

Ein cyf/Our ref: CAS-254057-F4J6  
Eich cyf/Your ref: 2023/00948/FUL

The Vale of Glamorgan Council  
Docks Office  
Barry Docks  
Barry  
CF63 4RT

Dyddiad/Date: 24 April 2024

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: FULL PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT TOGETHER WITH ENGINEERING, DRAINAGE, LANDSCAPING, HIGHWAYS AND OTHER ASSOCIATED WORKS**

**LLEOLIAD/LOCATION: LAND OFF SANDY LANE, YSTRADOWEN**

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 27 September 2023.

**We have 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: Land Contamination
- Conditions 2-3: European Protected Species (EPS)
- Condition 4: Construction Environmental Management Plan

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

We note the submission of additional information which includes alterations to the layout. Further to our previous response dated 31 October 2023 (our reference CAS-238049-S5M7) and our statutory pre-application response dated 7 August 2023 (CAS-222322-B6D8) we have the following comments to make.

### **European Protected Species**

We note the submission of the following documents in support of the application:

- Ecology Summary Note, 12 June 2023 - Sandy Lane, Ystradowen by Soltys Brewster,
- Stage 2 Ecology Report, Soltys Brewster, July 2023, reference E22108601/DOC 02 – JULY 2023

- Preliminary Ecological Appraisal, Soltys Brewster, July 2023, reference E22108601/DOC 01 – April 2024

We note that the above ecological summary note stipulates that “if any trees assessed to have potential to support roosting bats are likely to be impacted by the proposed works, further survey work to establish the likely presence/ absence of roosting bats will be required to determine any further mitigation measures or licencing requirements.” We advise that if any such trees with bat roosting potential are proposed to be removed, pruned or otherwise affected by the proposals, further information is submitted.

We note that a number of trees adjacent to the proposed development site have been assessed as having bat roosting potential, and bats are likely to use the site for foraging and commuting.

Therefore, we would advise that a condition requiring adherence to the recommendations made in the ecological summary note, and a condition requiring a sensitive lighting scheme that avoids light spill to bat commuting and foraging habitats, are attached to any planning permission granted:

Condition: Secure implementation of submitted plan

The document identified below to be included in the approved plans and documents condition on the decision notice:

- Ecology Summary Note, June 2023 - Sandy Lane, Ystradowen By Soltys Brewster

Condition: Lighting plan

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of all external lighting to be used
- Drawings setting out light spillage in key sensitive areas, in particular the retained vegetation to the west and north of the site
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

*Justification:* A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.

## **Protection of the Water Environment**

We note that a surface water drainage route to the north of the site is proposed to discharge to a ditch/stream via a headwall. The site inclines towards this watercourse and there is the potential for pollutants to enter the water environment during construction which could affect water quality.

We feel this issue can be addressed through appropriate pollution prevention measures employed as part of a Construction Environmental Management Plan (CEMP). Therefore,

we would ask that the preparation and implementation of the CEMP is made a condition of any planning consent, as follows:

#### Condition: Construction Environmental Management Plan

No development or phase of development, including site clearance shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

Construction methods: details of materials, how waste generated will be managed;

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

*Justification:* A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

#### **Land Potentially affected by Contamination**

The site is of relatively high sensitivity as it is located over a Principal bedrock aquifer. Although no significant potential sources of contamination have been identified on the site, the intrusive site investigation did encounter localised hydrocarbon impact to soils. We would therefore recommend that the condition listed below is attached to any permission your authority is minded to grant planning permission:

#### Condition: 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

*Justification:* To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

## **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

## **Lindy Marshall**

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

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.