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BL MERTHYR LIMITED

CYFARTHFA RETAIL PARK

PRELIMINARY ECOLOGICAL APPRAISAL

JUNE 2025

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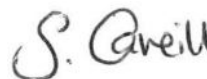
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CONTENTS

1	INTRODUCTION	1
2	METHODOLOGY	4
3	RESULTS AND EVALUATION	8
4	DISCUSSION AND RECOMMENDATIONS	29
5	NET BENEFITS FOR BIODIVERSITY	32
6	CONCLUSION	33
7	REFERENCES	34

APPENDICES

Appendix 1	Legislation and Policy Summary
Appendix 2	Soft Landscape Proposal produced by Sarah Byrne Limited (SB/CyfarthfaRP/P/01 Rev E)
Appendix 3	Full Planning Permission (Planning Application No: P/23/0254)

DRAWINGS	TITLE	SCALE
CA13008-001	Site Location Plan	1:15,000@A3
CA13008-002	UKHab Survey Plan	1:500@A3
CA13008-003	Waterbody Location Plan	1:5,000@A3

EXECUTIVE SUMMARY

Wardell Armstrong LLP (WA) was commissioned by Corona Vulcan Merthyr Limited to undertake a Preliminary Ecological Appraisal (PEA) in connection with a new planning application for a revised layout for a drive thru coffee shop on the existing planning permission P/18/0399 of an area of land in Cyfarthfa Retail Park, Merthyr Tydfil.

WA carried out a UK Habitat (UKHab) Classification Survey of the Site on 26th January 2024. The habitats identified on Site were neutral grassland, dense scrub, and built features. The neutral grassland and dense scrub in the Site had been previously mown to ground level.

The following conservation sites, habitats, and species (receptors) have been evaluated as being subject to potential adverse effects in the absence of mitigation and/or further survey or assessment:¹:

- Bats;
- Birds;
- Common reptiles; and
- Invasive non-native species.

Pre-construction checks have been recommended as necessary:

- Pre-construction checks for breeding birds; and
- Pre-construction checks for reptiles.

Mitigation² and compensation³ are discussed in section 4 of the report but include the following:

- Sensitive lighting strategy for bats.
- Vegetation clearance undertaken outside of the bird nesting season, or an inspection carried out by an appropriately qualified ecologist.
- Reasonable avoidance measures for common reptiles.
- Provision of bat and bird boxes in suitable locations.

¹ Note: the Preliminary Ecological Appraisal Report provides an overview of likely effects and therefore may not be sufficient to support a planning application on its own. Specialist surveys may be required to fully investigate effects and/or to support an Ecological Impact Assessment (EcIA).

² Mitigation are measures required in order to reduce the severity and magnitude of identified effects to an acceptable level.

³ Compensation is required where effects cannot be fully mitigated.

Opportunities for ecological enhancements are set out in section 5 of this report. This includes suitable native planting to be included in the landscape scheme and provision of bat boxes, bird nest boxes, loggery for insects and hibernaculum habitats for the benefit of common reptiles, hedgehogs. In conclusion, it is considered that there are no significant ecological constraints to the development. With appropriate mitigation measures the ecological receptors identified in this report will not be adversely affected by the development.

This report is valid for 18 months from the date the habitat survey was undertaken.

1 INTRODUCTION

1.1 Terms of Reference

1.1.1 Wardell Armstrong LLP (WA) was commissioned by Corona Vulcan Merthyr Limited to undertake a Preliminary Ecological Appraisal (PEA) in connection with a new planning application for a revised layout for a drive thru coffee shop on the existing planning permission P/18/0399 of an area of land in Cyfarthfa Retail Park, Merthyr Tydfil, CF48 1HY (hereafter referred to as the 'Site'). The Site is approximately 0.164ha and is centred on approximate National Grid Reference (NGR) SO 03971 06384.

1.1.2 This report has been produced with reference to current guidelines for UK Habitat (UKHAB) Classification V2.0 (Butcher et al., 2023⁴), Guidelines for Preliminary Ecological Appraisal (CIEEM 2017⁵) and Biodiversity – Code of Practice for Planning and Development (BSI 2013⁶).

1.2 Scope of Report

1.2.1 The purpose of the PEA Report (PEAR) is in broad terms to undertake the following:

- Identify and report to the project team the likely ecological constraints associated with a project, such that the site design can adequately take account of ecological features;
- identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'⁷;
- identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and
- Identify the opportunities offered by a project to deliver ecological enhancement.

1.2.2 Certain species, habitats and nature conservation sites receive legislative protection which is detailed fully within Appendix 1. Other species/groups and habitats are notable due to their identification in national and/or local planning policy or via local records. An indicative assessment of potential adverse effects to such receptors is

⁴ UKHab Ltd (2023). *UK Habitat Classification Version 2.0* (at <https://www.ukhab.org>).

⁵ Chartered Institute of Ecology and Environmental Management (CIEEM 2017).

⁶ British Standard BS 42020:2013 (BSI 2013).

⁷ As defined in BS 42020:2013 (BSI 2013).

provided, although this is not a substitute for full EcIA (CIEEM 2018) which may be required to fully inform any subsequent planning application along with additional surveys and assessments.

- 1.2.3 Provisional mitigation and enhancement opportunities are also discussed, where appropriate.

1.3 Background Information

March 2024

- 1.3.1 An application for an extension of time (application reference P/23/0254) on the planning permission P/18/0399 was submitted to Merthyr Tydfil County Borough Council in October 2023. A response from Matt Davies, County Ecologist, was received by the client requesting that the application is supported by a PEA. The PEA was prepared and submitted to support that application and the extension of time was granted.

August 2024

- 1.3.2 A new planning application for a revised layout for the coffee shop drive thru was submitted. The revised layout reduces the site area of the approved development as it omits a strip of land on the southeast border which will be left undeveloped.

June 2025

- 1.3.3 Following the receipt of comments from the LPA, amendments have been undertaken to the Soft Landscape Proposals and an addition to the Reasonable Avoidance Measures for reptiles.

1.4 Site Context

- 1.4.1 The Site is located to the immediate south of Cyfarthfa Retail Park in Merthyr Tydfil. It covers a small area of land which is bordered to the north and east by the southern access road of the retail park, to the south by the roundabout junction on Heolgerrig/Aberdare Road which allows access to the Keir Hardie University Heath Park, and to the west by a public footpath beyond which is a strip of planted native woodland between the Site and the A470.

- 1.4.2 The Site was cleared in 2018 prior to the submission of the original planning application P/18/0399. The Local Planning Authority took this into account during their assessment of that application (see Appendix 3 – Delegated Report). Since 2018,

the Site has been maintained in its current condition. The Site has not been pre-emptively cleared for the purposes of supporting the current application.

1.5 Description of Development

- 1.5.1 A drive thru unit specialising in coffee is proposed on the Site as an addition to Cyfarthfa Retail Park. The proposed development will include a retail unit along with a drive thru lane, car parking spaces, ornamental shrub and formal tree planting. Access for vehicles will be provided from the southern Cyfarthfa Retail Park access road.

2 METHODOLOGY

2.1 Desk Study

2.1.1 The desk study was informed by review of existing available information provided by South East Wales Biodiversity Records Centre (SEWBReC) (LERC Reference: 0234-777) and from available internet-based resources for a 2km search radius from the central grid reference point of the Site (NGR SO 03971 06384). Ordnance Survey (OS) and satellite mapping was also used to gain contextual habitat information.

2.1.2 Specific information was sought for:

- Statutory designated sites;
- Locally designated sites;
- Ancient Woodland⁸;
- Protected and priority species;
- Priority (S.7) Habitats and Species⁹;
- Local Biodiversity Action Plan (LBAP) priority habitats and species¹⁰.

2.1.3 The ecological desk study was carried out by a competent ecologist who is a qualifying member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and has completed numerous ecological desk studies.

2.2 Extended UKHab Classification Survey

2.2.1 WA carried out a UK Habitat (UKHab) Classification Survey of the Site on 26th January 2024. The survey was carried out by an experienced WA ecologist.

2.2.2 The survey followed the 'UK Habitat Classification V2.0' (Butcher et al., 2023) methodology with each of the main habitats classified according to the relevant criteria including vegetation composition expressed according to the DAFOR¹¹ system.

2.2.3 In addition to the mapping and description of habitats, the survey was 'extended' to include the incidental observations of protected and/or notable species and the potential for such species to occur on Site (and in the surrounding landscape where

⁸ As defined by Natural Resources Wales in their Inventory of Ancient Woodlands At:

[Ancient Woodland Inventory 2021 | DataMapWales \(gov.wales\)](#)

⁹ Species or habitats of principal importance for the conservation of biodiversity listed on Section 7 (S.7) of the Environment (Wales) Act 2016

¹⁰ <https://www.merthyr.gov.uk/media/5685/merthyr-tydfil-nature-recovery-action-plan-2019.pdf>

¹¹ D = dominant, A = abundant, F = frequent, O = occasional, R = Rare

relevant) were also recorded onto secure digital media for mapping and data collection. The extended element of the survey was based on professional judgement.

- 2.2.4 Specific habitat features are mapped on Drawing Number CA13008-002 (UKHab Survey Plan) with appropriate reference numbers identifying features of particular note.
- 2.2.5 Where accessible, the planted native woodlands within a 30m radius around the Site were checked for signs of badger activity. Inaccessible areas of woodland, which buffer the A470, were inspected from the boundaries.

