Ein cyf/Our ref: CAS-279803-S1M7
Eich cyf/Your ref: CAS-02641-G8G7M5

Sean Williams
PCAC/PEDW
Adeilad y Goron/ Crown Buildings,
Parc Cathays/Cathays Park,
Caerdydd/Cardiff,
CF10 3NQ

Dyddiad/Date: 10 July 2025

Annwyl Syr/Dear Sir,

APPEAL SITE: Land at Model Farm, Port Road, Rhoose, CF62 3BT

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.

Thank you for consulting us on the above appeal against the non-determination of planning application 2019/00871/OUT, which we received on 30 April 2025. We previously provided advice to the Local Planning Authority on this planning application in our responses dated 06/09/2019, 13/11/2019, 12/12/2019, 06/04/2021, 17/05/2021 and 02/03/2022. Copies of the responses and the response to the statutory pre application consultation dated 05/07/2019 are attached.

You have asked for our advice on whether protected species are likely to be affected by the proposal and whether we consider flooding to be an issue. We have reviewed the appeal documents and provide you with our advice below.

Protected Species

As detailed in our responses to the Vale of Glamorgan Council, we consider that Dormice and Bats are likely to be affected by the proposals. In our final response to the Vale of Glamorgan Council, dated 2nd March 2022, reference CAS-180477-G3G4, we set out how our concerns could be addressed and recommended conditions in relation to protected species.

Having considered the additional information submitted in support of the appeal we note that, whilst dormouse presence was previously assumed, details of updated surveys during 2023-24, as set out in the Protected Species Survey Report, by RPS, dated August

2024 now confirm the presence of dormice on the proposed development site (within area A).

However, we continue to advise that our concerns in relation to dormice can be addressed via the imposition of conditions 1-5 as set out in our letter of 02/03/2022 reference CAS-180477-G3G4. We note that they have been included in the "*2025-03-13-LPA-WSoE-Statement Appendix 2 draft planning conditions."* Condition 6 of that letter also still applies with the superseded/updated documents listed where appropriate.

In respect of bats, we note that additional roosts in trees have been identified of noctule bats. We, therefore, advise that a suitably worded condition be included for a bat mitigation strategy on any permission granted. The strategy should build on the mitigation measures set out in Chapter 9: Ecology of the Environmental Statement Volume 1, dated September 2024. We would be happy to provide suggested wording of the condition, should that be of assistance.

We also advise that the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises that an informative regarding licence requirements is attached to all consents and notices where European Protected Species are likely to be present on site.

Flood Risk

We note that the planning appeal was submitted prior to 31 March 2025. Therefore, in accordance with Welsh Government's Written Statement dated 31 March 2025, our advice is based on Technical Advice Note 15 (TAN15), July 2004.

The appeal site is located within Zone B of the Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 Rivers.

We note that there does not appear to be any built development or changes to grounds proposed within the area at fluvial flood risk. Therefore, on this basis and given the nature of the proposed development, we do not consider that flooding is an issue.

We trust the above is clear and will assist the Inspector in determining the appeal. If there are any queries, please contact Mrs Claire McCorkindale - contact details below.

We would be grateful to receive a copy of the Planning Inspector's decision letter in due course.

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

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.

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-97607-W9Y2
Eich cyf/Your ref: 2019/00871/OUT

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Dyddiad/Date: 6 September 2019

Annwyl Syr/Madam / Dear Sir/Madam

LAND AT MODEL FARM, PORT ROAD, RHOOSE - OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSTIY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.

Thank you for referring us to the above application, which we received on 13 August 2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

Requirement 1 - **European Protected Species (EPS**) – further information is required to demonstrate no detrimental impacts on EPS.

Requirement 2 - **Foul drainage –** site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

We received a statutory pre-application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 5 July 2019.

