

Ein cyf/Our ref: CAS-265404-V6S2
Eich cyf/Your ref: P/24/0140

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

Dyddiad/Date: 22 October 2024

Annwyl David/Dear David,

BWRIAD/PROPOSAL: Redevelopment of site involving the demolition of existing buildings and construction of new buildings to accommodate 40 No. residential flats, parking, landscaping, sub-station, bin store, air source heat pump, engineering works, drainage, roof top solar provision and associated works.

LLEOLIAD/LOCATION: Cefn Isaf Flats, Pontycapel Road, Cefn Coed Y Cymmer, Merthyr Tydfil, CF48 2RA

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 30 September 2024.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding European Protected Species (EPS). If this information is not provided, we would object to this planning application. Further details are provided below.

European Protected Species (EPS)

We have reviewed the following documents submitted in support of the application:

- Bat Survey Report, Cefn Isaf Flats, Just Mammals Ltd, dated 23/09/2024;
- Biodiversity Enhancement Plan, Cefn Isaf Flats, dated 20 March 2024, by Just Mammals;
- Proposed Landscape Plan, Version P06 dated 26/09/2024;
- Proposed Lighting Plan, Version P05, dated 26/09/2024;
- Proposed Bat Roost Structure, Version P01, dated 26/09/2024.

We previously provided comments at statutory pre-application consultation stage (Ref: CAS-252440-S3N5) and planning stage (Ref: CAS-258643-H1J6), which noted that a previous bat survey report by Just Mammals Ltd (dated 10th October 2022) had identified common pipistrelle and soprano pipistrelle utilising the building at the time.

It is noted that an updated bat survey (dated 23/09/2024) has now also identified Lesser Horseshoe Bats (LHB) utilising the development site as a night roost. The submitted report also makes reference to a known LHB roost to the north of the site, within 300 metres. It is therefore considered likely that the bats on site are linked to this roost. In addition, we are aware of various hibernation roosts for the species within the locality. It is therefore essential that a suitable long term replacement night roost for LHB is provided as compensation.

Legislation & Policy

All species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed.

Where a European Protected Species is present and 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. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.

These requirements are translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.35 and 6.4.36 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Our Advice

We welcome that a durable replacement building, dedicated for bat use, is proposed to replace the store room currently used as a night roost by LHB. However, we advise that amendments are necessary to ensure the LHB compensation is suitable and appropriate.

We therefore advise that the following additional/revised information is submitted and all amendments included on updated plans submitted with the application:

1. An increase in the proposed bat roost building footprint so that it is more comparable to the size of building/roost being lost i.e. existing storeroom;
2. A reduction in the size of the access point to a cowled, letter box access (200mm H x 300mm W) to reduce conflict with predators;
3. Provision of a robust fence, around the bat building to reduce the potential for vandalism (located so as not to hinder bat access);
4. At least 2 integrated crevice features are provided, and included on the landscape plan, within the new buildings due to the number of crevice roost features that are being lost.

With regards to point 4, we welcome the replacement roosting opportunities for crevice dwellings bats will be provided within the replacement buildings, however we have only identified one single feature on the submitted 'Proposed Landscape Plan' which is inconsistent with the recommendations of the survey report (Section 10.4).

Securing Long-term Compensation

The LHB roost to be lost is likely to be functionally linked to known LHB hibernation roosts within the wider area. Therefore, ensuring the longevity of any replacement roost is essential. Should you be minded to grant planning permission, we advise that appropriate planning controls secure the following objectives of the compensation:

- Details of the long-term management and maintenance of the bat house, including funding and associated species monitoring provisions;
- Implementation of the above by a professional body with appropriate experience.

Lighting

We welcome the submission of a lighting plan as part of the planning application. However, we have concerns that under the present scheme, lighting on site would significantly increase. We therefore advise the removal/relocation of some of the proposed lighting.

Whilst we would be content to secure an amended lighting plan via condition (condition wording provided below), we advise that it should be considered whether any amendments are required to the development layout/plans as a result of our comments below.

The submitted survey has evidenced that LHB are commuting through the site, along the eastern boundary and south into the wider landscape, through the presently dark centre of the site. We welcome that a dark zone has been provided at the eastern end of the development, however this appears to be an isolated area. We therefore advise that the dark zone is extended and the following is reconsidered to ensure that the site is not inappropriately lit and LHB can continue to commute through the site and into the wider landscape:

- Light at the southern end of the mitigation area to be removed to maintain dark route for bats from eastern boundary;
- Lights within the southern car park to be removed or reduced in number with evidence that associated light spill will not prevent bats commuting to and utilising the southern woodland (see below)
- Lighting through the centre of the development to be reduced / re-designed to evidence that a dark corridor is present in the centre of the site.

Where lighting is deemed essential as part of the development, we advise the following:

- Specification and heights of all lights to be submitted, including details of any measures to reduce light spill such as PIR sensors, timers, baffles;
- Submission of an Isolux drawing down to 0 lux, to evidence that light spill will not impact the dark commuting zones across the site (modelling must be undertaken on a worst case scenario basis, with a device maintenance of 1 - 100% and details of how the modelling was undertaken must be included within the submission.

Condition

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used;
- Isolux drawings setting out light spillage in key sensitive areas.

The lighting shall be installed and retained as approved during operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, habitats, commuting corridors.

EPS Licence 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.

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.

Pollution Prevention

We refer you to our previous comments and requested Demolition and Construction Environmental Management Plan (DCEMP) condition (Ref: CAS-252440-S3N5) with regards to pollution prevention.

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

Eleanor Sullivan

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.