

Advanced Technology Campus Ecology Briefing Note edp8160_r004a

QA: EWi/KHe_MWI/FMi_070624

1 INTRODUCTION

- 1.1 This Ecology Briefing Note has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf Cardiff and Vale College (hereafter referred to as 'the Applicant') in relation to proposed development at Advanced Technology Campus (hereafter referred to as 'the Site').
- 1.2 EDP is an independent environmental planning consultancy with offices in Cirencester, Cardiff and Cheltenham. The practice provides advice to private and public sector clients throughout the UK in the fields of landscape, ecology, archaeology, cultural heritage, arboriculture, rights of way and masterplanning. Details of the practice can be obtained at our website (www.edp-uk.co.uk).
- 1.3 An Ecological Appraisal Report (report ref: edp8160_r001) detailing the current ecological interests within and around the Site was previously prepared during April 2024 to inform a detailed planning application to Vale of Glamorgan Council (VoGC) (planning reference: 2024/00329/FUL) for its development.
- 1.4 Following receipt of initial comments on the application from VoGC Officers and Natural Resources Wales (NRW) during determination of the planning application, a revised Illustrative Landscape Plan for the proposed development incorporating additional ecological mitigation measures will be submitted to VoGC to supplement the planning application.
- 1.5 This Ecology Briefing Note has, therefore, been prepared to identify changes to the revised Illustrative Landscape Plan provided at **Appendix EDP 1** and address consultee comments and/or requests for further information on site ecology.

2 DEVELOPMENT PROPOSALS AND PREDICTED IMPACTS/MITIGATION

- 2.1 Consistent with existing information submitted with a detailed planning application, the proposals concern construction of a new educational campus for Cardiff and Vale College including landscaping, related infrastructure and engineering works. Following receipt of comments on the application from VoGC officer, concerns were raised regarding the extent of proposed hedgerow loss in the context of Planning Policy Wales 12 (PPW 12) and the extent of proposed mitigation. Specifically, consultation comments received from VoGC's Ecologist on 13 May 2024 states:

“Planning Policy Wales indicates that, ‘Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits’. Whilst the provision of an educational establishment would be deemed a public benefit, as already mentioned, and indicated in the stepwise approach advocated in PPW 12 (and its predecessor of Avoid, Mitigate and Compensate), much of the damage could have alleviated at the outline design stage.

The existing Supplementary Planning Guidance on Trees, Woodlands and Hedgerows and Development recommends the following, ‘In cases not involving a TPO tree the Council will encourage a similar 2:1 replanting ratio wherever possible’ (paragraph 9.1.2).

Planning Policy Wales 12 increases this ratio to 3:1 thus, ‘Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost’ (paragraph 6.4.42).

Finally, the SPG on Biodiversity and Planning indicates, ‘A replacement ratio for ‘like for like’ compensation is set at 1:1.5 or 50% above the area to be replaced’ (paragraph 10.5.6).

Therefore, the proposed length of newly planted hedgerow at 444 metres is insufficient to meet the aspirations of the existing SPG’s or the new PPW. This needs to be addressed.”

- 2.2 A revised Illustrative Landscape Plan is therefore provided at **Appendix EDP 1**, which includes increased provision of new native hedgerow planting in compensation for calculated losses.
- 2.3 No changes are proposed to the assessment of potential effects upon valued ecological features as previously presented within the Ecological Appraisal following minor amendments to the Illustrative Landscape Plan. The masterplan will, however, deliver additional mitigation/compensation in respect of valued hedgerow habitat.
- 2.4 In line with paragraph 4.19 within the Ecological Appraisal Report (report ref: edp8160_r001), loss of hedgerows present within the boundaries of the Site is proposed to accommodate new development, including **H1, H2, H3** and **H5** (referenced hedgerows illustrated at **Appendix EDP 2**), with such losses amounting to c.405m.
- 2.5 Following amendments to the Illustrative Landscape Masterplan, additional native hedgerow planting is now proposed along the southern boundaries of the Site, fronting proposed woodland/understorey planting and thereby increasing new native hedgerow planting (to be managed for wildlife) to circa 696m. This equates to a replacement planting ratio of 1.7:1 (creation:loss), and together with new planting previously proposed along the northern and part of the western boundaries of the Site, will have a function in maintaining connectivity across the Site for the dispersal of protected and notable species, including a local bat assemblage.
- 2.6 Details pertaining to the planting and establishment of new native hedgerows are to be provided with a Landscape and Ecological Management Plan (LEMP) secured as a condition of planning consent, to include translocation of suitable existing hedgerow shrubs, where

appropriate to species, to speed up establishment. Thereafter, native hedgerows will be subject to a sensitive management regime aimed at promoting a continuous (<10% gaps), dense and bushy 'A' shaped structure whilst maintaining heights at no less than 3m and widths of at least 2m.

- 2.7 Consistent with existing proposals, native hedgerow planting will also be combined with the provision of c.130 tree standards in compensation for the loss of 31 trees from the Site to facilitate development proposals, equating to a replacement planting ratio of 4.2:1 (creation:loss), thereby exceeding the minimum 3:1 replacement ratio required by PPW 12.
- 2.8 Additionally, whilst circa 0.05 hectare (ha) of woodland/tree planting along the eastern boundary of the Site will be eroded to accommodate proposed development, 0.24ha of native understorey planting is proposed in compensation.
- 2.9 Overall, therefore, following revision to the Illustrative Landscape Plan for the Site, provided at **Appendix EDP 1**, it is considered that proposed development is compliant with those compensatory planting requirements set out within PPW 12 and VOGC's Supplementary Planning Guidance documents relating to trees, woodlands, hedgerows, and biodiversity.

3 CONSULTATION

- 3.1 A summary of other pertinent ecological comments received from VoGC and NRW are provided in **Table EDP 3.1** below, alongside additional information compiled by EDP to address each comment individually. The full consultation reports are provided at **Appendix EDP 3 - 4** respectively.

