



**Cyfoeth
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Wales

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Dyddiad/Date: 15 August 2018

Annwyl / Dear Mr Davies

REQUEST FOR SCOPING OPINION UNDER REGULATION 10 OF THE TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) ENGLAND AND WALES) REGULATIONS (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF A NEW SHARED PEDESTRIAN PATH BETWEEN LLANDEILO AND NANTGAREDIG

Thank you for referring us to the scoping opinion request for the above application. We have reviewed the 'Towy Valley Path East' EIA scoping report prepared by WSP dated 16 March 2018 and have the following comments to make.

Flood Risk

We welcome the Flood Consequence Assessment (FCA) dated November 2017 prepared by Ken Phillips.

A large section of the proposed development lies within zone C2 as defined by the development advice map referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004).

The scoping document dated 2013 recommends hydraulic modelling to be used in a FCA for the project and that existing hydraulic modelling is out of date and not suitable, we support that conclusion.

The FCA dated November 2017 has used out of date hydraulic modelling data, circa 2009, in contradiction to the scoping document's conclusion, there have also been no

calculations for climate change thus any conclusions reached by the FCA are not relevant.

There is also an email referencing that Natural Resources Wales do not require hydraulic modelling; that is for a specific location where the proposed cycleway is to be routed around an erosion pocket where we have advised that calculations would be acceptable in lieu of hydraulic modelling. This diversion work proposal is included in the package with a drawing showing a cut and fill detail with the cut used as flood volume compensation, but calculations are not provided. The cut and fill as shown will NOT provide flood compensation because it has not been provided on a level for level basis and as such is not acceptable in its current form of presentation for a FCA.

It is recommended that the FCA be updated with up to date hydraulic modelling that includes up to date hydrology with allowance for climate change.

European Protected Species

We note the 'Towy Valley Path East' EIA scoping report prepared by WSP dated 16 March 2018 has identified suitable habitat on site to support bats, otters and dormouse.

Please note we have not seen a copy of the Extended Phase 1 Habitat Survey carried out by WSP 2018, which is referred to in the above scoping report.

Bats

We note trees and a number of bridges on site have been identified as having the potential to support roosting bats. We welcome section 6.3.9 of the scoping report that details further surveys are proposed for the bridge structures and we advise these are carried out in line with published best practice guidelines and submitted with the full application. Should these surveys identify any bat roosts present then a full detailed mitigation strategy will also need to be submitted.

It is however unclear how many trees along the route have the potential to support roosting bats. We note in Table 6.3.2 of the above report that vegetation clearance has the potential to impact bat resting or breeding sites. We advise further details are provide with the application, detailing which trees with the potential to support roosting bats will be impacted by the scheme. If trees with the potential to support roosting bats are to be impacted then we advise further surveys are carried out in line with published best practice guidelines.

Otters

This section of the Tywi is heavily used by otters, including breeding females, we will need long term (i.e. covering all seasons) up to date survey data and a very robust assessment to inform the Habitats Regulation Assessment (HRA) and potential licencing requirements.

We note section 3.7.9 of the above scoping report confirms potential holts and lying up sites have been identified in several locations within the Study Area. We note further surveys have been carried out and we advise that full survey details are provided, ensuring they have followed best practice guidelines, along with a full detailed mitigation and conservation strategy.

Dormouse

We note that habitats with the potential to support dormouse have been identified on site. Section 6.3.5 details that vegetation clearance as a likely significant impact on dormouse. However, section 5.5.13 of the report details the risk to dormouse is negligible and any risk will be managed through a method statement. It is unclear from the information provided the type, and amount, of habitat on site with the potential to support dormouse, or the direct and indirect impacts of the scheme. We note no further surveys have been carried out to date. We advise that the presence of dormouse cannot be ruled out as we are not currently able to advise that the scheme will not have a detrimental impact to the favourable conservation status of dormouse. We therefore advise a full detailed mitigation and conservation dormouse strategy is provided with the application.

We also advise you seek the advice of the local authority ecologist on the need for further dormouse surveys in support of the application.

Lighting

We note the scheme will not be lit in the operational phase and we advise a lighting plan is provided for any necessary lighting during the construction phase.

Landscape and Visual Impact

The Brecon Beacons National Park lies immediately south east of the Tywi Valley at the eastern extremity of the scheme, as noted at 3.5.13 of the Scoping report.

We note that 5.3 of the report states that landscape will be considered fully in the Environmental Statement and agree with this statement.

As noted in 3.5, elevated areas in the Brecon Beacons National Park could fall within the ZVI and the study area. The assessment should include consideration of views to

and from the National Park along with potential impacts on the natural beauty, character and special qualities of the park. Reference should be made to the National Park Management Plan, Special Qualities and Landscape Character Assessment.

Reference is made in 5.5 of the report to the National Landscape Character Area (NLCA 41 Tywi Valley) and Special Landscape Area. The assessment should also refer to and consider the 5 Aspect Areas of LANDMAP, the all-Wales landscape character assessment and the Visual and Sensory and Historic Landscape Aspect Areas.

Pollution Prevention & Waste Management

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. Therefore, given the scale of the proposed development it is vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (*surface and ground*) is assured.

We note in section 4.2 Construction Activities that the Construction Contractor will provide a Construction Management Plan (CEMP) which will contain the construction methods. We would advise that this is put into practice prior to the commencement of the scheme and we would advise that this document is submitted with any future planning application.

We would also recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

For further guidance in respect of pollution prevention and waste management, we would also refer the applicant/developer to our website at: www.naturalresourceswales.gov.uk/ www.cyfoethnaturiolcymru.gov.uk.

Disclaimer

The applicant acknowledges that the content of any advice or assistance provided by NRW is advisory only and that it shall not be deemed to bind or in any other way restrict NRW in performing its statutory functions.

In particular the recipient acknowledges that:



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- NRW cannot and does not give any guarantee as to the representations it may make as statutory consultee; and,
- any advice given by NRW may be overtaken by changes in available information, law, policy and guidance relevant to the subject matter of the advice.

I hope these comments are of assistance. If you have any queries regarding the above, please feel free to contact the Llandarcy office at: swplanning@cyfoethnaturiolcymru.gov.uk

Yn ddifffuant / Yours sincerely

Lisa Jones

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