Requirement 1 - **European Protected Species (EPS**)

We have reviewed the Pre-Application Consultation Report, dated July 2019, by RPS, reference JCD0064 V1, submitted in support of the application. We note the applicant's

response to our comments in relation to EPS (table 3.1) and note that surveys relating bats and dormouse are ongoing. However, it does not mention surveys for otter.

As no further information has been submitted to address the EPS concerns set out in our letter of 5 July 2019, our advice remains the same. A copy of that letter is attached for ease of reference.

Requirement 2 - Foul Drainage

We note from the application form that it is proposed to discharge foul drainage to the public foul sewer. However, we note the comments and requested planning conditions set out in the letter from DCWW, dated 29 August 2019, reference PLA0044209 and 'Appendix G' of the Sustainable Drainage Assessment, which indicate that there is not sufficient capacity in the existing system to deal with the predicted trade and foul effluent loads from the proposed development.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, 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. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note 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 therefore advise that if they haven't already done so, the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.
- Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. WG Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

The Applicant should also be aware that should a connection to the mains sewer not be feasible, they will need to apply for an environmental permit or register an exemption with us. As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Please note, 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.

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

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-102849-Q4C4
Eich cyf/Your ref: 2019/00871/OUT

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13 November 2019

Annwyl Syr/Madam / Dear Sir/Madam

BWRIAD / PROPOSAL: OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSITY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.

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

Thank you for referring us to the above application, which we received on 13 August 2019.

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the following requirements and are met and you attach conditions to the permission. Otherwise, we would object to the scheme.

Requirement 1 - **European Protected Species (EPS**) – further information is required to demonstrate no detrimental impacts on EPS.

Requirement 2 - **Foul drainage –** site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

Further details are given below. Please note if further information is provided to satisfy the requirements, it may then be necessary to request further conditions to avoid / mitigate environmental effects.

Requirement 1 - **European Protected Species (EPS**)

We note the submission of the following in support of the above outline application:

- Environmental Statement (ES) entitled ‘Parc Busnes Porth Cymru. Port Road, Rhoose. Environmental Statement’ by RPS dated July 2019’;
- ‘Model Farm. Ecology Surveys Report (Report Ref ECO00138 (Rev A)’ by RPS dated 11 October 2019;
- ‘Model Farm – Precautionary Dormouse Strategy’ by RPS dated 10 October 2019;
- ‘Model Farm. Biodiversity Management Strategy’ by RPS dated 25 October 2019;
- ‘Preliminary Ecological Appraisal (PEA). On behalf of Legal and General (Strategic Land) Ltd. Model Farm. Port Road, Rhoose’ dated 24 May 2019;
- Drawing JCD0064-003 (Rev N) entitled ‘Parc Busnes Porth Cymru. Indicative Concept Masterplan’ by RPS dated May 2018; and
- Drawing JCD0064-006 (Rev C) entitled ‘Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure’ by RPS dated May 2019.

Bats
We welcome that surveys for bats have been undertaken to inform the outline application.

Bats in buildings
With regards to the surveys of bats in buildings, we note that the surveys focused on Model Farm, the farmstead in the north-west part of the application site, including the farmhouse and barn complex (comprising three single storey and two two-storey brick built buildings with tiled apex rooves, ridge tiles, timber fascias and bargeboards).
Of the buildings that were surveyed, we note that the following was observed:

- Building A – soprano pipistrelle day roost (likely non-breeding roost)
- Building C - pipistrelle day roost (likely non-breeding roost)
- Building D - soprano pipistrelle day roost (likely non-breeding roost)

We are satisfied that the proposed mitigation outlined in section 6.1.6 of the ecology surveys report would be sufficient to mitigate the loss of these roosts.

However, we note from Figure 4 in the Ecology Survey Report that the farmstead includes a number of other agricultural barns/buildings that do not appear to have been covered by the bat surveys. The PEA report suggests that they may have moderate bat roost potential. In view of this, we have significant concerns with the proposed development as submitted and seek clarification as to why these buildings were not covered by the bat surveys. We advise that they are subject to bat roost surveys. If any further roosts are likely to be lost or otherwise affected by the proposals, the application should include details of additional mitigation that will be put in place.