Table EDP 3.1: Summary of Pertinent VoGC/NRW Consultation Comments and Response

VoGC/NRW Comments	EDP's Response
<p><i>"From the outset it should be noted that, given the extent of publicly owned land at this location and in respect of the ambitions of Planning Policy Wales 12 that the design and location for this facility maximises the environmental harm rather than using the existing features to determine the footprint. Only hedge H4 is unaffected by the proposal. A different orientation would have resulted in a far smaller loss than 400 metres of hedgerow and an uncalculated area of scrub habitat."</i></p>	<p>The design for the proposed development has been guided by consultation with VoGC and the 'Cardiff Airport and Gateway Development Zone Supplementary Planning Guidance (SPG). It has been a key principle that the design should be contemporary and well-designed providing an attractive new landmark to the relatively open space surrounding the Site, and providing an attractive frontage to Port Road. This has dictated the building's orientation and location of the car park to the rear whilst service yards were sensitively located to be hidden from view. Specifically, the proposed masterplan has been developed to link to the active travel route that is proposed for Port Road within the SPG, with pedestrian entrances to the Site located here to encourage active travel to the Site. Consultation with the Vale of Glamorgan has also driven the masterplan to create an attractive frontage to Port Road, ensuring car parking does not dominate views from this aspect while the location of an existing 'hammerhead' roadway to the north of the Site has driven the location of vehicular access to ensure that existing infrastructure can be utilised to minimise the S278 works. Another key component to the development of the masterplan has been the inclusion of a 'Buffer Zone' around the north of the Site, to ensure the 'right to light and air' is not compromised for any future developments that are proposed around the Site.</p> <p>Whilst alternatives designs for the scheme have been considered to minimise environmental harm, impacts to the hedgerow resources would have remained unavoidable due to the necessary size and extent of the proposed development footprint. The current orientation and layout have further been dictated by other non-ecological constraints to the development and the requirements to comply with Cardiff Airport and Gateway Development Zone SPG. It is thus considered that the step-wise approach has been followed with consideration of alternative designs to avoid and minimise impacts in the first instance and, where this has not been possible, to mitigate and compensate for negative effects arising.</p>

VoGC/NRW Comments	EDP's Response
<p><i>"This is then compounded by the Ecological Appraisal ruling out an assessment of the hedgerows under the Hedgerows Regulations 1996 even though this is, ostensibly, agricultural land where if the proposal was to amalgamate fields then such an assessment would be required. Even a cursory glance at historic maps shows these boundaries to be at least 170 years old. This is disappointing especially in trying to properly assess the site."</i></p>	<p>In accordance with Table EDP 2.2 within the Ecological Appraisal report prepared by EDP (report ref: edp8160_r001) a formal assessment of the hedgerow network to be undertaken in accordance with the wildlife criteria of the Hedgerow Regulations 1997 was proposed but was not possible due to the proliferation of dense scrub across the Site, which prevented access to the base of each hedgerow such that a ground flora community and presence of certain hedgerow features (e.g. banks/ditches) could not be confirmed. Identification of woody species comprising each hedgerow was, however, possible from a distance for the on-site hedgerow network. Given the apparent species-poor nature of the hedgerows with less than four species typically recorded within a 30m length, each hedgerow was considered unlikely to qualify as 'important,' when assessed against the Wildlife and Landscape criteria of the Regulations. The assessment of the hedgerow against Archaeology and History criteria of the regulations is beyond the scope of the Ecological Appraisal report.</p>
<p><i>"Although a great deal of work has been carried out in assessing the bats using the site there are no flight paths indicated and therefore you are unable to understand how the bat species are using the site and the importance of the existing hedgerows and scrub habitat to them."</i></p>	<p>Plans EDP 5-7 provided within the Ecological Appraisal Report (report ref: edp8160_r001) have been updated to illustrate commuting/foraging behaviour where this was observed. Overall, however, activity recorded during manual transect surveys was very limited. This is with the exception of survey effort during July 2023 where relatively higher levels of common pipistrelle (<i>Pipistrellus pipistrellus</i>) and soprano pipistrelle (<i>Pipistrellus pygmaeus</i>) bat activity was recorded in association with the eastern boundary woodland, the majority of which (c.72%) is proposed for retention within the development scheme. Update bat activity plans for surveys completed in July and September are provided at Appendix EDP 5 - 6 of this document. In summary, activity was dominated by foraging and commuting common and soprano pipistrelle with limited commuting activity observed. During each survey, it was apparent that pipistrelle bats identified along the eastern and southern boundaries of the Site were utilising street lights associated with the adjacent road network for foraging and were frequently recorded off-site rather than strictly within.</p>

VoGC/NRW Comments	EDP's Response
<p><i>“Because of the orientation of the plot there are going to be some very thin linear hedges trying to compensate for more extensive hedgerow systems that will have been lost. One of the objectives should be to make the decent connections in the landscape and this is emphasised in PPW 12, “Individual development proposals should identify and incorporate measures which enable appropriate links to be made between the site and its surroundings so as to improve connectivity.” (DECCA Framework on page 147). As the land is in public ownership could not these thin hedgerows be expanded in width to mimic what is being lost and so meet the requirements for compensation?”</i></p>	<p>It is anticipated that further details pertaining to hedgerow creation will be secured within a LEMP as a condition of planning. In general, however, management of newly created hedgerows will seek to achieve a continuous (<10% gaps), dense and bushy ‘A’ shaped structure whilst maintaining heights at no less than 3m and widths of at least 2m.</p>
<p><i>“A meadow is indicated for creation at the north of the site as well as being an element in the Cherry Tree Walk. Species rich grasslands are also indicated in the text for around buildings, car parks and social areas. These are often small areas that are difficult to manage with just two cut and collect mowing’s a year and can often not withstand the recreation pressure they are subjected too. Similarly, SUDS creates a habitat not normally found in nature in the UK and they are often managed in a way that makes it poor for biodiversity such as regular mowing to maintain capacity and flow rates. More extensive SUDS can contain permanent ponds but that is not the case here. They should be discounted as a biodiversity benefit. Hay cuts need to be taken in the autumn rather than the summer.”</i></p>	<p>Grassland is proposed around buildings, to be seeded with a species-rich grassland mix. However, it is not intended that this be management as hay meadow. Rather, and consistent with the Green Infrastructure Statement (report ref: edp8160_r003) submitted with a planning application, it is acknowledged that the grassland here will be managed for amenity and thus expected to be characteristic of a short sward. Such areas, although individually small in extent, are still considered to provide foraging opportunities to protected/notable species such as badger (<i>Meles meles</i>) and European hedgehog (<i>Europaeus europaea</i>) whilst providing further benefits to green infrastructure provision overall.</p> <p>We disagree with the position that proposed meadow grassland creation and planting, particularly in association with Sustainable drainage systems (SuDS), should be discounted as a biodiversity benefit. This is contrary to the position adopted across development schemes within Wales and England, with the latter recognising the potential for such features to deliver biodiversity units within the statutory Biodiversity Net Gain (BNG) metric calculator, whilst the Wales-specific Sustainable Approved Body (SAB) process also considers the potential of SUD features to deliver biodiversity benefits.</p>

VoGC/NRW Comments	EDP's Response
	<p>Consistent with the development proposals submitted to date, the Illustrative Landscape Plan proposes the provision of meadow grassland planting across the north-western corner to be managed in the long-term through a sensitive hay cut regime and native planting within SUDs features. Such features are proposed for seeding with a species rich seed mix incorporating grassland and wildflower species, which will provide a more varied foraging resource for an invertebrate assemblage which will also provide additional foraging benefits to bats, birds and reptiles/amphibians whilst increasing the overall botanical diversity of the site. This is considered an uplift from baseline conditions, with the Site currently characterised by arable land and species-poor grassland, the latter subject to much scrub encroachment. Existing habitats are thus homogenous in nature and lacking in structural and botanical diversity which is less conducive to providing varied habitat opportunities to protected/priority species.</p> <p>As previously indicated within the Ecological Appraisal (report ref: edp8160_r001) and Green Infrastructure Statement (report ref: edp8160_r003), such habitats features will be subject to a hay cut, aimed at promoting structural diversity whilst allowing species therein to flower and seed. The details for establishment and management of meadow grassland to ensure this habitat meets target condition can be secured with a LEMP. In brief however, a first hay cut to meadow grass areas, will be undertaken no earlier than August to allow the majority of species to have set seed, necessary to promote a botanically diverse grassland field, with a second cut undertaken between October and November where necessary. Sward heights will not be reduced to less than 75mm height.</p>
<p><i>"The Ecological Appraisal indicates that any boundaries need to allow for the passage of hedgehogs and larger mammals which are known to be present in the locale. These need to be detailed as the almost the entire site is surrounded by weldmesh. Gaps need to be created on the northern and eastern sides."</i></p>	<p>Details will be included within a biodiversity enhancement plan or similar attached to a LEMP to be secured as a condition of planning.</p>

VoGC/NRW Comments	EDP's Response
Natural Resources Wales	
<p><i>"The proposed development site falls within the 2km buffer zone of the Vale of Glamorgan Arable Farms zone, an aspect overlooked in the initial assessment. This area could contain Section 42 species and other significant arable plant species. We advise consultation with the local authority ecologist for the need for any further information on this matter."</i></p>	<p>To inform the planning application an Extended Phase 1 Habitat survey of the Site was undertaken by a suitably qualified ecologist from EDP on 16 May 2023. No notable arable plant species were recorded during the survey with a plant community dominant by common and widespread species, particularly creeping buttercup (<i>Ranunculus repens</i>) and Yorkshire fog (<i>Holcus lunatus</i>). On this basis, no further survey in respect of botanical communities was considered necessary with arable land and a notable plant community considered of negligible importance in the context of the Site and development proposals.</p>

4 SUMMARY AND CONCLUSIONS

- 4.1 This Ecology Briefing Note has been prepared by EDP on behalf Cardiff and Vale College in relation to proposed development at Advanced Technology Campus, and has been prepared to identify subsequent changes made to the Illustrative Landscape Plan in response to consultee comments. This Ecology Briefing Note also addresses those requests for further information on site ecology. The revised Illustrative Landscape Plan is provided at **Appendix EDP 1**.
- 4.2 Specifically, this report considers the additional mitigation/compensation measures necessary in relation to impacts upon trees, woodland and hedgerow habitat of proposed development, so as to accord with those requirements set by PPW 12 alongside VOGC's Supplementary Planning Guidance documents relating to trees, woodlands, hedgerows and biodiversity.
- 4.3 In summary, the extent of new native hedgerow planting proposed, to be managed for wildlife, equates to a replacement planting ratio of 1.7:1 (creation:loss), whilst new tree planting equates to a replacement planting ratio of 4.2:1 (creation:loss). Additionally, a further 0.24ha of native understorey planting is proposed in compensation for the loss of 0.05ha of tree/woodland cover (i.e. a replacement planting ratio of 4.8:1 (creation:loss)). As such, a quantitative net gain will be achieved in terms of hedgerow, tree and woodland provision, whilst further clarification is given to the proposed management of such habitat to ensure the delivery of net benefits to biodiversity, details of which would be secured within a LEMP.
- 4.4 Overall, therefore, following revision to the Illustrative Landscape Plan for the Site, it is considered that proposed development is compliant with those compensatory planting requirements set out within PPW 12 and VOGC's SPG documents relating to trees, woodlands, hedgerows, and biodiversity.

Appendix EDP 1
Illustrative Landscape Plan (Ares Landscape Architects)
(VG0101-ALA-00-XX-DR-L-00001 Rev P10 15 June 2022)



Note
 1. Do not scale from this drawing
 2. To be read in conjunction with Project Risk Register REF: XXX
 3. To be read in conjunction with all other Landscape Architect's drawings

- KEY**
- (A) Entrance Plaza to Building
 - (B) Social Space
 - (C) Car Park
- 294 standard parking spaces (inc. 32no. as EVCPs and 14 Accessible Parking Spaces)
 - (D) Service area for workshop students
 - (E) 2 Court MUGA
 - (F) Meadow Planting and Habitat Area
 - (G) Sprinkler Tank System
 - (H) Air Source Heat Plump
 - (I) Bin Store
 - (J) Swale with Hedgerow and tree planting
 - (K) Cycle Parking (Double Stacked)
- Total 284 long stay bicycle spaces
 - (L) Pick up / Drop off / Delivery bay
 - (M) Access through car park to MUGA
 - (N) Retaining Wall
 - (O) Access controlled vehicular entrance with raising arm barrier
 - (P) External HV Unit
 - (Q) Motorcycle parking
10 spaces
 - (R) Motor Vehicle Workshop parking spaces
8 spaces
 - (S) New native buffer planting
 - (T) External digging area
 - (U) Cherry Tree Walk
Pedestrian access route
 - (V) Dust extractor
 - (W) External Battery
 - (X) External Gas Bottle Stores
 - (Y) External Storage Containers
 - (Z) Mini-Bus Parking

