

**Appendix 1: Responses received on Supplementary Planning Guidance in respect of Public Art and New Development, Travel Plan and Trees, Woodland, Hedgerows and Development Public Consultation Tuesday 8<sup>th</sup> May to Tuesday 19<sup>th</sup> June 2018.**

**Note: The proposed amendments refer to updated paragraph numbers following the typesetting of the documents.**

<b>Public Art and New Development</b>		
<b>Organisation</b>	<b>Comment Received</b>	<b>Council Response</b>
Barry Town Council	<p>It is recommended that Barry Town Council support the following Vale of Glamorgan planning department draft Supplementary Planning Guidance documents:</p> <ul style="list-style-type: none"> <li>• Public Art in New Development.</li> </ul>	The Council welcomes the comments from the Town Council in respect of the SPG.
	<p>Additionally, BTC wishes to point out the following comments in respect of the Public Art in Development SPG:</p> <ol style="list-style-type: none"> <li>1. Greater public consultation should occur with both local elected representatives and local residents on the design and merits of the proposed public art in their ward/area.</li> <li>2. Instead of a piecemeal approach to funding arrangements and spending, would not a more collective approach with a larger single central Public Art fund be more robust and offer greater funding opportunities for Barry.</li> <li>3. Public Art comes in many forms – e.g. functional art such as benches/street lights.</li> </ol>	<ol style="list-style-type: none"> <li>1. Comments are noted. Paragraph 4.3.9 in the SPG refers to working with other stakeholders in the commissioning and delivering public art which would include local elected representatives and local residents. Paragraph 7.1 also refers to consultation with “community consultees” as part of the PAC process for major development proposals. In addition, Appendix 2 of the SPG contains examples of public art schemes which have involved the local community.</li> <li>2. Public art contributions are planning obligations which must be directly related to the development and are therefore generally provided on site or in close proximity to the development. The creation of larger single central Public Art fund is not feasible and would not comply with the statutory framework for Planning Obligations (i.e. the pooling restriction in the CIL Regulations).</li> <li>3. Comments noted. Paragraph 5.1.1 acknowledges that public art can take a variety of forms including street furniture.</li> </ol>

	<p>4. A larger single central Public Art fund could offer opportunities for developing an Art centre or Art space.</p>	<p>4. See response to 2 above.</p>
<p>Glamorgan Gwent Archaeological Trust</p>	<p>Firstly, there is the impact that large scale art, particularly as noted in 5.1.1 earthworks and land art, involving ground disturbance may have on any buried archaeological resource, potentially with a need for archaeological mitigation;</p>	<p>Comments noted. Any proposed large scale earthworks and / or land art in areas of archaeological interest would be considered as part of the planning application process and GGAT would be consulted on such applications as a statutory consultee.</p>
	<p>Secondly, large artworks may have a visual impact on historic assets, both designated and non-designated;</p>	<p>Comments noted. Paragraph 5.1.2 acknowledges that public art should be site responsive and respond to culture and heritage.</p>
	<p>Thirdly, there is the opportunity to include within any art work information concerning the historic environment.</p>	<p>Comments noted. Paragraph 5.1.2 acknowledges that public art should be site responsive and respond to culture and heritage. Appendix 2 contains an example of where the art work interprets local history in Barry.</p>
	<p>It is perhaps likely that some public art would require planning permission, but not all, and consultation with ourselves at early stage is advised; we can then supply any recommendations for mitigation. For sites with non-statutory designations, archaeological mitigation work may be required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the TAN24: The Historic Environment.</p> <p>The impact on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments, or Registered Historic Landscapes. These responses are necessary to enable the management of impacts on the archaeological resource and cultural heritage.</p> <p>Historic assets in The Vale of Glamorgan encompass finds and features, upstanding remains and buried remains dating back thousands of years, and previous inhabitants' lives, settlement and land management have shaped the</p>	<p>Comments noted. The council will ensure GGAT / CADW are consulted on any relevant planning applications.</p>

	<p>area it is today. This rich heritage gives a store that can be drawn upon in seeking art that can be relevant to the history of the area.</p> <p>If archaeological mitigation work proves necessary, it is our policy to recommend that all archaeological work undertaken in relation to planning and development issues should be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists and it is our policy to recommend that either a Registered Organisation with the ClfA or a member with MCIfA level membership should undertake the work (<a href="http://www.archaeologists.net/codes/cifa">www.archaeologists.net/codes/cifa</a> and <a href="http://www.archaeologists.net/ro">www.archaeologists.net/ro</a>).</p>	
South Wales Police	South Wales Police welcome SPG on Public Art in New Developments and recognise the value in creating a sense of place and community. South Wales Police would ask that Public Art is located in surroundings which are safe and accessible.	Comments noted. The location and form of public art will be considered as part of the planning application process. In addition, LDP policy MD2 (Design of New Development) in Appendix 2 of the SPG sets out the principles of good design and criterion 4 refers specifically to reducing the opportunity for crime and anti-social behaviour.
Llandough Community Council	Para 8.2.8 (Public Art) - There is a need for community and town councils to be specifically consulted on proposed public art in any new development.	Comments are noted. Paragraph 4.3.9 in the SPG refers to working with other stakeholders in the commissioning and delivering public art which would include local elected representatives and local residents. Paragraph 7.1 also refers to consultation with “community consultees” as part of the PAC process for major development proposals. In addition, Appendix 2 of the SPG contains examples of public art schemes which have involved the local community.
Travel Plan		
Organisation	Comment Received	Council Response
Barry Town Council	<p>It is recommended that Barry Town Council support the following Vale of Glamorgan planning department draft Supplementary Planning Guidance documents:</p> <ul style="list-style-type: none"> <li>• Travel Plan.</li> </ul>	The Council welcome the support of the Town Council in relation to the SPG
South Wales Police	South Wales Police welcome the SPG on Travel plans but would like to see a section on community safety included	Comments noted. The Council welcomes the comments from the South Wales Police and accepts that an additional reference on community safety would