The information above is required to fully assess the likely impacts of the proposals on bats, European Protected Species. We would be pleased to advise further when consulted on the additional information specified above.

Requirement 2 - Foul Drainage

No additional information has been submitted in relation to this requirement. Therefore, our advice remains as set out in our letter of 6 September 2019, reference CAS-907607-W9Y2.

Additional advice in respect of European Protected Species

Bat roosts in trees
We note the survey results of bat roosts in trees. We are satisfied that the proposed mitigation outlined in section 6.1.6 of the ecology surveys report would be sufficient to mitigate for the loss of these roosts.

Bat movements through the landscape
We note that static detectors recorded a diversity of bat species using the application site, including Lesser Horseshoe bats, one of Wales' rarer species. We note that records of these were picked up in the western woodland, eastern boundary woodland and stream, and over the western field boundaries.

This emphasises the need for a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow this (and other) species to move through the landscape.

Indicative Concept Masterplan and the 'Parameter Plan-Green Infrastructure'
We welcome the proposals to retain the existing woodland on site, as well as the two wooded corridors extending NW-SE across the site. However, we note that these will be crossed by the main spine road, and a pedestrian link (in the NE of the site). At these locations it will be important that street lighting does not compromise the animals' ability to traverse the site. Lesser horseshoe bats in particular are light sensitive. We therefore consider that a sensitive lighting design will be required which includes dark crossing points (<1lux) at these locations for a key period during the night (e.g. 11pm-5am).

Dormice
The dormouse surveys appear not to have found evidence of the species on the application site, however we welcome the preparation of the precautionary dormouse strategy in support of the application. Should planning permission be granted, we recommend that this document features in the list of approved documents that the development must comply with.

However, with records of dormice (otters and great crested newts) in the wider landscape, the proposals provide a valuable opportunity to implement appropriate long-term habitat management, to provide high quality habitats on site and allow the expansion or movement of protected species in future. We advise you to liaise with your in-house Ecologist in relation to the long-term habitat management and implementation of the Biodiversity Management Strategy. We recommend that the habitat management objectives within the Strategy are designed with dormice in mind.

Great Crested Newts
We note that great crested newts are unlikely to be affected by the proposals and therefore We have no further comments in respect of GCN.

Otters

We welcome that the stream corridors will be retained as part of the scheme design, although we note that the proposed development in the southern part of the site may come close to one such corridor. We note that otters are unlikely to be affected by the proposals, and therefore have no further comments in respect of otters.

In summary

At this juncture, further information regarding bats, European Protected Species and the proposed method of foul drainage is required, prior to the determination of the application.

At such time that the requirements noted above have been satisfactorily met, our remaining concerns could then be addressed via the imposition of conditions on any outline permission that your Authority is minded to grant. Such conditions may include, but may not be limited to, the following issues:

1. A lighting plan - to reduce the impacts of lighting to ensure the continued use of the site by protected species e.g. bats
2. Submission of details of the intersections of the green infrastructure with the roads and pedestrian routes
3. Pre-commencement species surveys
4. Secure the implementation of the 'Precautionary Dormouse Strategy' by RPS dated 10 October 2019
5. Secure the proposed mitigation outlined in section 6.1.6 of the ecology surveys report.

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

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-104589-R7C3
Eich cyf/Your ref: 2019/00871/OUT

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12 December 2019

Annwyl Syr/Madam / Dear Sir/Madam

BWRIAD / PROPOSAL: OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSTIY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.

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

Thank you for referring us to the additional information submitted in support of the above application, which we received on 20 November 2019.

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the following requirement is met and you attach the following conditions to the permission. We would object if the scheme does not meet these requirements.

Requirement - **Foul drainage –** site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

Conditions 1-5 European Protected Species

Further details are set out below.

