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31/01/2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED NEW SPECIALISED SCHOOL AND ASSOCIATED WORKS.

LLEOLIAD / LOCATION: LAND AT LOWER COSMESTON FARM, LAVERNOCK.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 6 January 2023.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- Drawing YYDE-HLM-00-00-DR-L-00001 (P05) 'Ysgol Y Deri – Primary School. Site Location Plan' by HLM Architects dated 6/10/22
- Drawing 0002228379-EX-R2-270922 (R2) 'Ysgol Y Deri. External Lighting' by ZG Lighting (UK) Ltd dated 27/9/22
- Drawing YYDE-HLM-00-00-DR-L-45002 (P05) 'Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 1 of 3' by HLM Architects dated 11/10/22
- Drawing YYDE-HLM-00-00-DR-L-45003 (P05) 'Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 2 of 3' by HLM Architects dated 11/10/22
- Drawing YYDE-HLM-00-00-DR-L-00005 (P15) 'Ysgol Y Deri – Primary School. Proposed Site Layout – Facing Fort Road' by HLM Architects dated 09/12/22
- Drawing YYDE-HLM-00-00-DR-L-25001 (P12) 'Ysgol Y Deri Primary School. Proposed Boundary Treatments' by HLM Architects dated 09/12/22
- Drawing YYDE-HLM-00-00-DR-L-45001 (P12) 'Ysgol Y Deri – Primary School. Soft Landscape Strategy' by HLM Architects dated 09/12/22
- Drawing YYDE-HLM-00-00-DR-L-45004 (P07) 'Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 3 of 3' by HLM Architects dated 09/12/22

Please note, without the inclusion of these documents we would object to this planning application.

Further details are provided below. We also continue to have further concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: European Protected Species

Condition 2: Land potentially affected by Contamination

Condition 3: Construction Environmental Management Plan

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

For our advice on Land potentially affected by Contamination and Pollution Prevention (Construction Environmental Management Plan), please refer to our letter reference CAS-205522-P6F3, dated 4 January 2023 (attached).

European Protected Species

In addition to the drawings listed above, we have reviewed '*New School Provision. Ysgol Y Deri, Cosmeston. Protected Species Survey Report, Protected Species*' by Soltys Brewster dated October 2022 (Protected Species Survey Report) submitted in support of the above application.

European Protected Species - Legislation and Policy

Dormice and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.

Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the 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) February 2021, section 6.4.22 and 6.4.23, 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.

Bats

We note the Protected Species Survey Report - section 2.7, advises a focus on protecting/enhancing the vegetated boundaries for foraging/commuting and we welcome further tree inspections were carried out in August 2022. We note no development is

proposed within the retained woodland located to the east, and no trees identified with features for use by roosting bats will be felled or managed as part of the development. Retention of dark vegetated boundaries will also be of benefit to bats.

Dormice

We welcome the Protected Species Survey Report advises that further dormouse surveys of the application site have been carried out and note that these did not find any evidence of dormice. We also note that the site's boundary hedgerows have been intensively managed (flailed).

We welcome that the majority of the boundary hedgerow around the site will be retained and that the proposed lighting has been designed to keep this as dark as possible.

We advise 2022 surveys for the wider Cosmeston Farm site confirms continued presence of dormice on that site, including habitat which is well connected to the suitable dormouse habitat that is present around the boundaries of this site. We advise that the new and retained boundary hedgerows for this site are managed sensitively long-term with dormice in mind.

We note the following hedgerow/tree planting and maintenance measures set out in the Protected Species Survey Report – sections 3.37, 3.38 and 3.42:

- Upward growth would be encouraged and maintained above 3 m and width of any hedgerow will be no less than 2 m
- No cutting of the translocated hedge will be undertaken until it is established and achieved the dimensions above
- Hedgerows/translocated hedgerows along the north boundary, and sections along Fort Road and Laverbock Road, will be cut/pruned/trimmed no more frequently than every 3-5 years
- Retained, translocated hedgerows and any new planting will be inspected in May and September/October 2023, and for up to five years post any replacement planting.
- Any replacement planting will be of the same species and same size and take place in the next planting season
- Any immediate remedial action needed, will be reported to the contractor or landowner

Summary

Plans and Documents – Condition

Whilst we have concerns with the application as submitted, we are satisfied that these concerns can be overcome the documents listed above are included in the approved plans and documents condition on the decision notice.

Condition 1:

In our letter reference CAS-205522-P6F3, dated 4 January 2023 we advised a dormouse conservation plan (DCP) was secured via condition on any planning permission.

We advise that it is no longer necessary to condition a DCP, providing the implementation of the measures in Protected Species Survey Report – sections 3.37, 3.38 and 3.42 are secured by an appropriately worded planning condition on any planning permission.

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

Kate Glover

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