	<p>and following included in such a section;</p> <p>“Travel plans should include consideration on how transport routes and facilities can be designed to ensure high levels of safety and security for users. Where safety and security has been considered it is likely to result in higher usage”</p> <p>Police Design out Crime Officers can provide advice on design issues and advice is also available in terms of bus and coach security (see attached).</p>	<p>be beneficial in the SPG.</p> <p>Accordingly, insert new paragraph 11.9 as follows (renumber subsequent paragraphs as required):</p> <p><b><u>Paragraph 11.9 “Travel plans should include consideration on how transport routes and facilities can be designed to ensure high levels of safety and security for users. Where safety and security has been considered it is likely to result in higher usage. Police Design out Crime Officers can provide advice on design issues.”</u></b></p>
Cardiff Council	<p>Thank you for your recent correspondence to stakeholders notifying Cardiff Council of the Vale's SPG consultations. We welcome the opportunity to offer feedback. We have considered the draft SPG and note that it provides thorough and accessible guidance re Travel Plans.</p> <p>In relation to promoting active and sustainable travel in a regional context we recognise the importance of ensuring a robust and effective approach to travel planning in all significant new developments. Similarly, we highlight the importance of Transport Assessments in identifying the impacts of developments and outlining appropriate mitigation, such as Travel Plans. With regard to Section 9 of the SPG, given the critical role of TAs in the development process, we would suggest that it may be beneficial if more detail is provided on TAs, or that other guidance be referenced (as appropriate). This would help to ensure that the TA process, and all subsequent and related measures (such as Travel Plans) are as robust and effective as possible.</p>	<p>The Council welcome the support of Cardiff Council in relation to the SPG.</p> <p>Comments noted. References to other relevant guidance on TAs to be inserted in section 9 of the SPG.</p> <p>Paragraph 9.2 “A TA should be based on the likely trips generated by the development and include analysis of potential effects on existing movement patterns. The output of the TA process should be the production of a ‘Transport Implementation Strategy’ (TIS). This should set objectives and targets relating to managing travel demand for the development and set out the infrastructure, demand management measures and financial contributions necessary to achieve them. <b><u>Further guidance relating to TAs and TISs can be found in Annex D of TAN 18 - Transport:</u></b></p> <p><a href="https://gov.wales/docs/desh/publications/070301tan18en.pdf">https://gov.wales/docs/desh/publications/070301tan18en.pdf</a></p>
Llandough Community Council	<p>Para 6.3.1 (Travel Plan) - Developers should be required to submit the full travel plan at the planning consultation stage to enable community and town councils to comment on its content.</p>	<p>Comments noted. Paragraph 6.3.1 in the SPG states that full travel plans should be prepared for both full planning applications and outline planning applications where possible. Community and Town Councils have the opportunity to comment on these as part of the planning application process. Where travel plans are required by condition, the Council will ensure that</p>

