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LAND AT MODEL FARM, PORT ROAD, RHOOSE, VALE OF GLAMORGAN

Ref CAS – 02461-G8G7M5

Rebuttal Note to the VCU Ecological Appraisal Statement and VCU Representations on the ES with respect to the RPS/TT Ecology Chapter of the Environmental Statem and Ecology Reports.

Land at Model Farm – Rebuttal to the VCU report on the RPS/TT Ecology
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March 2026

Rebuttal Note to the VCU Ecological Appraisal Statement and VCU Representations on the ES For Model Farm

1.1.1 This rebuttal has been prepared as a summary response in relation to the *Ecological Appraisal Statement For Model Farm* prepared by Emma Williams (Coal Spoil Fungi) on behalf of VCU (Reference 2025-03-17 – IP VCU – WoSE) and to VCU's representations on the ES.

1.1.2 The Biodiversity chapter was included in the updated Environmental Statement (ES) submitted in September 2023 in response to the Completeness Report requested by PEDW.

1.1.3 Points raised by Emma Williams on behalf of VCU relate to the following reports

- Environmental Statement (ES) – JCD0064 September 2024
- ECO02103 (Preliminary Ecological Appraisal) B February 2023
- Preliminary Ecological Appraisal – Eco00138 24 May 2019
- Report Eco00138 Model Farm Ecology Surveys Report A 11 October 2019

1.1.4 It should be noted that the Environmental Statement – JCD0064 September 2024 and the habitat and species surveys undertaken in 2023 and 2024 are presented in the Preliminary Ecological Appraisal and Protected Species Report. These form appendices to the Ecology chapter of the ES.

1.1.5 The earlier Preliminary Ecological Appraisal (March 2019 and amended in 2023) and the Species Survey Report presenting data collected during 2018 and 2019 are superseded by the more recent reports and ES.

1.1.6 Points raised by Emma Williams relate to her findings from casual surveys undertaken between June 2019 and March 2025, including the presence of grassland fungi; the effects on habitats (woodland, veteran trees, and hedgerows), and the species surveys. The statement questions whether the Vale of Glamorgan's Countryside Service would be able to safeguard and enhance the areas of biodiversity value if the land ownership were transferred to the Vale of Glamorgan.

1.1.7 This rebuttal note is presented as a response to the criticisms made by Emma Williams in the Ecological Appraisal Statement.

1.1.8 The Site Boundary Plan identifies two broad areas of the application site; 'Area A' which is the area proposed for development and 'Area B' which is the area proposed for extension to Porthkerry Country Park. These areas are referenced in the responses.

Notable Finds

1.1.9 **Emma Williams:** The presence of CHEGD species are evidential of pastures not being biodiversity poor and warrant full grassland survey. The presence of notable saprobic fungi species, parasitic fungi and invertebrates were recorded.

1.1.10 **RPS Response**: The response in relation to grassland fungi comments is included in responses to related points in this rebuttal. The records of uncommon and fungi species were associated with large trees including those subject to ash dieback. None of the recorded species are listed on Section 7 of the Environment (Wales) Act 2016.

1.1.11 The nature conservation value assigned to habitats takes into account the diversity of species that they support, especially ancient woodland where the ecosystem supports a diverse range of species groups.

1.1.12 The woodland and other retained habitats subject to retention were not subject to surveys for bat roosts, badger setts, invertebrates or non-vascular plants or fungi. Features protected and safeguarded outside of the development area would not form part of the assessment of impacts. For very diverse groups such as invertebrates, a high diversity can be assumed where the habitats are suitable and unaffected by development. This approach is consistent with CIEEM guidelines.

Review of the Environmental Statement

Desk Study

1.1.13 **Emma Williams:** Criticised the reliance on desk data for site biodiversity for farmland which is by far some of the least recorded land by mass in UK, due largely to its very nature not being widely accessible to private individuals or recording groups.

1.1.14 **RPS Response**: The baseline ecology survey work and reporting has not relied solely on desk study data. The habitat survey visits undertaken in 2023 and 2024 and reporting followed best practice guidance [Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017)].

