

Ein cyf/Our Ref: CAS-262239-P1J2
Eich cyf/Your Ref: P/23/0251

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

Dyddiad/Date: 28 August 2024

Annwyl Ms Owens/Dear Ms Owens

BWRIAD/PROPOSAL: ERECTION OF EXTENSION TO LINK RUGBY CLUB BUILDING WITH EXISTING SHOWER BLOCK AND OTHER ASSOCIATED ALTERATIONS.

LLEOLIAD/LOCATION: DOWLAIS RUGBY CLUB, BLAEN DOWLAIS, DOWLAIS.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, with additional information which we received on 8 August 2024.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- Bat Survey: Dowlais RFC, Blaendowlais, Merthyr Tydfil, Version V2.0, prepared by Ecological Services Ltd, dated July 2024.

Please note, without the inclusion of this document we would object to this planning application.

Condition - European Protected Species - Bats

We note that a maternity bat roost for common pipistrelle bats has been confirmed and they state that a licence will be needed. We concur with the advice in the 'internal memorandum from Rebecca Owens to Matt Davies (Ecologist)' dated 25 July 2024.

Policy

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.

Advice on Application

On the basis of the information in the documents named above, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the measures stipulated in the above document are adhered to.

We therefore recommend the above listed document is included in the approved plans and documents condition on any permission your Authority may be minded to grant.

Informative

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 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 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.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. 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 <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en> .

We may wish to discuss minor aspects of the proposed mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans

between planning consent and the EPS licence application may affect the outcome of the 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

Andrew Hurst

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning

Ffôn/Tel: 03000 653074

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk

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.