<p>Redrow Homes (South Wales) Ltd.</p>	<p>Table 7.1 unhelpfully does not match with the thresholds suggested in the Planning Obligations SPG. The Planning Obligations SPG appears more onerous on non-residential developments and less onerous for residential developments.</p>	<p>they are prepared in accordance with the requirements of the SPG.</p> <p>Comments noted. It is considered the thresholds used within the Travel Plan appropriately reflect national guidance contained within TAN 18: Transport. Therefore it is recommended the Planning Obligations SPG thresholds be amended to reflect the thresholds used within the Travel Plan SPG. This will ensure consistency between the two SPGs. The Planning Obligations SPG has been amended as follows:</p> <p>“Travel Plans are sought for all development proposals <del>with a gross floor area exceeding 1000sqm</del> and on residential developments of over <del>100 units</del>, or commercial developments which employ over <del>20 staff</del>. <b><u>which meet the following thresholds:</u></b>”</p> <table border="1" data-bbox="1249 600 1975 1367"> <thead> <tr> <th><u>Use</u></th> <th><u>Threshold</u></th> </tr> </thead> <tbody> <tr> <td><u>Retail</u></td> <td><u>&gt; 1,000 m<sup>2</sup> gross floor area</u></td> </tr> <tr> <td><u>Leisure facilities including hotels</u></td> <td><u>&gt; 1,000 m<sup>2</sup> gross floor area</u></td> </tr> <tr> <td><u>Business</u></td> <td><u>&gt; 2,500 m<sup>2</sup> gross floor area</u></td> </tr> <tr> <td><u>Industry</u></td> <td><u>&gt; 5,000 m<sup>2</sup> gross floor area</u></td> </tr> <tr> <td><u>Distribution and warehousing</u></td> <td><u>&gt; 10,000 m<sup>2</sup> gross floor area</u></td> </tr> <tr> <td><u>Hospitals</u></td> <td><u>&gt; 2,500 m<sup>2</sup> gross floor area</u></td> </tr> <tr> <td><u>Higher and further education</u></td> <td><u>&gt; 2,500 m<sup>2</sup> gross floor area</u></td> </tr> <tr> <td><u>Schools</u></td> <td><u>All new schools</u></td> </tr> <tr> <td><u>Stadia</u></td> <td><u>&gt; 1,500 seats</u></td> </tr> <tr> <td><u>Housing</u></td> <td><u>&gt; 50 dwellings</u></td> </tr> </tbody> </table>	<u>Use</u>	<u>Threshold</u>	<u>Retail</u>	<u>&gt; 1,000 m<sup>2</sup> gross floor area</u>	<u>Leisure facilities including hotels</u>	<u>&gt; 1,000 m<sup>2</sup> gross floor area</u>	<u>Business</u>	<u>&gt; 2,500 m<sup>2</sup> gross floor area</u>	<u>Industry</u>	<u>&gt; 5,000 m<sup>2</sup> gross floor area</u>	<u>Distribution and warehousing</u>	<u>&gt; 10,000 m<sup>2</sup> gross floor area</u>	<u>Hospitals</u>	<u>&gt; 2,500 m<sup>2</sup> gross floor area</u>	<u>Higher and further education</u>	<u>&gt; 2,500 m<sup>2</sup> gross floor area</u>	<u>Schools</u>	<u>All new schools</u>	<u>Stadia</u>	<u>&gt; 1,500 seats</u>	<u>Housing</u>	<u>&gt; 50 dwellings</u>
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NB. The remainder of this response is provided purely from a residential perspective and relating to residential development proposals. The thrust of the Vale of Glamorgan LDP is to promote sustainable transport modes and encourage more favoured travel modes first before car travel. This is fairly typical in line with National Planning Policy. Some authorities go further in their LDPs and seek to reduce car travel by promoting sustainable travel modes, setting targets for this and then monitoring. The Vale of Glamorgan LDP does not appear to do this. The use of an SPG to "require regular monitoring reports to be submitted to illustrate that the measures and initiatives proposed are operating successfully and if they are not, what actions are being taken to address any issues that have arisen" if not considered appropriate. The measures and initiatives being secured in the first instance via a travel plan is considered reasonable, related to the development and necessary, having considered the LDP. These would be appropriate objectives that can be enforced by the LPA if not carried out as stated. However, it is not considered to be lawful to secure the monitoring and potential future actions with a planning approval (whether by planning condition or obligation) given the context of the Vale of Glamorgan LDP whereby no sustainable targets have been set. Elements of travel plans that are sought by the draft SPG can be 'encouraged' but cannot be insisted upon.

Section 2.3 in PPW refers to SPGs and states that "LDPs should contain sufficient policies and proposals to provide the basis for deciding planning applications while avoiding excessive detail. They should not repeat national planning policy. Selective use of supplementary planning guidance (SPG) is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas."

Accordingly, paragraph 7.11 in the LDP refers to the need for a travel plan to be identified early on as part of the pre-application process or scoping discussions with the Council, and confirms that Travel Plan Supplementary Planning Guidance will be prepared by 2019 (monitoring target 3.3 refers). This paragraph also highlights that the Welsh Government promotes the widespread adoption of travel plans by businesses, schools, hospitals, tourist attractions, major residential developments and other significant travel-generating uses. These assist with the efficient management of the highway network and promote alternative modes of transport.

In this regard, paragraph 9.7 in TAN 18 Transport makes reference to a number of best practice guidance for the preparation of travel plans:

"9.7 TISs resulting from the TA process are intended to incorporate all the components of a travel plan and ensure these are integrated with design elements of the new development. Various best practice guidance on travel plans can be used to inform TIS production in addition to best practice guidance on urban design and traffic management."

In addition, the DfT 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process (2009)' emphasises the importance of monitoring travel plans and states:

"An effective monitoring and review process is important to establish how far the travel plan has proved successful ... In all cases, the monitoring requirements must be built into the travel plan and agreed with all the parties prior to the grant of planning permission. This is the case irrespective of what

		<p>is known about the end user of the site. The monitoring should consider the agreed outcomes of the travel plan and the implementation of specific measures. As part of this process it will be important to establish the baseline conditions in relation to the targets.”</p> <p>The Council therefore disagrees that it is inappropriate to “require regular monitoring reports to be submitted to illustrate that the measures and initiatives proposed are operating successfully and if they are not, what actions are being taken to address any issues that have arisen” since the requirement for monitoring is contained in best practice as supported by the WG in TAN 18.</p>
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**Trees, Woodland, Hedgerows and Development**