1.1.15 The Preliminary Ecological Appraisal (PEA) in 2024 presents the available desk study records relating to legally protected species and Section 7 species consistent with best practice. The desk study information only supplements the direct survey information. The evaluation and assessment in the Ecology ES chapter clearly presents the information and data collected on site, including the potential for habitats to support species. Detailed surveys of all species groups is not a practical requirement for EIA.

1.1.16 **Emma Williams**: It is also noted throughout that surveyors acknowledged they did not have sufficient time to survey site, which included surveys for protected species.

1.1.17 **RPS Response**: This statement is not correct. The habitat survey in 2023 was undertaken over 2 days and was supplemented by further site visits in 2024. The PEA provided detailed information on habitats from multiple site surveys. The PEA also identified the scope for further Phase 2 surveys, which were then completed as set out in the Phase 2 species report 2024.

1.1.18 The species survey programme undertaken in 2023/ 2024 involved a large number of survey hours on site, focussing on Area A. Each survey followed the relevant best practice survey guidelines (see footnotes 1 - 10), in terms of survey effort and the requirements for survey timing and duration. Surveys were completed for bat roosts, bat activity, badger, otter, dormouse, breeding birds, and great crested newt (as set out in Environmental Statement, Volume 3, Appendix 9.2: Protected Species Survey Report).

1.1.19 The survey work focussed on the proposed development area (Area A) and its potential to be used by species to inform the impact assessment. Surveys of areas that would not be adversely affected by the proposals (i.e. Area B) were scoped out of the assessment.

Grassland Assessment

1.1.20 **Emma Williams**: Methodology of assessment has not been provided, neither if the surveyor botanist is FISC qualified to undertake assessment, and at what level 1-6.

1.1.21 **RPS Response**: The grassland, woodland and arable habitats were assessed following a walkover survey technique, where each field as a whole was assessed in relation to its vascular plant species composition, habitat structure and other factors such as management.

1.1.22 Each pasture field was assessed from a walked transect to record and map habitat variation and sample the species assemblage in each habitat type.

1.1.23 The 2023 and 2024 habitat surveys were undertaken by a FISC 4 accredited surveyor. At Model Farm each field supporting grassland (in Area A and Area B) was assessed and described separately to record the often subtle variations and differences.

1.1.24 Long botanical species lists derived from these transects are presented in Appendix D of the PEA Update 2024 covering each pasture field, blocks of woodland, and arable fields.

1.1.25 **Emma Williams**: A site visit 8th September 2019 revealed 6 species of CHEGD fungi and other grassland species of Fungi. Presence of these disputes assessment as 'improved grassland' and warrant further surveys, including full C.H.E.G.D grassland assessment.

1.1.26 **RPS Response**: The ecological value of the pastures was defined largely from the vascular plant assemblage, with reference to the Phase 1 Habitat classification (JNCC, 2016). Every field is described with information on the plant species composition (paragraphs 3.2.28 – 3.2.64 in the PEA). In 2023, many of the fields had a high percentage cover of perennial rye grass and all the fields in Area A supported a low number of vascular plant species per metre square and were dominated by indicators of past agricultural improvement. The fields classify as 'Modified grassland' under the UK Habitat Classification (UKHabs 2023), equivalent to improved and poor-semi-improved grassland under the Phase 1 Habitat Classification (JNCC, 2016).

1.1.27 The fruiting bodies of a number of waxcap species have been recorded in the country park in both long and short vegetation. It is also noted that the surveys undertaken for the Provisional Atlas for Waxcap Fungi in Cardiff (Cardiff Council 2009) found that the CHEGD species recorded at Model Farm were relatively common in suitable habitat, being recorded in many of the areas that were sampled. In the country park, an eDNA survey of the grassland fungi is being undertaken to assess the diversity and distribution within the grassland, with the results pending.

1.1.28 Prior to the preparation of the Biodiversity Management Strategy (required by draft Condition 7) for Area B, an audit of the CHEGD species in each of the grassland fields in Area B would be undertaken through eDNA sampling. The categorisation of the assemblage would inform future management decisions to conserve the populations of CHEGD species in Area B (as well as the country park) supported by ongoing monitoring. Waxcaps can thrive under different management strategies with multiple examples of hay meadow management alongside diverse CHEGD fungi assemblages.

Woodland Assessment

1.1.29 **Emma Williams**: The description of trees on site has been largely downplayed, both in habitat they offer and their age.

1.1.30 **RPS Response**: The woodlands are described as Section 7 priority habitats and in part ancient woodland. The ES recognises the ancient woodlands as irreplaceable habitat. The woodlands within the site are assigned county importance. The veteran trees, deadwood features, and the diverse assemblages of species are integral to the status assigned to these habitats in the ecology ES chapter.

Black Poplar / Veteran Trees

1.1.31 **Emma Williams**: Within a block of woodland veteran Poplars are believed to be endangered native Black Poplar. An ancient line of Ash which are in excess of 300 years old, are showing recovery from the devastating Ash Die-Back disease. The seeds of these

trees may prove invaluable for future generations for tree stock and recovery of this vitally important native tree.

1.1.32 **RPS Response**: The poplar trees are located in blocks of woodland located in Area B and will be retained under the proposals. If the species of poplar has not been confirmed, this would be carried out on behalf of L&G. Should the presence of native black poplar be confirmed this species would be subject to specific protection and a conservation initiative would be adopted to grow on saplings from the parent tree for use in other conservation projects in the Vale of Glamorgan.

1.1.33 Prior to the preparation of the Biodiversity Management Strategy (required by draft Condition 7) for Area B, all veteran trees would be identified and mapped. The safeguarding of deadwood habitat on trees is an integral Countryside Service's management approach for the existing country park, with trees away from footpaths allowed to stand and fall with age, and management actions kept to a minimum. The Countryside Service undertake periodic health checks of large mature trees across the country park. This monitoring would be adopted across the country park extension to be transferred under S106 with the objective of recording their features and maintaining their value over time.

1.1.34 Conservation of future veterans, protection of ash trees that recover from ash dieback and the promotion of tree recruitment will all contribute to long term replacements for the current decaying veteran trees. This will be particularly important in maintaining this resource into the future should a proportion of the current veteran ash trees die and fall.

Hedgerows

1.1.35 **Emma Williams**: Hedgerows were far more abundant and floristically interesting than reported and have been greatly undervalued.

1.1.36 **RPS Response**: The ecology chapter defines the hedgerow network across the application site as of District value which accurately reflects their geographic importance and value as links between woodland. In the PEA 2024, it is stated that the majority of the agricultural and pasture field boundaries were native species-rich hedgerows (paragraph 3.2.81), recognising the species diversity of the field boundaries in Area A and Area B.

Protected Notable Species

Badger

1.1.37 **Emma Williams**: Although site was recognised as having Badger activity, disappointingly no effort has been made to locate the setts, which has put the Badgers at direct risk of disturbance or harm should development commence. Any public exposure would put them at risk.

1.1.38 **RPS Response**: The presence of setts in woodlands is assumed in the ecology chapter. This follows a precautionary approach appropriate for site given the presence of field signs. The badger survey work targeted the development areas (Area A) and adjoining land to confirm the presence/absence of setts with areas that would be subject to development. This is standard practice for this widespread and common species where the legal protection relates to persecution. This approach avoided presenting confidential sensitive information that did not have a bearing on the ES chapter. Should one or more new badger setts be established prior to development, mitigation and closure would be completed under licence in advance of the relevant phase of development.

Otter

1.1.39 **Emma Williams**: In the JCD0064 SEPTEMEBER 2024 Paragraph 3.30 states that No records of otter were identified during the desk study.' Otter tracks were also observed at Model Farm, March 2021.

1.1.40 **RPS Response**: In the PEA JCD0064 SEPTEMEBER 2024, both Table 4 and paragraph 3.3.10 state that there were 12 records of otters within 2km including one from within the site. This is further referenced in the ES chapter. The use of the watercourses by otter is also stated in this PEA and ES chapter.

Reptiles and Amphibians

1.1.41 **Emma Williams**: With exception of GCN eDNA surveying being conducted, it would seem that only a presumption has been made of no Amphibians and Reptiles being present at Model Farm based on the already inadequately assessed habitats on site.

1.1.42 **RPS Response**: Under a precautionary approach, the 2024 PEA assumed that any of the more common reptile and amphibian species (excluding GCN) would be expected to occur in suitable habitats within the site.

1.1.43 **Emma Williams**: Local populations of common toad and slow worm including the records from the site. No reference was made to these findings in the updated Environmental Statement, again highlighting failings to adequately survey for this evidence during 2024.

1.1.44 **RPS Response**: The records of both species from within the site are included in the PEA 2024. Only populations occurring at levels of local importance or higher within the Area A were considered in the ecology ES Chapter – i.e. being considered 'Important Ecological Receptors'. This approach is consistent with the CIEEM guidance for preparation of Ecological Impact Assessments.

Barn Owl

1.1.45 **Emma Williams**: Neither the Ecology chapter nor the Species Report prepared in 2019 mentions the Barn Owls *Tyto alba* present on site or having been surveyed for. Barn Owl surveys should have been conducted before the planning application.

1.1.46 **RPS Response**: Although targeted barn owl surveys were not undertaken, the pasture fields in Area A were sub-optimal habitat for barn owl and their prey species. No barn owls were observed during any of the bat transect surveys undertaken in 2018 and 2019 and in 2023 and 2024.

1.1.47 In addition, no barn owls were observed during the six emergence surveys of the farm complex in 2018 and 2019 and in 2023 and 2024 or during the emergence surveys of the adjoining farmhouse. No signs of barn owl were found during the internal inspections of safely accessible farm outbuildings in 2018.

1.1.48 The bat emergence surveys coincided with times barn owls would have been expected to leave daytime roosts. The Barn Owl Trust state that one Barn Owl pair will typically use between 1 to 3 main roost sites, as well as several other occasional roosts within their home range as well as a nest site. The combined findings suggest intermittent use of the farm buildings by barn owl.

1.1.49 Prior to the relevant phases of development, the status of barn owl will be confirmed (secured by draft Condition 32). Where present the development would be subject to NRW licensing. Mitigation would be through provision of alternative nest sites. Changes from

grazed pasture to land managed for biodiversity will significantly increase the populations of small mammals on which barn owls depend for survival.

Invertebrates

1.1.50 **Emma Williams**: No Invertebrates surveys have been conducted to avoid loss or harm to rare species

1.1.51 **RPS Response**: The agriculturally improved grassland, and arable crops would be expected to have limited value for invertebrates. Diverse invertebrate assemblages in woodlands are assumed and this diversity is reflected in the value assigned to the habitat.

Adequacy of ES

1.1.52 **Emma Williams**: Due to the failure to adequately survey the site, and by their own admission not having sufficient time to survey even for protected species, I strongly believe that the ecological reports fail to provide robust site data and to advise on appropriate and acceptable mitigation measures to limit the harm to biodiversity and protected species for a planning application.

1.1.53 **RPS Response**: The surveys followed best practice guidance for each relevant protected species focussing on the development area and the potential for species to be adversely impacted. Survey effort, including the time allocated, was devised to provide good coverage of the development area to assess the use of the features affected by the proposal consistent with guidelines. Paragraph 1.11 of the CIEEM Ecological Impact Assessment Guidelines states that the *Emphasis in EcIA is on 'significant effects' rather than all ecological effects. Effects can be considered significant at a wide range of scales from international to local*.

1.1.54 The ES chapter sets out how the statutory requirements and policy objectives for biodiversity will be addressed through the phased development.

1.1.55 Precautionary assumptions of presence were made where there was suitable habitat. This is particularly relevant for an outline planning application where species activity could change over time.

1.1.56 The assessment focused on the development area and the potential impacts associated with the outline development proposals in Area A. The mitigation and compensation measures detailed in the ES chapter are consistent with the geographical scale at which an effect would be significant.

