

INTERNAL MEMORANDUM

To: Hugh Towns
From: Matt Davies (Ecologist)
Ext: 5278
Memo number: 1
Date of previous memo: -
Date: 02/04/2025

SUBJECT: P/25/0037 | Variation of conditions 4 (Duration of Restoration), 6 (Approved Plans) and 50 (Restoration Strategy) of planning permission APP/U6925/A/10/2129921 involving a revision to the restoration scheme. | Ffos Y Fran Land Reclamation Scheme East Of A4060 Slip Road Merthyr Tydfil CF48 4AE

DOCUMENTS SUBMITTED IN SUPPORT OF THE ABOVE APPLICATION

1. Ecological Impact Assessment (EcIA). Ffos-y-Fran Final Restoration Strategy prepared by Richards, Moorehead + Laing Ltd on behalf of MERTHYR (SOUTH WALES) LTD. 3274/11. Rev 0. Approved 05/12/2024.
2. Ffos-y-Fran Final Restoration Strategy 2025. Green Infrastructure Statement – February 2025. V1, dated: 19/02/2025 *prepared by* Richards, Moorehead + Laing Ltd.
3. Ffos-y-Fran Final Restoration Strategy 2025. Environmental Statement – Non-Technical Summary – January 2025 prepared by Richards, Moorehead + Laing Ltd.
4. Ffos-y-Fran Final Restoration Strategy. Environmental Statement (ES) Technical Report – January 2025 *prepared by* Richards, Moorehead + Laing Ltd on behalf of MERTHYR (SOUTH WALES) LTD.
5. ES Volume 3 – Appendix 11 – Hydrology Appendix 11C – Ponds Figure 11C. Received 07/02/2025.
6. ES Volume 3 – Appendix 11 – Ecology Appendix 11B – Pond HSI Table. Received 07/02/2025.
7. ES Volume 3 – Appendix 11 – Ecology Appendix 11A – 3274 Figure 11A Phase 1. Received 07/02/2025.
8. Restoration Aftercare Drawing No. 3274-RML-DR-L-54 Rev 01. Received 07/02/2025.
9. Environmental Impact Assessment (EIA). Ffos-y-Fran Final Restoration Strategy Scoping Report *prepared by* Richards, Moorehead + Laing Ltd *on behalf of* MERTHYR (SOUTH WALES) LTD. 3274/11. Rev 2. Date: 19/07/2024.

OTHER RELEVANT DOCUMENTS / E-MAILS

- A. E-mail from LPA Ecologist to Dr Matthew Robson (Principal Ecologist, RML), dated 28/09/2023 @11:45.
- B. Internal Memorandum (#1) from LPA Ecologist to Mr David Cross (Group Leader Development Control, MTCBC) Dated 14/08/2024.
- C. E-mail from LPA Ecologist to Mr Hugh Towns (Carmarthenshire County Council), dated 24/02/2025 @16:19.

COMMENTS

General

These comments are purely made regarding the proposed revised restoration scheme as presented in this application. It is worth noting however that a Net Benefit for Biodiversity (NBB) in comparison with baseline conditions could be achieved *whether or not* the overburdens are removed and used to infill the void.

Document 1 (EcIA)

Central Ecological Area (CEA)

Document 1 refers to the Central Ecological Area (CEA). There have been several requests for the CEA to be included within the restoration plan (see for example, Documents A and B). To re-iterate comments from e-mail A - including the CEA would be of benefit to demonstrate protection of the CEA and its connections/relationship with the rest of the restored site.

Bats (example excerpts below)

Document 1, page 48

“The main buildings on site, comprising the coal washing plant, workshops, and offices, were considered unlikely to support roosting bats due to the materials used in their construction and generally open aspect.”

Document 1, Table 10, page 52

“Negligible suitable foraging and community habitat within the redline boundary. No trees would be impacted which have the potential to support bat roosts. Buildings have negligible to moderate potential to support bats. Suitable habitat within the CES. There is limited connectivity to the SAC which has lesser horseshoe bats are a feature of interest. The site lies to the north of the Heads of the Valley road.”

There is insufficient detail/evidence regarding these conclusions. One example, was a PRA undertaken of the buildings? If so, could this be included in the reporting? In general, more details/information/justification for all conclusions reached in the document regarding bats are required.

Ponds

Document 1, page 57

“There is also the potential to enhance existing ponds for biodiversity.”