Organisation	Comment Received	Council Response
Barry Town Council	<p>It is recommended that Barry Town Council support the following Vale of Glamorgan planning department draft Supplementary Planning Guidance documents:</p> <ul style="list-style-type: none"> <li>• Trees, Woodlands, Hedgerows and Development.</li> </ul>	<p>The Council welcomes support of the Town Council in relation to the SPG.</p>
	<p>However, point out that in the Trees, Woodlands, Hedgerows and Development SPG that there appears to be</p> <p>1) A lack of reference to the restrictions to development due to protected species (Conservation of Habitats and Species Regulations 2010 (as amended) and nesting periods (Wildlife and Countryside Act 1981 (as amended) which will either prevent or necessitate the seeking of an appropriate licence. These are important ecological and biodiversity provisions which need to be addressed in any tree/hedgerow/landscaping scheme.</p>	<p>Comments noted. Reference to be added in SPG:</p> <p><b><u>“4.1.7. The Conservation of Habitats and Species Regulations 2017 protects certain fauna and habitats, protected species in this case are referred to as European Protected Species (EPS). Where an EPS is present, and maybe affected by a development, a licence from the relevant licencing authority (NRW) may be required in addition to any other consents. The Vale of Glamorgan Council have a duty to consider all protected species in the exercising of its functions.</u></b></p> <p><b><u>4.1.8. The Environment (Wales) Act 2016 identifies habitats and species that are a priority for conservation (“Priority Habitats and Species”). Priority habitats include trees, woodland and hedgerow plus animal species that live in these habitats or are dependent upon them. The Vale of Glamorgan Council is required to ensure the proposed works are undertaken within the law and that priority habitats and species are conserved and enhanced.</u></b></p>

		<p><b><u>4.1.9. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to damage or destroy the nest of any wild bird while it is in use or being built. Some birds have additional protection beyond this, and there are some exceptions (but these do not include development). Therefore, works to trees and hedgerows should take account of bird breeding seasons to ensure no nests are disturbed as a result of any proposed works. General best practice for works to trees, woodlands and hedgerows is that works should be undertaken outside of the bird breeding season, to avoid potentially damaging or destroying nests or nest sites. This includes regular maintenance activities such as pollarding, hedge trimming etc.”</u></b></p>
<p>Glamorgan Gwent Archaeological Trust</p>	<p>2) No direct contact details for the Council arboriculture officer.</p> <p>Thank you for consulting us on this document for supplementary planning guidance. We appreciate that within this in describing the Adopted LDP’s key strategic objectives in particular Objective 4, there is already due regard for the historic and cultural environment, and therefore any impact that works involving trees, woodlands and hedgerows may have on the archaeological resource should be noted as a consideration.</p>	<p>The Council do not have an individual arboriculture officer. This matter is dealt with by development management officers.</p> <p>Comments noted. Insert new paragraph on potential impact on archaeological resource under section 5.13:</p> <p><b><u>“5.13. Potential Impact of Trees on Archaeological Resources</u></b></p> <p><b><u>5.13.1. Trees, woodlands and hedgerows form an important aspect of the historic environment, as well as the natural environment. The formation of today’s landscape was created by historic clearance that resulted in fields and woodlands which are often Medieval in origin, and which have been managed since that time. Historic hedgerows often form boundaries or elements of boundaries of various types; often associated with other historic assets. This must be considered within the scope of the Hedgerow Regulations which defines the criteria for important hedgerows.</u></b></p> <p><b><u>5.13.2. Aspects of planting, management and felling or removal which may impact historic assets or the historic environment include but are not restricted to:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Historic hedgerows, as boundaries, or have associations with designated and non-designated historic assets recorded within the HER</u></b></li> <li>• <b><u>Hedgerows, particularly in Wales, which have grown on a clawdd (boundary bank and /or ditch)</u></b></li> </ul>



		<ul style="list-style-type: none"> <li>• <u>Trees in areas where felling and stump removal may have a physical effect on buried remains</u></li> <li>• <u>Planting of trees may have a physical impact on buried archaeological remains (depending on if they are planted as whips, or standards), or will have a physical impact when mature</u></li> <li>• <u>Visible impact on setting of designated and non-designated assets;</u></li> <li>• <u>Inter-visibility between assets may be interrupted or blocked by planting</u></li> <li>• <u>Works to historic trees, such as avenues of trees associated with historic houses and vistas</u></li> <li>• <u>Works to historic trees, woodlands or hedgerows which are specimen planting; often in Registered Parks and Gardens</u></li> <li>• <u>Works to trees, woodlands and hedgerows within a Registered Historic Landscape</u></li> <li>• <u>Associations with historical events and people.</u></li> </ul> <p><u>5.13.3. For works which involve these and other elements, consultation with Gwent and Glamorgan Archaeological Trust (GGAT) at early stage is advised. GGAT will supply any recommendations for mitigation in relation to the impact works to trees can have on any existing archaeological resources in the immediate area. Some works may come into the planning process as part of larger schemes, these may have archaeological mitigation required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the TAN24: The Historic Environment.</u></p> <p><u>5.13.4. The impact on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments, or Registered Historic Landscapes, this includes work to trees. Consultation with CADW is necessary to enable the management of impacts on the archaeological resource and cultural heritage.”</u></p>
	<p>Trees, woodlands and hedgerows form an important aspect of the historic environment, as well as the natural environment. The formation of the landscape was created</p>	<p>Comments noted. Insert additional text in paragraph 12.1.4:</p> <p><u>“Hedgerows also form an important aspect of the historic environment as</u></p>

