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Annwyl Syr/Madam / Dear Sir/Madam

BWRIAD / PROPOSAL: HYBRID APPLICATION COMPRISING AN OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.75HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, ECOLOGICAL MITIGATION AND ANCILLARY WORKS (ALL MATTERS RESERVED ASIDE FROM ACCESS) WITHIN AREA A AND A FULL APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL LAND TO COUNTRY PARK (USE CLASS D2) WITHIN AREA B.

LLEOLIAD / LOCATION: LAND AT MODEL FARM, PORT ROAD, RHOOSE

Thank you for referring us to the additional information provided in relation to the above application, which we received on 28 January 2022.

Our advice and comments set out in our letter dated 17 May 2021, reference CAS-146736-P7P6 remain unchanged save for the updated drawings JCD0064-003, -006 and -007 to be included within the scope of the condition identifying the approved plans and documents on the decision notice as listed below.

We continue to 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:

Conditions 1- 6: European Protected Species

Condition 7: Pollution Prevention – Construction Environmental Management Plan

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

European Protected Species

We note the submission of the following documents:

- Parc Business Porth Cymru, Port Road, Rhoose. Environmental Statement Addendum Vol 1-Main Report and Figures;
- Drawing JCD0064-007 entitled 'Hedgerow, scrub and woodland plan' by RPS dated June 2021;
- Drawing JCD0064-006 (Rev J) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019; and
- Drawing JCD0064-003 (Rev T) entitled 'Parc Busnes Porth Cymru. Indicative Concept Masterplan' by RPS dated May 2018.

Dormice

We note that the additional land proposed to be included in the red line planning boundary seeks to extend Porthkerry Country Park and, as such, no operational development is proposed to be included in this area.

Although no dormice were found during surveys in 2018/2019 to inform the original application, we are aware that dormice are present in the wider landscape, in woodland to the west/north-west of the application site and part of Porthkerry Country Park. The extension to the red line planning boundary brings the application site adjacent to these areas. We note and welcome the intention to retain most of the existing habitat suitable for dormice in the extended area, and further bolster it with new woodland, scrub and hedgerow planting. As indicated previously, appropriate long-term management of new and retained habitat across the site for dormice will be key to their continued survival in the landscape.

Previously we advised that the Precautionary Dormouse Strategy was included in the list of approved documents. In light of the changes made to the application, we now advise that this document is updated to relate to the revised site. However, we consider that this can be addressed via an appropriately worded condition attached to any permission granted:

Condition 1 Dormouse Conservation Strategy

Prior to the commencement of works on site, a final version of the Dormouse Conservation Strategy shall be submitted for the written approval the LPA. The strategy shall set out the likely impacts of the proposals on dormice, and detail measures that will be put in place to mitigate and/or compensate the impacts on dormice (as appropriate). The strategy shall include:

- A plan showing habitat to be lost, created and retained, which should identify the extent and location on appropriate scale;
- Details of protective measures to be taken to minimise the impacts;
- Proposals to minimise the severance of dormouse habitat, including at least 2 safe crossings for dormice where green infrastructure is severed by the central spine/access road;
- Details of the nature and widths of dormouse habitat buffers, and where these will apply across the site; we would advise that these are planted with appropriate species

- Details of the condition of current dormouse habitat, proposed habitat enhancement measures, and the condition of dormouse habitat that these aim to achieve;
- Details of phasing of construction activities and conservation measures, including a timetable for implementation of mitigation demonstrating that works are aligned with the proposed phasing of the development;
- Details of initial aftercare and long-term management including details of who will be responsible for and how long-term management will be funded;

The Dormouse Conservation Strategy to be implemented in accordance with the approved details.

Justification: To ensure that an approved Dormouse Conservation Strategy is implemented, which protects Dormice affected by the development.

We also previously recommended changes to the drafted Biodiversity Management Strategy, and that a final version of it should be agreed with the LPA as a requirement of an appropriately worded condition attached to any permission granted. As with the Dormouse Strategy, we advise that this document is also updated to refer to the revised site.

Condition 2 Biodiversity Management Strategy

No development or phase of development, shall commence until a final version of the Biodiversity Management Strategy has been submitted to and approved by the Local Planning Authority. The Biodiversity Management Strategy should include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site, including maps to show their present and desired distribution;
- Details of the desired conditions of features (present and to be created) at the site;
- Details of scheduling and timings of activities;
- Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition (including management proposals with dormice in mind);
- Details of aftercare for any new planting, and replacement measures should any new planting die, be removed or become seriously damaged or diseased within 5 years of completion of development;
- Cross-reference to the Precautionary Dormouse Strategy (in particular the monitoring proposals);
- Details of management and maintenance responsibilities;
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals;
- The Biodiversity Management Strategy shall be carried out in accordance with the approved details.

