

Rivers House,  
St Mellons Business Park,  
St Mellons,  
Cardiff,  
CF3 0EY

Cardiff City Council,  
Development Control,  
County Hall,  
Atlantic Wharf,  
Cardiff,  
CF104UW

ebost/email:  
southeastplanning@cyfoethnaturiolcymru.gov.uk

14/07/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: EIA SCOPING OPINION FOR THE ATLANTIC WHARF, BUTETOWN MASTER PLAN TO DELIVER A LEISURE LED MIXED USE DEVELOPMENT TO ENHANCE CARDIFF BAY'S CREDENTIALS AS A NATIONALLY SIGNIFICANT VISITOR DESTINATION.**

**LLEOLIAD / LOCATION: ATLANTIC WHARF, BUTETOWN MASTERPLAN AND CARDIFF ARENA AND HOTEL.**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 18 June 2021.

We have reviewed the document entitled 'EIA Scoping Report', prepared by Wardell Armstrong, reference CA12099, version 1, dated June 2021. We advise that the following likely significant effects are assessed by the Applicant and we consider that they should be 'scoped in' to any future Environmental Statement (ES).

### **Water Resources**

#### Groundwater Quality

We welcome the approach to assess the potential impacts of the development on these identified sensitive receptors with regards to impacts to groundwater levels and groundwater quality. This should be both during construction and operation. The assessment methodology presented appears pragmatic and acceptable for the sensitivity of the receptors.

The ES should also consider how these predicted impacts may change due to climate change and, if necessary, ensure the proposal is resilient or able to adapt to climate change.

#### Water Quality

We welcome the references made to water quality within the EIA. It identified the sensitive receptors relevant to the proposal, concluded that all pathways/receptors will be investigated and stated that a WFD report will be completed. However, it should be noted that the surface

water sewer was not identified as pathway in the scoping report. When reviewing the site, it is apparent that there is a well-established surface water network serving the location. Surface water sewers can often act as pathways for suspended solid based pollutions, especially during enabling works and construction phases of a development. We consider this should also be scoped into the ES.

We consider the ES should assess the impacts of pollution from the construction stage on the water environment including highly sensitive receptors such as the Severn Estuary (see below also). At this stage, we consider there will be generic prevention and/or mitigation measures available which could be included in a detailed Construction Environmental Management Plan (CEMP).

### **Ground Conditions (Including Major Hazards)**

It is acknowledged that the site has been subject to a legacy of industrial workings historically, which could have resulted in significant contamination to the ground and/or groundwater.

The proposed approach follows the guidelines presented in Land Contamination Risk Management ([Land contamination risk management \(LCRM\) – GOV.UK \(www.gov.uk\)](http://www.gov.uk)), which follows through the assessment of the site from desk study / Preliminary Risk Assessment and development of the Site Conceptual Model, through to risk assessment, remediation and verification, if required, to protect identified receptors. The approach to extend the assessment area to 250m beyond the site boundary is also welcomed, considering the previous land use, surrounding land use and presence of sensitive receptors in the vicinity of the site.

Should the ES conclude that remediation is necessary, a verification plan outlining the monitoring programmes to be undertaken would be required. However, the reporting of the verification would likely be controlled through condition and submitted post determination of any permission granted.

We welcome the approach to maximise onsite retention of site material, as deemed suitable through chemical analysis and completed in line with the relevant guidance (CL:AIRE Definition of Waste Code of Practice and the use of Materials Management Plan).

Should significant contamination be identified, a Controlled Waters Piling Risk Assessment may be required to protect underlying groundwater from surface contamination.

### **Biodiversity**

#### Key Habitats

Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present.

### Site Surveys

We note that a Preliminary Ecological Appraisal Report was completed by Mott MacDonald in 2020 and note the proposals to continue surveying in 2021. We would advise that the site is subject to assessment to determine the likelihood of protected species being present in all areas likely to be affected by the proposals. Further targeted species surveys should be undertaken for all species scoped in and:

- i. Be undertaken by qualified, experienced and where necessary, licensed ecologist; and
- ii. Comply with current best practice guidelines. In the event that the surveys deviate from published guidance, or there are good reasons for deviation, full justification for this should be included within the ES.

We note and welcome that bats are scoped into the ES and we would advise that full justification as to why additional protected species have been scoped out is also provided.

### Bats

We note the proposals to carry out building roost assessments and ground level tree assessments throughout the site as outlined in section 7.3.5 of the scoping report. We would advise that all trees with moderate and higher potential to support bats should also be subject to climbed surveys as appropriate.

### *Impact Assessment*

It has been identified that bat surveys will be required of the buildings and trees on site. Should additional protected species surveys be required, and species identified; information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified.

Where proposals concern protected species, which are also notified features of designated sites (e.g. SAC, SSSI), we advise that the ES considers the impacts on those species from both perspectives.

We advise that the ES sets out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial and management responsibility. Where the potential for significant impacts on protected species is identified, we advocate that a Conservation Plan is prepared for the relevant species and included as an Annexe to the ES.

### EPS Licence

Where a European Protected Species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from NRW. The ES should include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017 (as amended). One of those 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.'

### Local Biodiversity Interests

We recommend that the developer consults the Local Authority Ecologist on the scope of the work to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan, and that are considered important for the conservation of biological diversity in Wales.

The developer should contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. Bat groups, mammal groups).

### Protected Nature Conservation Sites

We consider there is unlikely to be a direct impact on the Severn Estuary SPA/SAC/SSSI/RAMSAR as there will not be any loss of habitat associated with the proposed development.

The Severn Estuary has been noted as a high sensitivity receptor within 'Chapter 5 Water Resources' of the Scoping Report. We would expect this high sensitive receptor will be considered under water quality matters.

We agree that a Habitat Regulations Assessment (HRA) screening exercise is carried out by the Competent Authority under the relevant Regulations. The information included in the ES can inform the HRA screening.

### **Further Advice: Non-EIA matters**

#### Flood Risk

The scoping letter states: *From a preliminary review of available information including NRW's Flood Risk Map Viewer, the Site is situated in Flood Zone B (areas known to have flooded in the past).*

Our Flood Risk Map confirms the north east of the site is partially within Zone C2 of the Development Advice Map (DAM) as contained in TAN15. We advise this is considered in the planning application and would not rule out the need for a Flood Consequences Assessment to assess flooding consequences against TAN15 policy.

#### **Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

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

Yn gywir / Yours faithfully

**Paige Minahan**

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