	<p>by historic clearance that resulted in fields and woodlands which are often Medieval in origin, and which have been managed since then. Historic hedgerows often form boundaries or elements of boundaries of various types; often associated with other historic assets. This must be considered within the scope of the Hedgerow Regulations which defines the criteria for important hedgerows.</p>	<p><b><u>the formation of the landscape was created by historic clearance that formed fields and woodlands which can be of medieval origins. Historic hedgerows can form boundaries or elements of boundaries which can be associated with other historic assets. Therefore, within the scope of the Hedgerow Regulations consideration must be given to the impact proposed works to hedgerows could have on the historic value of an area.</u></b></p>
	<p>Aspects of planting, management and felling or removal which may impact historic assets or the historic environment include:</p> <ul style="list-style-type: none"> <li>• Historic hedgerows, as boundaries, or have associations with designated and non-designated historic assets recorded within the HER</li> <li>• Hedgerows, particularly in Wales, which have grown on a clawdd (boundary bank and /or ditch)</li> <li>• Trees in areas where felling and stump removal may have a physical effect on buried remains</li> <li>• Planting of trees may have a physical impact on buried archaeological remains (depending on if they are planted as whips, or standards), or will have a physical impact when mature</li> <li>• Visible impact on setting of designated and non-designated assets;</li> <li>• Intervisibility between assets may be interrupted or blocked by planting</li> <li>• Works to historic trees, such as avenues of trees associated with historic houses and vistas</li> <li>• Works to historic trees, woodlands or hedgerows which are specimen planting; often in Registered Parks and Gardens</li> <li>• Works to trees, woodlands and hedgerows within a Registered Historic Landscape</li> <li>• Associations with historical events and people.</li> </ul> <p>This is not an exclusive list and for works which involve</p>	<p>Comments noted. Insert additional text at section 5.12:</p> <p>Section 5.12 "<b><u>5.12. Potential Impact of Trees on Archaeological Resources</u></b></p> <p><b><u>5.12.1. Trees, woodlands and hedgerows form an important aspect of the historic environment, as well as the natural environment. The formation of today's landscape was created by historic clearance that resulted in fields and woodlands which are often Medieval in origin, and which have been managed since that time. Historic hedgerows often form boundaries or elements of boundaries of various types; often associated with other historic assets. This must be considered within the scope of the Hedgerow Regulations which defines the criteria for important hedgerows.</u></b></p> <p><b><u>5.12.2. Aspects of planting, management and felling or removal which may impact historic assets or the historic environment include but are not restricted to:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Historic hedgerows, as boundaries, or have associations with designated and non-designated historic assets recorded within the HER</u></b></li> <li>• <b><u>Hedgerows, particularly in Wales, which have grown on a clawdd (boundary bank and /or ditch)</u></b></li> <li>• <b><u>Trees in areas where felling and stump removal may have a physical effect on buried remains</u></b></li> <li>• <b><u>Planting of trees may have a physical impact on buried archaeological remains (depending on if they are planted as whips, or standards), or will have a physical impact when mature</u></b></li> <li>• <b><u>Visible impact on setting of designated and non-designated assets;</u></b></li> </ul>

	<p>these and other aspects, consultation with us at early stage is advised; we can then supply any recommendations for mitigation. Some works may come into the planning process as part of larger schemes, these may have archaeological mitigation required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the TAN24: The Historic Environment.</p> <p>The impact on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments, or Registered Historic Landscapes. These responses are necessary to enable the management of impacts on the archaeological resource and cultural heritage.</p> <p>If archaeological mitigation work proves necessary, it is our policy to recommend that all archaeological work undertaken in relation to planning and development issues should be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists and it is our policy to recommend that either a Registered Organisation with the CIfA or a member with MCIfA level membership should undertake the work (<a href="http://www.archaeologists.net/codes/cifa">www.archaeologists.net/codes/cifa</a> and <a href="http://www.archaeologists.net/ro">www.archaeologists.net/ro</a>).</p>	<ul style="list-style-type: none"> <li>• <u>Inter-visibility between assets may be interrupted or blocked by planting</u></li> <li>• <u>Works to historic trees, such as avenues of trees associated with historic houses and vistas</u></li> <li>• <u>Works to historic trees, woodlands or hedgerows which are specimen planting; often in Registered Parks and Gardens</u></li> <li>• <u>Works to trees, woodlands and hedgerows within a Registered Historic Landscape</u></li> <li>• <u>Associations with historical events and people.</u></li> </ul> <p><b><u>5.12.3. For works which involve these and other elements, consultation with Gwent and Glamorgan Archaeological Trust (GGAT) at early stage is advised. GGAT will supply any recommendations for mitigation in relation to the impact works to trees can have on any existing archaeological resources in the immediate area. Some works may come into the planning process as part of larger schemes, these may have archaeological mitigation required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the TAN24: The Historic Environment.</u></b></p> <p><b><u>5.12.4. The impact on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments, or Registered Historic Landscapes, this includes work to trees. Consultation with CADW is necessary to enable the management of impacts on the archaeological resource and cultural heritage.”</u></b></p>
NRW	<p>However, we have the following comments to make in relation to the Draft Trees, Woodlands, Hedgerows and Development SPG;</p> <p>Apart from reference to the Well-being of Future Generations (Wales) Act (2015) in chapter 4, there is no further reference to the ways of working promoted in the Act to help deliver the wellbeing goals. The planning system has a role to adopt the ways of working promoted in the WbFG Act to help deliver the wellbeing goals. We</p>	<p>Comments noted. Add additional text to paragraph 4.1.2:</p> <p>Paragraph 4.1.2 <b><u>“The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the wellbeing objectives set out above. This SPG has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In creating this SPG, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.”</u></b></p>

