

INTERNAL MEMORANDUM

To: David Cross
From: Matt Davies (Ecologist)
Ext: 5278

Memo number: 1

Date of previous memo: -

Date: 28/06/2024

SUBJECT: P/24/0140 | 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 | Cefn Isaf Flats Pontycapel Road Cefn Coed Merthyr Tydfil CF48 2RA

Empty and disused blocks of flats close to high quality, well-connected woodland and wooded river corridor. Likely to be important foraging and commuting habitat for a wide range of protected species including bat and bird species.

Designated sites within 500m of the application site:

- Site of Special Scientific Interest (SSSI) – x1 (Cwm Taf Fechan Woodlands) c.325m from site;
- Local Nature Reserve (LNR) - x1 (Cwm Taf Fechan Woodlands) c.325m from site;
- Sites of Importance for Nature Conservation (SINCs) – x6 (closest - Cwm Taf Fawr) c.104m from site;
- Regionally Important Geodiversity Site (RIGS) – x1 (Nant Ffrwyd) c.290m from site;
- Wildlife Trust Reserve (WTR) – x1 (Taf Fechan) c.403m;
- Ancient Semi Natural Woodland (ASNW) – x1;
- Restored Ancient Woodland Site (RAWS) – x2;
- Within a Buglife B-Lines Area

Priority and protected species within 500m of the application site:

- Birds (including Schedule 1¹ and Section 7² species);
- Fish (including Section 7² species);
- Invertebrates (including records for marsh fritillary butterfly, c.1121m from site and other Section 7² species);
- **Bats (closest record for lesser horseshoe bat, c.14m from site and closest *roost* records for unidentified pipistrelle species on site, within the onsite buildings);**
- Otter;
- Badger;
- Hedgehog;
- Reptiles;
- Amphibians (including great crested newt, closest record c.793m from site);
- Vascular plants (including Section 7² species).

¹ Wildlife & Countryside Act 1981 (as amended)

² Environment (Wales) Act 2016

Ecological reports submitted in support of the application

1. Cefn Isaf Flats, Cefn Coed y Cymmer, Merthyr Tydfil, CF48 2RH. Preliminary Ecological Appraisal *prepared by* Just Mammals Ltd *on behalf of* Merthyr Valleys Homes. File Reference: JM1921. 16th November 2023.
2. Cefn Isaf Flats, Cefn Coed y Cymmer, Merthyr Tydfil, CF48 2RH. Bat Survey Report *prepared by* Just Mammals Ltd *on behalf of* Merthyr Valleys Homes. File Reference: JM1921. 10th October 2022.
3. Cefn Isaf, Cefn Coed y Cymmer, Merthyr Tydfil. Green Infrastructure Statement prepared by TDA on behalf of Merthyr Valleys Homes. TDA/2947/GIS/RhC/03.24. March 2024.
4. Cefn Isaf Flats, Cefn Coed y Cymmer. Biodiversity Enhancement Plan *prepared by* Just Mammals Ltd *on behalf of* Merthyr Valleys Homes. File Reference: JM1921. 20th November 2024.
5. Proposed Lighting Plan-P04 Drawing No. CEF-CoA-00-00-DP-A-(04)117. Dated 31/05/2024

COMMENTS

Document 1

Page 5, 10.1: *"If, whilst the vegetation is being removed an active nest is discovered, all works within a 2m radius of the nest must be immediately stopped, and not recommenced until all chicks have fledged."*

Firstly, this does not consider the suitability of the onsite buildings for birds. Secondly the wording regarding the disturbance buffer radius around an active nest as quoted (2m) requires amendment. The disturbance buffer and mitigation measures should reflect the specific bird species present, its legal protection and the nest/dependent young status. There is a range of levels of tolerance between species and those, for example on Schedule 1 (Wildlife and Countryside Act 1981, as amended) have additional protection during the breeding season (for disturbance of these species, a licence is required from NRW).

Any ecological enhancement measures must be clearly marked by the architect on official plans, drawings and elevations.

Page 7, 10.9 – *"British Seed Houses Mix A24 is a wear and tear mixture suitable for lawns and hard-working areas near to pathways. It contains five species of plant which are suitable for this location."*

For these areas, a species mix that would respond well to regular mowing should be used. The following are examples of such seed mixes:

- <https://wildseed.co.uk/product/mixtures/complete-mixtures/special-habitat-mixtures/flowering-lawn-mixture/>
 - <https://www.johnchamberswildflowers.co.uk/wildflower-seeds-mixes/100-wildflower-mixes/heritage-flowering-lawn-100-wildflower-seed-mix>
 - <https://wildflowerlawnsandmeadows.com/product/wild-flower-lawn-seed-mix/>
- (or equivalent)

Page 7, 10.10 and 10.11 – the green roof is a welcome recommendation and will be required.

Document 2

The bat emergence survey work requires a full repeat following the latest good practice guidelines³ (*including the use of NVAs and static detectors inside areas of the building that could be accessed by bats. NB there are records of onsite lesser horseshoe bats*) for the following reasons:

- The latest bat survey was undertaken on the 18th of August 2022 – and therefore is 22 months old. Counting this season, the data is more than two active seasons old.
- The surveys from 2022 were largely undertaken on the Lower Building, missing out significant parts of the Upper Building.
- All emergence surveys were undertaken for one hour after sunset. Good Practice Guidelines 2016⁴ and 2023³ require dusk emergence surveys to end 1.5–2 hours after sunset.
- BCT Interim Guidance Note⁵ and Good Practice Guidelines (2023) outline the use of Night Vision Aids (NVAs). Surveys should usually be carried out using NVAs (night vision, infra-red camera, thermal imaging camera) as bats often emerge after it is too dark for surveyors to observe them.

