

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

Dyddiad/Date: 21 May 2024

Annwyl Laura/Dear Laura,

BWRIAD/PROPOSAL: Outline planning application for proposed redevelopment of the CAVC Weycock Cross campus for up to 16 dwellings (use class C3), including demolition, public open space, sustainable urban drainage system, landscaping and associated infrastructure and engineering works. All matters reserved except for means of strategic access.

LLEOLIAD/LOCATION: Barry College of Further Education, Waycock Road, Barry

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 28 March 2024.

We object to the proposed development as submitted, due to its expected impacts on a designated conservation site.

Sites of Special Scientific Interest

The application site is partially located within the Barry Woodlands Site of Special Scientific Interest (SSSI). The proposed access road and footpath, which is within the redline boundary, is fully located in the Barry Woodlands SSSI. This SSSI is designated for its semi-natural ancient woodland habitat with its rich woodland flora. The remaining area of the application site lies outside a SSSI boundary but is surrounded by the Barry Woods SSSI and the Fferm Walters SSSI. The Fferm Walters SSSI is designated for species rich grasslands.

The proposals include the widening of the existing access, which involves land take with the planning application stating this results in the removal of six ancient trees, removal of underlying ground flora community and canopy works, although little details of these works are given. These are a notified feature of the Barry Woodland SSSI. This will result in permanent loss and damage to the features of the SSSI.

There is also likely to be indirect impacts directly associated with the change of use of the site to residential properties which has the potential to cause damage to both SSSI's, such

as recreational pressures, unauthorised encroachment and introduction of invasive species and domestic animals.

We feel that the land use change proposed at this location is therefore incompatible with the need to protect and enhance conservation sites of national importance.

National Policy

A key national priority within Future Wales is to develop strong ecosystems through the provision of resilient ecological networks and green infrastructure. Policy 9 places importance on safeguarding and creating or enhancing ecological networks. Safeguarding areas involves identifying land that is important for expanding or connecting ecological networks. The policy focus is on creating large-scale, resilient, and functional ecological networks. It states protected sites (such as SSSIs) are critically important to the long-term resilience of our ecosystems.

Planning Policy Wales 12 provides the policy position on the protection of SSSIs (6.4.25-6.4.27)) It clearly states that there is a presumption against all forms of development in a SSSI, with the exception of developments necessary for the management of a SSSI and minor developments necessary to secure its role as a living landscape (where effects on the features for which a site has been designated can be considered to be acceptable). Accordingly, it will be wholly exceptional for most forms of development to be justifiable within a SSSI (see criterion 1b of the stepwise approach and paragraph 6.4.27 of PPW).

There is also a presumption against development, not within a SSSI, but likely to damage a SSSI. In this context, a proposal must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood. It states that development should be refused where there are adverse impacts on the features for which a site has been designated.

Furthermore, ancient woodland is defined as an irreplaceable habitat in PPW (6.4.15) and must be safeguarded. Ancient woodland is valuable because of the long ecological history which results in diverse species, habitats, and characteristic woodland soils. PPW (6.4.43) recognises the significant landscape, biodiversity and cultural value it offers. It states such trees and woodlands are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits.

In the first instance, your Authority should therefore make a planning policy decision on whether the proposed development is:

- necessary for the management of the SSSI;
- a minor development necessary to secure its role as a living landscape; or
- justifiable in the context of wholly exceptional circumstances and only where it is considered to be appropriate and not likely to damage a SSSI and where there is broad and clear agreement for mitigation and enhancement as part of a development plan.

It is our opinion that the proposed development is not necessary for the management of the SSSI.

We would advise that your Authority should refuse the planning application on planning policy grounds, if you are not satisfied that the proposed development meets any of the above criteria.

We can provide you with technical advice on the likely damage to the SSSI and how the proposal has followed the step-wise approach.

Advice and the Step-wise Approach

We have reviewed the following documents submitted with the outline planning application:

- Weycock Cross Redevelopment Pre Application Consultation Report by Lichfields, dated 29 February 2024
- Weycock Cross Barry Planning Statement by Lichfields dated 29 February 2024.
- Weycock Cross Ecological Appraisal by EDP Version 001c, dated 15/12/23, ref: edp8137_r001c
- Parameter Plan 3: Green Infrastructure Plan by Lichfields, dated 05/12/23 Drawing No: IL60108/03-002 Rev B
- Tree Constraints Plan prepared by Steve Ambler & Sons Tree Specialist dated May 2023.

PPW outlines a step-wise approach (6.4.15) which must be followed to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity.