2.3 Evaluation and Assessment of Features

- 2.3.1 Evaluation of the importance / likely importance of ecological features and the likelihood of impacts affecting important features was made, where possible, using professional judgement in accordance with published guidance (CIEEM 2017).
- 2.3.2 Protected and s.7 species were evaluated in order to identify potential adverse effects in Table 3, based on the following criteria:
- Desk study records;
 - Evidence found during the survey;
 - Presence, extent, quality and viability of suitable on-site habitat;
 - Ecological connectivity to viable off-site habitats; and
 - Perceived impacts of habitat loss/impact to individuals in relation to proposals.
- 2.3.3 A 'traffic light' system is used in Tables 1, 2 and 3 to highlight potential constraints and opportunities whereby:
- **Green**: No constraint or limited constraint unlikely to be of planning and/or legal significance.
 - **Yellow**: Potential constraints which require further survey and/or mitigation and may be of planning and/or legal significance depending on the outcome of further survey/assessment.
 - **Red**: Constraints which have already been identified by the PEA survey/desk-based assessment and are likely to be of planning and/or legal significance.

2.4 Nomenclature

2.4.1 Vascular plant names follow '*New Flora of the British Isles*' (Stace 2019) with vernacular names as provided in the Botanical Society of the British Isles website (BSBI, 2013)¹². All other flora and fauna names following the National Biodiversity Network (NBN) Atlas (NBN Atlas Partnership, 2021). The common and scientific name of species/taxa is provided (if available) when first mentioned in the text, with only the vernacular name referred to thereafter.

2.5 Limitations / Deviations

2.5.1 Ecological surveys are limited by factors that affect the presence of plants and animals such as time of year, weather, migration patterns and behaviour. The survey was undertaken in January which is outside the optimum recommended time for habitat surveys (April to August) and therefore survey data may not be representative of other times of the year. However, a UKHab survey at this time of year can still provide useful data on broad habitat types and highlight potential constraints. The report is not designed, nor is it required to present a complete inventory of flora/fauna.

2.5.2 The absence of desk study records is not relied upon to determine absence of a particular species/habitat. Often, the absence of records is a result of under-recording within the given search area and as such the experience of the ecologist concerned together with a range of additional factors, in particular the presence/absence of potentially supporting habitat; is used to infer likely presence/absence of ecological receptors.

2.5.3 A number of ornamental plant species were present within the Site. These have been identified to species level where possible; however, owing to the large number of horticultural varieties some plants could not be identified. Ornamental plants may be of value to wildlife; however, none are characterised as rare or notable from a native biodiversity conservation perspective. Thus, this limitation does not affect the overall conclusions of this appraisal.

2.5.4 The vegetation on Site had been strimmed to ground level which reduced the ability to identify some plant species on Site. However, overall it was possible to identify the broad habitat types within the Site and make an assessment of their likelihood to support ecological receptors.

¹² <http://rbg-web2.rbge.org.uk/BSBI/intro.php>

2.6 Quality Assurance & Environmental Management

- 2.6.1 The surveys and assessments have been overseen by and the report checked and verified by a full member of CIEEM, who is bound by its code of professional conduct. All surveys and assessments have been undertaken with reference to the recommendations given in British Standard BS 42020, and as stated within specialist guidance, as appropriate and referenced separately.

3 RESULTS AND EVALUATION

3.1 Statutory and Non-Statutory Designated Sites

- 3.1.1 Desk study results for designated sites are evaluated in Table 1, below.
- 3.1.2 Designated sites which are considered potentially sensitive to the development proposals by virtue of their supported species or habitat assemblages, the distance/ecological connectivity to the Site and the nature of the perceived impacts are discussed in detail in the final sections of the report.
- 3.1.3 Designations for which potential adverse effects are not anticipated are excluded from further assessment.

Table 1: Designated Sites Evaluation			
Site Name and Status¹³	Distance and direction from Site	Reason for Designation/identification	Potential Constraints
Cwm Glo a Glyndyrus SSSI	Approximately 0.3km south of the Site.	Extensive areas of marshy grassland, species-rich neutral grassland and acid grassland, and for the association of these habitats with others including woodland and heath. It is also of special interest for its outstandingly diverse assemblage of grassland fungi, including 32 species of waxcap <i>Hygrocybe</i> spp, making it one of the best sites in Britain.	No effects anticipated due to distance and nature of the development. Additionally, the Site is not hydrologically linked with this designation and the A470 separates the Site from this designation. Adverse effects on this statutory designated site from impacts on water quality (nutrient neutrality), air quality and/or an increase in recreational impacts are therefore considered unlikely due to the nature of the works and lack of hydrological connectivity between the Site and the designation.
Cwm Taf Fechan Woodlands SSSI, LNR	Approximately 1.2km north of the Site.	Where the partially wooded valley of the Taf Fechan crosses the north crop Carboniferous Limestone. Mixed deciduous woodlands cover steep slopes and spoil from quarries with one of the few Glamorgan stations for <i>Gymnocarpium robertianum</i> . There are interesting plant communities in flushes around tufa springs and luxuriant growths of bryophytes in the splash zone of the river.	No effects anticipated due to distance and nature of the development. Adverse effects on this statutory designated site from impacts on water quality (nutrient neutrality), air quality and/or an increase in recreational impacts are therefore considered unlikely due to the nature of the works and lack of hydrological connectivity between the Site and the designation.
Cwm Glo SINC	Approximately 0.2km south of the Site.	The SINC contains the Cwm Glo a Glyndyrus SSSI which is of international significance for grassland fungi. Extensive areas of marshy grassland, species rich neutral grassland and acid grassland alongside woodland and heath supporting an impressive variety of protected, rare and uncommon species including marsh fritillary butterfly (<i>Euphydryas aurinia</i>), Great Crested Newt (<i>Triturus cristatus</i>), big blue pinkgill (<i>Entoloma bloxamii</i>) and olive earthtongue (<i>Microglossum olivaceum</i>).	No effects anticipated due to distance and nature of the development. Additionally, the Site is not hydrologically linked with this designation and the A470 separates the Site from this designation, therefore, air quality impacts are not considered to have any significant effect on this designation.

¹³ **SPA** – Specially Protected Area, **SAC** – Special Area for Conservation, **Ramsar** – site designated under the Ramsar Convention, **SSSI** – Site of Special Scientific Interest, **NNR** – National Nature Reserve, **LNR** – Local Nature Reserve.

Table 1: Designated Sites Evaluation			
Site Name and Status¹³	Distance and direction from Site	Reason for Designation/identification	Potential Constraints
Cwm Taf Fechan SINC	Approximately 0.3km north of the Site.	The SINC contains Cwm Taf Fechan SSSI. The limestone geology gives rise to limestone woodlands, species-rich calcareous grasslands, species-rich neutral grasslands, and calcareous scrub. Many species of interest have been recorded from the woodlands which are the designated feature of the SSSI. The neutral and calcareous grasslands of the valley slopes and bottom are typically species-rich. Otter <i>Lutra lutra</i> ranges along the Afon Taf Fechan, which also supports a range of native fish species including salmon <i>Salmo salar</i> . Nationally rare and scarce invertebrate and bryophyte species have been recorded from the SSSI.	No effects anticipated due to distance and nature of the development.
Cwm Taf Fields & Cefn Coed Tip SINC	Approximately 0.4km north of the Site.	Linear series of fields between the Afon Taf Fawr and the A470, also containing areas of semi-natural woodland and a revegetated limestone slag tip from the former Cyfarthfa Ironworks as well as smaller areas of semi-improved acid grassland, scrub, bracken slopes and dry heathland. The fields are a mosaic of damp and dry neutral grasslands with species-rich areas. The woodlands are variable in character, including areas of wet willow <i>Salix sp.</i> woodland, acid oak <i>Quercus sp.</i> woodland and some base rich ash <i>Fraxinus sp.</i> woodland near the calcareous tip. The thin soils on the tip plateau support a unique type of calcareous grassland.	No effects anticipated due to distance and nature of the development.
Afon Taf SINC	Approximately 0.4km northeast of the Site.	The major river in the County Borough. Includes areas of bankside habitats, particularly towards the south where the river corridor is less industrialised than further north. Associated habitats are chiefly semi-natural woodland, including areas of ancient semi-natural woodland and linear wet woodlands. There are also numerous neutral grasslands, scrub patches and bracken stands, as	No effects anticipated due to distance and nature of the development.

Table 1: Designated Sites Evaluation			
Site Name and Status¹³	Distance and direction from Site	Reason for Designation/identification	Potential Constraints
		well as small areas of marshy grassland and tall herb vegetation. Notable features of the river course include cobble banks which support localised plants. Otter occurs throughout the length of the river which is known to be of value to a wide variety of birds, fish, bats and reptiles.	
Cwm Taf Fawr SINC	Approximately 0.8km northwest of the Site.	Section of major river tributary of the Afon Taf. The river extends into Brecon Beacons National Park to the north. Includes adjacent woodlands, which are relatively undisturbed in the upper reaches and more urban in character further downstream. The upper reaches in particular are of high ecological value, comprising limestone gorge woodland with a rich ground flora. Numerous rare plant species occur here. Further south the riverside woodland is more acid in character, but nevertheless supports a relatively diverse ground. The site also includes some adjacent areas of species-rich calcareous, neutral and acid grasslands. The calcareous grasslands in particular support numerous species which are scarce in the County Borough. Otter ranges along the Afon Taf Fechan, which also supports a range of native fish species including salmon.	No effects anticipated due to distance and nature of the development.
Cyfarthfa Park SINC	Approximately 0.9km northeast of the Site.	Part of an area of mainly ornamental parkland within Merthyr Tydfil. The SINC includes semi-natural woodland and several enclosures of neutral grassland in the eastern half of the park. Also includes small areas of plantation woodland and scrub and several woodland ponds.	No effects anticipated due to distance and nature of the development.
Rhydyar West SINC	Approximately 1.0km south of the Site.	Very extensive mosaic of ffridd enclosures supporting complex of semi-upland and lowland habitats, partly contained within conifer plantation. Main components are ancient semi-natural woodland	No effects anticipated due to distance and nature of the development.

