

Ein cyf/Our ref: CAS-243415-N0M5
Eich cyf/Your ref: P/23/0133

Merthyr Tydfil County Borough Council
Unit 5 Triangle Business Park
Pentrebach
CF48 4TQ

Dyddiad/Date: 15 December 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Demolish derelict chapel and construct 2 dwellings.

LLEOLIAD/LOCATION: Former Ynysgau Chapel Wyndham Street Troedyrhiw.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 23 November 2023.

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes two new dwellings, which represent highly vulnerable development. Our Flood Risk Map confirms the northern edge of the site to be within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning, which represents the most up to date information on flood risk, identifies a greater extent of the site to be at risk of flooding, with the proposed location of the dwellings falling within Flood Zone 2 and 3 (Rivers).

We refer you to Section 6 of TAN15 and the Chief Planning Officer [letter](#) from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we have reviewed the Flood Consequences Assessment (FCA) to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15. We are satisfied that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application on flood risk grounds.

TAN15 A1.14 Criteria

The FCA has demonstrated that the application site is predicted to be flood free in the 1% plus climate change allowance (CCA) using detailed flood modelling. The FCA references two sets of levels for the site and finished floor levels (FFL). Under the heading 'Summary of existing and proposed development' it states proposals indicate levelling the site to 139.68m AOD with FFL set 150mm higher at 139.83m AOD. However, under the heading 'Recommendations', it recommends site ground levels are set to at least 140.07m AOD and FFL set 300mm higher at 140.37m AOD. We assume the FCA recommendations has superseded the initial proposed levels. Regardless, we are satisfied the proposal is designed to be flood free, with the modelled 1% CCA defended event shown as 138.83 m AOD.

TAN15 A1.15 Criteria

The 0.1% present day modelled flood level is shown as 140.07m AOD. Based on the lowest proposed site ground level above (139.68m AOD) the site could experience flood depths of up to 0.39m (390mm), which does not exceed the threshold i.e. 600mm of Table A1.15. Therefore, any additional raising of FFL will mitigate this flood risk further

The FCA also demonstrates there is a flood free pedestrian access available to the southeast of the site (footpath connecting Wyndham Street and Cardiff Road). This is not anticipated to flood under all fluvial flood events.

TAN15 A1.12 – No Flooding Elsewhere Criteria

As the proposed building footprint will remain the same compared to the existing building on site, in this instance we are satisfied this criterion has been met. All other A1.12 Criteria has generally been complied with under Section 7 of the FCA.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures, and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Protected Species

We note the bat report submitted in support of the above application (Little Wing Ecology, Preliminary Roost Assessment and Bat Activity Survey, August 2023) has identified bats are present at the application site.

We have no objection to the application as submitted but request that an informative is attached to any planning permission granted as explained below.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having

satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and,
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

On the basis of the above report, we do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal but in line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: A European protected species (EPS) Licence may be 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 capture, kill or disturb EPS or to 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 the 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 [Natural Resources Wales / Apply for a protected species licence](#).

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

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

Rhys Evans

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

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.