	<p>recommend the SPG is amended to address this.</p> <p>Reference should be made to the Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty) of the Environment (Wales) Act 2016. We note Section 9.2.1 of the SPG states that The Council has a duty to ensure that the Vale of Glamorgan’s biodiversity assets are protected and where appropriate enhanced. However, planning authorities should demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. We therefore recommend stronger emphasis throughout the document on the requirement for enhancement of biodiversity.</p> <p>In addition, further detail on ecosystem resilience for example could be made in Section 11 New Development Adjacent to Woodlands where consideration of the four aspects of resilience (extent, diversity, connectivity and condition) can be taken into account. Reference should also be made to the need to consider the evidence from Area Statements and SoNaRR (The State of Natural Resources Report) which are statutory requirements of the Environment (Wales) Act. Reference should also be made to green infrastructure strategies when discussing ecosystem resilience.</p>	<p>Comments noted. Add additional text to section 5.5:</p> <p><b><u>“5.5. Trees, Hedgerows and Nature Conservation</u></b></p> <p><b><u>5.5.1. Trees and hedgerows are important wildlife habitats for many species including bats and nesting birds, both of which are protected under law. Where wooded areas will be affected by works, a survey by an experienced ecologist should be carried out to establish the presence of any protected species. It is an offence to intentionally take, damage or destroy the nest or egg(s) of any wild bird whilst the nest is in use or being built. To avoid impacts on breeding birds, it is generally recommended to undertake works during the winter, however, where other species, such as badger, dormouse or bats are present, this is not possible as works in the winter can have a serious detrimental effect on these species. A consultant ecologist should be engaged to prepare a Works Schedule to minimise the impact on all species. It must also be noted, that generally dormouse, bats in trees and badger are under-recorded and absence of prior records is not evidence of absence.</u></b></p> <p><b><u>5.5.2. The types of tree features which are commonly used by roosting bats are cracks in limbs, cavities, loose bark. If trees display any of these features, a bat survey will be required prior to determination of the planning application to ensure compliance with the requirements of the Habitats Regulations 2010 (as amended) which gives bats and their roosts full protection.</u></b></p> <p><b><u>5.5.3. Further guidance and advice in respect of development affecting biodiversity and protected species can be found within the Council’s Biodiversity and Nature Conservation Supplementary Planning Guidance.”</u></b></p> <p><b><u>“9.2.1. The justification for requiring planning obligations in respect of new or compensatory tree planting is set out in the Council’s Planning Obligations and Biodiversity and Development SPGs. The Council has a duty to ensure that the Vale of Glamorgan’s biodiversity assets are protected and</u></b></p>
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		<p><b><u>where appropriate enhanced as detailed within Section 6 of the Environment (Wales) Act 2016. Tree planting will either take place on open ground or in areas of hard standing such as footways or civic areas.</u></b></p> <p>“11.1. Where new development adjoins existing woodlands, a transitional area or ‘ecotone’ between new landscaping and the existing woodland should be provided to promote biodiversity <b>and ensure ecosystem resilience</b>. It also helps to minimise the maintenance of trees at the woodland edge to avoid encroachment of overhanging branches on neighbouring properties.”</p> <p><b><u>“11.3. When considering the impact of development on existing woodlands, consideration should be given to the four aspects of resilience (extent, diversity, connectivity and condition) and the need for green infrastructure strategies to be included within the design of a new development. This will help to ensure new development contributes to ecosystem resilience where appropriate.”</u></b></p>
	<p>Section 5.11 Felling Licenses We confirm that the information and link provided is relevant as of the date of this letter.</p>	<p>Comments noted.</p>
	<p>Section 7.1.2 Guidance for the Protection and Integration of Trees and Hedgerows within New Developments We note that this section provides the applicant with guidance on the additional information that may be required to support an application where trees may be affected by development. We advise that this section also states that bat surveys may be required.</p>	<p>Comments noted. Add additional reference to bat surveys paragraph 7.1.2: “Details of any trees that are on or adjacent to the site for which a planning application is being submitted must also be included with the planning application form. Applications where trees are affected by development proposals should generally be supported by a Tree Survey, Tree Constraints Plan and an Arboricultural Implications Assessment (AIA) as defined in BS5837 (2012), <b><u>in some cases bat surveys may also be required</u></b>. Further guidance on this is provided below.</p>
	<p>Section 12.2.3 Hedgerow Surveys This section references hedgerows as being important foraging routes for bats. We agree with this statement and we also recommend that this section refers to the importance of hedgerows for dormice. It would be prudent to make an applicant aware of their potential presence within hedgerows at an early stage.</p>	<p>Comments noted. Add additional reference to dormice paragraph 12.2.3: <b><u>“12.2.3.Hedgerows that do not meet the criteria may still be important for biodiversity and wildlife, for example as nesting sites, migration corridors, or foraging routes for bats and birds as well as acting as important habitats for dormice. Accordingly, the building layout and site infrastructure should be designed so that as many hedgerows as possible are retained. Where this is not practical mitigation on a like for like basis should form part of the proposed landscaping scheme. Where protected species under the Habitats</u></b></p>