Table 1: Designated Sites Evaluation			
Site Name and Status¹³	Distance and direction from Site	Reason for Designation/identification	Potential Constraints
		fragments, other semi-natural woodlands, wet heathland, dry heathland, marshy grassland and semi-improved neutral grasslands. Also, there are some bracken slopes, scrub, small ponds, streams and sections of dismantled railway. There are areas of semi-improved acid grasslands to the south especially. The habitats intergrade to form a complex mosaic and may therefore also include some small areas of improved or low diversity semi-improved grassland, but any such areas are a very minor component. Great crested newt occurs in small pools; noctule <i>Nyctalus noctula</i> and pipstrelle bats have both been recorded. Nationally rare and scarce invertebrates are varied and common throughout the area.	
Winchfawr East & Clwydyfagwr SINC	Approximately 1.1km west of the Site.	Semi-upland area of spoil mounds supporting a mosaic of dry heathland and acid grassland, along with marshy grassland and acid flushes in depressions and areas of neutral grassland. The eastern part of the site supports areas of species-rich marshy grassland and wet heath, along with a series of ponds along a small stream and areas of scrub.	No effects anticipated due to distance and nature of the development.
Gellideg North Fields SINC	Approximately 1.2km northwest of the Site.	Series of fields containing species-rich rhos pastures, acid grasslands, marshy grasslands, neutral grasslands and areas of bracken, together with scattered mature trees and sections of dry acid oak woodland and wet alder <i>Alnus glutinosa</i> woodland alongside a small stream. The grasslands support a wide range of regionally scarce insect species.	No effects anticipated due to distance and nature of the development.

Table 1: Designated Sites Evaluation			
Site Name and Status¹³	Distance and direction from Site	Reason for Designation/identification	Potential Constraints
Gethin Forest SINC	Approximately 1.3km southwest of the Site.	Mosaic of upland and semi upland habitats comprising conifer plantation, semi natural broadleaved, wet and replanted ancient woodland, heathland, acid grassland, water courses, standing open water, flushes and supporting scrub, neutral grassland and fridd. The whole site qualifies as a candidate SINC for its mosaic of habitats, which support a diverse range of flora and fauna.	No effects anticipated due to distance and nature of the development.
Winchfawr West SINC	Approximately 1.4km west of the Site.	Very extensive area of mostly upland habitats, comprising a complex mosaic of moorland and ffridd habitats on the eastern slopes of the Bryn y Gwyddel/Bryn y Badell/Mynydd Aberdar hill system. The wet and dry heathlands are of particular note; these are partly developed on old colliery spoil tips and are the most extensive heathlands in the County Borough. Other habitats of note include marshy grasslands and unimproved acid grasslands, acid flushes and grassheaths. Outlying areas support semi-improved acid and neutral grasslands and scrub. Numerous ponds are present supporting a small population of Great Crested Newts, along with small streams and some sections of outcropping sandstone. Extremely diverse series of habitats supporting many species of interest.	No effects anticipated due to distance and nature of the development.
Cwm Ffrwd SINC	Approximately 1.4km northwest of the Site.	Valley habitats along the Nant Ffrwd, a large stream draining from the uplands in a largely unmodified course, passing through narrow gorges in places. The woodlands have a rich ground flora supporting many ancient woodland indicator species. Regionally rare plant species frequent the steep woodlands, several nationally scarce bryophytes and lichens have also been recorded.	No effects anticipated due to distance and nature of the development.

Table 1: Designated Sites Evaluation			
Site Name and Status¹³	Distance and direction from Site	Reason for Designation/identification	Potential Constraints
Blaencanaid SINC	Approximately 1.4km southwest of the Site.	Series of species-rich semi-improved neutral grassland enclosures surrounded by a large conifer plantation. Also contains small areas of acid and marshy grassland and some scattered scrub and hedges.	No effects anticipated due to distance and nature of the development.
Y Graig SINC	Approximately 1.5km north of the Site.	Area of fridd habitats dominated by bracken with patches of unimproved acid grassland and dry heathland, particularly around gritstone outcrops. An area of species rich damp neutral and marshy grassland to the west and some wet willow woodland exists to the south. Other habitats include scrub and boulder scree. Associated with the habitats of Cwm Taf Fechan SSSI/SINC to the north, but separated from these by the A465 Heads of the Valleys Road. Regionally rare plant species frequent the woodlands. The damp neutral and marshy grasslands support the regionally scarce plants.	No effects anticipated due to distance and nature of the development.
Coed Meirig Pastures SINC	Approximately 1.8km northwest of the Site.	Small group of horse-grazed fields supporting a mosaic of marshy grassland and semi-improved acid grassland. The marshy areas are mostly species-rich with bordering rush pastures. An area of fen meadow in the east of the site supports the regionally scarce plants. There are also small areas of species-rich neutral grassland and bramble scrub. Mature broadleaved trees are present along field boundaries and several small streams cross the site.	No effects anticipated due to distance and nature of the development.

3.2 Habitats

- 3.2.1 All habitats within the Site are described in Table 2, below, together with an indication of their s.7 status and status and reference within the Merthyr Tydfil County Borough Council Nature Recovery Action Plan (2019-2024)¹⁴.
- 3.2.2 Habitats which could be subject to adverse effects (yellow or red) are discussed in the latter sections of the report. Habitats for which potential adverse effects are not anticipated are excluded from further assessment. The location and extent of habitats are shown on Drawing Number CA13008-002 (UKHab Survey Plan).
- 3.2.3 A review of OS data has identified 11 waterbodies within 500m of the Site, as shown on Drawing Number CA13008-003 (Waterbody Location Plan).

¹⁴ www.merthyr.gov.uk/media/5685/merthyr-tydfil-nature-recovery-action-plan-2019.pdf

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Photograph	Local BAP/s.7	Potential Constraints
<u>Neutral grassland</u> Central grassland The grassland and scrub within the perimeter fence of the Site has been previously strimmed to ground level. Species' indicative of neutral grassland are present, and the remains of a bramble scrub/grassland mosaic were visible. Piles of vegetation are scattered across this area. Species include, but not limited to: perennial rye-grass <i>Lolium perenne</i> (D), crane's-bill <i>Geranium sp.</i> (O), clover <i>Trifolium sp.</i> (F), yarrow <i>Achillea millefolium</i> (O), broad-leaved dock <i>Rumex obtusifolius</i> (F), dandelion <i>Taraxacum sp.</i> (F), buddleja <i>Buddleja davidii</i> (O), mullien <i>Verbascum sp.</i> (R), charlock <i>Sinapis arvensis</i> (O), and ox eye daisy <i>Leucanthemum vulgare</i> (O).	<u>Primary Code</u> Neutral grassland (g3). <u>Secondary Codes</u> Scattered scrub (10) Scattered trees (11) Bare ground (73) Mown (106) Invasive non-native species (524)	 	X	The majority of this habitat will be lost to facilitate the proposed development, although it is of limited intrinsic value. Although the non-native species present in this habitat are not WCA9, care should be taken to prevent their spread into the surrounding environment during vegetation removal.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Photograph	Local BAP/s.7	Potential Constraints
Neutral grassland that has signs of being mown more regularly surrounds the site, outside of the perimeter fence. Surrounding grassland Two non-native species, buddleja <i>Buddleja davidii</i> (F) and box honeysuckle <i>Lonicera nitida</i> (F), were present within the road verge on the east boundary of the Site. Neither of these are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (WCA9). A stand of gorse <i>Ulex sp.</i> is present in the south of the Site. Species here are similar but with the addition of silver birch <i>Betula pendula</i> (cut to ground level) (O), ash <i>Fraxinus sp.</i> (cut to ground level) (O), gorse (R), and box honeysuckle (non-native) (F).				

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Photograph	Local BAP/s.7	Potential Constraints
				

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Table 2: Habitat Descriptions and Evaluation

Habitat Description	UK Hab Classification	Photograph	Local BAP/s.7	Potential Constraints
<u>Dense Scrub</u> Patches of dense scrub were previously scattered around the Site prior to it removed. The remains of the scrub are distinguishable from the neutral grassland. The non-native plant cherry laurel <i>Prunus laurocerasus</i> was identified within this habitat near to the road. This species is not listed under WCA9. Species include but are not limited to: dogwood <i>Cornus sanguinea</i> (F), buddleia (F), bramble <i>Rubus sp.</i> (D), ivy <i>Hedera sp.</i> (F), broad-leaved dock (F), and cherry laurel (R).	<u>Primary Code</u> Dense scrub (h3) <u>Secondary Code</u> Mown (106) Invasive non-native species (524)		X	The majority of this habitat will be lost to facilitate the proposed development, although it is of limited intrinsic value. Although the non-native species present in this habitat are not WCA9, care should be taken to prevent their spread into the surrounding environment during vegetation removal.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Photograph	Local BAP/s.7	Potential Constraints
<u>Built features</u> The built features within the Site comprise fences and the retail park entrance sign. The fence runs around the whole Site and is set in from the redline site boundary. It has fallen to the ground along the northeast boundary. The retail park entrance sign stands within the northwest of the Site. The structure was checked for bat roosting features, but none were identified.	<u>Primary code</u> Built features (u1e) <u>Secondary codes</u> Fence (612)	 	X	This habitat may be modified by the development proposals but is of negligible intrinsic value.