Foul Drainage

No additional information has been submitted in relation to foul drainage. Therefore, our advice remains as set out in our letter of 6 September 2019, reference CAS-907607-W9Y2.

European Protected Species (EPS)

We note the content of the letter from Kate Davies (RPS) to Ceiri Rowlands (Vale Planning Officer), dated 14 November 2019, which has been submitted in support of the above application. Having considered the information in that letter, we are satisfied that the bat surveys of the Model Farm farmstead are adequate, and we do not consider the proposed development will result in a detriment to the maintenance of the favourable conservation status of the bats.

Therefore, as per our letter of 13 November 2019, reference CAS-102849-Q4C4, our remaining concerns in respect of EPS can be addressed via the imposition of conditions on any outline permission that your Authority is minded to grant.

Condition 1 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 2 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 3 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 4 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:

- 'The Precautionary Dormouse Strategy' by RPS, dated 10 October 2019, reference ECO00138;
- 'Model Farm. Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019.

Condition 5 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: 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:
Eg.

- 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 - selective thinning to promote structural diversity in the wood.

We therefore advise that the above condition is required to ensure necessary landscape and environmental management measures are agreed prior to commencement, implemented and properly managed long term.

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

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS- 141007-S3T3
Eich cyf/Your ref: 2019/00871/OUT

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06/04/2021

Annwyl Syr/Madam / Dear Sir/Madam

BWRIAD / PROPOSAL: OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSTIY PROVISION AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS.

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

Thank you for referring us to the additional information submitted in support of the above application, which we received on 15 March 2021.

We note the submission of the following revised documents in support of the above application:

- Drawing JCD0064-003 (Rev O) entitled 'Parc Busnes Porth Cymru. Indicative Concept Masterplan' By RPS dated May 2018; and
- Drawing JCD0064-006 (Rev D) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019.

We confirm that the submission of these documents does not change our previous advice dated 12 December 2019, as follows:

We continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the following requirement is met and you attach the following conditions to the permission. We would object if the scheme does not meet these requirements.

Requirement - **Foul drainage –** site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

Conditions 1-5 European Protected Species

Further details are set out below.

Foul Drainage
No additional information has been submitted in relation to foul drainage. Therefore, our advice remains as set out in our letter of 6 September 2019, reference CAS-907607-W9Y2.

European Protected Species (EPS)
We note the content of the letter from Kate Davies (RPS) to Ceiri Rowlands (Vale Planning Officer), dated 14 November 2019, which has been submitted in support of the above application. Having considered the information in that letter, we are satisfied that the bat surveys of the Model Farm farmstead are adequate, and we do not consider the proposed development will result in a detriment to the maintenance of the favourable conservation status of the bats.

Therefore, as per our letter of 13 November 2019, reference CAS-102849-Q4C4, our remaining concerns in respect of EPS can be addressed via the imposition of conditions on any outline permission that your Authority is minded to grant.

Condition 1 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 2 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 3 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 4 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:

- 'The Precautionary Dormouse Strategy' by RPS, dated 10 October 2019, reference ECO00138;
- 'Model Farm. Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019.

Condition 5 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: 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:
Eg.

- 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 - selective thinning to promote structural diversity in the wood.

We therefore advise that the above condition is required to ensure necessary landscape and environmental management measures are agreed prior to commencement, implemented and properly managed long term.

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

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-146736-P7P6
Eich cyf/Your ref: 2019/00871/OUT

Rivers House
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southeastplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 0300 0653098

17/05/2021

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 submitted in support of the above application, which we received on 26 April 2021.

We note the amended proposals including an increase from 44.79ha to 93.2ha to take in an extension to the Porthkerry Country Park. We note several revised documents have been submitted following the changes to the application.