All measures need to be definite. It needs to be clear what will be done, rather than stating the potential.

Document 1 includes several references to Pond 8 being removed. Is there to be an equivalent pond added in compensation?

Document 1, pages 65 + 66

*“Those remaining ponds closest to the majority of the earthworks will remain fenced off from the works and this is expected to provide **a sufficient buffer** to any potential pollution events resulting from machinery or run-off from dust-suppression water spraying.”*

Further details of the **buffer(s)** are required?

Monitoring

Document 1 refers to monitoring, specifically for example, regarding restored habitats (e.g., trees, grassland), GCN and birds. Monitoring of other species/groups of species should be included, e.g., bats, reptiles, invertebrates.

Overburdens

Document 1, page 6

*“The overburden mounds of OB2 and OB3 will be **retained and returned to areas of upland grassland with areas of woodland planting and heathland on the flanks and lower slopes.**”*

Document 3, Figure 1 shows OB3 as a proposed Lapwing nesting area.

The motorcross track on OB3 is shown on the Phase 1 habitat map and target noted, however, there is no other reference to it within the document. As set out, if OB3 is retained, it must be returned to an area of upland grassland with areas of woodland planting and heathland on the flanks and lower slopes. It must also be made suitable for nesting Lapwing.

Lighting – all works will be undertaken in daylight hours removing any need for Artificial Light At Night.

Document 2 (GIS)

This document is acceptable dependent upon the details that will be provided by the long-term management plan.

Overburden 3

Figure 1 shows OB3 as a proposed Lapwing nesting area.

Document 3, page 10

“The two overburden mounds OB2 and OB3 would remain largely as they appear today, and the lower slopes grass seeded and planted with native tree species.”

To re-iterate the comments made with reference to Document 1 – ‘... if OB3 is retained, it must be returned to an area of upland grassland with areas of woodland planting and heathland on the flanks and lower slopes. It must also be made suitable for nesting Lapwing.’

REQUIREMENTS

Issues as set out in comments above to be addressed.

E-mail C above requested the ecological reports regarding the following:

- *Phase 1 habitat survey*
- *Great Crested Newt*
- *Otter*
- *Badger*

These are still required.

Comments within e-mail A (above) included several issues (age of data, bat surveys, bird surveys, reptile surveys, invertebrate surveys, pond/scrape additions, modification of the existing man-made ponds, inclusion of the Central Ecological Area within the restoration plan, GIS, long-term management plan). NB aside from the modification of existing ponds and the provision of a GIS, these issues have not been addressed. This is required.

The local authority must be assured that the proposed restoration plan will be viable. As such, all documentation relevant to the planning application in terms of ecology must be submitted for consideration pre-determination. This includes the following:

- A long-term habitat maintenance, management and monitoring plan (termed a ‘Restoration + Aftercare Management Plan’ within the supporting documentation)
- Construction Environmental Management Plan - Biodiversity (CEMP-B)
- Precautionary Working Method Statement (PWMS) for all relevant habitats and species

NB Document 1 describes a 5-year period of aftercare from 2028 onwards returning the site to urban common for grazing and public amenity thereafter. The habitat management plan must be a *long-term strategy*, preferably in perpetuity, but for at least 30 years following the restoration of habitats. In addition, the funding mechanism for the management must be established and must anticipate rising costs over time.

As set out in e-mail C:

A long-term habitat management and monitoring plan is required to accompany the GIS as per PPW12. This should include:

- Details of retained landscaping/habitat/green infrastructure;
- Details of newly proposed landscaping/habitat/green infrastructure;
- A planting plan. NB all species will be native and of local (if not Welsh) provenance;
- The immediate and long term (for a scheme of this scale – in perpetuity or at least 30 years) maintenance and management measures for all onsite landscaping/habitat/green infrastructure (both retained and new). NB this must include the Central Ecological Area (CES);
- Details of any other ecological measures if relevant, e.g., bat boxes, bird boxes, hibernacula, etc;
- Monitoring post-development for all onsite landscaping/habitat/green infrastructure/ and other ecological measures;
- Details of the funding mechanisms to meet the maintenance, management and monitoring objectives plus details of those responsible. NB the funding mechanism must anticipate and take account of costs rising over time;
- How a net benefit for biodiversity will be achieved within as short a time as possible and be locally responsive and relevant to local circumstances.