3.3 Species

3.3.1 Protected and s.7 species are evaluated in order to identify potential adverse effects in Table 3 below, based on the following criteria:

- Desk study records;
- Evidence found during the survey;
- Presence, extent, quality, and viability of supporting on-site habitat;
- Ecological connectivity to viable off-site habitats; and
- Perceived impacts of habitat loss/impact to individuals in relation to proposals.

3.3.2 Species for which adverse effects are predicted (yellow or red) are discussed in more detail in the Discussion and Recommendations section. Species/taxa for which potential adverse effects are not anticipated (green) are excluded from further assessment.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status¹⁵	Supporting Habitat(s)Present	Potential Constraints
Badger <i>Meles meles</i>	✓ ¹⁶ 3 badger records within 2km in the past 10 years, all from 2022. Closest record is 1.1km northwest of the Site.	BA	No signs of badger activity were observed on Site or in the woodlands within 30m of the Site.	No – Species not expected to be present. No adverse effects predicted.
Bats <i>Chiroptera</i>	47 bat records within 2km in the past 10 years. Species include: Common Pipistrelle <i>Pipistrellus pipistrellus</i> Soprano Pipistrelle <i>Pipistrellus pygmaeus</i> Greater Horseshoe <i>Rhinolophus ferrumequinum</i> Lesser Horseshoe <i>Rhinolophus hipposideros</i> The closest roost record is of a soprano pipistrelle roost approximately 1km east of the Site.	EPS, WCA, s.7,	No trees or buildings with bat roost potential on or adjacent to the Site. The trees adjacent to the Site may be used by commuting and foraging bats which are moving between the linear areas of woodland nearby.	Possible – Commuting corridors for bats may be indirectly impacted by the proposed development.

¹⁵ **EPS** – European Protected Species, **WCA** – Wildlife and Countryside Act, **WCA (9)** – species listed under Schedule 9, **A1** – Annex 1 (Birds Directive), **BA** – Protection of Badgers Act, **s.7** – species listed under Section 7 of the Environment (Wales) Act as species of principal importance, **BoCC** – Birds of Conservation Concern.

¹⁶ Locations of badger activity are confidential due to the sensitivity of this species

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status¹⁵	Supporting Habitat(s) Present	Potential Constraints
Birds	A wide range of BoCC and Red List species and WCA Schedule listed species including: Peregrine <i>Falco peregrinus</i> Redwing <i>Turdus iliacus</i> Red kite <i>Milvus milvus</i> Hobby <i>Falco subbuteo</i> Crossbill <i>Loxia curvirostra</i> Goshawk <i>Accipiter gentilis</i>	s.7, WCA BoCC	Foraging and breeding habitat in habitats around the periphery of the Site. A great tit and a robin were observed using the planted broadleaved woodland immediately adjacent to the southeast of the Site.	Possible – Potential breeding habitat may be disturbed by proposals.
Brown hare <i>Lepus europaeus</i>	None	s.7	This species favours open expanses of pastoral farmland and therefore is unlikely to utilise the habitats on Site.	No – Species not expected to be present. No adverse effects predicted.
European hedgehog <i>Erinaceus europaeus</i>	18 records within 2km in the past 10 years.	s.7	The Site previously provided suitable habitat for European hedgehog, however, it has now been cleared and is therefore unlikely to provide sufficient cover for commuting/foraging.	Adverse effects through minor habitat losses are unlikely to be significant due to the small scale of the development together with the availability of equivalent supporting habitats elsewhere in the locality.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status¹⁵	Supporting Habitat(s)Present	Potential Constraints
Great crested newt <i>Triturus cristatus</i>	3 records within 2km in the past 10 years. The closest was recorded in 2021 approximately 1.3km south of the Site.	EPS, WCA, s.7	No waterbodies (WBs) on Site. 11 WBs are located within 500m of the Site, the closest is approximately 100m south of the Site.	No – given that the habitats on Site have been mown to ground level, it is considered that the terrestrial habitats on Site provide little to no suitability for great crested newts and that it is unlikely that great crested newt will use the Site for foraging/commuting. The majority of the waterbodies shown on OS mapping within 500m of the Site is ditches. The closest pond is located on the 500m boundary from the Site and on the opposite side of the A470. The proposed development is not expected to impact this species.
Common toad <i>Bufo bufo</i>	3 records within 2km in the past 10 years. The closest was recorded in 2021 approximately 1.1km north of the Site.	s.7	None	No – given that the habitats on Site have been mown to ground level, it is considered that the terrestrial habitats on Site provide little to no suitability for great crested newts and that it is considered unlikely that common toad will use the Site for foraging/commuting. The majority of the waterbodies shown on OS mapping within 500m of the Site are ditches. The closest pond is located on the 500m boundary from the Site and on the opposite side of the A470. The proposed development is not expected to impact this species.
Common Reptiles	5 records within 2km in the past 10 years. Species include:	WCA, s.7	Grassland, scrub and woodland edge.	None expected if sward height is maintained at ground level to discourage reptiles from using the Site.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status¹⁵	Supporting Habitat(s)Present	Potential Constraints
	common lizard <i>Zootoca vivipara</i> , and slow worm <i>Anguis fragilis</i> . The closest record was of a slow worm 1.2km north of the Site.			If habitats are allowed to re-grow, in the absence of mitigation, the clearance of suitable habitats could result in incidental harm to reptiles.
Hazel dormouse <i>Muscardinus avellanarius</i>	No records.	EPS, WCA, s.7	None.	No – Species not expected to be present. No adverse effects predicted.
Invertebrates (Protected and notable species)	Numerous records within 2km in the past 10 years. Species include, but are not limited to: White-tailed Bumblebee (LBAP) <i>Bombus lucorum</i> Small Phoenix <i>Ecliptopera silaceata</i> Dingy Skipper <i>Erynnis tages</i> Small Blue <i>Cupido minimus</i> Common Darter <i>Sympetrum striolatum</i> Small Garden Bumble Bee <i>Bombus hortorum</i> Buff-tailed Mining Bee <i>Andrena humilis</i> Early Bumblebee <i>Bombus pratorum</i> Heath Bumblebee <i>Bombus jonellus</i>	s.7, LBAP	Grassland, scrub and woodland.	No – The habitats on Site are considered unlikely to support a significant population of protected/notable invertebrate species.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status¹⁵	Supporting Habitat(s) Present	Potential Constraints
	Common Carder Bee Red-tailed Bumblebee Marsh Fritillary Holly Blue	<i>Bombus pascuorum</i> <i>Bombus lapidarius</i> <i>Euphydryas aurinia</i> <i>Celastrina argiolus</i>		
Otter <i>Lutra lutra</i>	4 records within 2km in the past 10 years	EPS, WCA, s.7	None.	No – Species not expected to be present. No adverse effects predicted.
Water vole <i>Arvicola amphibius</i>	No records.	WCA, s.7	None.	No – Species not expected to be present. No adverse effects predicted.
White-clawed crayfish <i>Austropotamobius pallipes</i>	No records.	EPS, WCA, s.7	None.	No – Species not expected to be present. No adverse effects predicted.
Protected and notable plant species	Yes – vascular plant species recorded within 2km of the Site in the last 10 years, including but not limited to: Viper's-bugloss (LBAP) Great Burnet Annual Beard-grass	WCA, s.7, LBAP	Protected plant species could be potentially present on the Site, but none were observed during the UKHab survey.	None expected.

Table 3: Protected and Notable Species Evaluation				
Receptor (species/taxa)	Desk Study records	Status¹⁵	Supporting Habitat(s) Present	Potential Constraints
	Hairy Whitlowgrass Oak Fern Lesser Skullcap Bee Orchid Smith's Pepperwort Bluebell Smooth Lady's-mantle	Erophila majuscula Gymnocarpium dryopteris Scutellaria minor Ophrys apifera Lepidium heterophyllum Hyacinthoides non-scripta Alchemilla glabra		
Invasive non-native species (INNS)	Numerous INNS were recorded within 2km of the Site in the past 10 years. The closest was Japanese knotweed <i>Reynoutria japonica</i> recorded 64m northwest of the Site in 2021.	WCA (9)	No WCA (9) species were observed on the Site during the UKHab survey.	Three non-native species that are not listed on the WCA (9) were observed on Site. These were buddleia, box honeysuckle, and cherry laurel. Measures should be put in place to prevent the spread of these species into the wider environment during vegetation removal.

4 DISCUSSION AND RECOMMENDATIONS

4.1 Sensitive Receptors

4.1.1 The following conservation sites, habitats, and species (receptors) have been evaluated as being subject to potential adverse effects and hence can be constraints to the proposals:

- Bats;
- Birds;
- Common reptiles; and
- Invasive non-native species.