NB the updated report should include a diagram showing the general bat activity across the site.

Document 3

This document is low on detail. The green infrastructure statement must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied. See pages 148 – 152, including Figure 12: Summary of the Step-Wise Approach (page 148).

If possible, could the following be supplied prior to determination?:

- A detailed long term Landscaping, Habitat & Ecology Scheme (LHES). The LHES must include, but not be limited to, the following:
 - Details of retained landscaping/habitat/green infrastructure
 - Details of new landscaping/habitat/green infrastructure
 - A planting plan
 - Long term (at least 25 years) maintenance and management measures for all onsite landscaping/habitat/green infrastructure (both retained and new)
 - Details of other ecological measures, e.g., bat boxes, bird boxes, hibernacula, gaps in boundaries for hedgehogs etc
 - Monitoring post-development for all onsite landscaping/habitat/green infrastructure and other ecological measures

³ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.

⁴ Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition). The Bat Conservation Trust, London.

⁵ (May 2022) Interim Guidance Note: Use of night vision aids for bat emergence surveys and further comment on dawn surveys. Bat Conservation Trust.

- Details of the funding mechanisms to meet the maintenance, management and monitoring objectives
- Details of the responsible person

This would serve to better inform the GIS document. NB the information within Document 4 would form the basis of this LHES document.

Document 4

The measures as outlined within Document 4 are acceptable. All the measures need to be represented in a plan/drawing – Figure 1 shows bat boxes, bird boxes and bee bricks, but the landscaping elements also need to be added.

NB the measures in relation to bats may need to be amended following the required update to the bat emergence survey work.

Document 5

The plan states that it is drawn with reference to Bats and Artificial Lighting in the UK: Guidance Note 08/23. However, amendments and more detail is needed:

- Document 2 states – *“It is important that any on-site lighting scheme does not deter bats from roosting, dispersing across the site and using the surrounding habitat for foraging purposes. It is therefore recommended that any artificial lighting is avoided where possible, unless considered critical for maintaining health and safety standards. If it is considered necessary, then it is recommended that any security lighting is kept to a minimum with luminaires motion-triggered and on a short timer of 15-20 seconds. The Institution of Lighting Professionals and Bat Conservation Trust have published ‘Bats and Artificial Lighting in the UK: Guidance Note 08/18’ (Anon, 2018). This document presents many options for bat sensitive lighting and may be used to inform lighting considerations. Lighting must not be directed at natural features such as the woodland to the south, and lighting must not be directed at any mitigation features. Dark corridors across the site must be maintained, providing access to the nearby woodland.”*

There are no dark areas cutting across the site east to west (Document 2 refers to a lesser horseshoe bat commuting and foraging in the central dark area between the upper and lower buildings).

Whilst the lighting plan seems to take into account the suggested positions of the bat boxes as shown in Figure 1 of Document 4, this is very limited – a single designated dark zone is marked along the eastern elevation of the proposed Block B. However, the car parking area to the south of the dark zone is illuminated and would represent a barrier to a route into the woodland to the south.

There must also be a dark route to, and no illumination of, the woodland block immediately to the south of the buildings

NB there may also need to be adjustments made following the required update to the bat survey work.

- A horizontal illuminance plan produced by a lighting professional should be produced to illustrate the light levels across the site and fully demonstrate the dark areas as defined in the lighting guidelines (“ ... where ‘complete darkness’

on a feature or buffer is required, it may be appropriate to consider this to be where illuminance is at or below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane.”

- Some detail is needed regarding the operating hours for the lighting – there should be restrictions on when the lights are in operation, coupled maybe with motion-triggering and short timers as referred to in Document 2.
- Details regarding the luminaires is needed, for example, the colour temperature and wavelength (which must conform to the lighting guidelines).

Possible conditions

- No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority.
- No development shall take place (including ground works, vegetation clearance) until a detailed long term Landscaping, Habitat & Ecology Scheme (LHES) has been submitted to and approved in writing by the local planning authority. The LHES must include, but not be limited to, the following:
 - Details of retained landscaping/habitat/green infrastructure
 - Details of new landscaping/habitat/green infrastructure
 - A planting plan
 - Long term (at least 25 years) maintenance and management measures for all onsite landscaping/habitat/green infrastructure (both retained and new)
 - Details of other ecological measures, e.g., bat boxes, bird boxes, hibernacula, gaps in boundaries for hedgehogs 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.
 - Details of the responsible person
- No development shall take place (including ground works, vegetation clearance) until an internal and external Lighting Scheme has been submitted to and approved in writing by the local planning authority. NB external artificial light must be avoided where possible. It must only be used when and where the need is absolute. The Lighting Scheme must conform to the latest guidance for wildlife-friendly lighting. NB this will be informed by the repeat bat emergence surveys and the positioning of any bat and bird boxes.
- No development shall take place (including ground works, vegetation clearance) until a Precautionary Working Method Statement (PWMS) for *bats / reptiles / amphibians / hedgehog / nesting birds* has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.
- No development shall take place (including ground works, vegetation clearance) until an Invasive Non-Native Species (INNS) Method Statement has been submitted to and approved in writing by the local planning authority. This will deal specifically with the onsite presence of Schedule 9 cotoneaster species.

- Condition that requires evidence that ecological measures have been installed, created, implemented etc.