

LECKWITH QUAY, CARDIFF CONSULTATION RESPONSE

Report prepared by:

David Clements Ecology Ltd (DCE), Penarth, Glamorgan.

NRW Comments (26/05/2021)

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. Additional survey to assess impacts upon bat roosts within trees on site.

Response: Further surveys have now been carried out and the results added to the Ecological Assessment v4.1 (See Section 3.2.14). Additional recommendations for appropriate mitigation measures are included in Section 6.1, including the requirement for a bat house.

Cardiff LPA Ecologist Comments (Forwarded by Planning Officer in email: 14/01/2021)

1. The habitat survey as set out in that EA does not cover all of the footprint of the proposed development. There is an area of vegetation which appears to be outside the area of the habitat survey which would be lost to the proposed development (roughly highlighted with a red line on a plan).

Response: This area has now been surveyed and included within the revised Habitats and Vegetation plan for the site (Plan 2: Ecological Assessment v4.1 – July 2021). A description of this part of the site is in section 3.1.10 of the report.

2. ‘The EA is a Preliminary Ecological appraisal which looks at the site as existing, rather than an Ecological Impact Assessment (EcIA) which looks at the impact of the proposed scheme, both within and outside the proposed footprint. There is some impact assessment set out in section 5 of the EA but this based upon a hypothetical scheme rather than a detailed design. Therefore within the Cardiff section of this application I would ask that an assessment of the ecological impact of the scheme as proposed be produced as a new report or amendment to the existing.’

Response: Section 5 of the Ecological Assessment v4.1 has been revised to assess the ecological impact of the current masterplan design proposed for the site.

3. Assumptions should be made as to any presence (of reptiles on the site) and precautionary mitigation measures set out accordingly.

Response: This has been outlined in the Ecological Assessment v4.1, Section 6.4. A reptile mitigation strategy will be agreed prior to development, following the guidelines in Appendix 3.

4. No clearance of trees, bushes, shrubs or buildings to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Response: [This has been emphasised in the Ecological Assessment v4.1, Section 6.3.2.](#)

5. The River Ely is a SINC designated for its riverine and associated habitats and normally where a SINC is affected by a proposal then we attach the following condition: No materials, waste, arisings or plant shall be stored or operated within the River Ely SINC, or allowed to fall, be washed or blown into it.

Response: [This has been emphasised in the Ecological Assessment v4.1, Section 6.6.8. A Pollution Prevention Plan we be included within the Construction Environmental Management Plan \(CEMP\) for the site. This will complement the Wildlife Protection Plan \(WPP\).](#)

6. ‘Planning Policy Wales (PPW) 10 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (para 6.4.5 refers).’, and ‘Where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.’, and: ‘A net benefit for biodiversity can be secured through habitat creation and/or long term management arrangements to enhance existing habitats, to improve biodiversity and the resilience of ecosystems.’ Any application should demonstrate how this will be the case through retention of green infrastructure and landscape planting, use of bird and bat boxes, habitat piles for reptiles and any other features that the applicant’s ecologist may suggest.

Response: [A number of measures to create new habitats within the development have been included in the Ecological Assessment v4.1, Section 6, including a bat house, bat boxes on buildings and trees, bird boxes on buildings and trees, an artificial kingfisher nest site, an artificial otter holt, reptile hibernacula and artificial invertebrate habitat features, such as bee walls and beetle banks. There is also further information on the creation of habitat corridors and other ways of retaining connectivity between habitats within the site boundary, adjacent woodland and the river. The planting of native trees, shrubs and bankside vegetation is also included.](#)

Vale of Glamorgan LPA Ecologist Comments (11th March 2021)

1. Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

- The need for the development clearly outweighs the nature conservation value of the site;
- Adverse impacts on nature conservation and geological features can be avoided;
- Appropriate and proportionate mitigation and compensation measures can be provided; and
- The development conserves and where possible enhances biodiversity interests.

The applicant therefore needs to address the first three statements.

Response: An integral part of the redevelopment scheme includes the replacement of the existing B4267 Leckwith Road which is in a critical state of disrepair and in need of urgent repair or redevelopment. Without such repair or replacement it is likely that the bridge will have to be closed to traffic thereby rendering the B4267 inaccessible from the east, therefore cutting off a significant access route between main and rural settlements within the Vale of Glamorgan and Cardiff. The replacement of the existing B4267 Leckwith Road will therefore ensure that all existing enterprises, tourism, leisure and community facilities remain accessible from the east and is a material planning consideration that should be afforded significant weight.