4.1.2 The nature of potential effects, requirements for further surveys and proposed mitigation/compensation are discussed below for each of the identified receptors.

4.2 Protected Species

Bats

4.2.1 Bats are likely to be using the surrounding areas of woodland for commuting. The linear nature of the planted native woodland is suitable habitat for commuting bats.

4.2.2 The proposed development has the potential to impact bats foraging and commuting along the adjacent woodland through artificial lighting. It is recommended that a sensitive lighting scheme is implemented during construction. Light spill will be directed away from the off-site areas of woodland.

4.2.3 Permanent lighting introduced as part of the development will be designed with input from an ecologist and with reference to the IJP and BCT Guidelines on Bats and Artificial Lighting (IJP & BCT, 2023). A sensitive lighting scheme will ensure habitats created/retained for biodiversity are not indirectly degraded by light pollution and maintain dark foraging /commuting corridors for wildlife including bat species sensitive to artificial light.

4.2.4 Providing that impacts on foraging/commuting bats are avoided through the protection of the off-site broadleaved woodland areas and the implementation of a sensitive lighting strategy then bat activity surveys are not considered to be required.

Birds

- 4.2.5 Breeding and foraging habitat for birds is located within and adjacent to the Site including the planted native woodland and scrub.
- 4.2.6 The small area of planted native woodland immediately to the southeast of the Site provides potential breeding and foraging habitat which may be disturbed by the proposed development. Construction works in close proximity to breeding birds could cause disturbance and lead to abandonment of nests / young.
- 4.2.7 Work should be undertaken outside of bird breeding season (March to August, inclusive). If this is not possible, then these trees will be checked by a suitably qualified ecologist 48 hours in advance of any affecting works for the presence of occupied nests. Any subsequent advice provided by the ecologist, as to how to accord with legislation, will be followed.

Common Reptiles

- 4.2.8 If allowed to regrow, the areas of dense scrub and neutral grassland on Site could have potential to support common reptiles. Prior to the commencement of works on site and within the reptile active season (March/April to September/October), vegetation on site will be cut in a two staged approach with the first cut to 150mm, then left for a minimum of 24hrs before cutting to ground level. These habitats will then be maintained at ground level to discourage common reptiles from moving into the Site in the period leading up to the construction works.
- 4.2.9 Any debris present within the Site, which could be used by reptiles as refuges, will be removed. The removal of debris will be undertaken before reptiles start to hibernate in late September or after reptiles emerge from hibernation in March and April.
- 4.2.10 Prior to the removal of the piles of vegetation on Site, they will be checked by a suitable qualified Ecological Clerk of Works (ECoW) for the presence of common reptiles. The ECoW will thoroughly hand search vegetation immediately prior to its removal.

Invasive non-native species

- 4.2.11 The removal of invasive non-native plant species from the Site, namely cherry laurel, box honeysuckle, and buddleia, will be carried out with care to prevent the spread of these species into the wider environment. These species are not listed as part of WCA (9) and are therefore not a constraint to the proposed development.

4.3 General Recommendations

- 4.3.1 If the Site boundary alters and any other habitats are identified to be lost or affected by the development, then further surveys for habitats and protected species may be required.
- 4.3.2 Night-time work will be avoided whenever possible to limit the potential for disturbance to nocturnal animals.
- 4.3.3 Excavations will be covered overnight to prevent small mammals from falling in and getting trapped. Alternatively, a means of escape from excavations will be provided.

5 NET BENEFITS FOR BIODIVERSITY

5.1 Biodiversity Enhancements

- 5.1.1 In accordance with the requirements of the Planning Policy Wales (2024) and BSI 42020:2013, ecological enhancements are proposed which will result in a net benefit for biodiversity.
- 5.1.2 The proposed landscape design (as shown on the Soft Landscape Proposal produced by Sarah Byrne Limited (SB/CyfarthfaRP/P/01 Rev E) provided in Appendix 2 intends to reinforce/strengthen the 'woodland' character of the Site, enhance the approach into the retail park with formal tree planting and ornamental shrub/groundcover planting, and provide a native hedgerow along the southern boundary of the Site. It is recommended that, along with the native hedgerow planting, the formal tree and ornamental shrub/groundcover planting consists of native species.
- 5.1.3 Evergreen shrub planting has been proposed to screen/soften views of retaining walls in prominent locations, particularly along the southern edge of the car park. It is recommended that these comprise native species.
- 5.1.4 It is recommended that bat and bird boxes are provided as an enhancement measure. These will be installed away from any light spill from the development.
- 5.1.5 The installation of hibernacula, woodpiles / loggeries and bug hotels would benefit invertebrates, common reptiles and hedgehogs. These are relatively cost effective and will increase the net benefits for biodiversity.

6 CONCLUSION

6.1.1 In conclusion, it is considered that there are no significant ecological constraints to the development. With the above detailed appropriate mitigation measures, the ecological receptors identified in this report will not be adversely affected.

6.2 Report Validity

6.2.1 In general, this report remains valid for a period of 18 months following the date of the habitat survey.

6.2.2 If the Site boundary or layout is subsequently modified and any other habitats are identified to be lost or affected by the development, then further surveys for habitats and protected species may be required.

7 REFERENCES

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APPENDICES

Appendix 1

Legislation and Policy Summary

Appendix 1: Legislation and Policy Summary

Legislation for Designated Sites

Designated Site	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following the Ramsar Convention. RAMSAR sites have the same level of protection as SACs and SPAs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs seek to protect the habitats of rare and vulnerable European and UK birds. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) protect such sites in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent important and threatened habitats in Europe and the UK. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) protect such sites in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 or the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under the Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under the Wildlife and Countryside Act 1981 (as amended).

Legislation for Species

Protection for animals included on Schedule 2 of the Conservation of Species and Habitat Regulations 2017 (as amended)		
A person commits an offence if he:		
Section 43	Part 1	(a) Deliberately captures, injures or kills any wild animal of a European protected species (b) Deliberately disturbs wild animals of any such species. (c) Deliberately take or destroy the eggs of such an animal (d) Damage or destroy a breeding site or resting place of such an animal
	Part 2	For the purpose of paragraph (1)(b), disturbance of animals includes in particular any disturbance which is likely a) to impair their ability i. to survive, breed or reproduce or to rear or nurture their young; or ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate. b) to affect significantly the local distribution or abundance of the species to which they belong
	Part 3	It is an offence to: a) be in possession of, or to control, b) transport, c) sell or exchange, or d) to offer for sale or exchange.
	Part 4	Paragraph (3) applies to: a) any live or dead animal or part of animal (i) which has been taken from the wild, and (ii) which is a species or subspecies listed in Annex IV(a) of the Habitats Directive; and b) anything derived from such an animal or any part of such an animal.
	Part 5	Paragraph (1) and (3) apply regardless of the stage of the life of the animal in question.

Protection for animals included on Schedule 5 of the Wildlife and Countryside Act 1981 (As Amended)		
Section 9	Part 1	Intentionally kill, injure, take a scheduled animal
	Part 2	Possess or control (live or dead animal, part or derivative)
	Part 4 (a)	Intentionally or recklessly damage, destroy or obstruct access to any structure or place used by a scheduled animal for shelter or protection
	Part 4 (b)	Intentionally or recklessly disturb an animal occupying such a structure or place
	Part 5 (a)	Sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative)
	Part 5 (b)	Advertise for buying or selling such things

A large number of species are also included under Section 7 of the Environment (Wales) Act 2016 as Species of Principal Importance which places the “biodiversity duty” on the Welsh Government (and therefore public authorities) for the purpose of maintaining and enhancing biodiversity in relation to Wales. This stems from a review of the now superseded UK Biodiversity Action Plan and the continued need for global action on conserving biodiversity as result of the Convention on Biological Diversity.

Bats

All UK bat species are afforded full protection (including their habitats) through inclusion on Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended) and further partial protection by Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Barbastelle (*Barbastella barbastellus*), Bechstein’s (*Myotis bechsteinii*), noctule (*Nyctalus noctula*), common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared (*Plecotus auritus*), greater horseshoe (*Rhinolophus ferrumequinum*) and lesser horseshoe (*Rhinolophus hipposideros*) bats are listed under Section 7 of The Environment (Wales) Act 2016 to be taken into account as part of the biodiversity duty on local planning authorities. Species included in this list are considered by the Welsh Ministers to be “of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales”.

Badgers

Badgers are afforded full protection under the Protection of Badgers Act 1992, which makes it an offence to:

- Wilfully kill, injure or take a badger;
- Possess or control any live or dead badger or any part, or anything derived from, a dead badger;
- cruelly ill-treat a badger, or attempt to do so;
- To interfere with a sett by:

- damaging or destroying it;
- obstructing access to, or any entrance of, a badger sett;
- causing a dog to enter a badger sett;
- disturbing a badger when it is occupying a sett;
- Sell a live badger or offer one for sale.

It is also an offence to mark, attach any ring, tag or other marking device to a badger unless authorised under licence.

Hazel Dormouse

Hazel dormouse are afforded full protection (including their habitats) through inclusion on Schedule 2 of The Conservation of Habitats and Species regulations 2017 (as amended) and further partial protection by Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Hazel dormouse are listed under Section 7 of The Environment (Wales) Act 2016 to be taken into account as part of the biodiversity duty on local planning authorities. Species included in this list are considered by the Welsh Ministers to be “of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales”.