ID	RISK	MITIGATION	DATE MITIGATED
RESIDUAL PROJECT RISKS			

DATE	REV	DESCRIPTION OF REVISION	DRAWN BY	APPROVED BY
30/05/2024	P10	Issued for Planning a. Arm barrier added to vehicular entrance and road widened to allow for pedestrian access b. Retaining gully wall layout updated c. Service yard hard surface changed from vehicular to concrete surfacing d. Extended hedgerow added as a response to ecological officer comment	MDS	MH

REVISIONS

STATUS
A2 - Authorised and Accepted as Planning Application Submission

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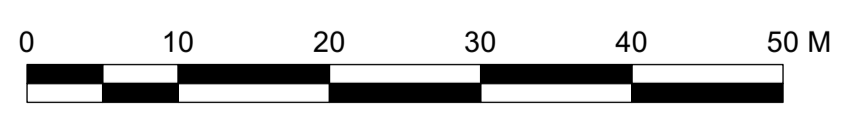
CLIENT:
Cardiff and Vale College

PROJECT TITLE:
Advanced Technology Centre

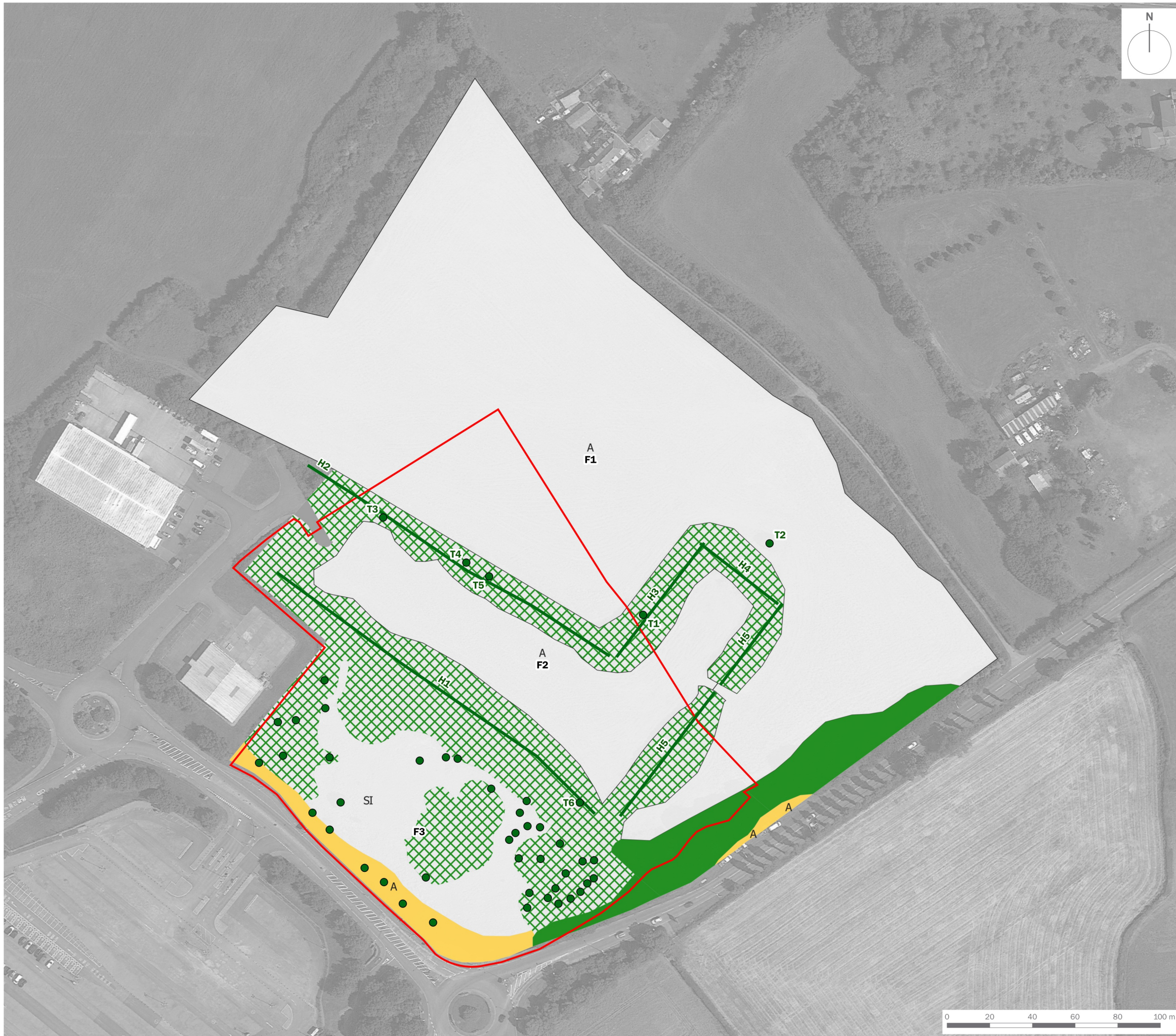
DRAWING TITLE:
Landscape Illustrative Masterplan

DRAWING SCALE: 1:500	DRAWN BY: MDS	DRAWN DATE: 15/06/2022
PAPER SIZE: A1	APPROVED BY: HT	ALA PROJECT CODE: ALAT23

DRAWING NUMBER: **VG0101-ALA-ZZ-DR-L-00001 A2** STATUS: **A2** REVISION: **P10**



Appendix EDP 2
Phase 1 Habitat Survey
(edp8160_d001a 22 November 2023 GYo/KJk)



- Site Boundary
- Broadleaved Semi-natural Woodland
- Dense Continuous Scrub
- A Arable
- Amenity Grassland
- Poor Semi-improved Grassland
- Hardstanding
- Species-poor Outgrown Hedgerow
- Scattered Trees (Broadleaved)
- T1 Tree Number
- F1 Field Number

client
Cardiff and Vale College

project title
Advanced Technology Campus

drawing title
Phase 1 Habitat Survey

date	22 NOVEMBER 2023	drawn by	GYo
drawing number	edp8160_d001a	checked	KJK
scale	1:1,750 @ A3	QA	DJo

Appendix EDP 3
Vale of Glamorgan Consultation Response 13th May 2024

**CONSULTATION RESPONSE:
COUNTRYSIDE AND ENVIRONMENT (ECOLOGY)**



To / I:	Operational Manager Development & Building Control	From / Oddi Wrth:	Ecology, Countryside Services Sustainable Development
FAO	Robert Lankshear		Mr Colin R Cheesman
Date / Dyddiad:	13 th May 2024	Tel / Ffôn:	07514 623147
Your Ref / Eich Cyf:	2024/00329/FUL	My Ref / Fy Cyf:	
Location	Land to the South of Blackton Lane and West of Port Road, Rhoose		
Proposal	Development at land to the south of Blackton Lane and west of Port Road for a new Advanced Technology Centre for Cardiff and Vale College including landscaping, related infrastructure and engineering works		

ECOLOGY RESPONSE	
<input type="checkbox"/> No comment	<input checked="" type="checkbox"/> Notes for applicant
<input checked="" type="checkbox"/> Object (holding objection)	<input checked="" type="checkbox"/> Request for further information
<input type="checkbox"/> Object and recommend refusal	<input type="checkbox"/> Recommend planning conditions
	<input type="checkbox"/> Approve

Summary

Current status: Full Planning Permission sought

Previous status:

Comments

The applicant has engaged the Environmental Design Partnership to undertake and ecological appraisal.

Hedgerows

From the outset it should be noted that, given the extent of publicly owned land at this location and in respect of the ambitions of Planning Policy Wales 12 that the design and location for this facility maximises the environmental harm rather than using the existing features to determine the footprint. Only hedge H4 is unaffected by the proposal.

Planning Policy Wales 12 states, “Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications. Where surveys identify trees, hedgerows, groups of trees and areas of woodland capable of making a significant contribution to the area, these trees should be retained and protected.”¹

A different orientation would have resulted in a far smaller loss than 400 metres of hedgerow and an uncalculated area of scrub habitat.

This is then compounded by the Ecological Appraisal ruling out an assessment of the hedgerows under the Hedgerows Regulations 1996 even though this is, ostensibly, agricultural land where if the proposal was to amalgamate fields then such an assessment would be required. Even a cursory glance at historic maps shows these boundaries to be at least 170 years old. This is disappointing especially in trying to properly assess the site.

Additionally, although a great deal of work has been carried out in assessing the bats using the site there are no flight paths indicated and therefore you are unable to understand how the bat species are using the site and the importance of the existing hedgerows and scrub habitat to them.

The current layout results in the total destruction of 405 metres of hedgerow.

It also results in the loss of 28% of the woodland habitat.

Planning Policy Wales indicates that, “Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits.”²

Whilst the provision of an educational establishment would be deemed a public benefit, as already mentioned, and indicated in the stepwise approach advocated in PPW 12 (and its predecessor of Avoid, Mitigate and Compensate), much of the damage could have been alleviated at the outline design stage.

The existing Supplementary Planning Guidance on Trees, Woodlands and Hedgerows and Development recommends the following, “In cases not involving a TPO tree the Council will encourage a similar 2:1 replanting ratio wherever possible.” (paragraph 9.1.2)

Planning Policy Wales 12 increases this ratio to 3:1 thus, “Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost” (paragraph 6.4.42)

Finally, the SPG on Biodiversity and Planning indicates, “A **replacement ratio** for ‘like for like’ compensation is set at 1:1.5 or 50% above the area to be replaced”. (paragraph 10.5.6)

Therefore, the proposed length of newly planted hedgerow at 444 metres is insufficient to meet the aspirations of the existing SPG’s or the new PPW. This needs to be addressed.

In addition, some consideration should be given to translocating the existing hedgerows so that the seedbank that has accumulated over 200 years is conserved.

¹ Planning Policy Wales 12, February 2024. Paragraph 6.4.40

² Planning Policy Wales 12, February 2024. Paragraph 6.4.42

Connectivity

Because of the orientation of the plot there are going to be some very thin linear hedges trying to compensate for more extensive hedgerow systems that will have been lost. One of the objectives should be to make the decent connections in the landscape and this is emphasised in PPW 12, "*Individual development proposals should identify and incorporate measures which enable appropriate links to be made between the site and its surroundings so as to improve connectivity.*" (DECCA Framework on page 147)

As the land is in public ownership could not these thin hedgerows be expanded in width to mimic what is being lost and so meet the requirements for compensation?

Grasslands and SUDS

A meadow is indicated for creation at the north of the site as well as being an element in the Cherry Tree Walk.

Species rich grasslands are also indicated in the text for around buildings, car parks and social areas. These are often small areas that are difficult to manage with just two cut and collect mowing's a year and can often not withstand the recreation pressure they are subjected too.

Similarly, SUDS creates a habitat not normally found in nature in the UK and they are often managed in a way that makes it poor for biodiversity such as regular mowing to maintain capacity and flow rates. More extensive SUDS can contain permanent ponds but that is not the case here. They should be discounted as a biodiversity benefit.

The priority for all grassland creation here is to use local provenance seed to create distinctive Glamorgan meadows rather than a UK generic meadow from a commercial seed supplier. Local seed is available from the Vale Nature Partnership and some local suppliers.

Hay cuts need to be taken in the autumn rather than the summer.

A Planning Condition is requested for a Landscape and Ecology Management Plan (LEMP) so that habitats and features created are managed properly to achieve the biodiversity benefits.

Habitat compensation features

In Sections 5.11, 5.18 and 5.28 a wide range of habitat features are suggested but with no numbers nor any plans to indicate where they are located. Similarly, they will need monitoring and maintenance to continue to deliver any biodiversity benefits. This will need to be included in the LEMP.

Boundaries

The Ecological Appraisal indicates that any boundaries need to allow for the passage of hedgehogs and larger mammals which are known to be present in the locale. These need to be detailed as the almost the entire site is surrounded by weldmesh. Gaps need to be created on the northern and eastern sides.

Lighting

The lighting documents indicate that the northern and eastern boundaries should be dark corridors as these will replace the hedgerows lost during construction.

A Planning Condition is requested for a lighting strategy that achieves that for the most light sensitive bats species revealed in the surveys and desk study.

I am concerned that there are plans to light the MUGA which is well away from other lit facilities and adjacent to the meadow. If a MUGA is required can it be unlit?

LEMP

As has been mentioned elsewhere a Planning Condition is requested for a Landscape and Ecology Management Plan to be drawn up before work commences on site.

Conclusion

It is disappointing that an outline application wasn't submitted so that some of the fundamental issues could have been addressed at the design stage.

The issue remains of compensation at an agreed level that meets the criteria in the SPG or PPW12 for the lost hedgerows. For this reason, a holding objection is raised.

Planning Conditions are sought for a LEMP and a lighting strategy.

Boundaries need to accommodate large and small mammals on the northern and eastern boundaries.

RELEVANT POLICIES FOR INFORMATION

MG21 - SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES.

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:

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

MD9 – PROMOTING BIODIVERSITY

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

ANNEX 1 – SUPPORTING INFORMATION (Legislation, planning policy and case law)

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

Known as the Conservation of Habitats and Species Regulations 2017 “Habitats Regulations” transpose the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) instrument transposes the into UK law. The Directive is the means by which the European Union meets its obligations under the [Bern Convention](#). The most vulnerable and rarest of species internationally (in the European context) are afforded protection under this legislation. The species listed on Schedule 2 of the Habitats Regulations are termed “European Protected Species” and are afforded the highest levels of protection and command strict licensing requirements for any works which may affect them. The species include all British bats, Otter, Dormouse and Great Crested Newt. They are fully protected against disturbance, killing, injury or taking. In addition, any site regarded as their “breeding site or resting place” is also protected. It is generally regarded that the site is protected whether the animals are present or not.

The Habitats Regulations clearly outline the role of Planning Authorities in the implementation of the Habitats and Birds Directives; by stating [Section 10]

10.— (1)a competent authority must take such steps in the exercise of their functions as they consider appropriate to secure the objective in paragraph (3), so far as lies within their powers.

(3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive (measures to maintain the population of bird species).

Habitats Regulations Licensing

Where works will affect an EPS, then the developer must seek a derogation (licence) prior to undertaking the works. The licence can only be issue once the “3 tests” are satisfied, that is:

- Test 1 – the purposes of “preserving public health or safety, or for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- Test 2 – there must be “no satisfactory alternative”; and
- Test 3 – the derogation is “not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

Licences are issued by Natural Resources Wales (NRW), with NRW assessing Test 3, and the LPA assessing tests 1 & 2 (where proposals are not subject to planning, then NRW alone will assess all three tests). Where Planning regulations apply, the NRW will only issue a licence after determination of the planning application. Planners failing to do so will be in breach of the Habitats Regulations (see also Case Law, Morge Case and Woolley Ruling below).

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

The WCA protects the UK's most vulnerable and rare species as outlined below.

Section 1 – breeding birds. The basic protection afforded to all birds is:

- Protection from killing, injury or taking of any wild bird
- Protection from taking, damaging or destroying the nest of any wild bird
- Protection from taking or destroying the egg of any wild bird

Further, some species, specifically those listed on Schedule 1 of the Act are afforded extra levels of protection to include:

- Protection from disturbance whilst it is nest building; or is at or near a nest with eggs or young or disturb the dependant young of such a bird.

There are exemptions from this basic protection for, for example: sale, control of pest species and sporting e.g., game birds outside of the close season.

Section 9 (Schedule 5) - protected animals (other than birds) All animals listed on Schedule 5 are protected against killing, injury or taking. Any structure/place used for shelter or protection is protected against damage, destruction or obstructing access to. And it is an offence to disturb an animal whilst using such a structure / place. Some species are afforded "Part Protection" meaning that they enjoy only some of the protection outlined above – e.g., the animals may be protected, but not their structure used for shelter/protection (such as slow worm).

Section 13 (Schedule 8) – protected plants. Protected plants are afforded protection against being picked, uprooted or destroyed. They are also protected against sale (or advertising for sale) – this is particularly relevant with respect to bluebells.

THE PROTECTION OF BADGERS ACT 1992

This protects badgers from killing, injury and taking; or attempting to kill, injure or take. Badger setts are also afforded protection and it is an offence to:

- Damage a badger sett or any part of it
- Destroy a badger sett
- Obstruct access to any entrance of a badger sett
- Disturb a badger when it is occupying a badger sett

Development which will destroy or disturb a badger sett (within 30m) is subject to licensing. The licensing body is NRW. However, badgers are considered a species protected under UK legislation (see PPW) and are therefore a material consideration during the planning decision.

ENVIRONMENT (WALES) ACT 2016

The Environment (Wales) Act became law in March 2016 and replaces the earlier Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales' resources to be managed in a more proactive, sustainable and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Governments wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities.

Section 6 of the Environment Act requires all that public authorities “***must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions***”. The intention of this duty is to ensure biodiversity becomes an integral part of decision making in public authorities.

Welsh Government, with consultation with NRW must prepare and publish a list of habitats and species which, in their opinion, are of principal importance for maintaining and enhancing biodiversity in Wales (“Section 7 list”). Public bodies must take all reasonable steps to maintain and enhance the living organisms and types of habitat on this list. At the current time, this list directly replaces the list created under the now defunct Section 42 of the Natural Environment of Rural Communities (NERC) Act 2006 (Habitats and Species of Principal Importance for Conservation in Wales).

PLANNING POLICY WALES SEPTEMBER 2009 (TECHNICAL ADVICE NOTE 5: NATURE CONSERVATION AND PLANNING)

Section 6.2.1 – the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

Section 6.2.2 – It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

Section 6.3.5 – any step in the planning or implementation of a development likely to affect a European Protected Species could be subject to a licence to permit or the survey or implement the proposal are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions.

PLANNING POLICY WALES (EDITION 10, DECEMBER 2018)

Planning Policy Wales, Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities.

Particular reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or

harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22)

Paragraph 6.4.23 outlines the process whereby European Protected Species are considered in Planning.

VALE OF GLAMORGAN COUNCIL - SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance – Biodiversity and Development

WOOLLEY RULING

This case confirmed that local planning authorities must apply the same three tests as Natural England (in Wales, CCW) when deciding whether to grant planning permission when one or more of the European protected species offences under the Habitats Regulations may be committed.

This judgment clarifies a legal duty which was already in existence although many planning authorities were not applying it correctly. His Honour Judge Waksman QC, in the High Court in June 2010, handed down this ruling in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council concerning a development with a bat roost. **This judgment makes it clear that the local planning authority must apply the “3 tests” when determining a planning application.**

MORGE CASE (SUPREME COURT CASE 19 JANUARY 2011)

The case gives clarification to deliberate disturbance and to the interpretation of “damage or destruction of a breeding site or resting place”. It also gives guidance on how LPA should discharge their duties with respect to the Habitats Directive.

