.

Requirement 1: Flood Risk:

Updated hydraulic modelling to be submitted to include the final design of the scheme, to demonstrate the risks and consequences of flooding can be managed to an acceptable;

Requirement 2: European Protected Species (Bats): Further information is required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats (European Protected Species);

The additional requirements 3 and 4, as set out in our letter of 8 December 2020, have been addressed satisfactorily.

Conditions

- Condition 1: Bat Conservation Plan
- Conditions 2: Otter Conservation Plan

- Conditions 3 Lighting Strategy
- Conditions 4: Construction Environmental Management Plan
- Condition 5: Biosecurity Risk Assessment
- Conditions 6-10: Land Contamination

Further details are provided below

Requirement 1: Flood Risk

Due to the complex nature of the risk and consequences of flooding associated with the proposed development, we undertook a review of the hydraulic modelling information to ensure that it is fit to inform the FCA. As you are aware, our review of the modelling, dated 11 March 2021, identified a number of issues with the model and we advised it could not be relied upon to support the submitted FCA.

We also advised that the model needed to be updated to address the recommendations raised.

On 6 May 2021, we received: “*NRW Flood Modelling Comments Response to NRW*,” dated May 2021, reference 7005356-C-Mem02-00, from WSP. We note the comments under Item Number Thirteen on page 8, which states “*The bridge is at an outline design stage, therefore full details are not yet available.*” As the Bridge works constitute the Full element of this hybrid application, we would expect the final design to be available to support the formal planning application and represented fully in the flood modelling and FCA. We do not consider that the proposed condition “to the effect that a future model build including detail design drawings” is acceptable. We advise this detail is provided prior to determination and that the applicant demonstrates the bridge design is acceptable in flood risk terms and there is appropriate mitigation available for the wider development site to ensure compliance with TAN15.

Our advice is that the model is updated to include the final proposed design, including the final design of the bridge and any culverts/proposed mitigation measures, with further advice set out below. Until this has been satisfied and we confirm the model is fit to inform the FCA, we are unable to advise on the acceptability of flooding consequences in accordance with TAN15 criteria.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the above application contrary to our advice.

Further advice for the attention of the applicant/consultant

The model we supplied was not constructed for the purpose of undertaking flood consequences assessments. It is for the consultant to ensure the model is updated sufficiently to ensure it is suitable to support a site specific FCA. The model must be updated to current modelling standards, as the supplied model may have been built to limitations in older software applied during the original model development.

Please note the following licence condition for the model “8.1 QUALITY AND FITNESS FOR PURPOSE The NRW does not warrant that the Licensed Content will always be accurate, complete or up to date or that the Licensed Content will provide any particular facilities or functions or be suitable for any particular purpose. The Licensee must ensure that the Licensed Content meets its needs and is entirely responsible for the consequences of any use of the Licensed Content.”.

The consultant/modeller should consider which methods are available and select the best method for the requirements of their commission. They should review the effectiveness of the modelling methodology selected throughout the commission, to ensure that it will deliver accurate results. This covers both the hydraulic modelling and hydrology. A full internal QA should be undertaken before providing the model to us.

With regards to the hydrology, it is for the consultant to determine if the storm duration, peak flows and hydrograph shape are suitable for their study. We can only supply information which is held on our record and are not required to generate new information.

We note the comment relating to cell size, we would strongly recommend that the cell size is not increased. In addition, the modeller should ensure the flow pathways are adequately represented in the model.

We note the intention to collect additional survey information, this should be included within the final model, submitted alongside the FCA.

We request submission of the additional justification provided for the update to the Cardiff Bay area and the representation of the existing B4267 road bridge etc., when resubmitting the updated version of the model.

We will provide additional detailed responses to WPS comments, on receipt of an updated model which includes the final design. In addition, we advise that all our previous comments are addressed to ensure the final model is robust and fit to support the FCA.

Requirement 2: Additional survey to assess impacts upon bat roosts within trees on site

The DCE Environmental Statement states that an assessment of the trees on site which will be impacted by the proposed works were subject to ground based assessment for bats during August and September 2020. Seven trees were assessed as having moderate potential to support bats. We note that the report recommends further aerial surveys are required to establish any bat use of trees to be impacted.

However, it would appear that these aerial surveys have not been undertaken. We, therefore, advise that the following is provided to inform consideration of the impacts of the scheme on bats, a European protected species prior to determination of the application:

- Additional bat surveys of trees with moderate potential to support roosting bats that will be impacted. These surveys should consist of a climbing inspection and/or a dusk emergence/dawn re-entry observation, carried out in accordance with published guidelines ('Bats Surveys for Professional Ecologists; Good Practice Guidelines' 3rd edition 2016).
- If the above surveys identify any bat roosts, the impacts upon these roosts should be detailed with an indication of how these impacts will be mitigated and/or compensated demonstrating the proposal will not be detrimental to the maintenance of the favourable conservation status of bats

We may request further conditions relating to bats following receipt of the above information.

Our advice on the Cwm Cydfin Site of Special Scientific Interest (SSSI) and request for conditions in relation to European Protected Species, land contamination and pollution prevention remain as stated in our letter of 8 December 2020, reference CAS-129806-T4T9.

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.

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

Yn gywir / Yours faithfully

Mrs Claire McCorkindale

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