Hedgehog

Hedgehogs are protected under Section 1 of the Wild Mammals (Protection) Act 1996, which makes it an offence too mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering to this species. Hedgehog is listed under Section 7 of The Environment (Wales) Act 2016 to be taken into account as part of the biodiversity duty on local planning authorities. Species included in this list are considered by the Welsh Ministers to be “of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales”.

Reptiles

Six native reptiles occur in Britain: the adder (*Vipera berus*), the grass snake (*Natrix natrix*), the smooth snake (*Coronella austriaca*), the sand lizard (*Lacerta agilis*), the common lizard (*Zootoca vivipara*) and the slow worm (*Anguis fragilis*).

The smooth snake and sand lizard are afforded full protection (including their habitats) through inclusion on Schedule 2 of The Conservation of Habitats and Species regulations 2017 (as amended) and further partial protection by Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Five of the six native reptile species (excluding smooth snake) are listed under Section 7 of The Environment (Wales) Act 2016 to be taken into account as part of the biodiversity duty on local planning authorities. Species included in this list are considered by the Welsh Ministers to be “of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales”.

Great Crested Newts and other amphibians

Great crested newts are afforded full protection (including their habitats) through inclusion on Schedule 2 of The Conservation of Habitats and Species regulations 2017 (as amended) and further partial protection by Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Under the Wildlife and Countryside Act 1981, other amphibians, including smooth and palmate newts, common frogs and common toad cannot be sold or be offered for sale.

Great crested newts and common toad are listed under Section 7 of The Environment (Wales) Act 2016 to be taken into account as part of the biodiversity duty on local planning authorities. Species included in this list are considered by the Welsh Ministers to be “of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales” within Section 7 of The Environmental (Wales) Act 2016.

Birds

All wild birds, their nests and eggs are protected under Part 1 Section 1 of the Wildlife and Countryside Act, 1981 (as amended), which makes it an offence (with certain limited exceptions and in the absence of a licence) to:

- Kill or injure any wild bird;
- Take, damage or destroy the nest of any wild bird whilst it is in use or being built (this includes several species of birds whose nests are reused under Schedule 1);
- Take or destroy the egg or any wild bird.

It is also an offence to possess any live or dead wild bird or egg, or anything derived from a wild bird or egg. Restrictions on trade and advertising also apply.

Bird species listed on Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended) are afforded additional protection against intentional or reckless disturbance whilst it is building a nest, or at a nest containing eggs, young or disturbance to the young.

Further a number of bird species are listed under Section 7 of The Environment (Wales) Act 2016 to be taken into account as part of the biodiversity duty on local planning authorities. Species included in this list are considered by the Welsh Ministers to be “of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales” within Section 7 of The Environmental (Wales) Act 2016.

In addition to this legal protection, leading governmental and non-governmental conservation organisations in the UK have reviewed the population status of the birds regularly found here and produced a list of Birds of Conservation Concern. Of the 247 species assessed, 67 were placed on the red list of high conservation concern, 96 on the amber list of medium conservation concern and 81 on the green list of low conservation concern. Consideration is therefore given to those species listed as being of conservation concern although they have no greater legislative protection.

Invertebrates

A number of invertebrates are afforded full protection (including their habitats) through inclusion on Schedule 2 of The Conservation of Habitats and Species regulations 2017 (as amended) and further partial protection by Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

In addition, a number of species of invertebrates are fully or partially protected only under Schedule 5 of the Wildlife and Countryside Act 1981.

A number of invertebrates are listed under Section 7 of The Environment (Wales) Act 2016 to be taken into account as part of the biodiversity duty on local planning authorities. Species included in this list are considered by the Welsh Ministers to be “of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales”.

Plants

A number of plants are afforded full protection through inclusion on Schedule 5 of The Conservation of Habitats and Species regulations 2017 (as amended) and further partial protection by Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

In addition, a number of species of plants are fully protected only under Schedule 5 of the Wildlife and Countryside Act 1981.

A number of plants are listed under Section 7 of The Environment (Wales) Act 2016 to be taken into account as part of the biodiversity duty on local planning authorities. Species included in this list are considered by the Welsh Ministers to be “of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales”.

Invasive Species

A number of animal and plant species are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and The Invasive Alien Species (Enforcement and Permitting) Order 2019. It is an offence too:

- *Allow the releases or allows to escape into the wild any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or included in Part I of Schedule 9,*
- *If any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9.*

Under Schedule 9A of the act species control agreements and orders can be made in accordance with The Invasive Alien Species (Enforcement and Permitting) Order 2019.

Planning policy

All statutory and non-statutory designated sites, along with species covered by national legislation and those under Section 7 of the Environment (Wales) Act 2016, are considered through Planning Policy Wales 2024 which provides a guide for Local Planning Authority (LPA) decision making, including statements such as “ensure statutorily and non-statutorily designated sites are properly protected and managed”, “safeguard protected and priority species and existing biodiversity assets from impacts” and “secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.” This is reflected in policies EnW1-EnW4 of the Merthyr Tydfil County Borough Council’s First Replacement Local Development Plan 2016 – 2031.

There is also the “biodiversity duty” placed upon LPAs through the Environment (Wales) Act 2016 to enhance biodiversity and ensure the resilience of ecosystems. This will be considered by the LPA when making planning decisions to ensure that they meet their own reporting duties.

Local Planning Policy

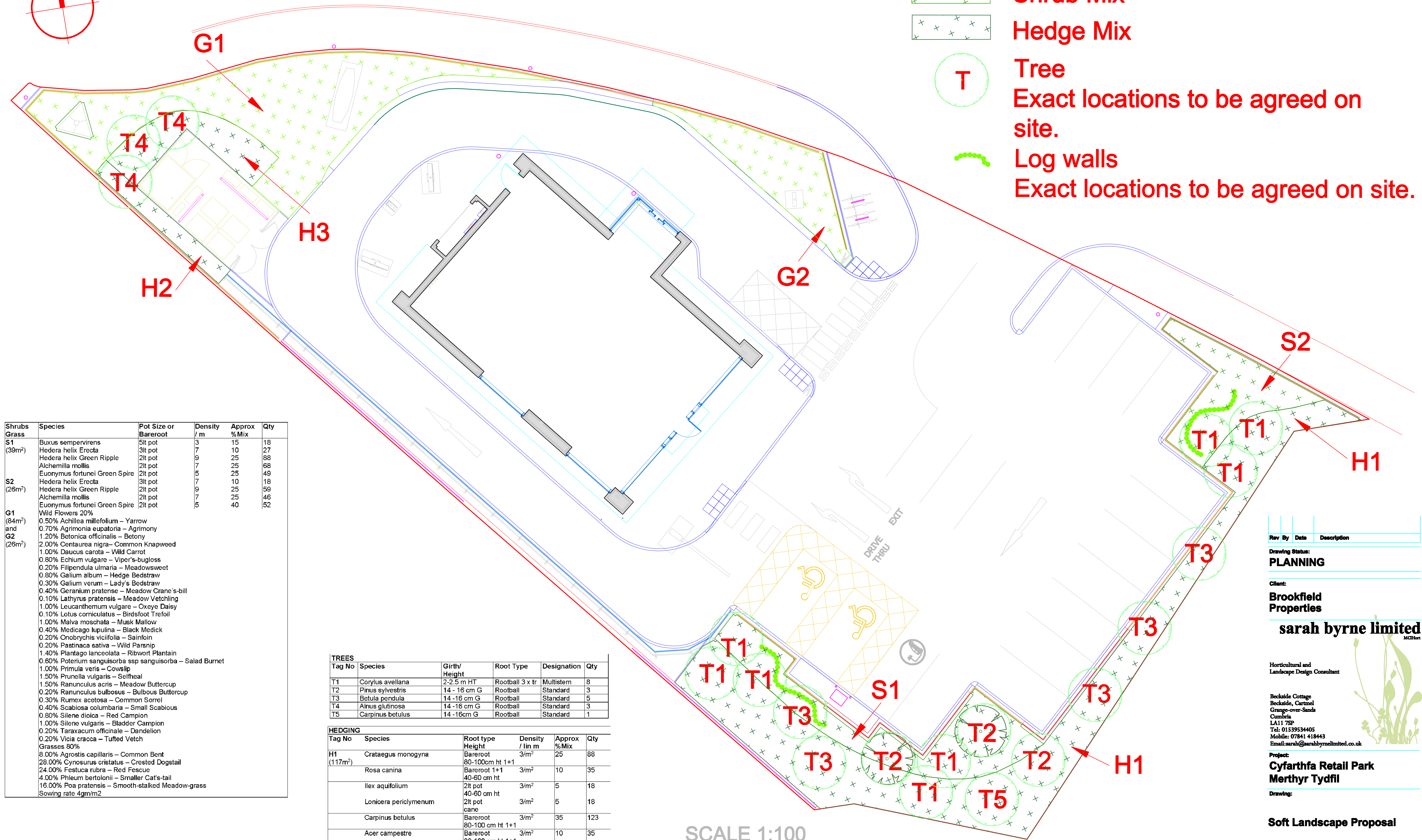
Relevant current and emerging policies from Merthyr Tydfil County Borough Council's First Replacement Local Development Plan 2016 – 2031 are summarised in Box 1, below.