		<b><u>Regulations, such as dormice, are found a licence under Regulation 55 of the Habitats Regulations will need to be granted from NRW to allow work to continue within the law.”</u></b>
South Wales Police	<p>South Wales Police would ask for a section on community safety to be included as below.</p> <p>Community Safety</p> <p>Flora can play an important part in place making the built environment safer and more secure.</p> <p>The planting of high hedges to the frontage of properties and in areas such as car parks and recreational areas can reduce the opportunities for active street surveillance, so it is therefore recommended that the heights of any shrubbery/ hedges be maintained so that they grow to no more than 1m in height.</p> <p>When trees are planted consideration should be given to ensure that they do not restricting light from street lighting or obstruct sight lines from CCTV cameras.</p> <p>Flora can be used defensively as effective boundary treatments and to create privacy zones, there are a diverse range of plant genus/species that can be utilised these include Berberis, Prunum, Rosa, Gorse, Prunus, Poncius, Ilex, Hippohae, Genista, Elaeagnus, Crataegus to name just a few.</p>	<p>Comments noted. Add new section in paragraph 8.2:</p> <p><b><u>8.2. Community Safety</u></b></p> <p><b><u>8.2.1. Flora can play an important part in place making helping to create a safer and more secure built environment.</u></b></p> <p><b><u>8.2.2. The planting of high hedges to the frontage of properties and in areas such as car parks and recreational areas can reduce the opportunities for active street surveillance. Therefore the height of shrubbery and hedges should be maintained so that they grow to no more than 1m in height. This will ensure active street surveillance is maintained.</u></b></p> <p><b><u>8.2.3. When trees are planted consideration should be given to ensure that they do not restrict light from street lighting or obstruct sight lines from CCTV cameras. To make sure the area preserves elements of safety and security for those who use the space.</u></b></p> <p><b><u>8.2.4. Flora can also be used defensively, as effective boundary treatments and to create privacy zones, there are a diverse range of plant genus/species that can be utilised. These include:</u></b></p> <ul style="list-style-type: none"> <li>● <b><u>Berberis,</u></b></li> <li>● <b><u>Prunum,</u></b></li> <li>● <b><u>Rosa, Gorse,</u></b></li> <li>● <b><u>Prunus, Poncius,</u></b></li> <li>● <b><u>Ilex,</u></b></li> <li>● <b><u>Hippohae,</u></b></li> <li>● <b><u>Genista,</u></b></li> <li>● <b><u>Elaeagnus,</u></b></li> <li>● <b><u>Crataegus.</u></b></li> </ul>
Council Ecologist	No mention of bats in trees and the potential need for	Comments noted. Add reference to paragraph 12.3.3 on breeding birds:

survey / licence etc. Very little reference to breeding birds in hedgerows and/or trees.

**“12.3.3. Hedgerows that do not meet the criteria may still be important for biodiversity and wildlife, for example as nesting sites, migration corridors, or foraging routes for bats and birds as well as acting as important habitats for dormice. Accordingly, the building layout and site infrastructure should be designed so that as many hedgerows as possible are retained. Where this is not practical mitigation on a like for like basis should form part of the proposed landscaping scheme. Where protected species under the Habitats Regulations, such as dormice, are found a licence under Regulation 55 of the Habitats Regulations will need to be granted from NRW to allow work to continue within the law.”**

