

INTERNAL MEMORANDUM

To: David Cross
From: Matt Davies (Ecologist)
Ext: 5278
Memo number: 2
Date of previous memo: 17/07/2023
Date: 20/09/2023

SUBJECT: P/23/0131 | Demolition of existing school and construction of a new school building within the existing site, including sports facilities and associated landscaping, access and engineering works, temporary staff car park, construction compound and classrooms during construction | Bishop Hedley High School Gwaunfarren Road Penydarren Merthyr Tydfil CF47 9AN

A collection of school buildings, hardstanding and amenity grassland areas with hedgerows, treelines and scattered trees. Close to grassland, woodland, scrub and stream habitat in Galon Uchaf Park found to the north west of the site.

Documents submitted in support of the above application (updated versions and newly submitted reports in **bold**):

1. Preliminary Ecological Assessment & Bat Survey. Bishop Hedley Catholic School. Ecological Services Ltd. Version V3.0. Date 31st May 2023.
2. Bat Survey: Bishop Hedley Catholic School (Southern Site), Merthyr Tydfil, CF47 9AN. Ecological Services Ltd. Version V1.0. Date May 2023.
3. Ecological Impact Assessment. Project: Bishop Hedley Catholic School, Merthyr Tydfil. Ecological Services Ltd. Version **V2.0**. Date **5th September 2023**.
4. Drawing Title: Site Wide Planting Plan. Drawing number: BCA -ATK -XX -XX -DR - LA -423013. Revision P02. Date: 16/02/23
5. External Lighting Dwg No. 6914-MCP-ZZ-XX-DR-E-9000-AOP
6. **Bats and Trees Survey Report. Bishop Hedley Catholic School. Ecological Services Ltd. Version V2.0. Date September 2023.**

COMMENTS (Actions required prior to determination in **bold** and those that can be conditioned or added to the decision notice in **bold**)

A. Bats

- i. In September 2023, the Bat Conservation Trust (BCT) published an updated set of guidelines for professional ecologists:

Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.

The guidance note specifies that emergence surveys of structures should be supported by night vision aids (NVAs) and the rationale provided in reporting if they are not used.

It appears that NVAs were not used in the bat activity surveys undertaken. There will therefore either need to be additional surveys including the use of NVAs, or a robust justification for their omission. The non-use of NVAs will be accepted in this case provided the dismantling of *all* sensitive areas for roosting bats on *all* buildings is undertaken under close ecological supervision in line with an agreed Bat Method Statement (BMS).

There will be a 'pre-commencement' planning condition for an acceptable BMS, which will require written approval from the LPA ecologist for discharge.

- ii. Documents 1 and 3 state that the onsite buildings have some, albeit very low, suitability for hibernating bats. Using the precautionary principle, demolition works to sensitive parts of the buildings will be undertaken outside of the hibernation season. As a variation on this, dismantling of sensitive areas for roosting bats during the hibernation season would be acceptable, *provided there is close ecological supervision and only when temperatures are 10°C or above* - in line with an agreed Method Statement (required prior to determination). In addition, some bat boxes suitable for hibernation will be incorporated within the proposed new buildings as compensation for any opportunities lost. Presently, the only bat box model specified for the new school buildings is the *lbstock Enclosed Bat Box B*, which is intended to provide a summer roosting space.

Replacement of some of the lbstock boxes with ...

<https://www.wildcare.co.uk/schwegler-1wi-summer-and-winter-bat-box.html> (or equivalent).

... would be acceptable. NB these should be oriented to the north. Document 3 to be amended.

- iii. Trees will be removed outside of the hibernation season as there is a chance of bat presence during this vulnerable period. The bird breeding season can be avoided by removing the trees in late summer/early autumn. **Document 6 will be amended to reflect this.**
- iv. A derogation licence from NRW will be required in order to undertake the works to Building B1. **The following advisory notice will be added to the decision notice should planning permission be granted:**

Warning: A European Protected Species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To

undertake works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>

B. Birds

- i. **The following advisory notice will be added to the decision notice should planning permission be granted:**

All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

C. Reptiles

- i. As stated within Document 3, a Reptile Mitigation Strategy (RMS) will be required. **There will be a 'pre-commencement' planning condition for an acceptable RMS, which will require written approval from the LPA ecologist for discharge.**

D. Lighting

- i. Dark routes must be provided north-south and east-west across the site. There must also be dark routes to any proposed bat roost provision (integrated bat boxes).
- ii. Document 5 is a horizontal lighting plan for the proposed development, but further information is required. The information as set out in Step 5 of the BCT/ILP guidelines ([Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals \(theilp.org.uk\)](#)), pages 21 and 22 is required. This will include, but not be limited to, *'The contours (and/or coloured numbers) for 0.2, 0.5, 1, 5, and 10 lux must be clearly shown as*

well as appropriate contours for values above these ... Each illuminance/lux contour plan should be accompanied by a table showing their minimum and maximum illuminance/lux values.'

- iii. An equivalent plan for the 'current' lighting set up is required for comparison with the proposed lighting plan.
- iv. The specification of all luminaires will comply with the guidelines, for example in terms of colour temperature (down to 1000K where possible) and wavelength.
- v. Part Night Control will be employed to ensure that lighting is not operational when not required.
- vi. The internal school lighting will also comply with the guidelines.
- vii. Lighting will be strictly limited only to where and when it is necessary – details required.

The lighting plan is preferentially required prior to determination, however, a robust 'pre-commencement' planning condition would be acceptable, which will need written approval from the LPA ecologist for discharge. The lighting plan will need to include all the elements as set out above.

E. Other

- i. A Landscape and Ecological Management Plan (LEMP) will be required. Examples of the content required below.
 - o Specification of all new habitat to be created (species, seed mixes etc) will be included, together with a planting and establishment plan.
 - o All species [so, including the grass seed mixes] will be native species of local (if not Welsh provenance).
 - o Retained habitat will be specified and mapped. Protection measures for all retained habitat during construction will be included in the LEMP and also in the CEMP for the scheme.
 - o There will be a habitat maintenance and management plan that will be followed for at least the lifespan of the new school. This will include all habitat onsite (retained, newly created, inc. SuDS scheme habitat).
 - o All enhancement measures will be included (e.g., bat boxes, gaps for hedgehogs). For example, the models of all bat and bird boxes will be specified (they will be of an integrated design). All enhancement measures will be marked on relevant drawings, plans and elevations for the site.

The LEMP is preferentially required prior to determination, however, a robust 'pre-commencement' planning condition would be acceptable, which will need written

approval from the LPA ecologist for discharge. The LEMP will need to include all the elements as set out above.

- i. Following the amendments in red, Documents 3 and 6 will be included in the list of documents in Planning Condition #2.