Policy Reference	Policy Summary
Policy EnW1: Nature Conservation and Ecosystem Resilience	Development proposals will be required to promote the resilience of ecosystems. In particular, proposals will be required to maintain and enhance biodiversity interests unless it can be demonstrated that: 1. The need for the development clearly outweighs the biodiversity value of the site; and 2. The impacts of the development can be satisfactorily mitigated and acceptably managed through future management regimes.
Policy EnW2: Internationally and Nationally Protected Sites and Species	Development likely to have an adverse effect either directly or indirectly on the conservation value of an internationally or nationally designated site, including the area, structure and function of designated features, will only be permitted where it is demonstrated that: 1. There is no suitable alternative to the proposed development; and 2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and 3. Appropriate compensatory measures are secured; or 4. The proposal contributes to the protection, enhancement and positive management of the site. Development proposals likely to affect protected species will only be permitted where it is demonstrated that: 1. The population size, range, distribution and long-term prospects of the species will not be significantly adversely impacted; 2. There is no suitable alternative to the proposed development; 3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and 4. Appropriate, avoidance, minimisation, mitigation, compensation and enhancement measures are provided.
Policy EnW3: Regionally	Development proposals likely to have an adverse impact on Regionally

Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species	Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, or Priority Habitats and Species will only be permitted where it can be demonstrated that: 1. The need for the development clearly outweighs the conservation value of the site; 2. Adverse impacts on nature conservation features or geological features can be avoided; 3. Appropriate and proportionate mitigation and compensation measures can be provided; and 4. The development maintains and where possible enhances biodiversity and geodiversity interests.
Policy EnW4: Environmental Protection	Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either: ● Pollution of land, surface water, ground water and the air; ● Land contamination; ● Hazardous substances; ● Land stability; ● Noise, vibration, dust, odour nuisance and light pollution; or ● Any other identified risk to public health and safety. Where impacts are identified the Council will require applicants to demonstrate that appropriate measures have been incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes. In respect of the water environment, development proposals will be required to incorporate measures to improve water quality where opportunities exist. With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN 15.

Appendix 2

Soft Landscape Proposal produced by Sarah Byrne Limited (SB/CyfarthfaRP/P/01 Rev E)



TREES					
Tag No	Species	Girth/Height	Root Type	Designation	Qty
T1	Corylus avellana	2-2.5 m HT	Rootball 3 x tr	Multistem	8
T2	Pinus sylvestris	14 - 16 cm G	Rootball	Standard	3
T3	Betula pendula	14-16 cm G	Rootball	Standard	5
T4	Alnus glutinosa	14-16 cm G	Rootball	Standard	3
T5	Carpinus betulus	14-16cm G	Rootball	Standard	1

HEDGING					
Tag No	Species	Root type Height	Density / lin m	Approx % Mix	Qty
H1 (117m ²)	Crataegus monogyna	Bareroot 80-100cm ht 1+1	3/m ²	25	88
	Rosa canina	Bareroot 1+1 40-60 cm ht	3/m ²	10	35
	Ilex aquifolium	2lt pot 40-60 cm ht	3/m ²	5	18
	Lonicera periclymenum	2lt pot cane	3/m ²	5	18
	Carpinus betulus	Bareroot 80-100 cm ht 1+1	3/m ²	35	123
	Acer campestre	Bareroot 80-100 cm ht 1+1	3/m ²	10	35
	Frangula alnus	Bareroot 80-100 cm ht 1+1	3/m ²	10	35
H2 (9m ²)	Crataegus monogyna	100-120 cm ht 1+2	5/lin m	100	45
H3 (19m ²)	Ilex x meserveae Blue Prince	40-60cm ht 5 lt pot	3/m ²	100	57

Note: Mix the species informally through the (H1 hedge) area.

HEDGING						
Tag No	Species	Root type Height	Density / lin m	Approx %Mix	Qty	
H1 (117m ²)	Crataegus monogyna	Bareroot 80-100cm ht 1+1	3/m ²	25	88	
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Note: Mix the species informally through the (H1 hedge) area.

T

Exact locations to be agreed on site.

Revision

Drawing Scale: 1:100 @ A1

Appendix 3

Full Planning Permission (Planning Application No: P/23/0254)

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
The Town and Country Planning (Development Management Procedure)
(Wales) Order 2012 (as amended)

FULL PLANNING PERMISSION

To: Corona Vulcan Merthyr Limited c/o Mr Colin Burnett Burnett Planning 7-10 Adam Street
London WC2N 6AA

WHEREAS you submitted an application on the 23rd October 2023 to develop: Land To The South Of
Cyfarthfa Retail Park Swansea Road Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Corona Vulcan Merthyr Limited
C/o Brookfield Properties
One Canada Square
Level 26 Canary Wharf
London

Description of Proposed Development

Variation of condition 1 of planning permission P/18/0399
(relating to a new coffee shop with drive thru) to extend
the period of time for development to commence by a
further 5 years (renewal) (Removal/Variation of Condition)

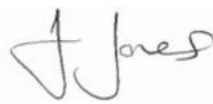
The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans (if any) submitted with the application subject to compliance with the following conditions.

CONDITIONS

Please see attached.

Date: 1st May 2024

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

CONDITIONS

- 1 The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents:

Drawing no. 18126 (05) 003 Rev B - Proposed Site Plan

Drawing no. 18126 (05) 004 - Proposed Plans

Drawing no. 18126 (05) 005 - Proposed Elevations

Drawing no. 18126 (05) 006 - Proposed Site Sections

Drawing no. 001 Rev B - Softworks Drawing

Drawing no. 0015 Rev A02 - Coffee Drive Through

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

- 3 The unit hereby approved shall only be occupied by a A3 (food & drink) Use or used as a coffee shop, sandwich shop or bakery and not for any other purpose including those set out in class A1 of the schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification.

Reason - To protect the vitality and viability of town/local centres in accordance with Policy EcW6 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 4 **Prior to the construction of the elevations of the coffee shop** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 **Prior to the opening of the coffee shop** hereby approved, details of a highway barrier as illustrated in Drawing no. 0015 Rev A02 - Coffee Drive Thru, shall be submitted to and approved in writing by the local planning authority. The highway barrier shall be constructed in accordance with the approved details prior to the opening of the coffee shop and retained as such thereafter.

Reason - In the interests of road safety in accordance with Policy SW12 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 6 **Prior to the construction of the car park**, details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height shall be submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in

accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 7 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy EcW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 8 **Prior to the occupation of the coffee shop** hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected, including any highway barriers around the car park, shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the coffee shop is brought into beneficial use.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 9 All planting, seeding or turfing comprised in the approved details of landscaping (Drawing no. 001 Rev B - Softwork's Drawing) shall be carried out in the first planting and seeding seasons following the occupation of the coffee shop or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 10 Prior to the commencement of the development hereby approved the number, type and location of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 11 No external lighting shall be erected until a detailed lighting scheme has been submitted to and approved in writing by the local planning authority. The lighting scheme shall be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

N1V

Page 4 of 6

P/23/0254

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

NOTES

Your attention is drawn to the following:-

Appeals to the Planning & Environment Decisions Wales:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning & Environment Decisions Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal.
- The Planning & Environment Decisions Wales can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Planning & Environment Decisions Wales need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Planning & Environment Decisions Wales does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or Planning & Environment Decisions Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