If you were to consider granting planning permission for this development, we advise that you fully consider the step-wise approach to inform your decision making. We note the applicant's response to our statutory pre-application comments within the submitted Pre-Application Consultation (PAC) Report in this regard but do not agree with their interpretation.

The first step is to avoid. We cannot advise you on whether alternative sites for the development, which avoid impact on the SSSI altogether, have been fully explored and this will be a matter for your Authority to consider having regard to your Local Development Plan.

Turning to the proposal as submitted, section 3.8 of the PAC Report notes that direct impacts have been avoided by retention and creation of woodland habitat to the North of the site. We do not agree with this statement. The loss of woodland understory and trees associated with Woodland 3 and Woodland 4 survey areas is a direct loss of the SSSI features and Ancient Woodland and therefore has not been avoided. The Ecological Appraisal (paragraph 5.4) states '*the development will result in erosion of the woodland through the removal of up to six trees standards, tree canopy works to a further 10 trees and loss of underlying ground flora communities*'.

Therefore, in relation to the step-wise approach and the risk to SSSI features, we advise that direct loss has not been avoided. It should also be noted that the scarcity of botanical richness in the area of loss does not detract from the conservation status, nor does it mean that direct loss of habitat is appropriate or could not be improved in future with management interventions.

There is also risk of SSSI damage through indirect impacts such as encroachment and recreational pressures associated with residential land use. The proposed mitigation buffer zone surrounding the development is relatively small (2 – 3 metres wide) and is not considered sufficient to protect the SSSI. We would expect to see a buffer distance of at least 15 metres around the SSSI and ancient woodland, which is in line with [UK Government and Forestry Commission Guidance](#). We also advise a suitable buffer should be provided for any newly created habitat, such as the northern compensation woodland proposals.

The addition of 16 houses in the centre of the woodland will, we believe, inevitably lead to increased access and use of the woods by residents, which is likely to lead to increased pressures and potential damage to the SSSI, through the creation of access points, desire lines, potential 'land grab' scenarios, the introduction of invasive species from garden waste, as well as impacts from domestic pets and other inappropriate activities. This has been considered under paragraphs 4.16 – 4.18 in the Ecological Appraisal. The mitigation proposed (paragraph 5.4) to reduce these effects is primarily the planting of thorny shrub to deter unauthorised public access which will be excluded from the curtilage of residential boundaries. We do not consider this to be adequate long term secured mitigation to prevent damage over the lifetime of the development.

Due to the permanent loss of features, the applicant has also proposed on-site compensation measures. We note 3.12 of the PAC Report sets out a summary of the applicant's proposed mitigation and compensation measures. The Ecological Appraisal provides further detail and states that to compensate for the loss, *'new native woodland, shrub and hedgerow planting is proposed around the northern and eastern extents of the proposed development area further offsetting development from mature vegetation'*. It also proposes *'Planting should also be subject to sensitive management in the long-term to promote the establishment of structurally diverse ecotone habitats, with such features to be excluded from the curtilage of residential boundaries'*.

Due to the very nature of ancient woodland being irreplaceable (PPW 6.4.15 ad 6.4.43), our view is it is not possible to adequately compensate for the loss. This includes not only the trees themselves, but the environmentally rich soils. Furthermore, we would have concerns over the effectiveness of translocating topsoil from the construction footprint of the access road to the proposed compensatory woodland habitat creation area. The applicant proposes this measure in order to preserve the underlying seed bank and promote the rapid establishment of ground flora communities. However, the likely success of this measure is uncertain.

In relation to enhancement measures we believe that there is no planned enhancement offered for the SSSI's. We would recommend you seek further advice on the opportunities for biodiversity enhancement from your own ecologist.

Should you be minded to grant permission for the above planning application, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended). We also direct you to PPW 6.4.28 which states that if you are minded to grant planning permission against our advice, you must notify Welsh Ministers.

Invasive Non Native Species

We have concerns regarding the management of Invasive Non-Native Species during construction which could impact on the SSSI's. There are no details on its control or removal within the submitted documents but we recognise this is an Outline permission application.

We welcome the applicants' proposal to manage Cherry Laurel, an invasive species, which pre-exists on the development site. However, this management could be carried out irrespective of a change in land use.

Protected Species (EPS)

We note the response to our comments regarding EPS, within the submitted PAC Report. We note that no further information has been provided and therefore refer you our comments made within our statutory pre-application consultation response (ref: CAS-245264-Y8K2, dated: 25th January 2024), as these still remain valid.

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.