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24/11/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED NEW SPECIALISED SCHOOL AND ASSOCIATED WORKS.

LLEOLIAD / LOCATION: LAND AT LOWER COSMESTON FARM, LAVERNOCK.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 25 October 2022.

The submitted Pre-Application Consultation (PAC) Report prepared by Vale of Glamorgan Council's Planning Policy Department, dated May 2021 (updated September 2022), identifies we were consulted on the proposal during statutory pre-application consultation. We provided comments in our letter reference CAS-134035-Q1K1, dated 2 February 2021. The PAC Report acknowledges our comments. We note amended information has been submitted for this application.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- **Drawing YYDE-HLM-00-00-DR-L-00001 (P05) 'Ysgol Y Deri – Primary School. Site Location Plan'** by HLM Architects dated 6/10/22;
- **Drawing YYDE-HLM-00-00-DR-L-00005 (P13) 'Ysgol Y Deri – Primary School. Proposed Site Layout – Facing Fort Road'** by HLM Architects dated 11/10/22;
- **Drawing 0002228379-EX-R2-270922 (R2) 'Ysgol Y Deri. External Lighting'** by ZG Lighting (UK) Ltd dated 27/9/22;
- **Drawing YYDE-HLM-00-00-DR-L-25001 (P10) 'Ysgol Y Deri Primary School. Proposed Boundary Treatments'** by HLM Architects dated 6/10/22;
- **Drawing YYDE-HLM-00-00-DR-L-45001 (P10) 'Ysgol Y Deri – Primary School. Soft Landscape Strategy'** by HLM Architects dated 11/10/22;

- Drawing YYDE-HLM-00-00-DR-L-45002 (P05) '*Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 1 of 3*' by HLM Architects dated 11/10/22;
- Drawing YYDE-HLM-00-00-DR-L-45003 (P05) '*Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 2 of 3*' by HLM Architects dated 11/10/22;
- Drawing YYDE-HLM-00-00-DR-L-45004 (P05) '*Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 3 of 3*' by HLM Architects dated 11/10/22;

Please note, without the inclusion of this/these document(s) we would object to this planning application. Further details are provided below.

We also have further concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: European Protected Species

Condition 2: Land potentially affected by Contamination

Condition 3: 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 (Bats and Dormice)

We note the submission of the following documents in support of the above application for full planning permission for a new school:

- '*Ysgol Y Deri. Preliminary Ecological Appraisal Report*' by AECOM dated June 2021;
- '*New School Provision. Ysgol Y Deri, Cosmeston. Interim Survey Note, Protected Species*' by Soltys Brewster dated July 2022;
- '*New School Provision, Ysgol Y Deri, Cosmeston. Hedgerow Appraisal*' by Soltys Brewster dated July 2022;
- Drawing YYDE-HLM-00-00-DR-L-00001 (P05) '*Ysgol Y Deri – Primary School. Site Location Plan*' by HLM Architects dated 6/10/22;
- Drawing YYDE-HLM-00-00-DR-L-00005 (P13) '*Ysgol Y Deri – Primary School. Proposed Site Layout – Facing Fort Road*' by HLM Architects dated 11/10/22;
- Drawing 0002228379-EX-R2-270922 (R2) '*Ysgol Y Deri. External Lighting*' by ZG Lighting (UK) Ltd dated 27/9/22;
- Drawing YYDE-HLM-00-00-DR-L-25001 (P10) '*Ysgol Y Deri Primary School. Proposed Boundary Treatments*' by HLM Architects dated 6/10/22;
- Drawing YYDE-HLM-00-00-DR-L-45001 (P10) '*Ysgol Y Deri – Primary School. Soft Landscape Strategy*' by HLM Architects dated 11/10/22;
- Drawing YYDE-HLM-00-00-DR-L-45002 (P05) '*Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 1 of 3*' by HLM Architects dated 11/10/22;

- Drawing YYDE-HLM-00-00-DR-L-45003 (P05) 'Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 2 of 3' by HLM Architects dated 11/10/22;
- Drawing YYDE-HLM-00-00-DR-L-45004 (P05) 'Ysgol Y Deri Primary School. Soft Landscape Planting Plan – Sheet 3 of 3' by HLM Architects dated 11/10/22;

European Protected Species - Legislation and Policy

Dormice and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.

Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.

These requirements are translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Dormice

Surveys in 2022 confirmed the continued presence of the species on the wider Cosmeston Farm proposed development site, including in habitat which is well connected to the suitable dormouse habitat that is present around the boundaries of this application site.

We welcome that the majority of the boundary hedgerow around the site will be retained and that the proposed lighting has been designed to keep this as dark as possible.

Bats

With reference to the Interim Protected Species Note we note that '*with the exception of trees to be retained within the eastern boundary woodland, the PEA survey (2021) did not identify any features for use by roosting bats at the application site and on this basis, consideration of bats will focus on protecting/enhancing the vegetated boundaries for foraging/commuting*'. Retention of dark vegetated boundaries will also be of benefit to bats.

Summary

Plans and Documents - Condition

Whilst we have concerns with the application as submitted, we are satisfied that these concerns can be overcome the documents listed above are included in the approved plans and documents condition on the decision notice.

Dormouse Conservation Plan - Condition

We advise that the planning permission secures the long-term appropriate management of the retained dormouse habitat for the benefit of the species, through implementation of an

agreed dormouse conservation plan. we advise a the following, or similarly worded, condition is attached to any planning permission:

Condition 1:

No development, including site clearance shall commence, until a Dormouse Conservation Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with NRW. The Dormouse Conservation Plan should include:

- A plan showing retained dormouse habitat identifying the extent and location on appropriate scale;
- Details of protective measures to be taken to minimise the impacts of the works on dormice and retained dormouse habitat;
- Description of retained dormouse habitat (including attributes with measurable targets) when it will be considered in favourable condition (as a basis for habitat monitoring);
- Details of timing, phasing and duration of construction activities and conservation measures;
- Details of initial aftercare and the long-term management and maintenance of retained dormouse habitat;
- Persons responsible for implementing the works;
- Details of measures to prevent or reduce incidental capture or killing;
- Proposals for monitoring the condition of retained dormouse habitat, to inform ongoing habitat management.

A written review of the effectiveness of the plan shall be submitted to the LPA every 5 years, and any arising revisions of the plan shall be agreed in writing with the LPA, in consultation with NRW, prior to implementation. The Dormouse Conservation Plan shall be carried out in accordance with the approved details.

Please note that without the inclusion of the above documents and condition we would object to this planning application.

Land Potentially Affected by Contamination

We note no information has been submitted in respect of potential contamination. We note that the site is greenfield but lies approximately 110m from the historic landfill site. You may wish to consult with your LPA Environmental Health department with regard to this aspect.

However, in order to ensure that any unsuspected contamination uncovered during the construction of the proposed development is mitigated for, we advise the following condition is attached to any planning permission be granted.

Condition 2:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected

contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

Pollution Prevention

With the site's proximity to a local surface water drain, and to avoid pollution during the construction of the proposal, we request the following condition is attached to any planning permission be granted:

Condition 3: No development 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:

- 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.
- Resource Management: details of fuel and chemical storage and containment and wastewater.
- 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.

Guidance for Pollution Prevention (GPP) documents are available on the NetRegs website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

In addition, we advise submission of the Extended Phase 1 Habitat Assessment, by WSP, dated 2016 which has been submitted with the outline application for the adjacent site 2020/01170/OUT, to inform this proposal.

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

Kate Glover

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