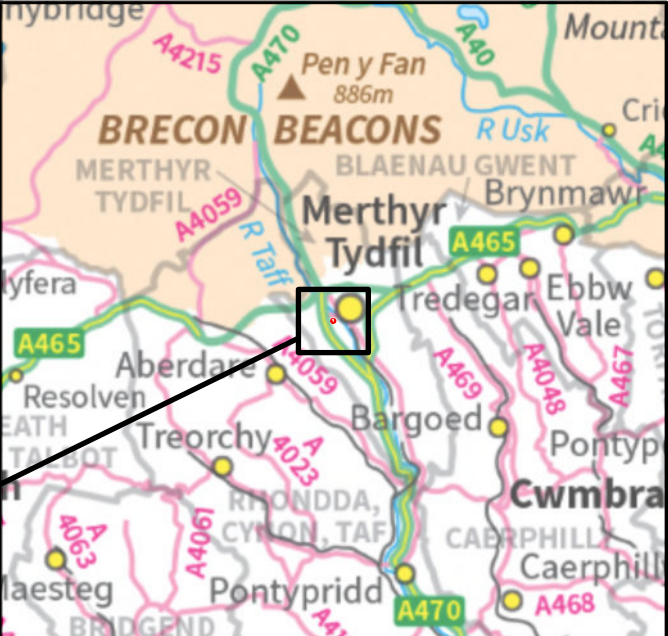
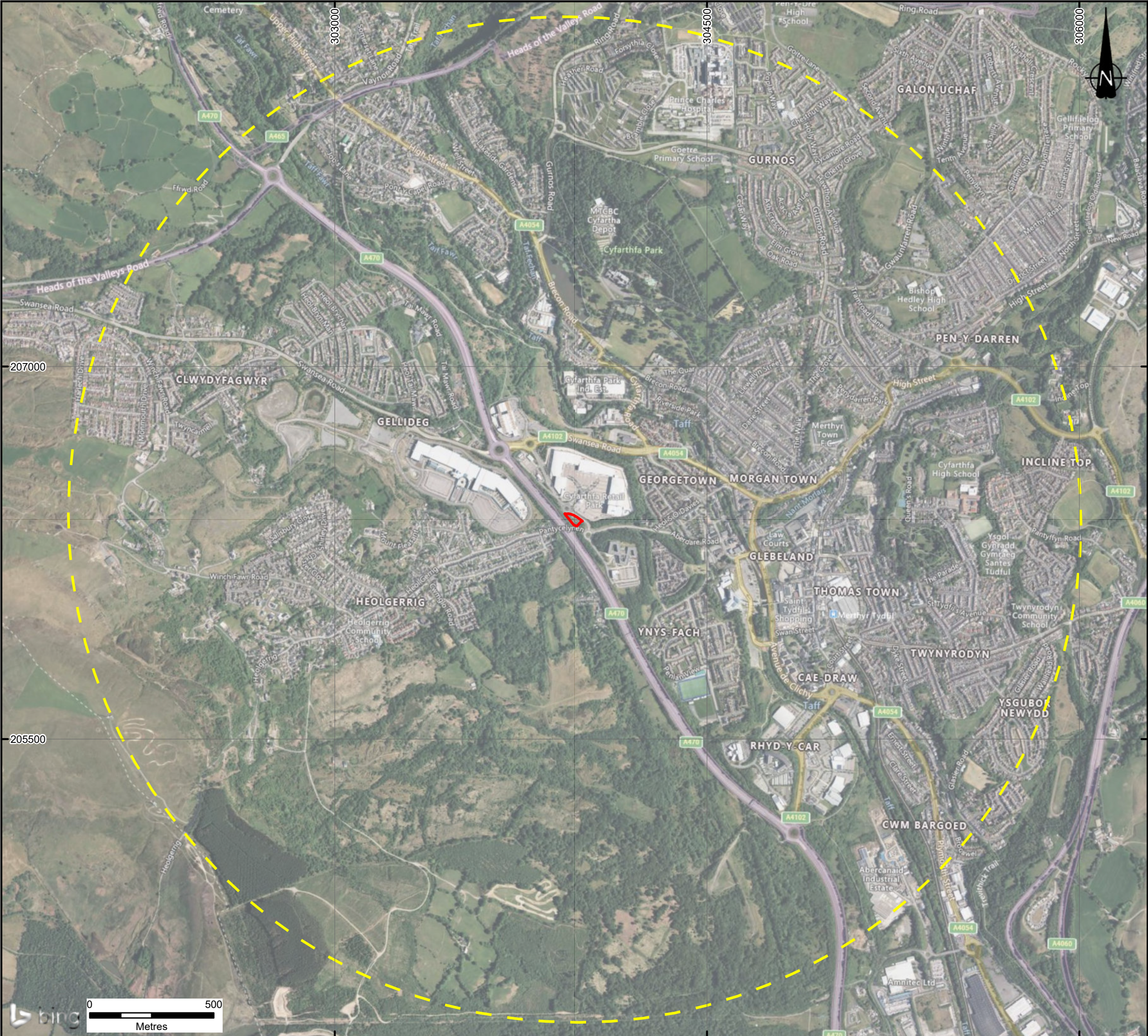
PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING PERMISSION HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.

DRAWINGS



KEY

Site Boundary

2km Search Area

Notes:

Boundaries are indicative. Aerial imagery shown for context purposes only.

Site Boundary extracted from "11428-EXT-L-TOPO_RED LINE.dwg" provided by Client.

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B	UPDATED SITE BOUNDARY	16/07/24	BL	TC	SC
A	FIRST ISSUE	07/02/24	CP	TC	SC
REVISION	DETAILS	DATE	DRAWN	CHKD	APPD

CLIENT

CORONA VULCAN MERTHYR LIMITED

PROJECT

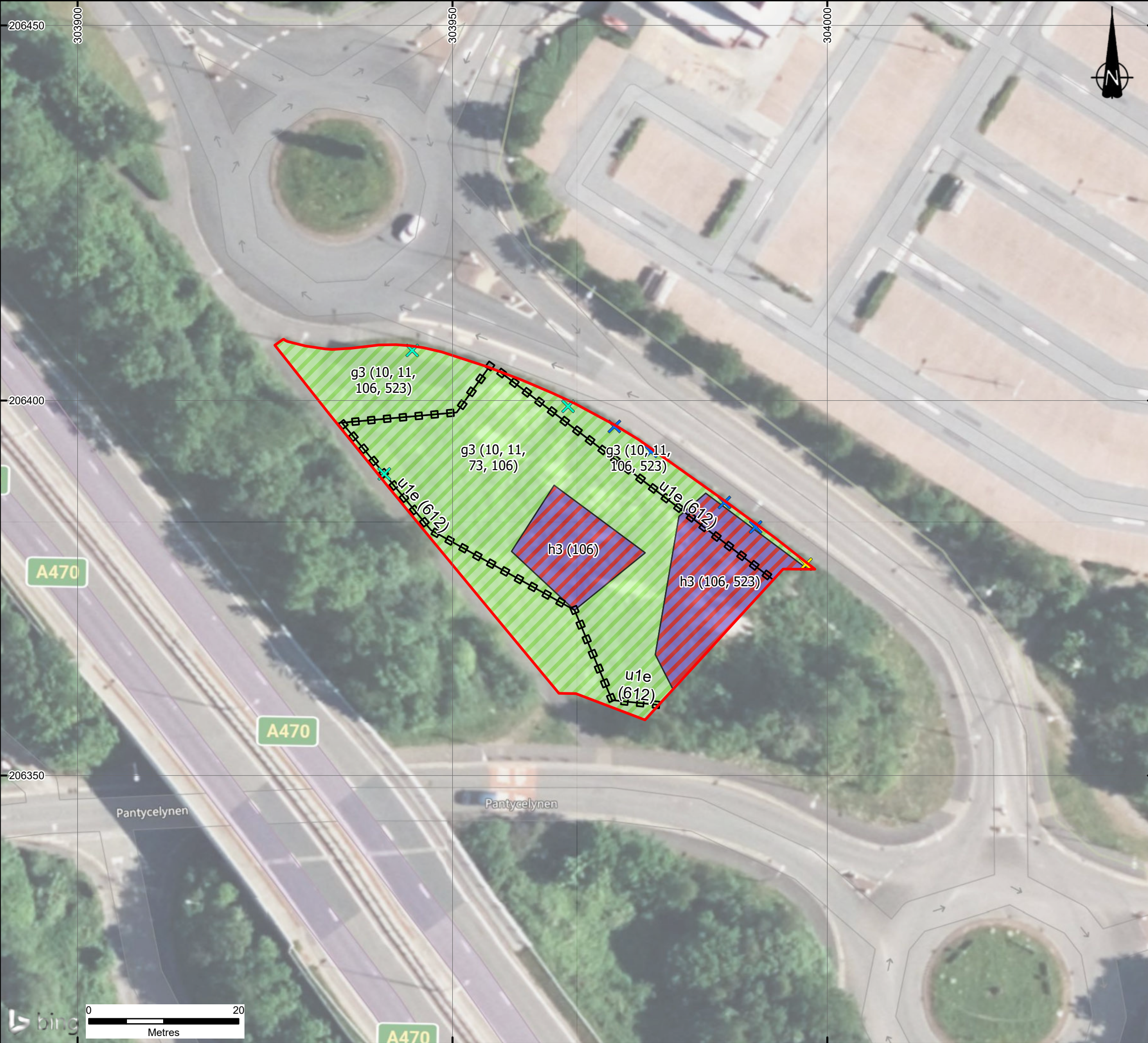
CYFARTHFA RETAIL PARK

DRAWING TITLE

SITE LOCATION PLAN

DRG No.	CA13008-001	REV	B	SUIT. CODE	---
DRG SIZE	A3	SCALE	1:15,000	DATE	16/07/2024
DRAWN BY	CG	CHECKED BY	TC	APPROVED BY	SC





KEY

- Site Boundary
- g3 neutral grassland
- h3 dense scrub
- u1e Fence (612)
- Box Honeysuckle
- Buddleia
- Cherry Laurel

Secondary codes:

- Scattered scrub (10)
- Scattered trees (11)
- Mown (106)
- Non-native species (523)
- Fence (612)

Notes:

Boundaries are indicative. Aerial imagery shown for context purposes only.

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A	FIRST ISSUE	07/02/24	CP	TC	SC
REVISION	DETAILS	DATE	DRAWN	CHKD	APPD

CLIENT
CORONA VULCAN MERTHYR LIMITED

PROJECT
CYFARTHFA RETAIL PARK

DRAWING TITLE
UKHAB SURVEY PLAN

DRG No.	CA13008-002	REV	B	SUIT. CODE	---
DRG SIZE	A3	SCALE	1:500	DATE	16/07/2024
DRAWN BY	RCB	CHECKED BY	TC	APPROVED BY	SC





KEY

Site Boundary

500m Search Area

Waterbodies within 500m

Notes:

Boundaries are indicative. Aerial imagery shown for context purposes only.

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B	UPDATED SITE BOUNDARY	16/07/24	BL	TC	SC
A	FIRST ISSUE	07/02/24	CP	TC	SC
REVISION	DETAILS	DATE	DRAWN	CHKD	APPD

CLIENT

CORONA VULCAN MERTHYR LIMITED

PROJECT

CYFARTHFA RETAIL PARK

DRAWING TITLE

WATERBODY LOCATION PLAN

DRG No.	CA13008-003	REV	B	SUIT. CODE	---
DRG SIZE	A3	SCALE	1:5,000	DATE	16/07/2024
DRAWN BY	CG	CHECKED BY	TC	APPROVED BY	SC

wardell
armstrong

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