Justification: to ensure necessary landscape and environmental management measures are agreed prior to commencement, implemented and properly managed long term.

The preparation of the Biodiversity Management Strategy, by RPS, dated 25 October 2019, (including long-term habitat management) is welcomed. We recommend that the habitat management objectives within the strategy are designed with dormice in mind, for example: hedges are at least 3m high, with trimming no frequent than once every 3 years (less frequently if necessary, and leaving at least a third of the length of the hedge for 7-10 years); woodland has selective thinning to promote structural diversity in the wood.

The additional conditions in relation to EPS set out in our letter of 13 November 2019, reference CAS-102849-Q4C4, remain as follows:

Condition 3 Lighting Plan

Each reserved matters application shall be accompanied by full details of proposed lighting, for agreement in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas (Ancient Semi-Natural Woodland, green infrastructure linking the two, and retained boundary hedgerows). Lighting in these areas shall be <1lux;
- Details of lighting to be used both during construction and operation;
- Measures to monitor light spillage once the development is operational; and provisions for any subsequent remedial works that may be required to maintain dark corridors, as a consequence of the monitoring results.

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 ensuring continued use of the site by protected species (e.g. bats).

Condition 4 Details of the intersections of the green infrastructure with the roads and pedestrian routes

Prior to works commencing on site, the detail of the intersections of the green infrastructure with the roads and pedestrian routes shall be submitted to and agreed in writing by the LPA. The proposals shall be implemented as agreed.

Justification: To ensure a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow bats and other species to move through the landscape.

Condition 5 Pre-commencement species survey

No phase of development, including site clearance, shall commence until a pre-construction protected species survey has been carried out for the phase of development. If the survey confirms the presence of protected species, the results of the survey together

with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Justification: To ensure the potential presence or absence of protected species is confirmed, prior to construction and where necessary, remedial measures are implemented for their protection.

Condition 6 Approved Plans / Documents

The following submitted documents to be included within the scope of the condition identifying the approved plans and documents on the decision notice:

- Parc Busnes Porth Cymru, Port Road, Rhoose. Environmental Statement Vols1-3 by RPs dated July 2019;
- Model Farm. Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019;
- Parc Business Porth Cymru, Port Road, Rhoose. Environmental Statement Addendum Vol 1-Main Report and Figures;
- Drawing JCD0064-007 entitled 'Hedgerow, scrub and woodland plan' by RPS dated June 2021;
- Drawing JCD0064-006 (Rev J) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019; and
- Drawing JCD0064-003 (RevTS) entitled 'Parc Busnes Porth Cymru. Indicative Concept Masterplan' by RPS dated May 2018.

Pollution Prevention

We note that two watercourses, Whitelands and Bullhouse brooks, lie within the extended redline boundary. However, we note that point 2.5 of the technical summary states there are no water features within the application site.

In view of the potential risk to the water environment during the construction phase we request a condition be included in any planning permission granted for the submission and approval of a Construction Environment Management Plan (CEMP). This should include a silt management plan with particular focus on pollution prevention plans for Whitelands and Bullhouse brooks, in line with Guidance on Pollution Prevention 5: Works or maintenance in or near water. Further information can be found on the [NetRegs website](#).

Condition 7 Construction Environmental Management Plan

No development, including site clearance, shall commence until a 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.
- Resource Management: details of fuel and chemical storage and containment; details of water consumption, wastewater and energy use
- Traffic Management: details of 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 and implemented for the protection of the environment during construction.

Advice - Foul Drainage

No additional information has been submitted in relation to the concerns raised in relation to the disposal of foul drainage in our previous letters. The proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We previously raised concerns in relation to the comments set out in the letter from DCWW, dated 29 August 2019, reference PLA0044209, re-iterated in their letter dated 25 March 2021, reference PL0055596, which indicated that there is not sufficient capacity in the existing system to deal with the predicted trade and foul effluent loads from the proposed development.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

We note the application form states that foul drainage will be discharged to the public foul sewer and DCWW's suggested condition. On this basis we offer no further comments on foul drainage at this stage. However, if the applicant amends their plans and proposes a private drainage solution, we should be notified and consulted.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer.

Additional comments

We note the presence of Japanese Knotweed, an invasive non-native species, on the proposed development site. The applicant can find information on this on our website. We would also advise consultation with the relevant section of your Local Authority on this matter.

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, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for further details.

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

Yn gywir / Yours faithfully

Mrs Claire McCorkindale

Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor