

DNS/3236340 Mor Hafren ERF

Cardiff Council Hearing Statement Session 3: Ecological Issues

1. Surface and Watercourse Management

- 1.1 The discussions between the applicant and the Council since the submission of the Local Impact Report regarding the SAB proposals have given some comfort that a viable SAB application is deliverable with this development, subject to further changes. A formal response to the SAB pre-application has not yet been issued and whilst it is an improvement on the original proposal, a more detailed analysis would be required as part of a formal SAB application and approval process.
- 1.2 Any changes to the submitted site layout cannot be confirmed at this stage and would be clarified through a SAB application process.
- 1.3 As the SAB process works separately from planning conditions (notwithstanding that flood risk is a material consideration), planning permission could be given to the project, though it could not commence until SAB approval was given. At this stage, any changes required as a result of a SAB application would be unlikely to effect a planning approval (noting information already given). However this cannot be confirmed at this stage.
- 1.4 The SAB Officer will endeavour to respond to the pre-application enquiry before the DNS Hearing Session, in order to give greater clarity on these issues.

2. Emissions to Air – Impacts on Gwent Levels SSSIs and Other Sensitive Ecological Receptors

- 2.1 Whilst the pre-hearing agenda questions are directed towards NRW, the Council's Air Quality Officer also provides the following comments:

The results depicted by the modelling indicate that PEC values modelled do not exceed environmental standards, which in this instance is the critical level set at 30µg/m³. Therefore no further action is necessary as per the Environment Agency's Air Emissions Risk Assessment guidance.

3. Protected Species: Bats; Dormice, Reptiles/Amphibians

Bats

- 3.1 The Council is not satisfied that the value of the site as bat habitat is adequately safeguarded by the development design in respect of the retention and management of vegetation providing foraging corridor potential. There is uncertainty as to the treatment of the line of trees and scrub along the ditch which bounds the west of the site. The vegetation along the ditch is referred to as being retained, for example, section 10.5.10 of the ES Doc 34 states that the layout of the proposed development has been designed to retain the main areas identified as key bat foraging areas, and that key foraging features will be retained and strengthened with native broad-leaf planting creating an enhanced foraging feature. Similarly, the Consultation Responses – Ecology document (DOC 105) states that with the ditch retained and enhanced, the need for bat surveys is not considered to be a requirement in this case. This document goes on to state that the impacts to bat foraging will be managed through retention/enhancement of the ditch feature and sensitive lighting.
- 3.2 However this contradicts the arboricultural report which states that the vast majority of trees which form this corridor would be removed. The Appendix 4 Technical Appendix 16 Tree Retention and Removal Plan also states that 11 of the 13 trees, and part of a tree group, which form this corridor will be removed which does not suggest retention of this feature, and there are no details of replacement planting to enhance it. Similarly, Section 2.3.5 of the ES Addendum 2 Doc 89 states that the final extent of tree/vegetation removal is required to be balanced with the need to maintain the ditch as a wildlife corridor/bat foraging route. This does not suggest that the final treatment of this feature is known, so its impact cannot be assessed.

- 3.3 Furthermore, the characterisation of the tree line given in the ES is not accepted. For example the Preliminary Ecological Appraisal refers to it as Semi-natural Broadleaved Woodland, and describes:- *'A semi-mature treeline was present along the west boundary of the site containing predominantly willow (Salix sp.), ash (Fraxinus excelsior) and silver birch (Betula pendula). These trees were relatively close together, with an understory of dead wood and limited plant species including lords and ladies (Arum maculatum). Orange peel fungus (Aleuria aurantia) and razor strap fungus (Fomitopsis betulina) were also present within the understory'* (SIC). The Arboricultural Impact Assessment records many trees between 10 and 15 metres in height, including what is described as a large, mature White Willow some 19 metres in height.
- 3.4 In terms of potential roosting features, the Preliminary Ecological Appraisal gives a very brief assessment of the bat roost potential of the trees on site, and does not list the trees examined individually, nor does it describe the features or absence of features which have led to the conclusion that all of the trees had negligible potential to support roosting bats. As a result, section 10.4.18 of the ES Doc 34 states that *'The Site provides only limited bat roosting potential due to lack of any significant built structures and mature tree features. To date, no bat roosts have been confirmed on the Site. As such, the overall roosting resource as a whole within the Site is considered to be of negligible value.'* Again, this conclusion is reached without evidence of a bat survey, despite the presence of mature trees on the site. The ES Addendum 2 gives a similarly brief assessment of the bat roost potential of these trees. This contrasts with the Arboricultural Impact Assessment which identifies a number of features in this tree line which, whilst they may not present potential roosting features, should nonetheless have been examined and referred to in the PEA. These features include dense ivy cover (T4), partial ivy cover (T6, T7, T8, T9, T11), canopy deadwood (T3, T5, T7) and broken branches (T5, T6).
- 3.5 Whilst these trees may be low quality or of poor form in arboricultural terms, this does not mean that they are of low value for wildlife.

- 3.6 It is accepted that at some point planning conditions may be used to ensure that lighting, noise and vibrations do not cause disturbance to these species, but in the meantime the treatment of the bat flight corridor along the tree-lined ditch to the west of the site is unclear.

Dormice

- 3.7 It cannot be said that the existing level of evidence regarding absence of observed on-site dormouse activity and quality of dormouse habitat is sufficient to confirm that the development is acceptable in terms of its impacts upon this species. A subjective assessment of habitat quality alone is not enough to make a confident prediction of presence / absence of such an important species. If the Consultant Ecologist were familiar with the dormouse population in Cardiff, they would be aware that scrub, outgrown hedgerows and poorly-managed tree-lines in peri-urban areas often reveal the presence of dormice, especially in eastern Cardiff. In this instance, dormice have been detected in good numbers in immediately contiguous and virtually identical habitat, within 125m. However, it is accepted that this data is not widely available at the moment. To grant consent for this application, without either a survey or an assumption of presence, would be contrary to LDP Policy EN7, and s6.2.2 of TAN 5.

- 3.8 Mitigation of any impacts upon dormice would likely take the form of compensatory planting to maintain and enhance the extent of habitat and habitat connectivity available for this species. However the layout of the scheme is such that there does not appear to be capacity to introduce sufficient replacement planting. Furthermore, there is no certainty as to the extent of potential dormouse habitat lost upon which to base a calculation of the required compensation and enhancement.

Reptiles

- 3.9 Further information submitted by the applicant in response to the Local Planning Authority's Local Impact Report comments concerning reptile surveys and the artificial refugia sizes used, does not address previously stated concerns, and

the view is maintained that the reptile survey report as set out in the ES is deficient in a number of aspects. However, it is also accepted that the mitigation measures already proposed are nonetheless adequate to safeguard any undetected species.

Amphibians

3.10 It is agreed that the proposal to adopt a precautionary approach via a non-licensed method statement is appropriate and acceptable in the circumstances.

4. Habitat/Biodiversity Maintenance and Enhancement

4.1 The Council Tree Officer's comments on the further tree information have previously been submitted in Section 6 of Hearing Statement 1. Concerns are maintained regarding tree losses to accommodate the development together with the associated soil resource as well as an absence of detailed information regarding compensatory planting proposals and associated concerns regarding availability of space for such planting. He concludes that, despite the further information submitted, the proposals remain in conflict with LDP Policies KP15 (Climate Change) and EN8 (Trees, Woodlands and Hedgerows).

4.2 The Council remains concerned at the development's ability to compensate appropriately for the tree losses proposed. However, it is accepted that LDP Policy EN8 includes two 'significance' tests in determining whether proposed losses to trees, woodlands and hedgerows would result in such unacceptable harm that permission should be withheld. This is a matter to be weighed in the planning balance.