The site itself mainly comprises cleared and levelled land meaning that the great majority of the habitats within the site either comprise bare ground, hardstanding or cleared and levelled ground supporting only secondary ruderal vegetation and some scrub. The fringes of the site, however, support broadleaved semi-natural woodland to the south-west and a very narrow belt of scrub and ruderal vegetation along the north-eastern fringe where it abuts the adjacent river. There are also some neglected formal garden areas associated with the residential building, one of which contains an artificial pond. A number of protected species are also present on the site.

In recognition of the ecological features the site does have, suitable mitigation, enhancement and compensatory measures are proposed. The landscape strategy seeks to retain the majority of the woodland and includes enhancement measures for habitats and biodiversity across the site. In particular, the strategy seeks to create green fingers of woodland planting to connect the woodland and riverside habitats and forming wildlife corridors between the two. The green fingers will also act as dark corridors across the site providing trees as a buffer from the built environment and shield from any necessary lighting on site.

Further mitigation, compensation and enhancement measures are included in Section 6 of the Ecological Assessment v4.1.

2. The applicant needs to review the scale of the development and to address the issues of mitigation and compensation in greater detail than currently outlined in the Environmental Statement.

This development will have an impact introducing a significant number of residential properties immediately adjacent to the woods with the inevitable pressure that that will bring. (This needs to be considered.)

Response: Section 5 of the Ecological Assessment v4.1 has been revised to assess the ecological impact of the current masterplan design proposed for the site. The impact of new residential properties on the adjacent woodland is considered in Section 5.4.

3. The report by David Clements Ecology indicates that there is current a pond supporting two species of newt from the pond in the norther section of the site. Whilst not protected species the design of SUDS/Attenuation Ponds could be an opportunity to allow for these species to survive within the proposed development. Advice from an ecological consultancy working alongside drainage engineers should be able to create the right water body/ies with the depth of water required for completing their life cycles.

Response: The design of at least one attenuation pond will incorporate features suitable for breeding amphibians and other wildlife, as described in the Ecological Assessment v4.1, Section 6.6.1.

4. Compensatory bat roost sites located to the edge of the woodland along with a sympathetically designed low level lighting scheme will be required. The roosts could be incorporated into new buildings or have their own dedicated facility.

[Response: Additional recommendations for appropriate mitigation measures are included in the Ecological Assessment v4.1, Section 6.1, including the requirement for a bat house, retention of dark corridors and bat boxes on buildings and retained trees. Full details will be included in a Bat Conservation Plan.](#)

5. The attractiveness of riverside development must not impinge on those species (such as Otters, Kingfishers and migratory fish) that use the River Ely as an area to feed, nest, rest and commute. There must be significant barriers placed between the development and the water's edge in order to ensure that there is no disturbance. In addition the drainage of hard and soft landscapes should not regard the river as an option without opportunities for containment in the worst case scenarios and filtration for routine drainage.

[Response: In the Ecological Assessment v4.1, Section 6.6.2 describes the 5m buffer of vegetation maintained between the development and the riverbank, to prevent riparian wildlife from being disturbed. Details on the impact of the drainage and flood-risk plans for the development are found in the Water Framework Directive \(WFD\) report \(February 2021\).](#)

6. The presence close by of badgers is of concern. They are free roaming animals that can be intolerant of increasing disturbance. Whilst they are unlikely to be directly affected by the development the change of use of the land will have an impact on them especially as they are nocturnal animals who are comparatively undisturbed by the current industrial use. Development will require a resurvey and possibly licencing from Natural Resources Wales.

[Response: Further information on this species is detailed in Appendix 5 \(confidential badger report\).](#)

7. In drawing up the detailed design for this proposal the applicant needs to be mindful of leaving parts of the proposal comparatively wild and unkempt and to ensure that boundary treatments for properties allow access for small mammals, such as hedgehog.

[Response: Details added to the Ecological Assessment v4.1, Section 6.5.2.](#)

8. The removal of so much woodland and woodland edge habitat will impact on nesting birds.

In drawing up detailed plans for the development then the applicant should seek to address this with every opportunity that arises even though there is unlikely to be continuity with woodland/woodland edge species and peri-urban species.

Response: A bird box plan will be produced for the site: further information is included in the Ecological Assessment v4.1, Section 6.3.2. New compensatory woodland habitat will be planted (See Section 6.6.4)

9. The Environment (Wales) Act 2016 places a duty on the Council to sustain and enhance biodiversity and through Policy MG21 (4) above this is expected of all new developments in the Vale of Glamorgan.

This is expected to be proportional to the scale of development being proposed. The applicant therefore needs to take advice and integrate enhancements for biodiversity into any detailed proposals.

Response: Biodiversity enhancement measures for the site are described in the Ecological Assessment v4.1, Section 6.