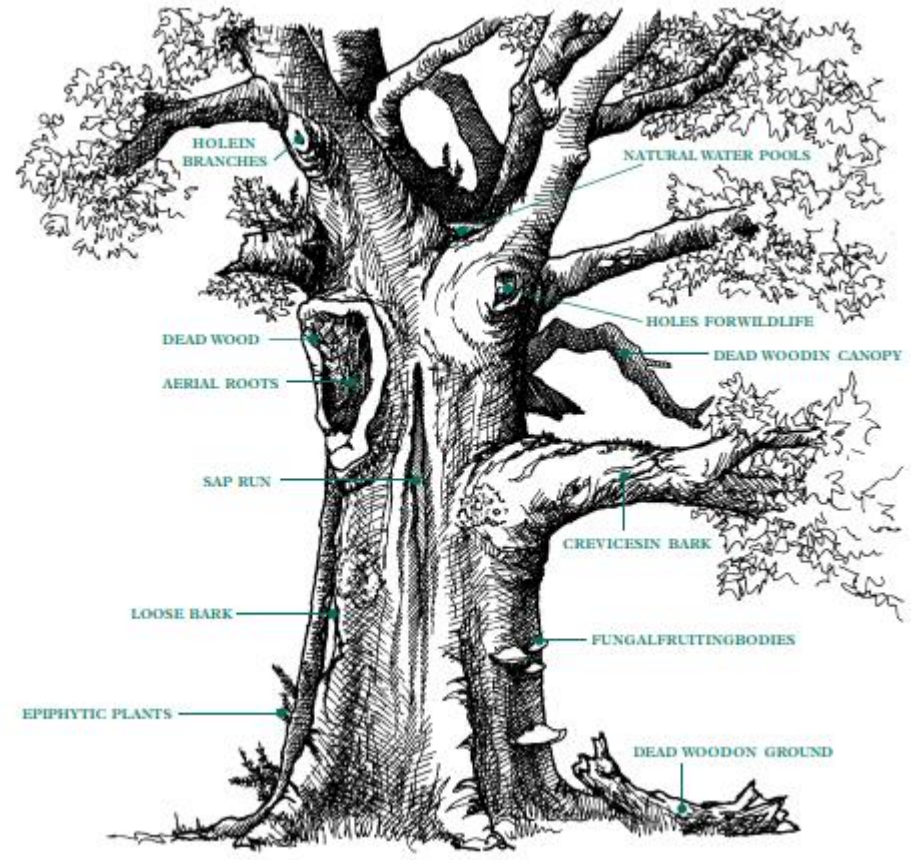
Additional comments were made regarding the need to acknowledge mature and veteran trees as well as ancient woodland. Therefore the following paragraphs have been added and section 5.8 has been renamed Ancient Woodlands, Mature and Veteran Trees:

**“5.8.3. Mature and veteran trees are trees which are of biological, cultural or aesthetic interest by virtue of their age, size or condition. Generally a tree which is a minimum of 200 years old is considered to be a veteran or mature tree; however the precise age of a tree can be difficult to attain. Therefore, trees with a combination of the following characteristics are likely to be defined as mature or veteran trees:**

- **Girth large for the tree species concerned**
- **Major trunk cavities or progressive hollowing**
- **Naturally forming water pools**
- **Decay holes**
- **Physical damage to trunk**
- **Bark loss**
- **Large quantity of dead wood in the canopy**
- **Sap runs**
- **Crevices in the bark, under branches or on the root plate sheltered from direct rainfall**

		<ul style="list-style-type: none"><li>• <u>Fungal fruiting bodies (e.g. from heart rotting species)</u></li><li>• <u>High number of interdependent wildlife species</u></li><li>• <u>Epiphytic plants</u></li><li>• <u>An 'old' look</u></li><li>• <u>High aesthetic interest</u></li></ul> <p><u>5.8.4 Figure 1 shows an example of what the above characteristics can look like to aid in identification of mature and veteran trees.</u></p> <p><i><u>Figure 1: Mature and Veteran Tree Characteristics (Source: Natural England, 2011)</u></i></p>
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**5.8.5 Due to the biological and historical interest mature and veteran trees have, they are considered to be irreplaceable. Therefore, they cannot be adequately mitigated or compensated in relation to development proposals, consequently, the conservation and protection of these types of trees is the only means to secure them for the future. In all cases proposed development should avoid works to veteran and mature trees to ensure they are appropriately protected. The Woodland Trust's Ancient Tree Inventory (<https://ati.woodlandtrust.org.uk/>) is a good resource to help developers identify if a tree is protected, where developers are unsure of**

		<p><b><u>the identification of a tree, advice should be sought from an ecologist consultant or arboriculturist consultant to certify whether the tree is considered to be a veteran or mature tree.”</u></b></p>
Mrs Amanda Protheroe	<p>There needs to be specific guidance to improve the urban canopy in the towns of the vale. There has been much covering of areas with hard landscape and sometimes highway design is increasing traffic waiting times at lights etc. This decreases air quality. Natural resources wales have issued reports on the vale which show significant reductions in trees canopy. There should be some planning requirements to design in planting of trees and limit their removal. There are many areas where tree planting could happen in Barry especially where traffic flow is heavy. I have been working in Newport and recently witnessed the planting of 20 plus trees on a main arterial route into the centre. Not only will this help the vale in its requirement to improve air quality, it will also add to our well being - this has been evidenced in research Finally the obligations of the council under the future generations act are also assisted with a commitment to sustainability which such an action would make.</p>	<p>The SPG seeks to encourage the planting of new trees and retain existing trees as part of new developments. Indeed, where the removal of a protected tree is considered acceptable, the SPG includes a requirement for replanting at a ratio of 2:1 and encourages the same approach in cases involving unprotected trees (paragraph 9.1.2 refers).</p> <p>The comments in respect of trees and air quality / well-being are noted and it is proposed to add a specific reference to this in paragraph 8.1.3 of the SPG.</p> <p>“8.1.3. Alongside the retention of existing landscape elements new tree and landscape planting should be considered at the earliest stages of the design process so that the design of the development will promote a stronger sense of place and character and thereby achieve a higher quality environment. <b><u>The planting of new trees and other flora can also help improve existing air quality levels and help increase the well-being of existing and future residents / users of a development.</u></b> Where there is a requirement for the provision of more formal green space within the site, such as play areas, parks and sports facilities, then consideration should be given to how new facilities may be incorporated within new or existing landscape so that they provide the widest amenity value.”</p>