CORNWALL RULING

Judgement that a planning authority had acted unlawfully by granting planning permission without sufficient information on flora and fauna.

Sometimes planning authorities grant planning permission before some or all ecological surveys have been carried out, making ecological surveys a planning condition, or Section 106 Agreement, under the Town and Country Planning Act 1990.

For development that requires an Environmental Impact Assessment this practice was subject to judicial review proceedings in the High Court and it was determined that the planning authority had acted unlawfully by granting planning permission without sufficient information on flora and fauna (known as the Cornwall Ruling because the planning authority in this case was Cornwall County Council). Requiring surveys as a condition of the Section 106 Agreement was not sufficient, as this would exclude the consultation process that is required under the Town and Country Planning (EIA) Regulations (1999).

Appendix EDP 4
Natural Resources Wales Consultation Response
(CAS-247384-R2S5, 16 February 2024)

Ein cyf/Our ref: CAS-247384-R2S5
Eich cyf/Your ref:

Advanced Technology Centre
Lichfields,
Helmont House,
Churchill Way,
Cardiff,
CF10 2HE

Dyddiad/Date: 16 February 2024

Annwyl Syr/Madam/Dear Sir/Madam,

STATUTORY PRE-APPLICATION CONSULTATION – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED

BWRIAD/PROPOSAL: New Advanced Technology Centre for Cardiff and Vale College including landscaping, related infrastructure and engineering works

LLEOLIAD/LOCATION: Land to the south of Blackton Lane and west of Port Road, Rhoose

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 18 January 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding air quality. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding pollution prevention should be attached to any planning permission granted. Without the inclusion of this condition, we would be likely to object to the planning application. Further details are provided below.

Air Quality

We note that Barry Woodlands Site of Special Scientific Interest (SSSI) is less than 1km from the proposed development. As noted in the submitted Ecologica Appraisal prepared by EDP dated January 2024, *“there is the potential for indirect associated effects to arise during the construction and operational phases of development, following an increase in traffic levels and harmful emissions (NOx and NH3) to the atmosphere.”*

Therefore, we advise that further information on the potential indirect effects on the Barry Woodland SSSI resulting from the construction and operational phases of the development

in relation to air quality should be provided. This should utilise appropriate modelling techniques to evaluate the projected increase in emissions attributable to raised traffic levels. If a potential indirect impact on the SSSI is found to be likely, then appropriate mitigation measures should be proposed.

Condition: Construction Environmental Management Plan

Due to the location, appropriate pollution prevention measures should be employed during construction. Therefore, the following condition should be included on any planning permission your authority is minded to grant.

Condition

No development or phase of development, including site clearance, shall commence until a site wide or phase 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.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- 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.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill.
- 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.

Advice - Protected Species

We note the intention for new tree, hedgerow, and shrub planting to compensate for habitat loss/degradation. Maintenance will be achieved through long-term management. We recommend that prior to submitting any planning application you contact the local authority's ecologist to establish the need for, and if appropriate, the scope of any further ecological information/surveys that would need to be submitted to support the application.

We advise that surveys for protected species should be undertaken by suitably qualified, experienced and where necessary, licensed surveyors in accordance with published guidance, where this exists, and best practice.

Further advisory

The proposed development site falls within the 2km buffer zone of the Vale of Glamorgan Arable Farms zone, an aspect overlooked in the initial assessment. This area could contain Section 42 species and other significant arable plant species. We advise consultation with the local authority ecologist for the need for any further information on this matter.

Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

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

Yn gywir / Yours faithfully

Claire McCorkindale

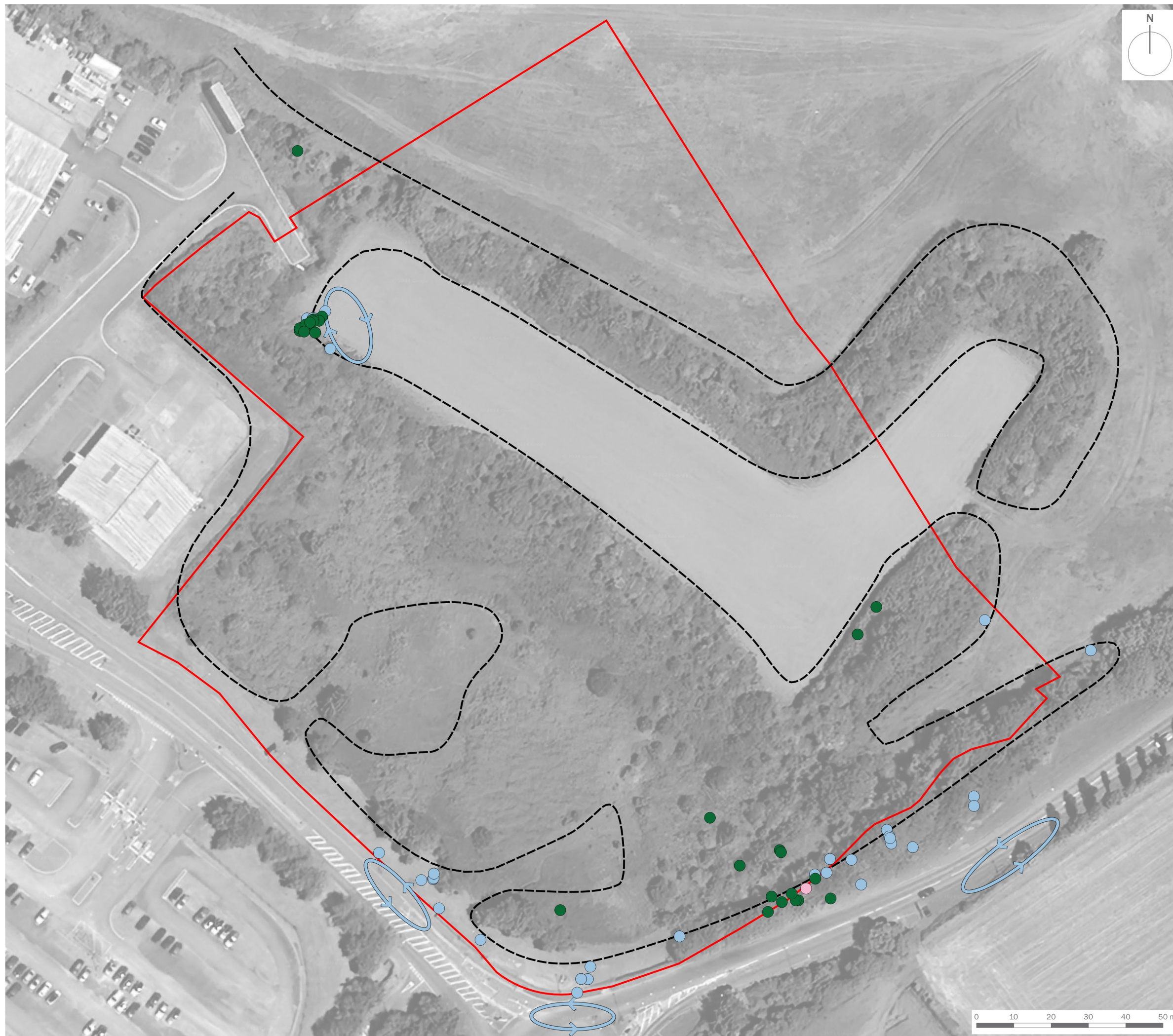
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk

Ffôn/Phone: 03000 65 3098

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.

Appendix EDP 5
Manual Bat Transect Survey - July 2023
(edp8160_d007b 05 June 2024 MCa/KJk)



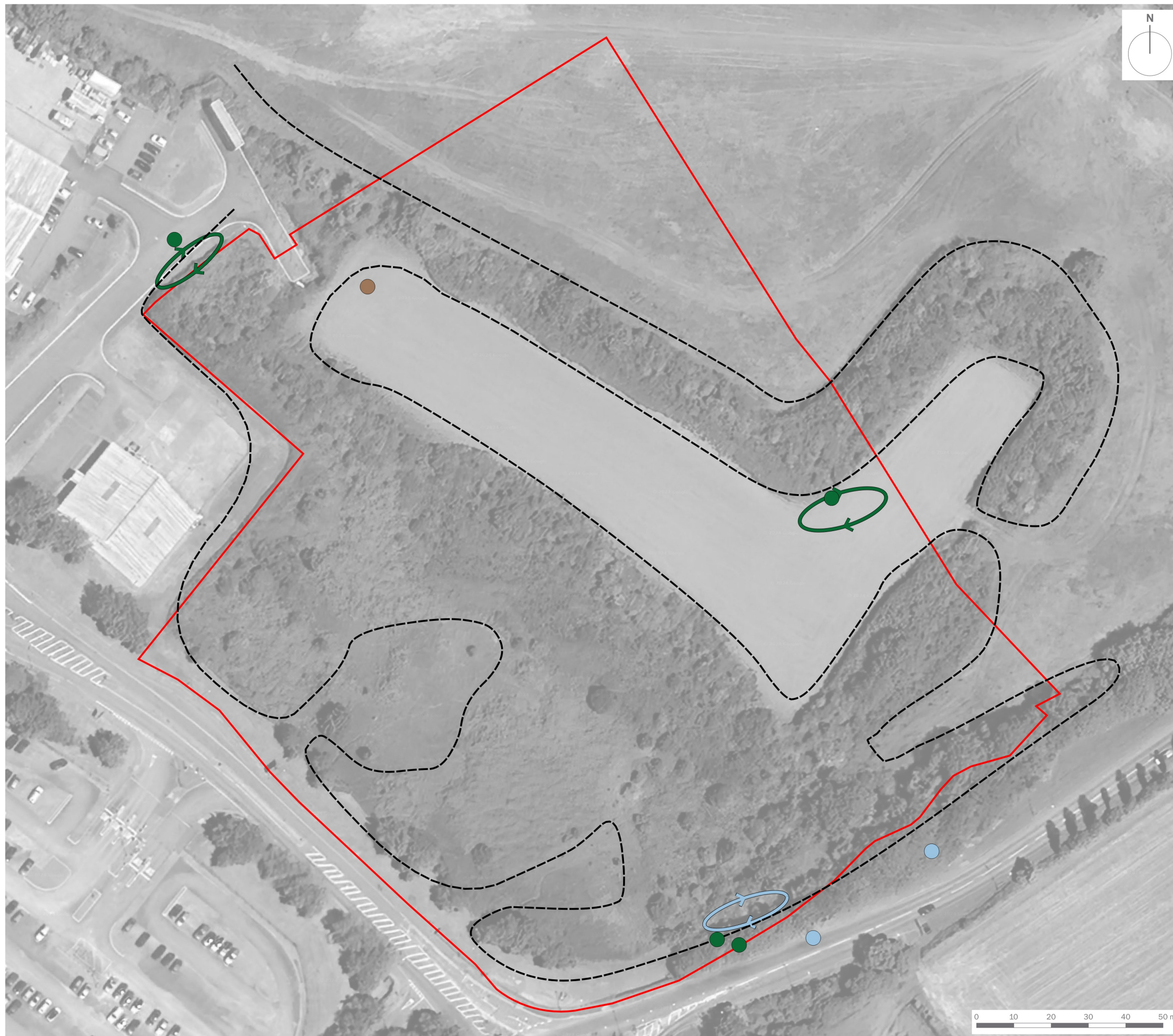
- Site Boundary
- Bat Survey Route
- Common Pipistrelle
- Soprano Pipistrelle
- Myotis spp.
- ↻ Foraging Common Pipistrelle

client	Cardiff and Vale College		
project title	Advanced Technology Campus		
drawing title	Manual Bat Transect Survey - July 2023		
date	05 JUNE 2024	drawn by	MCa
drawing number	edp8160_d007b	checked	KJk
scale	1:1,000 @ A3	QA	DJo



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Appendix EDP 6
Plan EDP 7: Manual Bat Transect Survey - September 2023
(edp8160_d008b 05 June 2024 MCa/KJk)



- Site Boundary
- Bat Survey Route
- Common Pipistrelle
- Soprano Pipistrelle
- Serotine Bat
- Commuting Common Pipistrelle
- Foraging Soprano Pipistrelle

client

Cardiff and Vale College

project title

Advanced Technology Campus

drawing title

**Manual Bat Transect Survey -
September 2023**

date	05 JUNE 2024	drawn by	MCa
drawing number	edp8160_d008b	checked	KJk
scale	1:1,000 @ A3	QA	DJo



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