

INTERNAL MEMORANDUM

To: Huw Roberts
From: Matt Davies (Ecologist)
Ext: 5278
Memo number: 2
Date of previous memo: 09/12/2022
Date: 04/04/2023

SUBJECT: P/22/0315 | Re-roofing of the south stables, coach house stables and coach house, to relay the slate roof, provide new ridge details, eaves boards and gutters. Insert conservation rooflights | Pandy Farm Brecon Road Merthyr Tydfil CF47 8PA

Collection of former farm buildings close to valuable habitat suitable for protected species, e.g., woodland, parkland, wooded river corridor.

Documents submitted in support of the above application:

1. Bat Report. Pandy Farm, Merthyr Tydfil. Ecology Planning. Report Ref: 1703 / 02c. Date: 21/03/23.
2. Proposed elevations 01. Pandy Farm. Job number 179. Drawing number 3-0115. Revision B. Dated 26.10.22. Document received 27/03/2023.
3. Proposed elevations 02. DRAFT. Pandy Farm. Job number 179. Drawing number 3-0116. Revision B. Dated 26.10.22. Document received 27/03/2023.
4. Existing & proposed roof plans. Pandy Farm. Job number 179. Drawing number 3-0111. Revision B. Dated 26.10.22. Document received 27/03/2023.

Comments

Biodiversity data

Document 1, para 2.3 states the following:

'Given the very limited bat presence at the Site and the small scale of the proposals, a desk study has not been undertaken. Impacts are limited and will not extend beyond the Site boundary.'

However, Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK (CIEEM, March 2020) state that:

'... in circumstances where a protected species 'mitigation' licence will be required, a desk study is likely to be needed to the appropriate distance, irrespective of the scale of the development (this will be a radius of at least 2 km in the case of bats, for example).'

Therefore, as per memo #1 (09/12/22) – *'Biodiversity data (BARB+) is required.'*

Hibernation suitability

Works must be undertaken outside of the hibernation season (mid-November to mid-March inclusive). This will be included in an appropriately worded planning condition.

A hibernation box is proposed (para 5.37 of Document 1) – this is acceptable. This will be included in an appropriately worded planning condition.

NRW consultation

As per NRW's consultation response (Ref CAS-205007-S1D2, dated 05/01/23), further consultation should now be undertaken based on the new information/revised report submitted.

Lighting

The information provided still does not make the situation regarding lighting clear.

The following specific information is required:

- Post development is there to be 'any' onsite lighting (whether existing or proposed)?
- If there will be lighting,
 - Where will it be?
 - When will it be in use?
 - Will it impact the proposed roosting bat provision post-works?

If onsite lighting is proposed, it would need to conform to the following guidelines (for example in terms of colour temperature etc):

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

New bat roost access points must not be illuminated and there must be dark routes allowing access to the access points.

If onsite lighting is proposed, these dark access points and dark routes must be demonstrated with a lighting plan (horizontal & vertical illuminance). Ideally, this would be provided pre-determination, however, this could also be dealt with by an appropriately worded planning condition.

Breathable Roofing Membrane (BRM)

It is proposed that BRM will be used to line the roof. It must be demonstrated 'without doubt' that bats would have no access to the BRM. Via the access tiles, but also the fascia boards and within the bat loft, as discussed in Document 1.

If this cannot be guaranteed the roof must will be lined with BS747 Type 1F bitumen roofing felt ONLY throughout, with no breathable membrane used.

This will be essential if a derogation licence is to be granted by NRW. NRW's comments (Ref CAS-205007-S1D2, dated 05/01/23) state the following:

'We note the proposals to use breathable roofing membrane (BRM) and take this opportunity to advise the applicant that NRW will not license the use of BRM in areas dedicated for use by bats.'

Birds

Document 1 now recommends x2 swift boxes and x2 sparrow terraces. These must be included in an appropriately worded planning condition.

Conformation is still required that the boxes can be installed at a height of at least 5.0m, with a clear minimum 5m clear drop beneath and in front of the box. There must also be a clear flight path to the nest box by locating away from large mature trees and shrubs or those likely to become large in the future.

NB the positions of the boxes shown in Appendix 3 of Document 1 and in the architect's plans Documents 2 and 3 do not exactly match. It would be preferable for this information to be consistent.

As per para 5.23 (Document 1) works will take place outside of the nesting bird season (March – August, inclusive) unless a visit by a suitably qualified ecologist immediately prior to works confirms that no [nesting] birds are present. This will be included in an appropriately worded planning condition.

Advisory notes

The following advisory notes will be added to the decision notice if planning is granted:

BATS

Warning: A European Protected Species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>

NESTING BIRDS

All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.