1.1.57 To ensure that compensation and enhancement are delivered these measures are guaranteed in draft Condition 7 through the preparation and implementation of a Biodiversity Management Strategy.

1.1.58 **Emma Williams**: Gifting to Porthkerry a large area of Farm land is highly unlikely to provide the promised 'boosts to Biodiversity' due to the difficulties faced by many parks, Porthkerry included, from heavy footfall compacting ground, dog fouling which includes insecticide banned in agriculture due to its dangers to insect life, and woodlands would be heavily managed, likely felled for safety reasons.

1.1.59 **RPS Response**: The VoG Countryside Service actively safeguards and manages extensive areas of ancient semi-natural woodland within Porthkerry Country Park. The majority of these woodlands are formally designated, with one woodland being nationally important population. Conservation initiative on former amenity land are creating grassland habitats of much higher biodiversity value.

1.1.60 The designated woodland habitat within the country park includes a large number of mature trees including diseased ash trees. These trees, including those affected by ash dieback disease are being allowed to decay without intervention throughout the woodland habitat with tree surgery / felling only undertaken where they are located next to paths as a last resort.

1.1.61 This approach would be adopted throughout an extension to the country park alongside managed low key recreational access. The preparation and implementation of the Biodiversity Management Strategy (required by draft Condition 7) for Area B, will define and formalise the process through which this would be achieved.

1.1.62 Porthkerry Country Park is a model for balancing biodiversity with public access managing 220 acres of woodland and meadows, adopting rewilding initiatives and establishing conservation grazing. Biodiversity is a central objective. The VCU comment that the countryside service would not be capable of maintaining the biodiversity value of woodlands and grassland is fundamentally incorrect.

1.1.63 The country park supports an estimated 90% of the UK's true service tree and implements multiple conservation targeted initiatives for priority habitats and species. Porthkerry Country Park has A Conservation Management Plan 2025 – 2040 which sets out the biodiversity management objectives and actions. The country park is a member of the National Forest for Wales, a scheme, established in 2023 which enables *exemplary woodlands to join the National Forest for Wales network*. Under this scheme Porthkerry Country Park is recognised as an excellent example of how dedicated conservation efforts can be effectively combined with strong community collaboration.

Footnotes

1 Biggs, J., Ewald, N., Valentini, A., Gaboriaud, C., Griffiths, R. A., Foster, J., Wilkinson, J., Arnett, A., Williams, P. and Dunn, F. (2014). Analytical and methodological development for improved surveillance of the Great Crested Newt. Appendix 5. Technical advice note for field and laboratory sampling of great crested newt (Triturus cristatus) environmental DNA. Freshwater Habitats Trust, Oxford.

2 Bird Survey & Assessment Steering Group. (2024). Bird Survey Guidelines for assessing ecological impacts, https://birdsurveyguidelines.org [March 2024]

3 Chanin, P. and Woods, M. (2003) Surveying dormice using nest tubes results and experiences from the South West Dormouse Project English Nature Research Reports. Issue No 524, English Nature, Peterborough, Cambs.

4 Collins, J. (2023). Bat Surveys for Professional Ecologists. Good Practice Guidelines. 4th edition, Bat Conservation Trust.

5 Collins, J. (2016). Bat Surveys for Professional Ecologists. Good Practice Guidelines. 3rd edition, Bat Conservation Trust.

6 Gent, T. and Gibson, S. (2003), Herpetofauna Workers Manual. JNCC, Peterborough.

7 Gilbert, G., Gibbons, D.W. and Evans, J., (1998) Bird Monitoring Methods: a manual of techniques for key UK species.

8 Harris, S., Cresswell, P., and Jeffries, D.J. (1989). Surveying Badgers. Mammal Society, Baltic Exchange Buildings, 21 Bury Street, London. ISBN: 0 906282 06 3.

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JNCC (2016) Handbook for Phase 1 habitat survey – a technique for environmental audit

UKHab Ltd (2023). UK Habitat Classification Version 2.01 (at http://www.ukhab.org)