Our advice is that we continue to have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Conditions 1- 6: European Protected Species
Condition 7: Pollution Prevention – Construction Environmental Management Plan

Further details are set out 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;

- Figure 1 entitled ‘Land at Rhoose. Hedgerow, scrub and woodland plan’ by RPS dated April 2021;
- Drawing JCD0064-006 (Rev F) entitled ‘Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure’ by RPS dated May 2019; and
- Drawing JCD0064-003 (Rev S) 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 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;
- Figure 1 entitled 'Land at Rhoose. Hedgerow, scrub and woodland plan' by RPS dated April 2021;
- Drawing JCD0064-006 (Rev F) entitled 'Parc Busnes Porth Cymru. Parameter Plan: Green Infrastructure' by RPS dated May 2019; and
- Drawing JCD0064-003 (Rev S) 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

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-180477-G3G4
Eich cyf/Your ref: 2019/00871/OUT

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Ffôn/Phone: 0300 0653098

The Vale of Glamorgan Council
Dock Office
Barry Docks,
Barry
CF63 4RT

02/03/2022

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 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;
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- 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

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-90459-P3J0
Eich cyf/Your ref: JCD0064 1C Ltr

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Ffôn/Phone: 0300 0653098

Dyddiad/Date: 5 July 2019

Annwyl Syr/Madam / Dear Sir/Madam

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

OUTLINE APPLICATION COMPRISING DEMOLITION OF EXISTING BUILDNGS AND ERECTION OF 44.75HA CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE INFRASTRUCTURE, BIODIVERSITY PROVISION, AND ANCILLARY WORKS. ALL MATTERS RESERVED ASIDE FROM ACCESS. LAND AT PORT ROAD, RHOOSE

Thank you for providing a requisite notice to us under Article 2D of the above Order.

Based on the information submitted in support of the application we have significant concerns with the proposed development. We would recommend to the LPA that they should only grant planning permission if the scheme can meet the following requirement.

Requirement - European Protected Species (EPS) – further information is required to ensure there are no detrimental impacts to EPS.

We welcome the submission of the preliminary ecological appraisal report entitled 'Preliminary Ecological Appraisal', by Kate Davies of RPS, dated 24 May 2019.

We note from the survey report that a phase 1 habitat assessment was undertaken at the site and an assessment of potential EPS presence was undertaken. The report concluded that habitat suitable for otters, bats, dormouse and great crested newt were present on site and that numerous records for each were found within the immediate vicinity. Section 5.3 of the report recommended that further surveys for each species are undertaken, to ascertain the potential impacts of the proposed development on the protected species present. It does not appear that these surveys have been undertaken to date.

Otters, dormice, great crested newts and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. 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) December 2018, 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.

Based on the information submitted in support of the application, we are unable confirm that the proposals are unlikely to result in a detrimental impact to the maintenance of the favourable conservation status of the otter, bats, dormice and great crested newt. Therefore, further information is therefore required, to confirm whether these species are present or are likely to be impacted by the proposal.

We advise that further surveys are undertaken in line with recommendations in Section 5.3 of the Preliminary Ecological Appraisal and the results submitted to the LPA in support of your formal planning application. Should protected species be confirmed and likely to be impacted by the development, your planning submission should also include full proposals to mitigate or compensate for the impacts of the development on the species in question.

Land Potentially Affected by Contamination

The Desk Study and Preliminary Risk Assessment – Land at Model Farm, Vale of Glamorgan, RPS, Ref: JER1539, May 2018, submitted in support of the application, proposes intrusive ground investigation. We advise as follows:

We consider that the controlled waters at this site not to be of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed. GPLC can be downloaded from the Environment Agency website.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site, the Local Planning Authority may wish to re-consult us.

Informative/ advice to applicant
The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to our:
- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.naturalresourceswales.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010

Historic Landfill
The proposal site is located on a historic landfill. The Environment Agency provided the Local Authority with Historic Landfill data in 2007. You may wish to consult the Local Authority's Environmental Health department with regard to this matter.

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

You should be advised that, in addition to planning permission, it is the applicant's responsibility to ensure all other permits/consents relevant to the development are secured.

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

Yn gywir / Yours faithfully

Mrs Claire McCorkindale
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